

Global Journal of Arts Humanity and Social Sciences
ISSN: 2583-2034
Abbreviated key title: Glob.J.Arts.Humanit.Soc.Sci
Frequency: Monthly
Published By GSAR Publishers
Journal Homepage Link: <https://gsarpublishers.com/journal-gjahss-home/>

Volume - 4 | Issue - 1 | Jan 2024 | Total pages 23-30 | DOI: 10.5281/zenodo.10477602

Family Cohesion: An Analytical Study within the Framework of the Higher Objectives of Sharia

BY

Hussein Bbaale¹, El Gammal Mohamed Mahmoud².

¹Researcher in contemporary Islamic studies, Hamad Bin Khalifa University.

²Associate professor, college of Islamic Studies, Hamad Bin Khalifa University.



Abstract

Family cohesion refers to the emotional bonds and interconnectedness within a family unit. It is a fundamental aspect of healthy family functioning and plays a vital role in promoting overall family well-being. This article provides a brief overview of the concept of family cohesion, its significance, and its relationship with Maqāṣid ash-sharī'a ("the higher objectives of the Sharia").

This article consistently highlights the higher objectives of the Sharia regarding the family and their association with attaining high levels of family cohesion. These objectives include: organizing the relationship between the two genders, preserving lineage, achieving dwelling in comfort, affection, and mercy, preserving kinship, preserving religious adherence in the family, organizing the institutional aspect of the family, and organizing the financial aspect of the family.

In conclusion, the article shows that these objectives play a critical role in promoting emotional closeness, support, and communication among family members. They also influence a sense of belonging, shared values, and a commitment to the family unit. It is also shown that maintaining these objectives fosters a positive family environment, enhances resilience, and promotes the development of strong interpersonal relationships among family members.

Article History

Received: 03- 01- 2024

Accepted: 08- 01- 2024

Published: 09- 01- 2024

Corresponding author

Hussein Bbaale

1. Introduction

In the contemporary world, the family suffers from many problems and disasters due to recent changes in its concept and role in society. Some contemporary social movements have called for new concepts based on the absolute freedom of action and thinking under the pretext of human rights, women's rights, and children's rights, which have reshaped the family structure and norms. In addition, social media has created relationships between individuals around the world, but at the expense of family relationships. As a result, the mechanisms of communication and interaction between members of the same family have been affected, and the language of dialogue between them diminished, which makes life within the family dominated by a lack of interest to interact, indifference, silence, and a weak desire to exchange conversations which are some of the main characteristics of a disengaged family.

On the other hand, Islamic law has been concerned with consolidating the most important foundations by which family continuity and stability are achieved. This can be demonstrated through its general and specific higher objectives that it considered in family relations. This research aims to explain Sharia's higher objectives regarding the family and their relationship to attaining family cohesion.

2. Family cohesion

Family cohesion has been defined as the emotional bonding of family members to each other¹. It is a specific characteristic that expresses the degree of closeness, support, and warmth that an

¹ D.H. Olson, D.H. Sprenkle, C.S. Russell, "Circumplex model of Marital and Family System: I. Cohesion and Adaptability Dimensions, Family Types, and Clinical Applications". *Fam Process*, 18, no. 1(1979), pp. 7.



individual observes when his family members maintain emotional bonds with each other by encouraging joint family events and traditions as well as observing rights and values that create a beautiful atmosphere in the family environment. These occasions provide a way for family members to share affection and provide emotional support and reassurance in difficult times. They also promote emotional communication, openness, clarity, and common problem-solving.

The definition of family cohesion, as described by Olson et al., emphasizes its emotional aspect, which signifies the level of interaction within the family. On the other hand, the foundation of functional interaction is primarily built upon rights and duties. Both aspects, the foundation and perfection of interaction, are the intended goals of this study due to their importance in the process of addressing the subject.

3. The Objectives of Sharia Law (“Maqāṣid ash-sharī‘a”) Regarding the Family and their Relation to Family Cohesion.

The term maqāṣid ash-sharī‘a comprises the objectives and purposes behind Islamic rulings². The term also refers to the meanings, purposes, effects, and results that are associated with religious discourse and legal obligations³. Undoubtedly, when Sharia intended certain meanings and objectives regarding the family, it intended them for the benefit of people in both worlds. It is of utmost importance that all regulations that fulfill and safeguard these objectives regarding the family are upheld strictly and clearly, as they are suitable remedies to many family challenges.

As for the objectives that Sharia law aims to achieve regarding the family, scholars have varied in defining them due to the different approaches and methodologies they followed in their discussions. For example, Imam Al-Ghazali addressed the objectives of marriage from a principled perspective without focusing on specific rulings. He outlined the benefits of marriage, like having children, and considered it the primary benefit as it is also the objective for the world not to be devoid. He said, "The first benefit is procreation, which is the primary purpose of marriage. It ensures the continuation of mankind and prevents the world from lacking human beings"⁴. He added that "Desire was created as an instinct that urges the male to produce sperm and the female to enable conception, and both cooperate in the process of bringing offspring

into the world."⁵ As for contemporary scholars, Ibn 'Ashur discussed the difference between the marriage rulings in Islam and how they were practiced during the pre-Islamic era. He highlighted the regulations related to family relationships, which he called "bonds," such as the bond of marriage, kinship, and affinity, and the ways of dissolving them.⁶ Ibn 'Ashur stated that, "Undoubtedly, the original principle in the legislation of family affairs is the enforcement of the bond of marriage, followed by enforcing the bond of kinship, then the bond of affinity, and then determining the dissolution methods for these three bonds"⁷. 'Atiyyah while commenting on Ibn Ashur's work said that, "What Ibn 'Ashur did is closer to explaining the objectives of specific subsidiary and partial rulings within the framework of family relationships, which he expressed through the three bonds, leading to the general objectives of Sharia law in the subject"⁸. 'Atiyyah took a different approach in addressing the objectives of Sharia law concerning the family, he stated that, "My approach to the subject is different as it starts from the family laws within the context of considering the family as one of the areas in which we search for the general objectives of Sharia law, this explains the difference in the perspective, as will become evident below"⁹. He presented seven objectives regarding the family as indicated below¹⁰:

1. organizing the relationship between genders
2. preserving progeny
3. achieving dwelling in comfort, affection, and mercy
4. preserving kinship
5. preserving religious adherence in the family
6. organizing the institutional aspect of the family
7. organizing the financial aspect of the family.

These objectives were selected in this article to demonstrate their relation to family cohesion because 'Atiyyah's methodology in deriving them "is characterized by a systematic approach that seeks the universals in partial rulings without allowing them to dominate the holistic perspective"¹¹. It also provides an easy, comprehensive, and appropriate division for the topics we are discussing.

3.1. The Objective of Organizing the Relationship between the Genders

The relationship between male and female arises due to the instinct that Allah has ingrained in both genders, which is the inclination of men towards women and women towards men. As this instinct is natural, Sharia intended to regulate the relationships that arise from it to serve as the foundation of the family, which bears the responsibility of nurturing individuals who contribute equally to

⁵ *Ibid.*, 24.

⁶ See: Ibn 'Ashūr, *Muḥammad al-Tāhir, Maqāṣid al-Sharī‘ah al-Islāmīyah*, ed. Ibn al-Khawjah, Vol. 3, p. 421.

⁷ *Ibid.*, 421.

⁸ Atiyyah, *Jamal al-Din, Nahw Ta'wil Maqasid al-Shari'ah*, p. 148

⁹ *Ibid.*, 148.

¹⁰ See: Atiyyah, *Jamal al-Din, Nahw Ta'wil Maqasid al-Shari'ah*, p. 148 - 154

¹¹ *Ibid.*, 148.

² El-Wereny, Mahmud, "The Objectives of Sharia between Tradition and Modernity – A Comparative Study". *Journal of Islamic Studies and Culture* 5, no. 1 (2017), p. 33

³ See: Ibn Ashur, *Maqāṣid al-Sharī‘ah al-Islāmīyah*, vol. 3, pp. 421-452, 'Atiyyah, *Jamāl al-Dīn, Nahw Ta'wil Maqāṣid al-Sharī‘ah*, pp. 148-154, al-Raysūnī, Aḥmad, *Madkhal ilā Maqāṣid al-Sharī‘ah*, p. 7

⁴ Al-Ghazālī, Abū Ḥāmid, *Iḥyā 'Ulūm al-Dīn*, Vol. 2, p. 24.



society. Sharia has confined these relationships between genders to marriage, aiming for continuity, stability, and permanence, as well as establishing the family as the basis for procreation and the branching out of kinship. However, marriage is not limited to that alone; it also entails "establishing the system of in-laws... and forming the system of the clan, tribe, and nation, as the institution of marriage forms motherhood, fatherhood, and offspring, and from this, siblinghood and other forms of kinship emerge from the combination of the marital bond with the bond of lineage"¹². From all of this, one can observe that Allah intended for the connections and bonds within a family to emerge from a strong and solid foundation governed by rules that enable it to face various challenges, and that foundation is marriage.

The relationship between the Sharia objective of organizing the relationship between genders through Marriage and family cohesion can be seen in two aspects. Firstly, the relationship between the two genders serves as the basis for forming the family, as the relationship between spouses forms the foundation of familial ties, which later extend to other family members. So, restricting this relationship to marriage is because marriage, with all its implications, makes married couples view the relationship not solely between them but as an extended relationship that encompasses their two larger families, influencing family cohesion in that aspect.

Secondly, marriage contains characteristics, distinctions, and regulations that govern the bond between spouses, as it is a respected relationship in the minds of the spouses themselves, and the eyes of people in general. It also includes rules that regulate behaviors and interactions between the two parties. Ibn Ashur mentioned the distinguishing features of the marriage relationship compared to others, stating that it is "established through a contract, and this contract adds to it honor and recognition, the religious objective of this relationship prohibits it from being taken lightly in the hearts of spouses and the eyes of people in general, this noble objective is expressed by the Quran "And of His signs is that He created for you from yourselves mates that you may find tranquility in them, and He placed between you affection and mercy [Quran 30:21]"¹³. He added that "Furthermore, the proposal and acceptance are the basis of the contract, which expresses the woman's satisfaction and the satisfaction of her family with this union, It emphasizes the commitment to achieving the husband's good intentions towards his wife, which is translated through his conduct and efforts in maintaining a loving relationship and sincere affection between the two parties, to formalize the contract and give it the proper substantiation and permanence, the majority of jurists stipulated that it should be overseen by a guardian, and the Prophetic tradition states: "There is no marriage except with a guardian."¹⁴

¹² Ibn 'Ashūr; *Maqāṣid al-Sharī'ah al-Islāmīyah*, Vol. 2, p. 343.

¹³ *Ibid.*, 343.

¹⁴ *Ibid.*, 343.

Thus, it can be argued that the elements mentioned by Ibn Ashur are fundamental factors in achieving cohesion between spouses. Respecting the relationship in the hearts of the spouses, their satisfaction, and good intentions are considered necessary for the proper functioning and completeness of the emotional and functional bond we express as familial ties. Respecting the relationship by people in general or society can be seen as one of the necessities that, without them, would make the relationship between spouses challenging and burdensome.

3.2. The objective of Preservation of Progeny

Preservation of progeny is one of Sharia's comprehensive objectives, which aims to ensure the continuity of the human species through reproduction. This objective is stated in the interpretation of Ibn Ashur regarding the Quranic verse: "So now, have relations with them and seek that which Allah has decreed for you" [Quran 2:187]. Ibn Ashur stated, "And seeking means pursuing, seeking what Allah has permitted in terms of engaging with women outside the time of fasting, or seeking what Allah has ordained for you in terms of offspring, as an encouragement for people to engage with women, hoping that progeny may result from it, for the multiplication of the ummah and the continuity of the species on Earth."¹⁵. Here, the term "species" refers to the human species, meaning humans.

The objective of preserving progeny is closely related to family cohesion, as emphasized by divine law, due to the importance of children in strengthening the bonds between spouses. Children are a blessing bestowed upon them to provide companionship and delight to their lives. This is stressed in the [Quran 7:189]:

"It is He who created you from one soul and created from it its mate that he might dwell in security with her. And when he covers her, she carries a light burden and continues therein. And when it becomes heavy, they both invoke Allah, their Lord, 'If You should give us a good [child], we will surely be among the grateful.'"

In this verse, Allah begins with the relationship between spouses before childbirth, then their supplication, indicating their longing and attachment to the unborn child. After childbirth, Sharia imposes duties on parents, most of which aim to strengthen the bonds between the child and their parents in the short and long term. Regarding the mother, Sharia guides her to care for her child and be constantly available in their life, responsive to their needs in all stages of their life. Since birth, the Quran says:

"Mothers may breastfeed their children two complete years for whoever wishes to complete the nursing [period]." [Quran 2:233].

After that, she is encouraged to stay with her children, oversee them, and be a source of support, guidance, and a role model. Husbands are also guided to take care of their children and participate in their upbringing, as this strengthens the emotional bonds between children and their fathers and enhances their love and closeness. Concerning men, the Quran dictates that:

¹⁵ Ibn 'Ashūr; *al-Tahrīr wa al-Tanwīr*, Vol. 2, p. 183.



"The child's father will provide reasonable maintenance and clothing for the mother during that period. No one will be charged with more than they can bear. No mother or father should be made to suffer for their child. The father's heirs are under the same obligation. But if both sides decide—after mutual consultation and consent—to wean a child, then there is no blame on them. If you decide to have your children nursed by a wet nurse, it is permissible as long as you pay fairly. Be mindful of Allah and know that Allah is All-Seeing of what you do." [Quran 2:233].

This financial provision by the man is considered like the man's obligation to provide for his child.

These beautiful bonds that parents have with their children are rewarded with goodness in their later years. Allah guides and commands believers:

"And your Lord has decreed that you do not worship except Him, and to parents, good treatment. Whether one or both reach old age [while] with you, say not to them [so much as], 'uff,' and do not repel them but speak to them a noble word. And lower to them the wing of humility out of mercy and say, 'My Lord, have mercy upon them as they brought me up [when I was] small.'" [Quran 17:23-24].

He also advises the children, saying:

"And accompany them in this world with appropriate kindness and follow the way of those who turn back to Me [in repentance]." [Quran.31:15]

Based on these Quranic verses, it can be urged that the presence of children in the family creates new bonds and relationships. Grandchildren often transform tense relationships for the better due to their attachment to their grandparents and the new atmosphere and emotions they create within the family. This enhances values such as kinship and kinship rights, which play a major role in increasing affection and closeness and strengthening bonds. This can be supported by the Quranic verse:

"And Allah has made for you spouses of your own kind and given you through your spouse's children and grandchildren. And He has granted you good, lawful provisions. Are they then faithful to falsehood and ungrateful for Allah's favours? [Quran 16: 72].

Al-Baghawi, when commenting on this verse, said, "Made from yourselves, meaning from your kind spouses and made for you from your spouses' sons and grandchildren." Ibn Mas'ood and An-Nakha'i said, "Grandchildren are the brothers of a man's daughters." Ibn Mas'ood also said that they are the in-laws. Thus, the meaning of the verse can be understood as follows: He made for you from your spouse sons and daughters, whom you marry off, so through them, brothers and in-laws are formed."¹⁶

Therefore, the objective of preserving progeny through childbirth is important for achieving bonding between family members based

¹⁶ Al-Baghawī, *Abū Muḥammad al-Ḥusayn, Ma'ālim al-Tanzīl fī Tafsīr al-Qur'ān*, Vol. 3, p. 88.

on the role that children play in creating new relationships within the family, turning tense relationships around, and breaking the silence and estrangement when parents participate in their upbringing. Often, the absence of children in a family makes the relationship between spouses challenging and difficult, and sometimes, it becomes a necessity, leading to polygamy or divorce.

3.3. The objective of Dwelling in comfort, Affection, and Mercy

This objective is directly established in the Quran:

"And of His signs is that He created for you from yourselves mates that you may find tranquility in them, and He placed between you affection and mercy. Indeed, in that are signs for people who give thought." [Quran 30:21].

This verse explicitly indicates the will of Sharia in creating a relationship between spouses that provides "a familial atmosphere filled with warmth, tenderness, and noble human feelings."¹⁷ "In the phrase, 'that you may find tranquility in them,' there is an indication of a blessing and a revelation of the wisdom behind it, which is that through the union of one person with another and male with female, the soul finds comfort, emotions settle, and hearts become reassured... There is no greater or more significant blessing that is bestowed upon a person than security and tranquility"¹⁸. Furthermore, he added, "And in His (Allah) saying, 'and He placed between you affection and mercy,' there is an indication that affection and mercy are two elements that arise from intimacy and dwelling, and without dwelling and unity, there would be no affection and mercy, For affection and mercy are the fruit of interaction and harmony between souls, exerted effort, and endured suffering from each individual, and the result is proportional to this effort and suffering"¹⁹.

The relationship between the objective of dwelling in comfort, affection, and mercy and family cohesion lies in the fact that preserving the mental and emotional health of family members is one of the most important elements that enhance family cohesion. Sharia, by considering those meanings (dwelling in comfort, affection, and mercy), has only considered them due to their relationship with improving the mental and emotional health of family members and being the basis of good interaction. Sheikh Al-Sha'rawi explained this meaning, saying, "The foundation of a man's relationship with his wife is that the man has taken the woman as a dwelling, affection, and mercy for him, and he fulfills this for her and she fulfills it for him."²⁰

A family whose members deal with each other based on those meanings finds its members close to one another, feeling a sense of

¹⁷ *Aṭṭīyah, Jamāl al-Dīn, Nuḥwu Ta'līl Maqāṣid al-Sharī'ah*, p. 150.

¹⁸ *al-Khaṭīb, 'Abd al-Karīm Yūnis, al-Tafsīr al-Qur'ānī lil-Qur'ān*, Vol. 11, p. 497.

¹⁹ *Ibid.*, 497.

²⁰ *al-Sha'rāwī, Muḥammad Mutawallī, Tafsīr al-Sha'rāwī al-Khuwāṭir*, Vol. 5, p. 2683.

belonging to the family and a desire to spend time together. By consistently embodying these meanings, the family continues to thrive, its fruits are realized, and its members remain connected to one another, reducing many factors that may lead to family problems, including silence within the family. For example, dwelling refers to the decision of a man to settle with his wife, and it also implies conjugal enjoyment. If all the meanings encompassed in it are not considered, disagreements and unfaithfulness may prevail within the family, leading to instability in marital relationships. Sometimes, in an attempt to stabilize the relationship, it may require certain actions, such as temporarily traveling, as it revives longing, and the relationship reignites, or polygamy, or retroactive divorce, which may allow the couple to reconcile before the end of the waiting period ("Iddah").

3.4. The objective of Preserving parentage

Preservation of parentage refers to ensuring a person's true blood affiliation to his/her parents. This entails the prohibition of adultery, adoption, and prostitution, mainly among married couples. It is followed by other measures such as allowing cursing ("mula'nah") and other legal provisions to safeguard this objective. Regarding the prohibition of adultery, it is stated in the Quran,

"And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way." [17: 32]

The punishment of lashes is prescribed for those who engage in adultery, as mentioned in the Quran:

"The [unmarried] woman or [unmarried] man found guilty of sexual intercourse - lash each one of them with a hundred lashes, and do not be taken by pity for them in the religion of Allah, if you should believe in Allah and the Last Day. And let a group of the believers witness their punishment." [24: 2]

In addition, the Quran states that.

"The fornicator does not marry except a [female] fornicator or polytheist, and none marries her except a fornicator or a polytheist, and that has been made unlawful to the believers." [24: 3]

Regarding the prohibition of adoption, the Quran indicates that,

"Nor has He made your adopted sons your [true] sons. That is [merely] your saying by your mouths, but Allah says the truth, and He guides to the [right] way. Call them by [the names of] their fathers; it is more just in the sight of Allah. But if you do not know their fathers - then they are [still] your brothers in religion and those entrusted to you. And there is no blame upon you for that in which you have erred but [only for] what your hearts intended. And ever is Allah Forgiving and Merciful." [33: 4-5]

As for prostitution, Allah ordered believers that,

"And do not compel your slave girls to prostitution, if they desire chastity, to seek [thereby] the temporary interests of worldly life. And if someone should compel them, then indeed, Allah is [to them], after their compulsion, Forgiving and Merciful." [33: 33]

Ibn Ashur mentioned that "There is no doubt that prostitution leads to adultery in a similar way due to the mixing of lineages, although

it may not reach the level of adultery in terms of the severity of harming lineage preservation, adultery remains secret, known only to those involved, while prostitution is public, they (Arabs in Jahiliya) used to establish the connection between the children born out of prostitution and their fathers by acknowledging the act of prostitution as the source of conception, they agreed to accept this acknowledgment as a basis for lineage. It resembled the concept of attributing the child to someone, even though there could be cases where prostitution occurred without precise control, this led to the child not being attributed to anyone."²¹

The relationship between the preservation of lineage and family cohesion lies in the genuine sense of belonging and closeness among family members. The feeling of true belonging and closeness drives the existence of real integrated relationships among them. Ibn Ashur urged that "There is no doubt in my mind that preserving lineage, which is related to the authenticity of offspring's affiliation to their origin, drives offspring towards righteousness in relation to their origin, and origin towards mercy, tenderness, and affection for their offspring, this is a natural driving force and not a mere illusion."²²

Ibn Al-Qayyim highlights on the verse about the prophet Musa and his mother as stated in the Quran.

"And the heart of Moses' mother became empty [of all else], She was about to disclose [the matter concerning] him" [28: 10].

He commented that "her heart became empty of everything except for Moses, due to her intense love for him and her heart's attachment to him"²³. He added then that "the harmony and connection in the celestial and terrestrial realms is based on compatibility, resemblance, and harmony, the cause of differentiation and separation lies in the absence of compatibility and resemblance, thus, creation and order are based on like attracting like and opposites repelling each other, and from it emerges similarity, while opposites flee from each other."²⁴

3.5. Preserving Religiosity in the Family

The fact that family serves as the fundamental nucleus of human societies, it was crucial for sharia to consider among its objectives the preservation of religious values within it. This is because religion is the essence of human life, and it is the purpose for which humans were created. The objective of preserving religious values in the family is derived from the overall necessary objective of preserving religion. This includes rectifying beliefs primarily because it is "the most important aspect Islam began with, and the most emphasized, this is because reforming beliefs and principles is the foundation of all reforms, and no improvement can be expected for people whose minds are tainted with deviant beliefs and whose souls are affected by the consequences of such

²¹ Ibn 'Ashūr, *al-Tahrīr wa al-Tanwīr*, Vol. 18, p. 225.

²² Ibn 'Ashūr, *Maqāṣid al-Sharī'ah al-Islāmīyah*, p. 437.

²³ Ibn al-Qayyim, *Zād al-Ma'ād fī Hidā' Khayr al-'Ibād*, Vol. 4, p. 388.

²⁴ *Ibid.*, 388.

misleading beliefs: fear of nothing and greed for everything, if beliefs are rectified, the rectification of the rest becomes possible because a person is a human being with their spirit, not just their body"²⁵.

Since Islamic law has granted men the responsibility of being the maintainers of their family's religion, this responsibility includes preserving all religious rituals and other rulings, such as prayer, which should not be neglected, following the example of families that Allah has exemplified in the Quran.

"And mention in the Book, Ishmael. Indeed, he was true to his promise, and he was a messenger and a prophet. And he used to enjoin on his people prayer and zakah and was to his Lord pleasing." [19: 54-55].

Therefore, a family that adheres to one of the most important elements of culture (which is religion) is considered a religious family and is better than others that have lost this element, even if they surpass it in all measures of beauty according to human standards. This is because the foundation of a marital bond is stability and continuity, and Islam surrounds this bond with all the guarantees that ensure its stability and continuity. In pursuit of this goal, Islam elevates it to the status of acts of worship and puts it upon the state to ensure its protection and maintenance in families.

Thus, a family that adheres to its religion, its rulings, and its rituals strengthens the religious conscience among its members. It is governed by noble values encouraged by religion, such as dialogue, consultation, maintaining family ties, kindness towards parents, and cooperation, and all of these values contribute to establishing a strong bond among its members.

The Objective of Organizing the Institutional Aspect of the Family

This objective deals with two matters. The first one is the Sharia desire that the family should be an institution, and its essence is continuity. This concept was stressed a lot in "Maqasid al-Shariah al-Islamiyah" by Ibn Ashur in many places. He sought to highlight the concern of Sharia to purify the family from the practices of temporary marriages that existed during the pre-Islamic era, as mentioned in the narration of the prophet's wife Aisha, who said, "In the pre-Islamic era, marriage had four forms: a man would propose to marry a man's daughter or sister, and if she agreed, he would marry her. Another form was when a man would say to his wife, after she becomes pure from her menstruation, 'Go to so-and-so and let him have sexual intercourse with you.' Her husband would then separate from her and not touch her until it becomes clear that she is pregnant from that man whom she had intercourse with. If her pregnancy is confirmed, her husband has the option to accept or reject her." When Muhammad (peace be upon him) was sent with the truth, he abolished all forms of pre-Islamic marriage except for the form prevalent among people today²⁶.

²⁵ Ibn 'Ashūr, *al-Tahrīr wa al-Tanwīr*, Vol. 3, p. 194.

²⁶ 'Abd al-Ḥaqq, *Ibn 'Abd al-Raḥmān, al-Jam' bayn al-Ṣaḥīḥayn*,

The second matter is Sharia's organization of relationships between family members, making them rights and responsibilities, as is the case with all institutions. The Quran mentions that,

"Women have rights similar to those of men equitably" [Quran 2:228].

Therefore, nuclear or extended family members have rights and responsibilities towards each other, all of which are required by Sharia to achieve this objective. Sharia did not impose these rights, responsibilities, and duties except to emphasize their importance in achieving cohesion, which is one of the foundations of family continuity. Family rights include things that an individual has the right to demand fairly or legally, such as financial support, clothing, dowry, division of time, and sexual enjoyment, among others. Regarding spouses, some rights are shared, such as conjugal rights, while others are specific to one party, such as financial support and clothing, which are specific to the wife. Similarly, other family members have their own rights and responsibilities. Responsibility refers to the things that a person is accountable for, and therefore, each family member should fulfill their respective responsibilities. For example, it is the father's responsibility to provide basic needs such as shelter and food, encourage good interaction among family members, and provide guidance as the role model and head of the household. The mother has the responsibility of raising and caring for the children, improving their behavior, and being present in their lives to the best of her ability in order to understand their problems. Children, on the other hand, have the duty to be dutiful to their parents, participate in household chores, maintain family ties, and so on.

If family members fulfill their obligations and rights as required, it becomes a path to achieving familial cohesion, which in turn leads to family continuity and prevents disintegration and divorce. These rights and responsibilities are accompanied by an ethical system that preserves them from loss of meaning, such as forgiveness, mercy, generosity, tolerance, and others. It is also very important to note that giving more attention to rights over responsibilities can negatively affect relationships and bonds. Thus, when some of the Companions of the prophet wanted to migrate to Medina and their wives and children refused to accompany them, resulting in their lagging behind in learning their religion and being surpassed by their brothers who migrated, they wanted to punish them sighting their rights but Allah revealed in their regard,

"But if you pardon and overlook and forgive - then indeed, Allah is Forgiving and Merciful" [Quran 64:14].

"Pardoning is refraining from blaming for a sin, forgiving is removing its effects from the self, it is said, 'He forgave her,' meaning he pardoned her and refrained from blaming her"²⁷.

Vol. 4, p. 551, *Kitāb al-Nikāḥ, Bāb Lā Nikāḥ illā bi-Walī*.

²⁷ 'Aṭīyyah, *Ṣaqr, al-'Adāwah fī al-'Usrah - Min Fatāwā Dār al-'Ifiā' al-Miṣrīyah*, Vol. 10, p. 69, May 1997; see: *al-Qurṭubī, Abū 'Abd Allāh, al-Jāmi' li-Aḥkām al-Qur'ān*, Vol. 18, p. 141.



Therefore, performing responsibilities, fulfilling duties, and fulfilling the rights that Allah has obligated in the institution of family, addresses many family problems and enhances family cohesion

The objective of organizing the Financial Aspect of the Family

Al-Shariah (Islamic law) has given great importance to organizing the financial aspect of the family, as it is an integral part of the wealth of the Ummah and its foundation. This objective is derived from the overall objective ("Maqswad kulli") of preserving wealth. One of its partial objectives is to preserve wealth through "circulation, clarity, safeguarding, stability, and justice with it"²⁸. Regarding the family, "Islamic law has distributed the family's wealth among its members during life through a system of expenditures, and after death through inheritance, wills, and the rights of spouses, ensuring that each party receives their financial rights according to their obligations, the rights are reciprocal, given to enable the fulfillment of duties"²⁹ as mentioned in the Quran.

"And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease" [Quran 4:4].

Regarding divorce, breastfeeding, and custody, Quran says,

"And upon the father is the mothers' provision and their clothing according to what is acceptable. No person is charged with more than his capacity. No mother should be harmed through her child, and no father through his child. And upon the [father's] heir is a duty like that [of the father]" [Quran 2:233].

In the case of relatives, Quran guides that,

"They ask you, [O Muhammad], what they should spend. Say, 'Whatever you spend of good is [to be] for parents and relatives and orphans and the needy and the traveler. And whatever you do of good - indeed, Allah is Knowing of it'" [Quran 2:215].

It is well known that wealth is one of the things that bring comfort to the soul, and people have been inclined to love it. This is evidenced from the Quran,

"Beautified for people is the love of that which they desire - of women and sons, heaped-up sums of gold and silver, fine branded horses, and cattle and tilled land" [Quran 3:14].

The role of wealth in building and strengthening relationships between people is widely recognized. When a man provides his family with the necessary expenses, it strengthens their attachment to him and supports them in fulfilling their needs. The Quran mentions that,

²⁸ Ibn 'Ashūr; *Maqāṣid al-Sharī'ah al-Islāmīyah*, Vol. 3, p. 470.

²⁹ *al-Maḥad al-'Ālamī lil-Fikr al-Islāmī, al-Mufaṣṣalāt al-Qur'ānīyah fī Mawḍū' al-Urah: Dalālatuhā al-Fiḥīyah wa Imtidīyādahā al-Ijtīmā'īyah, al-Urah al-Muslimah fī Zill al-Taghayyurāt al-Mu'āshirah*, by Rūlā Maḥmūd al-Hayt, p. 43.

"And whoever has been given sufficiency should spend from what Allah has given him" [Quran 65:7].

In this manner, Islamic law condemns stinginess and miserliness because they sow seeds of resentment and harshness in the hearts of loved ones, as well as within the family. The Quran says,

"And spend [in the way of Allah] from what We have provided you before death approaches one of you and he says, 'My Lord if only You would delay me for a brief term so I would give charity and be among the righteous'" [Quran 63:10].

Wealth does not only refer to cash used in our contemporary world but includes anything of value, such as gifts, which strengthen the love between people. The Prophet Muhammad (peace be upon him) said, "Exchange gifts, as that will lead to increasing your love for one another."³⁰. This objective is not limited to strengthening bonds within the nuclear family but extends to the extended family as well. Shariah recognizes the impact of expenditures on family ties as mentioned in the Quran,

"They ask you, [O Muhammad], what they should spend. Say, 'Whatever you spend of good is [to be] for parents and relatives and orphans and the needy and the traveler. And whatever you do of good - indeed, Allah is Knowing of it'" [Quran 2:215].

This verse indicates the command to spend on these individuals and encourages it. It does not refer to obligatory expenditure, such as zakat, nor is it a personal obligation, like taking care of one's wife. Rather, it is the expenditure that Muslims owe to one another, providing for their sufficiency and extending to those who are more deserving among the needy. This includes the obligatory expenditure on poor parents and young children who have no means until they become self-sufficient or the obligation to spend shifts to someone other than the parents, depending on the custom of their likes³¹.

On another note, Sharia permits a person to make a will to benefit someone from their relatives with less than one-third of their wealth. This often strengthens the relationship between the deceased's heirs and the person mentioned in the will. Additionally, private endowments (awqaf) that a person assigns to their relatives ensure that the benefits continue to reach all those who are dependent on these endowments among their relatives. Preserving these relationships and bonds and bringing comfort to the hearts of relatives, Allah says:

'And when [other] relatives and orphans and the needy are present at the [time of] division, then provide for them [something] out of the estate and speak to them words of appropriate kindness' (Quran 4:8).

Many scholars consider this verse to be applicable and not abrogated. Al-Durr al-Mukhtar states that "The verse is decisive, and the mention of division implies that it was revealed after the

³⁰ *al-Bukhārī, Muḥammad ibn Ismā'īl, al-Adab al-Mufrad*, p. 306, *Bāb Qubūl al-Hadīyah, Ḥadīth No. 593*.

³¹ *Ibn 'Ashūr, al-Tahrīr wa al-Tanwīr*, Vol. 2, p. 318.

verse on inheritance. It has been said that the verse on inheritance did not involve division because the elders used to exclude women and minors from inheritance, as mentioned in the previous verse, and they would take the deceased's estate. Whether this matter is obligatory or recommended, it is a noble humanitarian act, and it has been applied in most Islamic countries to grandchildren whose fathers died before their grandfathers. If the grandfather also dies, these grandchildren receive a share equivalent to that of their father, provided it does not exceed one-third. This has been called the obligatory will, and it is permissible. It is a humanitarian act because people currently have become inclined towards stinginess and hardness, devoid of compassion and mercy³².

Therefore, organizing the financial aspect of the family (by positively addressing some of these expenditures and appointing others) is necessary to achieve family cohesion. It is inconceivable to have strong family bonds if obligatory expenditure and some recommended expenditures of various kinds are neglected, such as not spending on poor parents, which leads to disobedience and animosity. Similarly, if a person does not spend from their abundance on their relatives and kin, it may result in severing family ties.

Bibliography

1. Al-Raisoun, Ahmad. Madkhal Ila Maqasid al-Shari'ah. Vol. 1. Mansoura: Dar al-Kalimah lil-Nashr wal-Tawzi', 2010. <https://waqfeya.net/book.php?bid=10418>
2. Al-Shatibi, Abu Ishaq Ibrahim bin Musa. Al-Muwafaqat. Vol. 1. Cairo: Dar Ibn Affan, 1997. <https://shamela.ws/book/11435>
3. Ibn Ashur, Muhammad Al-Tahir bin Muhammad. Maqasid al-Shari'ah al-Islamiyyah. Ed.: Muhammad Habib Ibn Khaloujah. Doha: Ministry of Awqaf and Islamic Affairs, Qatar, 2004. <https://shamela.ws/book/17094>
4. Abd al-Rahman, Abu Hamid 'Abd al-Haq al-Ishbili. Al-Jam'i Bayn al-Sahihayn. 1st Edition. Riyadh: Dar al-Haq for Publishing and Distribution, 1999. <https://shamela.ws/book/20638>
5. Ad-Durrah, Muhammad Ali Taha. Tafsir Al-Qur'an Al-Karimi wa I'rabuhu wa Bayanuh. Damascus: Dar Ibn Kathir, 2009. <https://shamela.ws/book/30271>
6. Al-Baghawi, Abu Hamid al-Husayni bin Mas'ud. Ma'alim al-Tanzil fi Tafsiri al-Qur'an. Beirut: Dar Ihya al-Turath al-Arabi, 1420 AH. <https://shamela.ws/book/12217>
7. Al-Bukhari, Abu Abdullah Muhammad ibn Ismail. Sahih Al-Bukhari. Vol. 5. Ed. Al-Baghawi. Damascus: Dar Al-Yamama, 1993. <https://shamela.ws/book/735>
8. Al-Ghazali, Abu Hamid. Ihya' 'Ulum al-Din. Beirut: Dar al-Ma'arif, n.d. <https://shamela.ws/book/9472>
9. Al-Khatib, Abdulkarim Yunus. Al-Tafsir al-Qur'ani lil-Qur'an. Cairo: Dar Al-Fikr Al-Arabi, n.d. <https://shamela.ws/book/23607>
10. Al-Mu'ahad Al-Islami Lil-Fikr Al-Islami. (2015). "Al-Mufredat Al-Qur'aniyya fi Mawdu'i Al-Ussrah: Dallatuha Al-Fiqhiyya wa Imtidaduha Al-Ijtima'i." Attilif Al-Ussrah Al-Muslima fi Thillat Al-Taghayyurat Al-Mu'asirah, by Rawan Mahmoud Al-Hayyat, 1-23. Amman: Dar Al-Fath lil-Dirasat wa Al-Nashr. <https://search.mandumah.com/Record/484006>
11. Al-Sha'rawi, Muhammad Metwally. Tafsiri Al-Sha'rawi Al-Khulwat. Cairo: Matba'at Akhbar Al-Yawm, 1997.
12. Atiyya, Jamal al-Din. Nahw Tafa'ul Maqasid al-Shari'ah. Damascus: Dar al-Fikr, 2001. <https://2u.pw/CLUxWPD>
13. D.H. Olson, D.H. Sprenkle, C.S. Russell, "Circumplex model of Marital and Family System: I. Cohesion and Adaptability Dimensions, Family Types, and Clinical Applications". Fam Process, 18, no. 1(1979): 3 – 28. DOI: [10.1111/j.1545-5300.1979.00003.x](https://doi.org/10.1111/j.1545-5300.1979.00003.x)
14. Dar Al-Ifta Al-Misriyya. Fatwaat Dar Al-Ifta Al-Misriyya. Cairo: Dar Al-Ifta Al-Misriyya, n.d. <https://www.dar-alifta.org/ar>
15. El-Wereny, M. E. (2017). "The Objectives of Sharia between Tradition and Modernity – A Comparative Study". Journal of Islamic Studies and Culture 5, no. 1 (2017): 33 – 45 <https://doi.org/10.15640/jisc.v5n1a5>
16. Ibn al-Qayyim, Abu 'Abdullah Muhammad ibn Abi Bakr. Zad al-Ma'ad fi Hadi Khayri al-'Ibad. 3rd Edition. Riyadh: Dar 'Ata'at al-'Ilm, 2019. <https://shamela.ws/book/197>
17. Ibn Ashur, Muhammad al-Tahir. Al-Tahrir wa al-Tanwir. Tunis: Dar al-Tunisiyya lil-Nashr, 1984. <https://shamela.ws/book/9776>
18. Xiaocheng Liu, Xiaoying Wu, Qinqin Cheng, Wenjuan Ying, Xiaoling Gong, Dali Lu, Yan Zhang, Zhili Liu. "Meaning in life and its relationship with family cohesion: A survey of patients with palliative care in China". Asia-Pacific Journal of Oncology Nursing9, no 11 (2022): 1 – 6. doi: [10.1016/j.apjon.2022.100118](https://doi.org/10.1016/j.apjon.2022.100118)
19. El Gammal, Mohamed Mahmoud. "The Role of The Legal Maxims Of Islamic Jurisprudence In The Legislation Process In Qatar." *Global Journal of Arts Humanity and Social Sciences* ISSN 2583 (2022): 2034. <https://gsarpublishers.com/wp-content/uploads/2022/10/GJAHSS2142022-Gelary-script.pdf>
20. El-Gammal, Mohamed, and Adel Abdel Fadeel Eid. "Prophetic Diplomacy Precedes Moral Counterpart in The Digital Age." *International Journal of Future Generation Communication and Networking* 13, no. 4 (2020): 55-70. https://article.nadiapub.com/IJFGCN/vol13_no4/6.html

³² al-Durrah, Muhammad 'Alī, *Tafsīr al-Qur'ān al-Karīm wa I'rābih wa Bayānih*, Vol. 2, p. 378.