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## Relationships among family members

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allaah the most Kind the most Merciful

This great Sharee'ah has also organised the relationships among family members; a man's family and kith and kin according to the ordinances of Allaah concerning the ties of kinship, laws of inheritance and cooperation among family members in order to be correlative and cooperative in all acts that please our Lord (عزوجل)<sup>1</sup>, and loving one another. It is from the Mercy and Benevolence of Allaah (عزوجل) that create a special relation among relatives connecting between them, gathering and associating them with one another. Allaah (سبحانه)<sup>2</sup> has ordained the maintenance of ties of kinship, exhorted Muslims to do this, and threatened those who abstain from doing this. The Noble Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ)<sup>3</sup> in a Hadeeth Saheeh (authentic Hadeeth) said, **"The severer [of ties of kinship] shall not enter Paradise."** Allaah (عزوجل) says in His Great Book, **[Would you then, if you were given the authority, do mischief in the land, and sever your ties of kinship?] [Such are they whom Allaah has cursed, so that He has made them deaf and blinded their sight.]** There is also another Hadeeth which states, **"Whoever is pleased that he be granted more wealth and that his lease of life be prolonged, should keep good relations with his kith and kin."** Allaah (سبحانه) has ordained good relations among Muslims in all transactions and has made them brothers who love one another in His Cause and cooperate in doing all kinds of righteous acts. Indeed, this is the greatest relation and the greatest bond among Muslims; it is the Islaamic bond and brotherhood that enjoy a higher rank than the bond of kinship, friendship, and all other relations among people. So the Islaamic bond and brotherhood among Muslims are indeed above them, for Allaah (عزوجل) has established the ties of brotherhood among Muslims and ordained that each Muslim should wish good for others and hate for others to be afflicted with evil. Muslims should love one another, recommend one another, and cooperate with one another in order to be one front, one group, one line, and one Ummah (nation based on one creed). **[Truly! This, your Ummah [Sharee'ah or**

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<sup>1</sup> (عزوجل) (Azza wa Jaal) Glorified and Exalted be He

<sup>2</sup> (سبحانه) (Subhanahu) Exalted be He

<sup>3</sup> (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) (sallallaahu 'alayhi wa sallam) May the peace and blessings of Allaah the Most High be upon him

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religion (Islaamic Monotheism)] is one religion, and I am your Lord, therefore worship Me (Alone).]<sup>4</sup>

Allaah (عزوجل) says, [The believers, men and women, are Auliya' (helpers, supporters, friends, protectors) of one another; they enjoin (on the people) al-Ma'roof (i.e. Islaamic Monotheism and all that Islaam orders one to do), and forbid (people) from al-Munkar (i.e. polytheism and disbelief of all kinds, and all that Islaam has forbidden); they perform as-Salaat (Iqaamat-as-Salaat), and give the Zakaat, and obey Allaah and His Messenger. Allaah will have His Mercy on them. Surely Allaah is All-Mighty, All-Wise.] Allaah (عزوجل) also says: [And hold fast, all of you together, to the Rope of Allaah (i.e. this Qur'aan), and be not divided among yourselves] So Allaah (سبحانه) commands them to hold fast to the Rope of Allaah, which is His Religion (i.e., Islaam).

He (عزوجل) also says, [Help you one another in al-Birr and at-Taqwaa (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allaah. Verily, Allaah is Severe in punishment.] Allaah (عزوجل) clarified that it is the duty of all Muslims to help one another in virtue, righteousness, and piety and to be friends with no malice, grudge, envy, aversion, or rupture of relations. They should be friends recommending and helping one another in good deeds. This is the essence of Islamic solidarity which every Muslim, every person loyal to his religion, every believer, and every lover of Islam calls to.

Islaamic solidarity is to help one another in righteousness and piety, recommend one another in the Cause of Allaah, consolidate and cooperate in all acts that reform Muslims, work towards granting them success, preserve their rights, establish their entity, and protect them from the evils of their enemies. So, true solidarity and cooperation necessitates that Muslims, whether ruling or ruled, should help one another in righteousness and piety, recommend and love one another in the Cause of Allaah, and unite together in establishing their religion, preserving their entity, unifying their lines, having one word, achieving victory over their enemy, and inheriting honour and dignity. In this way, Allaah (سبحانه) will protect them from the evil of their enemies and their plots and implant fear in their enemies' hearts, because they are unified under the banner of al-Haqq (the Truth); they cooperate, back, and support the religion of Allaah sincerely seeking the Sake of Allaah; not for any other purpose. Allaah (عزوجل) says: [O you who believe! If you help (in the cause of) Allaah, He will help you, and make your foothold firm.] Allaah (عزوجل) also says: [Verily, Allaah will help those who help His (Cause). Truly, Allaah is All-Strong, All-Mighty.] [Those (Muslim rulers) who, if We give them power in the land, (they) enjoin Iqaamat-as-Salaat [i.e. to perform the five compulsory congregational Salaat (prayers) (the males in mosques)], pay the Zakaat and they enjoin al-Ma'roof (i.e. Islaamic Monotheism and all that Islaam orders one to do), and forbid al-Munkar (i.e. disbelief, polytheism and all that Islaam has forbidden) [i.e. they make the Qur'aan as the law of

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<sup>4</sup> Tafseer Ibn Katheer

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**their country in all the spheres of life]. And with Allaah rests the end of (all) matters (of creatures).]** Allaah (عزوجل) has made His support, care and protection for them conditional on their support of His religion, their gathering under the banner of His religion, their cooperation and on holding fast to the Rope of Allaah (عزوجل).

Through Islaamic solidarity and cooperation, Muslims will attain all the good and honour in this world and in the Hereafter provided that they are sincere and cooperate in achieving it.

The Sharee'ah has other merits, as it established brotherhood between the Muslims, recommending one another and wishing good for one another, enjoining Ma'roof (that which is judged as good, beneficial, or fitting by Islaamic law and Muslims of sound intellect), forbidding Munkar (that which is unacceptable or disapproved of by Islaamic law and Muslims of sound intellect), helping one another in doing good deeds, and preventing one another from evil deeds. The Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) said, [**“None of you will believe until he loves for his brother what he loves for himself.”**] Allaah (عزوجل) says, [**The believers are nothing else than brothers (in Islaamic religion). So make reconciliation between your brothers**] A believer is the brother to another believer; he helps him do what is good and calls to it, forbids him from committing evil and reproaches him like when the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) said, "**Help your brother whether he is an oppressor or an oppressed!**" A man said, "**O Allaah's Messenger of Allaah, I will help him if he is oppressed but if he is an oppressor, how shall I help him?**" The Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) said, "**By preventing him from oppressing (others), for this the manner of helping him.**" So, helping the oppressor is to prevent him from oppressing others and reproaching him. If Muslims carry out this work and cooperate, they will attain great success, honour, dignity, fear in their enemies' hearts and protection from their plots.

What also distinguishes the Sharee'ah is that it regulates the transactions between Muslims through a precise system including equity, justice, and establishment of al-Haqq between them without bias to a relative or friend. Everyone should be subject to justice and the Law of Allaah without partiality to anyone just because he is a relative or a friend or because he has a certain job or is rich or poor. Everyone should be just in their transactions concerning justice, saying the truth and performing Amanah (the obligatory acts of worship). Allaah (عزوجل) says, [**O you who believe! Stand out firmly for Allaah as just witnesses; and let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety**] Allaah (عزوجل) also says: [**O you who believe! Stand out firmly for justice**] i.e. be defenders and applicants of justice. [**...as witnesses to Allaah, even though it be against yourselves, or your parents, or your kin, be he rich or poor, Allaah is a Better Protector to both (than you). So follow not the lusts (of your hearts), lest you avoid justice**]

Allaah (عزوجل) says, [**And whenever you give your word (i.e. judge between men or give evidence), say the truth even if a near relative is concerned, and fulfil the Covenant of Allaah**] Allaah (عزوجل) ordains for all Muslims to deal with each other with justice and equity

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and to establish al-Haqq between themselves justly and fairly without siding with a friend, a spouse, an old person, or a young person.

One of the merits of this Sharee'ah that indicates its greatness and validity for people every time and everywhere, is that Allaah (عزوجل) has made their transactions absolutely open for all contracts, sales, Ijarah (a lease for a lawful identified use or a hiring agreement), and the likes without confining these contracts to certain formulae to allow different peoples and nations to deal, each according to their habits, traditions, purposes and languages and in consideration of consequences. Allaah (عزوجل) has made their contracts lawful and He did not specify certain terms for them but He left them absolute. Moreover, for their marriages, divorces, Nafaqah (obligatory financial support), litigations and disputes, Allaah (سبحانه) has provided a sound system that includes equity and justice. It should be taken into consideration the different habits, traditions, terminologies, environments, purposes, circumstances, ages and places within the limits of the Sharee'ah as a whole, so that no one will be wronged. Allaah (عزوجل) says, **[O you who believe! Fulfil (your) obligations.]** So, Allaah (سبحانه) imposed the obligations and says, **[...whereas Allaah has permitted trading and forbidden Ribaa (usury).]** Allaah (عزوجل) also says: **[Then if they give suck to the children for you, give them their due payment]** There are many Hadeeths narrated by the Messenger of Allaah (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) concerning Musaqah (giving planted or unplanted trees and land to be tended for a specified share of the fruit), Muzara'ah (giving land for cultivation in return for a specified portion of the harvest), partnership, Ji'alah (payment for a permanent job, salary/wage), guarantees, Awqaf (Endowments), marriage, divorce, breastfeeding, and others in accordance with the Noble Qur'aan.

These systems that were revealed by the Qur'aan and authenticated by the Sunnah (whatever is reported from the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ)) are clear and plain systems that regulate all the matters of the Muslim and are valid for all ages and places without debate. They have their own tradition in selling, purchasing, marriage, divorce, endowments, bequests and the like in order not to associate things wrongfully. Allaah (سبحانه) stressed the same meaning, saying, **[...but the father of the child shall bear the cost of the mother's food and clothing on a reasonable basis.]** In this Ayah, "on a reasonable basis" means "as reasonably known".

In his great speech on the Farewell Hajj, the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) said, **[Their (i.e. wives) rights upon you are that you should provide them with food and clothing in a fitting manner.]** Allaah (عزوجل) says, **[And We never punish until We have sent a Messenger (to give warning).]** To establish the incontrovertible evidence and give warning. Allaah (عزوجل) says, **[And Allaah will never lead a people astray after He has guided them until He makes clear to them as to what they should avoid.]** Allaah (عزوجل) says, **[And We have also sent down unto you (O Muhammad (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ)) the Dhikr [reminder and the advice (i.e. the Qur'aan)], that you may explain clearly to men what is sent down to them, and that**

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**they may give thought.]** So Allaah (عزوجل) clarified that there should be a clarification (of the prohibitions) and that the clear evidence should be established, thus no one could be punished unless the supporting evidence is established against him.

In his book (I'laam al-Muwaqqi'een), Ibn al-Qayyim (رَحْمَةُ اللهِ)<sup>5</sup> discussed this point in a great chapter where he clarified that Sharee'ah has guarded people's habits, intentions, traditions, and languages. So fatwas and legal rulings should be in consistency with them. A tradition of a certain town or region may be different from that of another town and region. A person may have intentions and purposes which are different from those of another person, and what is habitual for some people may not be the same for others; moreover, acts permitted in a certain age could be prohibited in another age. Da`wah (calling to Islaam) at the age of the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) in Makkah was different (in its course) from Madeenah due to the difference in time, place, strength and weakness. Indeed, this is out of Allaah's great Wisdom and His attention to His servants' circumstances. People may use some words in sale and endowment that refer to a different meaning or a different obligation for other people and the same can happen in divorce and Ijarah. Some acts are permitted in some ages but they are not permitted in another age, such as establishing Hadd (ordained punishment for violating Allaah's Law) on the land of the enemy, in case some invaders committed violations that necessitated Hadd to be established on the enemy's land. Indeed, the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) prohibited Muslims from establishing Hadd on the enemy's land, because the one upon whom the Hadd is to be applied could become angry and motivated by the temptations of devil, he may renounce Islaam and apostatise for that reason due to his being close to the enemy.

Another example is the year of famine; when there is a year of famine and people are distressed, thieves' hands should not be cut off if they admitted that they only committed theft out of poverty, distress, and need for anything to satisfy their hunger and fulfil their needs. That is because this case is a doubtful matter concerning the permissibility of cutting the hands and indeed Hudud are warded off by shubahat (a case where doubts and suspicions are there concerning the motives and causes of crime.)

So `Umar (رضي الله عنه)<sup>6</sup>, during the Year of Ramadah (Famine Year), commanded the Muslims not to cut (the hand for theft) and gave this judgment because it was a doubtful matter. In this way, Muslims should take admonition from consequences as Allaah (عزوجل) says, **[Then take admonition, O you with eyes (to see).]** Allaah (عزوجل) also says: **[So be patient. Surely, the (good) end is for al-Muttaqoon (the pious)]** Allaah (عزوجل) also says: **[And insult not those whom they (disbelievers) worship besides Allaah, lest they insult Allaah wrongfully without knowledge.]** So Muslims should pay heed to the ends. Ibn al-Qayyim (رَحْمَةُ اللهِ) mentioned that sometimes commanding good may lead to committing an act which is more

<sup>5</sup> (رَحْمَةُ اللهِ) (rahimahullaah) May Allaah the Most High have mercy on him

<sup>6</sup> (رضي الله عنه) (rad iyallaahu `anhu) May Allaah the Most High be pleased with him

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evil than the act which is meant to be prohibited. So in such a case, it is not permissible to prohibit the evil act if resisting evil could lead to a more evil and more grievous act. In this case, the evil act should not be permitted lest more evil should take place. This is mentioned in the chapter of considering consequences.

For example, if there is a person who drinks Khamr (intoxicant), and you know that if you prohibit and prevent him from doing so, he will start killing people, abstinence from prohibiting him becomes the first priority because drinking Khamr is more tolerable than committing transgression against people by killing them. What is meant here is that Muslims should consider the consequences, habits, circumstances, conditions, purposes, intentions of people in their obligations and their behaviour in dealing with one another, in establishing Hudud, in commanding good and forbidding evil. Muslims should consider gaining interests, warding off evils, gaining the greater interest by forsaking the lesser interest and avoiding the greater evil by committing the lesser evil in case of being unable to avoid both of them. These are great issues examined by our perfect Sharee'ah and they are undoubtedly some of its merits. Every ruler and every person who has authority over people including a judge, a Muftee (Islaamic scholar qualified to issue legal opinions), a commander and the likes should hold fast to it. All these matters are from the merits of this great Sharee'ah.