



La-Net

ISS 202

Islamic Family Law



Course video is available on our app

lanetonline.com



la-NET | ONLINE LEARNING VIDEO PLATFORM FOR POST-SECONDARY & HIGHER INSTITUTION STUDENTS

Course Code: ISS 202

Course Title: Islamic Family Law

Course Credit Load: 2 Units (C; LH 30)

List of Series

Series 1: Marriage in Islamic Perspective

Series 2: Courtship and Marital Contract

Series 3: Impediments and Divorce in Islam

Series 4: Polygamy, Guardianship and Paternity

Series 5: Family Planning and Birth Control

Series Outline: Marriage in Islamic Perspective

1.1 Concept of Marriage in Islam

- 1.1.1 Meaning and nature of marriage
- 1.1.2 Marriage as a lawful and ethical institution
- 1.1.3 Qur'ānic and Prophetic foundations of marriage

1.2 Importance and Status of Marriage

- 1.2.1 Marriage as an encouraged institution
- 1.2.2 Legal status of marriage in relation to circumstances
- 1.2.3 Marriage, chastity and responsible conduct

1.3 Objectives of Marriage in Islam



- **1.3.1 Tranquillity, affection and mercy**
- **1.3.2 Procreation and continuity of family**
- **1.3.3 Socialisation and character building**

1.4 Marriage and the Preservation of Family Values

- **1.4.1 Mutual respect, care and responsibility**
- **1.4.2 Faith, morality and family life**
- **1.4.3 Applying Islamic family values in contemporary life**

1.1 Concept Of Marriage In Islam

1.1.1 Meaning and nature of marriage

In Islamic law, marriage is generally referred to as **nikāḥ**. It establishes a lawful marital relationship between spouses and creates a framework of rights, responsibilities, and permitted family life. Marriage goes beyond companionship; it creates an organised relationship in which spouses are expected to observe lawful conduct, fulfil responsibilities, and protect the dignity of the family.

When studying marriage in Islamic family law, it is useful to distinguish between the broad purpose of marriage and the detailed rules governing its formation. The broad purpose concerns why Islam recognises and encourages marriage, while the detailed rules cover matters such as courtship, the marital contract, and impediments. These specific legal requirements are treated in Series 2 and Series 3, while this Series concentrates on the underlying conception of marriage.

Marriage also provides a lawful setting for intimacy and family formation. The Qur'ān presents spouses as a means through which people may find tranquillity, while also identifying affection and mercy as features of the relationship (Qur'ān 30:21). This verse provides an important foundation for understanding marriage as a relationship involving emotional and moral dimensions, not merely biological reproduction.



Fill in the blank: The Arabic term commonly used for marriage in Islamic law is _____.

1.1.2 Marriage as a lawful and ethical institution

Islamic marriage has both a **legal dimension** and an **ethical dimension**. The legal dimension establishes a recognised marital relationship and determines rights and obligations. The ethical dimension concerns how spouses are expected to conduct themselves within that relationship. A marriage may therefore be legally recognised while spouses still have moral duties to act with fairness, kindness, trustworthiness, and restraint.

This distinction is important because Islamic family law does not treat family relationships as matters of rights alone. The Qur'ānic description of affection and mercy between spouses points to a moral quality that should shape their interaction. In practice, this means that a spouse should not view marriage only as a source of entitlement but should also recognise the dignity, welfare, and legitimate interests of the other.

For example, a Muslim couple may disagree about household decisions. An Islamic approach does not require every disagreement to become a contest of power. The couple should seek lawful and fair solutions, communicate respectfully, and consider the welfare of the family. This illustrates the ethical dimension of marriage without confusing it with the specific legal rules of the marital contract.

Fill in the blank: Islamic marriage has both a _____ dimension and an ethical dimension.

1.1.3 Qur'ānic and Prophetic foundations of marriage

The Qur'ān provides several foundations for understanding marriage. Qur'ān 30:21 associates marriage with tranquillity, affection, and mercy. Qur'ān 24:32 instructs the Muslim community to facilitate marriage for unmarried people, reminding believers that provision ultimately comes from Allah. Qur'ān 16:72 refers to spouses, children, and



grandchildren as blessings, while Qur'ān 25:74 records the prayer of the righteous for spouses and offspring who bring comfort and righteousness.

The Sunnah reinforces the importance of marriage. In reports found in Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim, the Prophet Muhammad ﷺ encouraged young people who have the ability to marry to do so, explaining that marriage helps guard chastity and the gaze. Those unable to marry are advised to use fasting as a means of self-restraint.

Fill in the blank: Qur'ān 30:21 associates marriage with tranquillity, affection, and _____.

[Insert figure here] Conceptual diagram showing the three connected dimensions of Islamic marriage: lawful relationship, ethical responsibility, and family formation. *Figure 1.1: Dimensions of Marriage in Islamic Perspective* AI prompt suggestion: “Create a clean educational Islamic studies diagram with three interconnected circles labelled Lawful Relationship, Ethical Responsibility, and Family Formation.” Search string: “Islamic marriage lawful relationship ethical responsibility family formation diagram OER”

Pilot questions 1.1

1. What Arabic term is used for marriage in Islamic law?
2. What two dimensions of marriage are discussed in this Part?
3. Which Qur'ānic verse associates spouses with tranquillity, affection, and mercy?
4. What does Qur'ān 24:32 encourage the Muslim community to do?
5. What Prophetic teaching links marriage with chastity?

1.2 Importance And Status Of Marriage

1.2.1 Marriage as an encouraged institution

Islam encourages marriage as a lawful means of establishing family life and protecting chastity. Qur'ān 24:32 directly encourages the marriage of unmarried members of the



community. The Prophet Muhammad ﷺ also encouraged those who have the ability to marry to do so, linking marriage with protection of the gaze and chastity.

Encouragement of marriage should not be understood as permission to ignore responsibilities. A person who seeks marriage should consider whether they can enter the relationship responsibly and avoid causing injustice to a spouse. Marriage is therefore connected to preparation, responsibility, and moral self-discipline.

Fill in the blank: Islam generally _____ marriage as a lawful institution for family life and chastity.

1.2.2 Legal status of marriage in relation to circumstances

The legal ruling on marriage is not identical for every person. Jurists discuss marriage in relation to circumstances such as ability, sexual desire, fear of falling into prohibited conduct, and capacity to fulfil responsibilities. While marriage is generally encouraged, its specific ruling may vary across schools of law.

For example, marriage may be obligatory for one who fears falling into fornication and has the capacity to marry, recommended for those able to marry responsibly, or discouraged if one cannot fulfil obligations. These classifications belong to fiqh and should be taught with awareness that details differ across juristic schools.

Fill in the blank: The specific legal ruling on marriage may vary according to a person's _____.

1.2.3 Marriage, chastity, and responsible conduct

Marriage provides a lawful framework for intimacy and protects chastity. The Prophet Muhammad ﷺ explicitly connected marriage with guarding the gaze and protecting chastity. This shows that marriage has a moral as well as a social function.



Chastity in Islamic family life includes responsible behaviour, respect for boundaries, honesty, and protection of family dignity. A person preparing for marriage therefore needs moral discipline as well as material preparation.

Fill in the blank: The Prophetic teaching links marriage with protection of _____.

Pilot questions 1.2

1. What does Qur'ān 24:32 encourage the Muslim community to facilitate?
2. Why should encouragement of marriage not be separated from responsibility?
3. Mention two circumstances jurists may consider when determining the legal ruling on marriage.
4. Why distinguish general encouragement from individual rulings?
5. What moral function of marriage is emphasised in Prophetic teaching?

1.3 Objectives Of Marriage In Islam

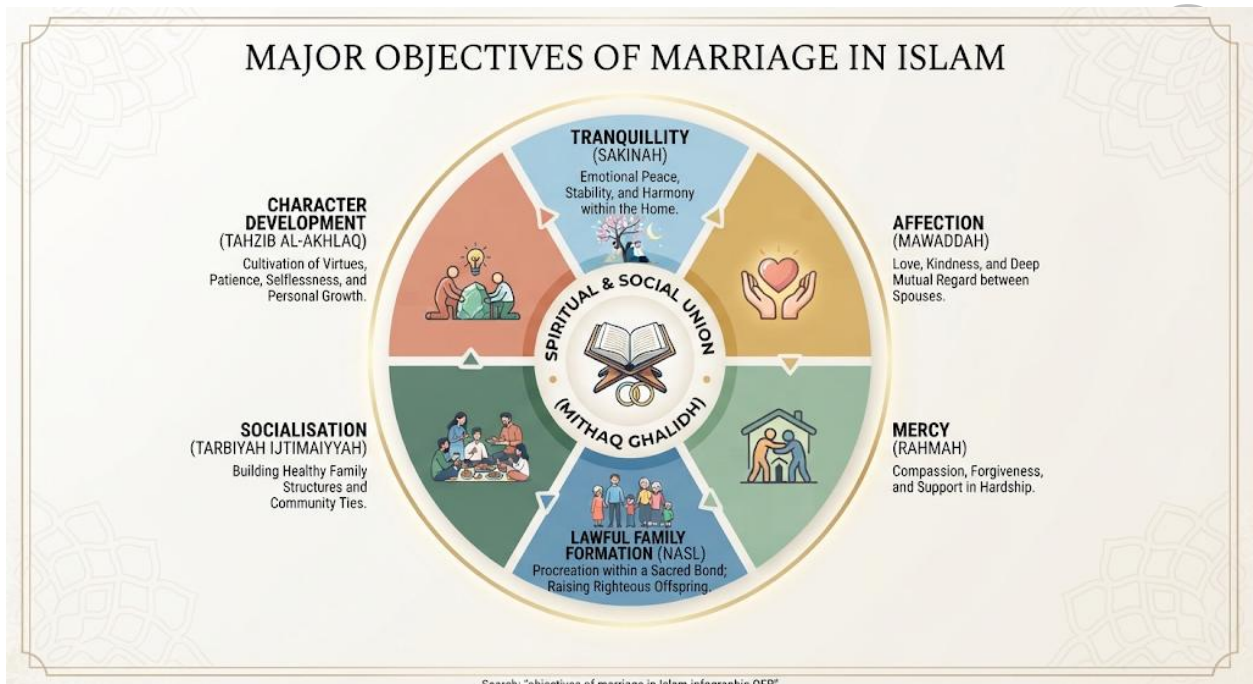
1.3.1 Tranquillity, affection, and mercy

One of the clearest Qur'ānic descriptions of marriage appears in Qur'ān 30:21. The verse describes spouses as a means through which tranquillity may be found and states that Allah has placed affection and mercy between them. This gives marriage an emotional and relational purpose. A successful marriage is therefore not measured only by the fact that a couple is legally married; the quality of their relationship also matters.

Tranquillity suggests peace and security within the marital relationship. Affection points to positive emotional attachment, while mercy reminds spouses to respond to one another with compassion, especially when difficulties arise. These qualities do not mean disagreements disappear, but they provide moral principles for dealing with them without destroying dignity.



Fill in the blank: Qur'ān 30:21 mentions tranquillity, affection, and _____ as qualities associated with marriage.



Infographic linking marriage with tranquillity, affection, mercy, lawful family formation, socialisation, and character development.

Plate 1.2: Major Objectives of Marriage in Islam AI prompt suggestion:

1.3.2 Procreation and continuity of family

Marriage provides a lawful setting for family formation and continuity. Qur'ān 16:72 refers to spouses, children, and grandchildren as blessings, while Qur'ān 25:74 presents a prayer for spouses and offspring who bring comfort and righteousness. These references show that family continuity is an important dimension of marriage.

Procreation, however, is not the only purpose of marriage. Qur'ān 30:21 emphasises tranquillity, affection, and mercy, showing that marriage has relational purposes as well. Parents also carry responsibilities to nurture, protect, and educate their children, not merely increase family numbers.



Fill in the blank: Qur'ān 16:72 mentions spouses, children, and _____.

1.3.3 Socialisation and character building

The family is one of the first environments in which a person learns how to relate to others. Through marriage and family life, children are introduced to values such as honesty, respect, patience, and compassion. The family therefore has a socialising function, transmitting values across generations.

Marriage also builds character in spouses themselves. It places them in situations requiring patience, communication, forgiveness, and responsibility. Qur'ān 25:74 connects family life with moral example, asking Allah for spouses and offspring who provide comfort and for worshippers to become examples for the righteous.

Fill in the blank: The family is one of the first environments in which children learn values and develop _____.

Pilot questions 1.3

1. Which Qur'ānic verse describes tranquillity, affection, and mercy between spouses?
2. Mention two emotional qualities associated with marriage in Qur'ān 30:21.
3. How does marriage contribute to family continuity?
4. Why should procreation not be treated as the only purpose of marriage?
5. Mention three values that family life can help transmit to children.

1.4 Marriage And The Preservation Of Family Values

1.4.1 Mutual respect, care, and responsibility

Islamic family life requires more than the existence of a marital relationship; it requires responsible conduct. Mutual respect means recognising the dignity of each spouse, communicating without humiliation, and avoiding unjust harm. Care means paying



attention to family welfare, while responsibility means fulfilling duties rather than leaving them to another person.

Fill in the blank: Mutual respect requires recognising the _____ of each spouse.

1.4.2 Faith, morality, and family life

Marriage provides daily opportunities to practise Islamic morality. Families demonstrate patience, honesty, modesty, forgiveness, and responsibility. Qur'ān 25:74 links family welfare with moral example, asking Allah to grant spouses and offspring who bring comfort and righteousness.

Parents who expect honesty from children should model honesty themselves. Likewise, spouses who expect respect should practise respectful communication. In this way, values are transmitted through example as well as instruction.

Fill in the blank: Family values are transmitted through instruction and moral _____.

1.4.3 Applying Islamic family values in contemporary life

Applying Islamic family values today requires thoughtful attention to changing social conditions without abandoning core principles. Families may face pressures such as social media, financial challenges, migration, and competing expectations. These circumstances require families to apply values wisely and consistently.

You can apply the principles studied in this Series by promoting respectful communication, protecting privacy, resolving disagreements fairly, supporting children's moral development, and avoiding practices that undermine dignity or justice. When a matter involves a specific legal ruling, however, you should distinguish general family values from fiqh questions and seek guidance from a qualified authority.

Fill in the blank: When a family issue requires a specific legal ruling, it is appropriate to seek guidance from a _____ authority.



Pilot questions 1.4

1. What does mutual respect require between spouses?
2. Mention three values that Islamic family life can cultivate.
3. How can parents contribute to character building through example?
4. Mention two contemporary pressures that may affect family life.
5. Why should general family values be distinguished from specific fiqh rulings?



Series Summary

This Series introduced marriage from the Islamic family-law perspective. We began by defining marriage as **nikāḥ** and examining its legal and ethical dimensions. We then considered Qur'ānic and Prophetic foundations that present marriage as a lawful and encouraged institution associated with tranquillity, affection, mercy, and chastity. We also explored why the legal ruling on marriage should be considered in relation to individual circumstances and juristic interpretation.

Next, we examined the major objectives of marriage, including emotional tranquillity, affection and mercy, lawful family formation and continuity, socialisation, and character building. Procreation was shown to be important but not the sole purpose, as Islamic teachings emphasise the quality and moral character of family relationships. Finally, we considered marriage as a means of preserving family values through mutual respect, care, responsibility, faith, and moral example. You should now be able to explain the Islamic perspective on marriage, identify its major objectives, and apply its ethical principles to family life, while recognising that specific legal questions may require detailed fiqh analysis.

Glossary Of Terms

- **Fiqh:** Islamic jurisprudence, referring to human understanding and interpretation of legal rulings derived from recognised sources.
- **Nafaqah:** Financial maintenance or support that may be legally due within a marital or family relationship.
- **Nikāḥ:** Marriage in Islamic law, establishing a lawful marital relationship between spouses.
- **Qāḍī:** A judge or adjudicator who applies Islamic legal principles within a recognised judicial setting.
- **Sharī'ah:** The broad body of Islamic guidance derived from divine sources, encompassing religious, moral, and legal principles.



- **Sunnah:** The normative example, teachings, and practices of the Prophet Muhammad ﷺ.
- **Tranquillity:** A state of peace or emotional security associated with marital life, as described in Qur'ān 30:21.
- **'Ibādah:** Worship or acts performed in devotion to Allah, relevant here to the wider moral and religious context of family life.



Concept Check Questions 1

Objective Questions

1. Which Arabic term refers to marriage in Islamic law? (Linked to SLO 1.1)
2. Which Qur'ānic verse associates marriage with tranquillity, affection, and mercy? (Linked to SLO 1.2)
3. Which of the following is NOT presented in this Series as a major objective of marriage: (a) tranquillity, (b) lawful family formation, (c) character building, (d) commercial profit? (Linked to SLO 1.3)
4. Which Prophetic teaching links marriage with guarding chastity? (Linked to SLO 1.2)
5. Which principle is most directly associated with Qur'ān 30:21? (a) affection and mercy, (b) inheritance, (c) commercial partnership, (d) criminal punishment. (Linked to SLO 1.4)

Short-Answer Questions

6. Explain why Islamic marriage can be described as both a legal and ethical institution. (Linked to SLO 1.1)
7. Explain two ways in which Qur'ān 30:21 shapes an Islamic understanding of marriage. (Linked to SLO 1.2)
8. Explain why procreation is important but not the only objective of marriage in Islam. (Linked to SLO 1.3)
9. Suggest two practical ways a Muslim family can preserve respectful relationships in contemporary life. (Linked to SLO 1.4)

Long-Answer Questions

10. Analyse the major objectives of marriage in Islam and explain how they contribute to the development of a stable family. (Linked to SLO 1.3)



11. Evaluate the relevance of Islamic family values to contemporary Muslim family life, while distinguishing broad ethical principles from specific fiqh rulings.
(Linked to SLO 1.4)

Answers To Concept Check Questions 1

Objective Questions

1. Nikāḥ.
2. Qur'ān 30:21.
3. Commercial profit.
4. The report of Ibn Mas'ūd in Ṣaḥīḥ al-Bukhārī 5066 and Ṣaḥīḥ Muslim 1400c.
5. Affection and mercy.

Short-Answer Questions

6. Marriage establishes a lawful relationship with recognised rights and responsibilities, while Islamic teachings also require moral conduct such as respect, mercy, fairness, and responsibility.
7. It presents spouses as a source of tranquillity and identifies affection and mercy as qualities placed between them, showing marriage has emotional and moral purposes.
8. Qur'ānic passages recognise spouses and offspring as blessings, but Qur'ān 30:21 also emphasises tranquillity, affection, and mercy. Marriage therefore has family, emotional, and moral dimensions.
9. Families can practise respectful communication and fair conflict resolution, while protecting privacy and supporting children's moral development.

Long-Answer Questions

10. **Basic response:** Marriage aims at tranquillity, affection, mercy, lawful family formation, socialisation, and character building. These objectives complement one another: emotional security supports the marital relationship, lawful family



formation creates responsibilities towards children, and socialisation helps transmit values across generations. **Value-added response:** Outstanding learners may connect these objectives to concrete family behaviour, showing how Qur'ānic principles shape everyday life, while recognising that detailed legal rulings require fiqh analysis.

11. **Basic response:** Islamic family values include mutual respect, care, responsibility, faith, and moral example. They remain relevant despite pressures such as financial difficulties, work demands, and social media. General values provide an ethical framework, while specific rulings require fiqh guidance.

Value-added response: Outstanding learners may show how values can be applied in modern contexts, linking Qur'ānic and Prophetic sources to practical family conduct, while avoiding simplistic assumptions that one principle resolves all legal questions.

Answers To Pilot Questions 1

Part 1.1

1. Nikāḥ.
2. A legal dimension and an ethical dimension.
3. Qur'ān 30:21.
4. It encourages the community to facilitate marriage for unmarried people.
5. It links marriage with guarding the gaze and protecting chastity.

Part 1.2

1. Marriage for unmarried members of the community.
2. Because marriage creates continuing rights and responsibilities and should not be treated as a relationship without obligations.
3. Ability to marry and maintain a spouse, and fear of falling into prohibited sexual conduct.
4. A general teaching applies broadly, while an individual legal ruling depends on the person's circumstances and juristic interpretation.



5. Marriage is presented as a means of guarding chastity and the gaze.

Part 1.3

1. Qur'ān 30:21.
2. Affection and mercy.
3. It provides a lawful setting for family formation and continuity.
4. Because Qur'ān 30:21 also emphasises relational and moral objectives.
5. Honesty, respect, responsibility, patience, and compassion.

Part 1.4

1. Recognising the dignity of each spouse and avoiding unjust conduct.
2. Patience, honesty, and responsibility.
3. By modelling the behaviour they expect children to learn.
4. Financial difficulties, demanding work schedules, social media pressures, and migration.
5. General values guide conduct, while specific fiqh rulings require detailed analysis and qualified guidance.



References And Attributions 1

Primary Sources

- The Qur'ān: Sūrah al-Rūm (30:21), Sūrah al-Nūr (24:32), Sūrah al-Naḥl (16:72), Sūrah al-Furqān (25:74).
- Al-Bukhārī, Muḥammad ibn Ismā'īl. *Ṣaḥīḥ al-Bukhārī*, Book 67, Hadith 5066.
- Muslim ibn al-Ḥajjāj. *Ṣaḥīḥ Muslim*, Book 16, Hadith 1400c.

Secondary Sources

- Kamali, Mohammad Hashim. (2008). *Shari'ah Law: An Introduction*. Oxford: Oneworld Publications.
- Nasir, Jamal J. (2009). *The Islamic Law of Personal Status*. 3rd ed. Leiden: Brill.

Illustrations

- *Figure 1.1: Dimensions of Marriage in Islamic Perspective* — AI-generated educational diagram. Prompt designed specifically for this Series. Suggested OER search string: “Islamic marriage lawful relationship ethical responsibility family formation diagram OER”.
- *Plate 1.2: Major Objectives of Marriage in Islam* — AI-generated educational diagram. Prompt designed specifically for this Series. Suggested OER search string: “objectives of marriage in Islam infographic OER”.

General Attribution Qur'ānic and Prophetic references are used as primary sources. Secondary sources frame the Islamic family-law context and distinguish general teachings from juristic rulings. Illustration prompts were created specifically for this Series.



Series 2: Courtship and Marital Contract

Parts and Sub-Parts

2.1 Courtship in Islam

- 2.1.1 Meaning and Purpose of Courtship
- 2.1.2 Islamic Boundaries for Courtship
- 2.1.3 Ethical Conduct during Courtship

2.2 Choosing a Spouse and Making a Marriage Proposal

- 2.2.1 Criteria for Spouse Selection
- 2.2.2 *Khitbah* and the Marriage Proposal
- 2.2.3 Consent and Freedom from Coercion

2.3 The Islamic Marital Contract

- 2.3.1 Meaning and Nature of *Nikāh*
- 2.3.2 Offer and Acceptance
- 2.3.3 *Mahr* and Contractual Rights

2.4 Requirements and Effects of a Valid Marriage Contract

- 2.4.1 Essential Requirements and Witnesses
- 2.4.2 The Role of the *Walī* and Juristic Differences
- 2.4.3 Legal and Social Effects of the Contract

Introduction

Marriage in Islam is established through a lawful process that moves from the intention to marry, to the proposal and consideration of a prospective spouse, and finally to the conclusion of a valid marital contract. Islam does not treat the period before marriage as a



licence for unrestricted intimacy. Rather, it provides guidance that protects dignity, chastity, consent and the rights of both prospective spouses.

The aim of this Series is to help you understand the Islamic approach to courtship and the legal character of the marital contract. You will learn how a marriage proposal should be conducted, why consent matters, what makes a nikāḥ contract valid, and how the contract creates rights and responsibilities.

We shall begin by examining the meaning, purpose and boundaries of courtship in Islam. Next, we will consider the principles for choosing a spouse, the meaning of khitbah and the importance of consent. We will then study the marital contract itself, including offer and acceptance and mahr. Finally, we will examine the requirements of a valid contract, the role of the walī, major juristic differences, and the effects of marriage after the contract is concluded.

Series Learning Outcomes

Upon completing this Series, you should be able to:

- SLO 2.1 explain the purpose and Islamic boundaries of courtship,
- SLO 2.2 analyse the principles governing spouse selection, marriage proposals and consent,
- SLO 2.3 explain the essential components of the Islamic marital contract, including offer, acceptance and mahr,
- SLO 2.4 evaluate the requirements and legal effects of a valid marriage contract while recognising major juristic differences.



2.1 Courtship in Islam

2.1.1 Meaning and purpose of courtship

In Islamic family law, courtship may be understood as the period and process through which a prospective husband and prospective wife consider marriage before the nikāh is concluded. The Arabic term khitbah is commonly used for a formal marriage proposal. Courtship therefore has a lawful purpose: it allows the parties and their families to obtain relevant information and make a responsible decision about marriage.

The purpose is not to create a temporary relationship in which the prospective couple enjoy the rights of husband and wife before marriage. Until the marriage contract is validly concluded, the two remain non-maḥram to each other. Consequently, the rules governing modesty, privacy and lawful interaction continue to apply.

Fill in the blank: The formal Islamic term commonly used for a marriage proposal is _____.

2.1.2 Islamic boundaries for courtship

Islamic courtship is guided by the wider principles of modesty and chastity. The Qur'ān instructs believing men and women to lower their gaze and guard their private parts, while also providing a lawful route to marriage. These principles mean that getting to know a prospective spouse should be directed towards a genuine marriage decision rather than unrestricted romantic or sexual intimacy. Qur'ān 24:30–32 offers important guidance in this area.

Practical communication may therefore be necessary where it serves the purpose of deciding on marriage. Questions about religious commitment, character, health, education, work, financial expectations, residence, family responsibilities, and future plans can be discussed appropriately. The method of communication should preserve dignity and avoid conduct that Islam prohibits, ensuring that the process remains respectful and purposeful.



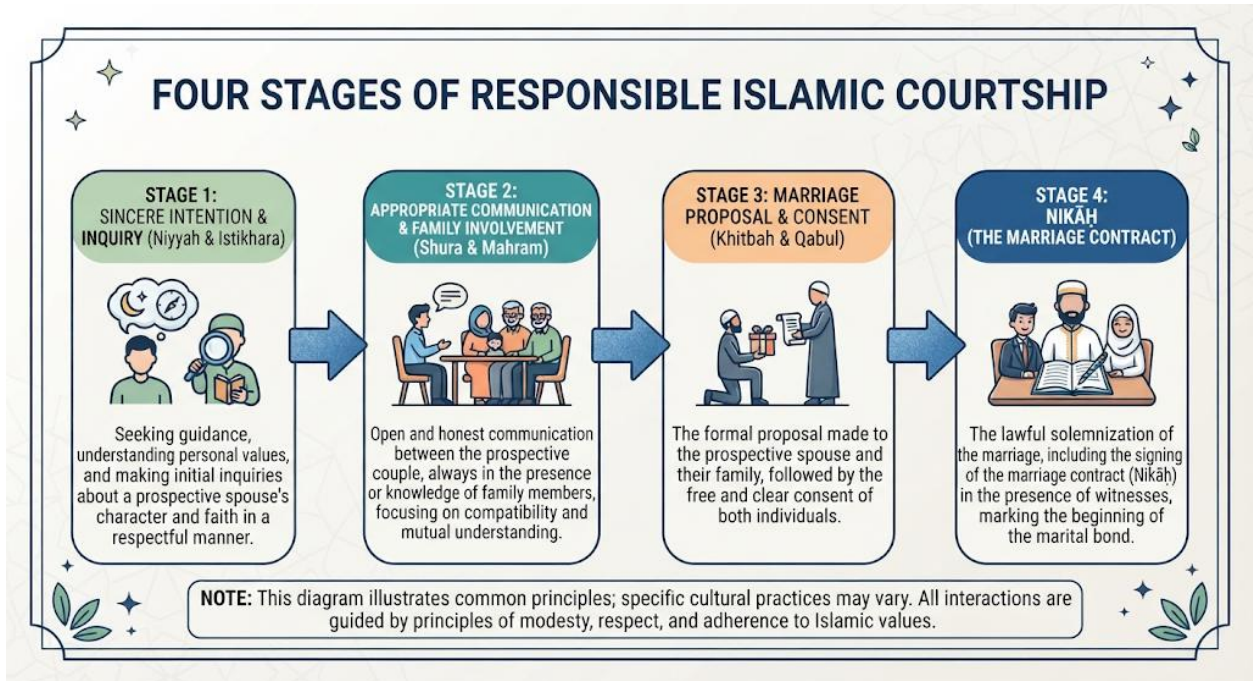


Diagram showing a responsible Islamic courtship pathway from intention and inquiry through proposal, consent and nikāh.

Figure 2.1: Responsible Courtship Pathway in Islam

Fill in the blank: Before marriage, the prospective couple remain _____ to each other.

2.1.3 Ethical conduct during courtship

Ethical courtship in Islam requires honesty, respect, and restraint. A person should not conceal information that would materially affect the other party's decision, especially in matters such as an existing marriage, serious obligations, or issues directly relevant to marital life. The Qur'ān commands believers to live with their spouses in kindness, setting the ethical standard expected within marriage. Qur'ān 4:19 emphasises kind treatment and rejects coercive treatment of women.



Another important principle concerns competing proposals. The Prophet ﷺ prohibited a person from making a marriage proposal over another person's existing proposal in the circumstances covered by the hadith. This rule protects the dignity of all parties involved and reduces avoidable conflict, ensuring that the process of courtship remains respectful and orderly.

Fill in the blank: Ethical courtship requires honesty, respect and _____.

Pilot questions 2.1

1. What is meant by courtship in the context of Islamic family law?
2. What is khitbah?
3. Why does Islamic courtship not permit unrestricted romantic intimacy before marriage?
4. Mention two areas that may appropriately be discussed when considering a prospective spouse.
5. What principle applies when another person's marriage proposal is already under consideration?

2.2 Choosing a Spouse and Making a Marriage Proposal

2.2.1 Criteria for Spouse Selection

Choosing a spouse is a serious decision because marriage establishes continuing rights and responsibilities. Islamic guidance places strong emphasis on religious commitment and good character, while practical compatibility also deserves careful attention.

Prospective spouses should consider whether they can reasonably fulfil the responsibilities of marriage and whether their values, expectations, and circumstances are sufficiently compatible. Qur'ān 24:32 encourages the facilitation of marriage among



unmarried people and reminds believers not to treat poverty as an absolute barrier, since provision ultimately comes from Allah. At the same time, responsible spouse selection requires realistic consideration of maturity, capacity, family obligations, and the ability to establish a stable household.

Fill in the blank: Two important qualities to consider when choosing a spouse are religious commitment and good **character**.

2.2.2 Khitbah and the Marriage Proposal

Khitbah refers to a proposal or engagement to marry. It indicates an intention to enter marriage but does not itself constitute the marriage contract. A person who has been formally engaged remains legally unmarried until the *nikāh* is concluded. This distinction is important: engagement does not create the rights of spouses, nor does it make private intimacy lawful. It also does not make the exchange of gifts equivalent to *mahr* under the marriage contract. The parties may withdraw from an engagement before marriage, subject to the relevant rights, obligations, and applicable law.

Fill in the blank: Khitbah is a marriage **proposal**, not the marriage contract itself.

2.2.3 Consent and Freedom from Coercion

Consent is a fundamental ethical principle in the formation of marriage. Prophetic reports state that a previously married woman should be consulted about marriage and that a virgin's permission should be sought. One report explains that the permission of a virgin may be indicated by silence in the relevant circumstances. Guardianship should not be confused with ownership of the person being married. Classical jurists differ on the precise legal role of the *walī* in the validity of a marriage, but the requirement to avoid coercion and to respect the woman's consent remains an important principle in Prophetic guidance. Where disputes arise over consent, guardianship, or validity, the applicable school of law and the competent legal or judicial authority should be consulted, rather than assuming that one juristic position represents all Muslim communities.



Fill in the blank: A marriage proposal should not be treated as valid consent to the marriage contract; the prospective spouses' **consent** remains important.

[Insert figure here]

Illustration showing the distinction between khitbah and nikāḥ, with consent positioned before the conclusion of the marital contract.

Figure 2.2: From Proposal to Marital Contract

AI prompt suggestion: “Create a simple academic comparison diagram showing KHITBAH (marriage proposal/engagement) on the left and NIKĀḤ (marital contract) on the right, with a clear boundary between them and consent leading into the contract. Use neutral Islamic educational symbolism and no human intimacy.”

Search string: “khitbah nikah marriage proposal contract Islamic family law diagram OER”

Pilot questions 2.2

1. Mention two considerations that may guide responsible spouse selection.
2. What is khitbah?
3. Does khitbah itself make the prospective couple husband and wife?
4. What does the Prophetic guidance say about seeking a woman's permission for marriage?
5. Why should guardianship not be confused with ownership of the person being married?



2.3 The Islamic Marital Contract

2.3.1 Meaning and nature of nikāḥ

Nikāḥ is the Islamic marriage contract through which a man and woman become husband and wife under the rules of Islamic law. It is both a legal contract and a serious moral covenant. Qur'ān 4:21 describes marriage in terms of a solemn covenant, emphasising the seriousness of the relationship created by it. □cite□turn2search0□

Marriage therefore does more than permit marital intimacy. It establishes reciprocal rights and duties, including maintenance, lawful companionship, protection of family life and, where children are born, responsibilities connected with their care and upbringing.

Fill in the blank: The Islamic marriage contract is commonly called _____.

2.3.2 Offer and acceptance

A marriage contract requires a clear expression of offer and acceptance, commonly described by the Arabic terms *ijāb* and *qabūl*. The offer identifies the marriage being proposed, while acceptance confirms agreement to that proposal. The expressions must relate to the same marriage and be made in a manner recognised as forming the contract under the applicable school of Islamic jurisprudence.

The exact wording does not have to be identical in every setting, but the meaning must be sufficiently clear. The contracting parties or their authorised representatives must understand what is being accepted. This is why ambiguity about the persons, terms or subject of the marriage can create legal difficulty.

Fill in the blank: The two expressions used for offer and acceptance are *ijāb* and _____.



2.3.3 Mahr and Contractual Rights

Mahr, also called *ṣadāq*, is the financial entitlement given to the wife in connection with marriage. Qur'ān 4:4 instructs believers to give women their bridal gifts graciously. The *mahr* belongs to the wife, not to her guardian or family, and any voluntary relinquishment must genuinely be her choice. *Mahr* may be specified at the time of the contract or determined according to the rules applicable where it was not specified. Its form and amount can vary, subject to Islamic legal principles and the relevant school of law. The essential point is that *mahr* is a right attached to the wife and should never be treated as a payment for purchasing a person.

Fill in the blank: The financial entitlement given to the wife in connection with marriage is called **mahr**.

Pilot Questions 2.3

1. What is *nikāḥ*?
2. Why is marriage described as a solemn covenant in Qur'ān 4:21?
3. What do *ijāb* and *qabūl* mean?
4. Why must the offer and acceptance be sufficiently clear?
5. Who is entitled to the *mahr*?

2.4 Requirements and Effects of a Valid Marriage Contract

2.4.1 Essential Requirements and Witnesses

For a marriage contract to be valid, the parties must be legally capable of marrying each other and no recognised impediment may exist. There must also be a genuine agreement to the marriage and a legally recognised form of offer and acceptance. Classical Sunni jurists generally recognise witnesses as an important requirement, although the detailed rules differ among schools. Witnesses serve an important public function: marriage is not intended to be a secret arrangement that leaves the existence of the relationship uncertain.



Public recognition and proper documentation also help protect rights in contemporary settings.

Fill in the blank: The persons who formally observe the conclusion of the marriage contract are commonly called **witnesses**.

2.4.2 The Role of the Walī and Juristic Differences

A *walī* is a guardian with a legally recognised role in marriage. The detailed legal effect of the *walī*'s involvement is an area of classical juristic disagreement. Shāfi'ī, Mālikī, and Ḥanbalī jurists generally give the *walī* a central role in the validity of a woman's marriage, while the Ḥanafī school grants an adult, sane woman greater contractual capacity, subject to its own rules and conditions. It is therefore inaccurate to claim that there is one universally accepted Sunni rule on the *walī*. What is shared across the discussion is the importance of protecting the interests of the spouses, preventing coercion, and ensuring that the marriage satisfies the applicable legal requirements.

Fill in the blank: A *walī* is a legally recognised **guardian** who may have a role in the marriage contract.

2.4.3 Legal and Social Effects of the Contract

Once a valid marriage contract is concluded, the parties acquire the legal status of spouses. This status activates rights and obligations recognised by Islamic family law, including the wife's entitlement to *mahr*, the husband's maintenance obligation, mutual rights of lawful companionship, and responsibilities towards children. The contract also changes the legal relationship between the spouses and affects matters such as inheritance, lineage, and the legitimacy of marital relations, subject to the rules of Islamic law. Because family law can also be regulated by national legislation, anyone dealing with an actual dispute should distinguish between classical *fiqh* rules and the requirements of the law and judicial system in the relevant jurisdiction.

Fill in the blank: A valid *nikāḥ* changes the legal status of the parties from prospective spouses to **spouses**.



Pilot Questions 2.4

1. Mention two matters that must be considered when determining whether a marriage contract is valid.
2. What is one important function of witnesses in a marriage contract?
3. What is the meaning of *walī*?
4. Which Sunni school gives an adult, sane woman greater contractual capacity in marriage, subject to its rules?
5. Mention two legal effects that may arise after a valid marriage contract.



Series Summary

This Series examined the process that leads from the consideration of marriage to the conclusion of an Islamic marital contract. It began with courtship, focusing on its purpose and the boundaries that preserve modesty, chastity, and dignity before marriage. It then considered spouse selection, *khitbah* (engagement), and the central importance of consent.

Next, the Series explored *nikāḥ* as a serious legal and moral contract, including the principles of *ijāb* (offer) and *qabūl* (acceptance), as well as the wife's right to *mahr*. Finally, it examined the requirements of a valid marriage, the role of witnesses and the *walī*, and the major juristic differences that should be recognised when discussing Islamic family law.

By completing this Series, you should now be able to:

- Explain Islamic courtship and its boundaries (SLO 2.1)
- Analyse principles governing spouse selection, proposals, and consent (SLO 2.2)
- Explain the components of the marital contract (SLO 2.3)
- Evaluate validity requirements and legal effects while recognising juristic differences (SLO 2.4)

Glossary of Terms

- **Ijāb:** The offer or proposal that forms one side of the expression used to conclude a marriage contract.
- **Khitbah:** A marriage proposal or engagement indicating an intention to marry; it does not itself create the status of husband and wife.
- **Mahr:** The financial entitlement due to the wife in connection with the marriage contract.
- **Nikāḥ:** The Islamic marriage contract through which a man and woman become husband and wife under Islamic law.



- **Qabūl:** The acceptance corresponding to the offer in the conclusion of a marriage contract.
- **Walī:** A legally recognised guardian who may have a role in arranging or concluding a marriage, depending on the applicable school of Islamic jurisprudence.



Concept Check Questions 2

Objective Questions

1. What is the Islamic term commonly used for a marriage proposal? (Linked to SLO 2.1)
2. Which Qur'ānic principle supports the idea of giving women their bridal gifts? (Linked to SLO 2.3)
3. What are the two expressions commonly used for offer and acceptance in a marriage contract? (Linked to SLO 2.3)
4. Which concept refers to the guardian who may have a legal role in marriage? (Linked to SLO 2.4)
5. Which stage creates the legal status of husband and wife: khitbah or nikāḥ? (Linked to SLO 2.2)

Short-Answer Questions

6. Explain why Islamic courtship is different from unrestricted romantic dating. (Linked to SLO 2.1)
7. Explain why consent is important in the formation of a marriage. (Linked to SLO 2.2)
8. Describe the relationship between khitbah and nikāḥ. (Linked to SLO 2.2)
9. Explain the purpose of mahr and identify who owns it. (Linked to SLO 2.3)

Long-Answer Questions

10. Analyse the major requirements of an Islamic marriage contract and explain why each requirement matters. (Linked to SLO 2.4)



11. Evaluate the importance of recognising juristic differences concerning the walī when teaching or applying Islamic family law. (Linked to SLO 2.4)

Answers to Concept Check Questions 2

Objective Questions

1. Khitbah.
2. Qur'ān 4:4, which directs that women be given their bridal gifts graciously.
3. Ijāb and qabūl.
4. Walī.
5. Nikāḥ.

Short-Answer Questions

6. Courtship is directed towards a lawful decision about marriage and remains subject to Islamic rules of modesty and chastity. It does not create the rights of spouses before nikāḥ.
7. Consent protects personal autonomy and prevents marriage from being treated as an arrangement imposed through coercion. Prophetic reports explicitly emphasise seeking the woman's permission.
8. Khitbah is a proposal or engagement, whereas nikāḥ is the marriage contract. Khitbah does not make the parties husband and wife.
9. Mahr is a financial entitlement connected with marriage and belongs to the wife. Qur'ān 4:4 directs that it be given to women graciously.

Long-Answer Questions



10. Basic response: A valid marriage requires legally eligible parties, absence of a recognised impediment, genuine agreement, a legally recognised offer and acceptance, and compliance with the applicable rules on witnesses and guardianship. Value-added response: These requirements protect clarity, consent, public recognition and the rights created by marriage. The precise conditions differ among schools, so an examiner should distinguish common principles from school-specific rules.

11. Basic response: Juristic differences concerning the walī should be recognised because classical Sunni schools do not formulate the guardian's role identically. Value-added response: Recognising these differences prevents students from treating one school as the only Islamic position and helps them distinguish fiqh doctrine from the law applied by a particular jurisdiction. In practical disputes, the applicable school, legislation and competent authority should be identified.

Answers to Pilot Questions 2

Part 2.1

1. The process of considering a prospective marriage before the nikāḥ is concluded.
2. Khitbah, a marriage proposal or engagement.
3. Because the prospective spouses remain non-maḥram until a valid marriage contract is concluded.
4. Examples include religious commitment, character, health, education, financial expectations and future plans.
5. A person should not propose over another person's existing proposal in the circumstances covered by the Prophetic prohibition.

Part 2.2



1. Religious commitment, character, maturity, compatibility and capacity for marital responsibilities.
2. A marriage proposal or engagement.
3. No. Khitbah does not itself create the status or rights of husband and wife.
4. The woman's permission should be sought, with the Prophetic reports distinguishing the previously married woman and the virgin.
5. Guardianship is a legal role, not ownership of the person being married.

Part 2.3

1. The Islamic marriage contract.
2. It emphasises the serious and binding character of marriage.
3. Ijāb is the offer and qabūl is the corresponding acceptance.
4. Clarity ensures that the parties understand what marriage is being concluded and reduce ambiguity in the contract.
5. The wife.

Part 2.4

1. Legal capacity of the parties, absence of impediments, genuine agreement and compliance with the applicable rules on offer, acceptance, witnesses and guardianship.
2. They provide formal witnessing and support the public recognition of the marriage.
3. A legally recognised guardian with a role in marriage under Islamic jurisprudence.
4. The Ḥanafī school, subject to its own conditions and rules.



5. Rights to mahr and maintenance, lawful spousal status and obligations concerning family life and children.



References and Attributions 2

Here's your **Primary and Secondary Sources, Illustrations, and Attribution** section polished into professional academic style:

Primary Sources

- **Qur'ān:** 4:4, 4:19, 4:21, 4:22–24; 24:30–33
- **Ṣaḥīḥ Muslim:** Book of Marriage, Hadith 1412a–b, 1419a, 1421b–c
- **Ṣaḥīḥ al-Bukhārī:** Book of Marriage, Hadith 5151

Secondary Sources

- Al-Zuhaylī, W. (2008). *Al-Fiqh al-Islāmī wa Adillatuhu*. Dār al-Fikr.
- Kamali, M. H. (2008). *Shari'ah Law: An Introduction*. Oneworld Publications.
- Esposito, J. L. (2002). *What Everyone Needs to Know About Islam*. Oxford University Press.

Illustrations

- **Figure 2.1: Responsible Courtship Pathway in Islam** Suggested diagram: A clean educational flow chart showing four stages of responsible Islamic courtship — sincere intention and inquiry, appropriate communication and family involvement, marriage proposal and consent, and finally *nikāḥ*. Use simple academic icons and avoid depictions of intimate contact. Attribution: Prompt designed for AI illustration tools. Suggested OER search string: *Islamic marriage courtship proposal consent nikah educational diagram OER*.
- **Figure 2.2: From Proposal to Marital Contract** Suggested diagram: A simple academic comparison chart showing *khitbah* (marriage proposal/engagement) on the left and *nikāḥ* (marital contract) on the right, with a clear boundary between them and consent leading into the contract. Use neutral Islamic educational symbolism without human intimacy. Attribution: Prompt designed for AI



illustration tools. Suggested OER search string: *khitbah nikah marriage proposal contract Islamic family law diagram OER*.

General Attribution

The Islamic legal discussion in this Series is based on Qur'ānic passages, Prophetic reports, and classical Islamic jurisprudence. Where jurists differ, the material identifies the differences rather than presenting one school-specific position as universally binding. Contemporary legal disputes should be considered with reference to the applicable national law and competent authority.



Parts and Sub-Parts

3.1 Impediments to Marriage

- 3.1.1 Permanent Impediments
- 3.1.2 Temporary Impediments
- 3.1.3 Purpose of Restrictions on Marriage

3.2 Divorce in Islamic Family Law

- 3.2.1 Meaning and Place of *Talāq*
- 3.2.2 Qur'ānic Procedure and Ethical Limits
- 3.2.3 Revocable and Irrevocable Divorce

3.3 Forms of Marital Separation

- 3.3.1 Khul'
- 3.3.2 Faskh and Judicial Separation
- 3.3.3 The Role of Reconciliation and Arbitration

3.4 'Iddah and the Consequences of Divorce

- 3.4.1 Meaning and Purposes of 'Iddah
- 3.4.2 Broad Categories of Waiting Periods
- 3.4.3 Rights and Responsibilities during 'Iddah

Introduction

Islamic family law regulates not only the formation of marriage but also the circumstances in which a marriage cannot lawfully be contracted and the procedures through which an existing marriage may end. The rules on impediments protect the sanctity of marriage and prevent



relationships that Islamic law does not permit. The rules on divorce seek to prevent arbitrary harm while providing a lawful means of separation when a marriage can no longer continue.

The aim of this Series is to help you identify major impediments to marriage and explain the principal Islamic rules governing marital separation. You will also examine 'iddah, reconciliation, and the rights and responsibilities that continue during the waiting period.

We shall begin by distinguishing permanent and temporary impediments to marriage. We will then examine ṭalāq, its Qur'ānic procedure and its classifications. Next, we will study khul', faskh and reconciliation as other routes through which a marital relationship may end or be reviewed. Finally, we will consider 'iddah and the consequences of divorce.

Series Learning Outcomes

Upon completing this Series, you should be able to:

SLO 3.1 identify major permanent and temporary impediments to marriage in Islamic family law,

SLO 3.2 explain the Islamic principles and procedures governing ṭalāq,

SLO 3.3 compare khul', faskh and other forms of marital separation,

SLO 3.4 analyse the purpose and broad rules of 'iddah and the consequences of divorce.

3.1 Impediments to Marriage

3.1.1 Permanent impediments

Islamic law recognises relationships in which marriage is permanently prohibited. Qur'ān 4:23 lists important examples, including certain close blood relatives, foster relationships and specified relationships created through marriage. These restrictions are intended to protect family boundaries and the proper ordering of kinship relationships.

For example, a man may not marry his mother, daughter, sister, paternal aunt, maternal aunt, brother's daughter or sister's daughter. The verse also identifies certain foster relationships and



certain relatives by marriage. The precise application of each category depends on the conditions established by Islamic jurisprudence.

Fill in the blank: A marriage prohibition that remains in force permanently is called a _____ impediment.

3.1.2 Temporary impediments

Other impediments are temporary. They prevent marriage while a particular condition exists but do not necessarily create a permanent prohibition. Examples discussed in Islamic jurisprudence include combining certain women who may not simultaneously be married to the same man, marrying a woman who is already married, and marrying a woman during her 'iddah. Qur'ān 4:24 also establishes that married women are prohibited to others while their existing marriage continues.

A temporary impediment must be distinguished from a permanent one. The legal consequence therefore depends on the precise circumstance and the applicable school of jurisprudence.

Fill in the blank: A temporary impediment prevents marriage while a particular _____ exists.

3.1.3 Purpose of restrictions on marriage

Marriage impediments serve legal, ethical and social purposes. They protect clear family relationships, prevent prohibited forms of kinship, preserve the rights created by an existing marriage and reduce uncertainty about lineage and family responsibilities. They also show that freedom to marry in Islam operates within defined legal and moral boundaries.

Fill in the blank: Marriage restrictions help protect family relationships and reduce uncertainty about _____.

Pilot questions 3.1

1. What is a permanent impediment to marriage?
2. Give two examples of permanently prohibited relatives.
3. What is a temporary impediment?
4. Why is an existing marriage an impediment to another marriage involving the same woman?



5. Mention one purpose served by marriage impediments.

3.2 Divorce in Islamic Family Law

3.2.1 Meaning and place of ṭalāq

Ṭalāq refers to divorce or repudiation of the marriage by the husband through a legally recognised form of pronouncement. It is not intended to be used as a casual threat or weapon. Qur'ān 2:229-230 places limits around repeated divorce and directs that a wife be retained honourably or released with kindness. The Qur'ān therefore combines the availability of separation with ethical restraints.

Divorce should be considered only after serious efforts to address marital difficulty have failed. Islamic family law also recognises other forms of separation, so ṭalāq should not be treated as the only route by which a marriage may end.

Fill in the blank: The Arabic term commonly used for divorce or repudiation is _____.

3.2.2 Qur'ānic Procedure and Ethical Limits

The Qur'ān provides clear procedural guidance for divorce. Qur'ān 65:1 instructs believers to observe the waiting period (*'iddah*) and not to expel divorced women from their homes. This verse demonstrates that divorce has consequences that continue after the pronouncement and that the process must be approached with consciousness of Allah and respect for the limits of Islamic law. Qur'ān 2:229 describes two opportunities for divorce, followed by either retaining the wife honourably or releasing her with kindness, while Qur'ān 2:230 addresses the consequence after a third divorce.

These passages highlight that divorce is not a casual act but a regulated process with ethical boundaries. The detailed legal classification of individual pronouncements can involve differences among jurists, so a teaching text should avoid reducing every case to a single formula without identifying the relevant circumstances.



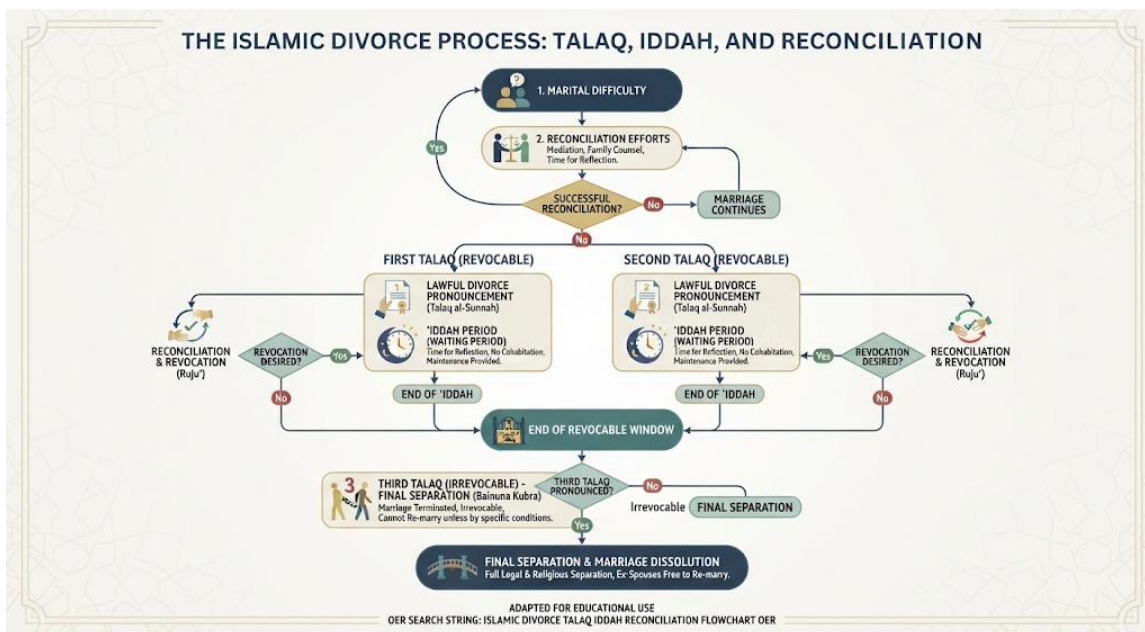


Figure 3.1: Broad Qur'ānic Framework for Marital Separation

Fill in the blank: Qur'ān 65:1 requires the waiting period to be carefully **observed**.

3.2.3 Revocable and irrevocable divorce

In classical Islamic jurisprudence, divorce may be classified according to whether the husband has a right to revoke it during the 'iddah. A revocable divorce permits return to the marriage during the relevant waiting period under its legal conditions. An irrevocable divorce does not permit that form of unilateral revocation, although the legal consequences differ according to the degree and form of separation.

Qur'ān 2:229-230 is central to the discussion. The first two divorces are associated with the possibility of retaining the wife honourably or allowing separation, while the third divorce has a different legal consequence. The details of classifications, including minor and major irrevocability, should be taught with reference to the relevant school of law.

Fill in the blank: A divorce that permits revocation during the applicable 'iddah is generally described as _____.

Pilot questions 3.2

1. Define ṭalāq.



2. What ethical principle accompanies divorce in Qur'ān 2:229?
3. What does Qur'ān 65:1 require divorced spouses to observe?
4. What is a revocable divorce?
5. Which Qur'ānic passages are central to the rules on repeated divorce?

3.3 Forms of Marital Separation

3.3.1 Khul'

Khul' is a form of marital separation associated with compensation by the wife and is grounded in Qur'ān 2:229. The verse permits a separation where the spouses fear that they cannot maintain the limits set by Allah and refers to the wife giving back something in connection with the separation.

citeturn0search0

Jurists differ on the legal character of khul', including whether it is classified as a form of ṭalāq or as a form of annulment or dissolution. Because of this disagreement, it is safer to explain the agreed principle of its legitimacy and then identify the juristic difference rather than presenting one classification as universally accepted. citeturn0search1turn0search8

Fill in the blank: A form of marital separation involving compensation by the wife is known as _____.

3.3.2 Faskh and judicial separation

Faskh refers broadly to the dissolution or annulment of a marriage by recognised legal authority on an established ground. Classical jurists discuss circumstances in which a judge may dissolve a marriage, including certain forms of harm, failure of legally required obligations or other recognised grounds. The exact grounds and procedures vary among schools and legal systems.

This distinction matters in practice. A student should not automatically label every court-ordered dissolution as ṭalāq. The legal basis, authority, procedure and consequences must be identified.

Fill in the blank: The dissolution or annulment of a marriage by recognised legal authority is commonly called _____.



3.3.3 The role of reconciliation and arbitration

Islam encourages attempts to resolve serious marital conflict before separation where reconciliation remains reasonably possible. Qur'ān 4:35 directs that when serious discord is feared, an arbiter from the husband's family and an arbiter from the wife's family may be appointed, with the aim of reconciliation where it is desired.

Reconciliation does not mean forcing a person to remain in a harmful marriage. It means giving a structured opportunity to address conflict while respecting the limits of justice and the rights of both spouses.

Fill in the blank: Qur'ān 4:35 mentions an arbiter from each spouse's _____ when serious discord is feared.

Pilot questions 3.3

1. What is khul'?
2. What Qur'ānic verse provides the principal basis for khul'?
3. Why should the classification of khul' be presented carefully?
4. What is faskh?
5. What does Qur'ān 4:35 provide for when serious marital discord is feared?

3.4 'Iddah and the Consequences of Divorce

3.4.1 Meaning and purposes of 'iddah

'Iddah is the prescribed waiting period that a woman observes after divorce or the death of her husband before entering another marriage, subject to the applicable rules. Among its recognised purposes are determining whether pregnancy exists, preserving clarity of lineage and allowing a period in which reconciliation may occur in cases where revocation is legally possible.

The Qur'ān sets out several rules concerning 'iddah. Qur'ān 2:228 refers to divorced women waiting for three qurū', while Qur'ān 65:4 provides rules for women who do not menstruate and for pregnant women. Jurists differ over some details, including the meaning of qurū', so students should recognise that the precise calculation can vary by school.



Fill in the blank: The prescribed waiting period after divorce or death of a husband is called _____.

3.4.2 Broad categories of waiting periods

The length of 'iddah depends on the circumstances. For a menstruating divorced woman, Qur'ān 2:228 gives the rule of three qurū', with juristic disagreement over the precise meaning of the term. Qur'ān 65:4 provides a three-month rule for women who no longer menstruate and for those who do not menstruate, while the waiting period of a pregnant woman continues until delivery.

A woman divorced before the marriage has been consummated does not observe a divorce waiting period under Qur'ān 33:49. These distinctions show why an examiner should not give one universal numerical answer without first identifying the circumstances of the divorce.

Fill in the blank: For a pregnant divorced woman, the Qur'ānic waiting period continues until _____.

3.4.3 Rights and responsibilities during 'iddah

The waiting period is not simply a time of inactivity. It carries legal consequences. In a revocable divorce, the marital relationship retains certain legal effects during 'iddah, including the possibility of revocation under the applicable rules. Qur'ān 65:1 also instructs that divorced women should not simply be expelled from their homes during the relevant period.

Financial and residential rules can differ according to the type of separation and whether the woman is pregnant. Qur'ān 65:6 addresses accommodation and maintenance in relation to divorced women and pregnancy. Because detailed maintenance rules vary by circumstance and juristic school, practical disputes should be assessed using the applicable Islamic jurisprudence and national law.

Fill in the blank: During a revocable divorce, the husband may have a right of _____ during the applicable 'iddah.

Pilot questions 3.4

1. Define 'iddah.
2. Mention two purposes associated with 'iddah.
3. What is the broad waiting-period rule for a pregnant divorced woman?



4. Does a woman divorced before consummation observe the ordinary divorce 'iddah?
5. Mention one legal effect that may continue during the 'iddah of a revocable divorce.



Series Summary

This Series has examined two connected areas of Islamic family law. We first studied impediments to marriage, distinguishing permanent prohibitions from temporary restrictions and considering why Islamic law protects kinship, existing marriages and clarity of family relationships.

We then examined ṭalāq, the Qur'ānic approach to divorce and the distinction between revocable and irrevocable divorce. After that, we considered khul', faskh and reconciliation or arbitration, paying attention to the juristic differences that affect their classification and application. Finally, we studied 'iddah, its purposes, broad categories and the rights and responsibilities that may continue during the waiting period.

By completing this Series, you should now be able to identify major impediments to marriage (SLO 3.1), explain the principles and procedures governing ṭalāq (SLO 3.2), compare major forms of marital separation (SLO 3.3), and analyse the purpose and broad rules of 'iddah and the consequences of divorce (SLO 3.4).

Glossary of Terms

- 'Iddah: The prescribed waiting period observed after divorce or the death of a husband before another marriage, subject to applicable rules.
- Faskh: Dissolution or annulment of a marriage by recognised legal authority on an established ground.
- Khul': A form of marital separation associated with compensation by the wife and grounded in Qur'ān 2:229.
- Qurū': A Qur'ānic term used in the waiting-period rule for menstruating divorced women, whose precise legal meaning is disputed among jurists.
- Ṭalāq: Divorce or repudiation of a marriage by the husband through a legally recognised form.
- Walī: A guardian with a legally recognised role in marriage; the precise role is treated differently by the schools of Islamic jurisprudence.



Concept Check Questions 3

Objective Questions

1. Which Qur'ānic verse lists major permanent marriage impediments? (Linked to SLO 3.1)
2. What term refers to divorce or repudiation by the husband? (Linked to SLO 3.2)
3. Which form of separation is associated with compensation by the wife? (Linked to SLO 3.3)
4. What is the prescribed waiting period called? (Linked to SLO 3.4)
5. Which Qur'ānic passage addresses arbitration when serious marital discord is feared? (Linked to SLO 3.3)

Short-Answer Questions

6. Distinguish between permanent and temporary impediments to marriage. (Linked to SLO 3.1)
7. Explain why divorce in Islam is subject to procedural and ethical limits. (Linked to SLO 3.2)
8. Distinguish khul' from faskh. (Linked to SLO 3.3)
9. Explain two purposes of 'iddah. (Linked to SLO 3.4)

Long-Answer Questions

10. Analyse the Qur'ānic approach to divorce, showing how the rules balance the possibility of separation with protection against unjust treatment. (Linked to SLO 3.2)
11. Evaluate why an examiner should recognise juristic differences when explaining khul', faskh and 'iddah. (Linked to SLO 3.3 and SLO 3.4)

Answers to Concept Check Questions 3

Objective Questions

1. Qur'ān 4:23.
2. Ṭalāq.
3. Khul'.



4. 'Iddah.

5. Qur'ān 4:35.

Short-Answer Questions

6. Permanent impediments create a lasting prohibition, while temporary impediments apply only while the relevant condition exists.

7. The Qur'ānic rules seek to prevent arbitrary harm, preserve dignity and rights, provide time for reflection and reconciliation where possible, and regulate the consequences of separation.

8. Khul' is a separation associated with compensation by the wife, while faskh refers to dissolution or annulment by recognised legal authority on an established ground. Their detailed classifications and procedures vary among jurists.

9. 'Iddah helps preserve clarity of lineage and, in relevant cases, provides a period in which reconciliation may occur. It also regulates when a woman may enter another marriage.

Long-Answer Questions

10. Basic response: The Qur'ān regulates divorce through limits on repeated divorce, honourable retention or release, waiting-period rules and restrictions on harmful treatment. Value-added response: Qur'ān 2:229-230 and 65:1 show that divorce is a lawful exit from marriage but not an unrestricted act. The rules create opportunities for reconciliation while protecting the dignity and legal interests of the spouses.

11. Basic response: Juristic differences matter because scholars do not always classify or regulate khul', faskh and particular 'iddah issues identically. Value-added response: Recognising these differences prevents oversimplification, helps students distinguish a school-specific position from a broader Islamic principle, and makes the material safer for practical application.



Answers to Pilot Questions 3

Part 3.1

1. A lasting legal prohibition against marriage to a particular person or category.
2. Examples include mother, daughter, sister, paternal aunt, maternal aunt, brother's daughter or sister's daughter.
3. A prohibition that applies while a particular legal condition exists.
4. Because the woman is already bound by an existing marriage.
5. They protect kinship boundaries, existing marital rights and clarity of lineage.

Part 3.2

1. Divorce or repudiation of marriage by the husband through a legally recognised form.
2. Either retain the wife honourably or release her with kindness.
3. The waiting period must be observed and counted accurately.
4. A divorce in which revocation is permitted during the applicable 'iddah under its legal conditions.
5. Qur'ān 2:229-230.

Part 3.3

1. A form of marital separation associated with compensation by the wife.
2. Qur'ān 2:229.
3. Jurists differ on whether it is classified as ṭalāq or dissolution/annulment.
4. Dissolution or annulment by recognised legal authority on an established ground.
5. Appointment of an arbiter from each spouse's family, with reconciliation as the objective where desired.

Part 3.4



1. The prescribed waiting period after divorce or the death of a husband.
2. Preserving clarity of lineage and allowing reconciliation where legally possible.
3. Until delivery.
4. No ordinary divorce 'iddah is required where the marriage has not been consummated, under Qur'ān 33:49.
5. The possibility of revocation under the applicable rules.



References and Attributions 3

Primary Sources:

- The Qur'ān, 2:228-230; 4:23-24; 4:35; 33:49; 65:1-7.
- Ṣaḥīḥ al-Bukhārī, Book of Divorce.
- Ṣaḥīḥ Muslim, Book of Divorce.

Secondary Sources:

- Al-Zuhaylī, W. (2008). **Al-Fiqh al-Islāmī wa Adillatuhu**. Dār al-Fikr.
- Kamali, M. H. (2008). **Shari'ah Law: An Introduction**. Oneworld Publications.
- Sonneveld, N., & Stiles, E. (2019). **Khul': Local Contours of a Global Phenomenon**. *Islamic Law and Society*, 26(1-2), 1-11.

Illustrations:

- Figure 3.1: Broad Qur'ānic Framework for Marital Separation
 - AI-generated suggestion: “Create a clean educational flowchart for Islamic family law showing marital difficulty, reconciliation efforts, a lawful divorce pronouncement, ‘iddah, possible revocation where applicable, and final separation. Use neutral academic symbols and avoid depicting people in intimate situations.”
 - Attribution: Prompt designed specifically for AI illustration tools.
 - Suggested OER search string: “Islamic divorce talaq iddah reconciliation flowchart OER”.

General Attribution:

This Series is based on Qur'ānic provisions, Prophetic tradition and Islamic jurisprudence. Where the jurists differ, the difference is identified rather than presented as a single universally binding rule. Practical disputes should be considered under the applicable school of jurisprudence and national law.



Parts and Sub-Parts

- **4.1 Polygamy in Islamic Family Law**
 - 4.1.1 Meaning and scope of polygamy
 - 4.1.2 Qur'ānic regulation and the condition of justice
 - 4.1.3 Rights and responsibilities in a polygynous marriage
- **4.2 Guardianship in Islamic Family Law**
 - 4.2.1 Meaning and types of guardianship
 - 4.2.2 Guardianship of minors and property
 - 4.2.3 Marriage guardianship and juristic differences
- **4.3 Paternity and Lineage**
 - 4.3.1 Meaning and importance of *nasab*
 - 4.3.2 Establishing and protecting lineage
 - 4.3.3 Adoption, naming, and legal identity
- **4.4 Family Rights and Responsibilities**
 - 4.4.1 Maintenance and fair treatment
 - 4.4.2 Children's rights and family care
 - 4.4.3 Applying Islamic principles responsibly

Introduction

Islamic family law addresses the structure and responsibilities of the family beyond the conclusion of the marriage contract. This Series examines three closely connected subjects identified in the course outline: polygamy, guardianship and paternity. Each subject concerns the protection of rights, responsibilities and family relationships.

The aim of this Series is to help you understand the legal framework surrounding plural marriage, guardianship and lineage. You will examine the Qur'ānic condition of justice in polygynous marriage, the protective nature of guardianship, the importance of *nasab*, and the rules that protect a child's identity and family rights.



We shall begin with polygamy, distinguishing what Islamic law permits from what it requires and examining the condition of equitable treatment. We will then study guardianship, including responsibility for minors and property and the juristic differences concerning marriage guardianship. Next, we will examine paternity and lineage, including the distinction between adoption and established biological lineage. Finally, we will consider the broader rights and responsibilities that follow from these rules.

Series Learning Outcomes

Upon completing this Series, you should be able to:

- SLO 4.1 explain the Islamic legal framework governing polygamy and the condition of justice,
- SLO 4.2 distinguish major forms of guardianship and evaluate their protective purposes,
- SLO 4.3 analyse the importance of paternity and lineage in Islamic family law,
- SLO 4.4 apply Islamic family-law principles to issues involving spouses, guardians and children's rights while recognising relevant juristic differences.



4.1 Polygamy in Islamic Family Law

4.1.1 Meaning and scope of polygamy

Polygamy is a general term for a marriage system in which a person has more than one spouse. In Islamic family-law discussions, the relevant form is polygyny, where a man is married to more than one woman at the same time. Islamic law did not make multiple marriage an unlimited practice. Qur'ān 4:3 permits a man to marry two, three or four women, but immediately attaches the permission to the condition of justice and directs monogamy where justice cannot be maintained. [cite]turn0search0[turn0search9[

It is therefore inaccurate to teach that Islam commands every Muslim man to marry more than one wife. The permission is conditional, and a Muslim may remain in a monogamous marriage. The legal discussion must also be separated from cultural practices that may occur in particular societies.

Fill in the blank: In Islamic family law, the form of plural marriage discussed in Qur'ān 4:3 is called _____.

4.1.2 Qur'ānic regulation and the condition of justice

Qur'ān 4:3 places justice at the centre of the permission to marry more than one wife. If a man fears that he cannot deal justly, the verse directs him to marry only one. The requirement is therefore not an optional moral decoration but a condition explicitly attached to the permission. [cite]turn0search0[

The Qur'ān also acknowledges a limitation concerning complete equality of feeling. Qur'ān 4:129 states that people will not be able to achieve absolute equality between wives even if they strive for it, and warns against inclining completely towards one wife while leaving another suspended. This distinction means that the juristic discussion focuses on enforceable forms of fairness, such as equitable treatment in matters within a husband's control, rather than claiming that human emotions can be made identical.

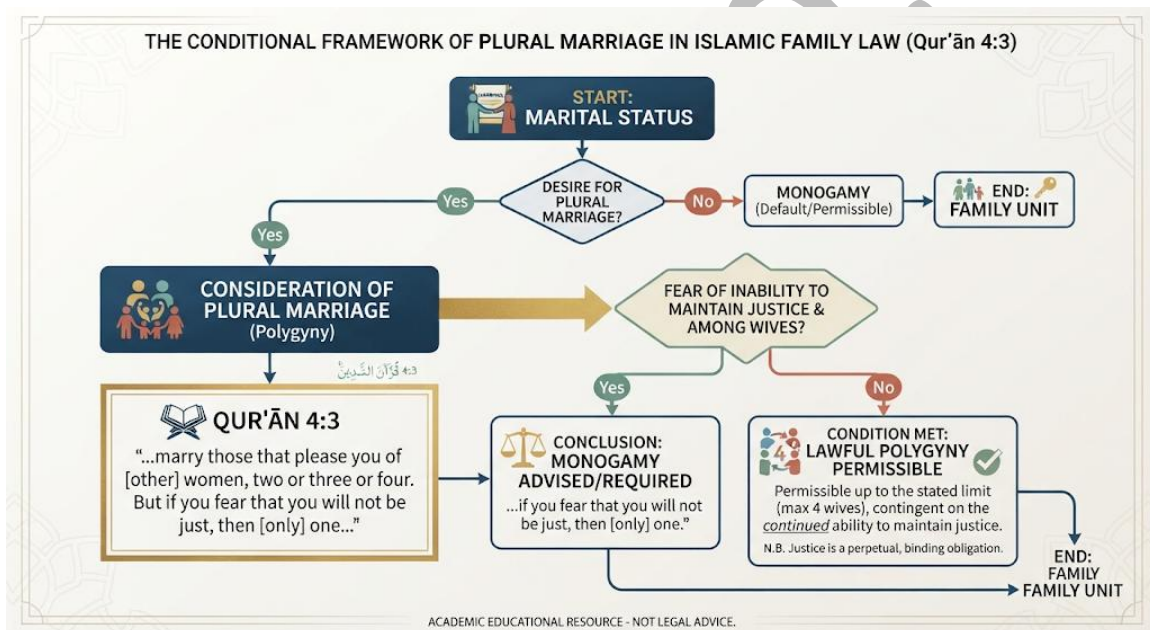
Fill in the blank: Where a man fears that he cannot maintain justice, Qur'ān 4:3 directs him to marry only _____.



4.1.3 Rights and responsibilities in a polygynous marriage

A polygynous marriage does not remove the rights of any wife. The husband remains responsible for the duties recognised by Islamic family law, including maintenance and fair treatment according to the applicable rules. Qur'ān 4:129 warns against allowing preference for one wife to result in neglect of another. [cite]turn0search9[

The practical meaning of fairness should not be reduced to an abstract statement. It involves matters that can reasonably be controlled and regulated, while emotional attachment itself cannot simply be commanded to become equal. Because detailed rules may differ among jurists, students should avoid presenting one disputed practical rule as an uncontested universal rule.



A comparative educational diagram showing the conditional structure of polygyny under Qur'ān 4:3: permission, justice, ability to fulfil rights, and monogamy where justice is feared to be impossible.

Figure 4.1: The Conditional Framework of Polygyny

Search string: "Quran 4:3 polygyny justice Islamic family law educational diagram OER"

Fill in the blank: In a polygynous marriage, justice does not remove the individual _____ of each wife.



Pilot questions 4.1

1. What form of plural marriage is discussed in Qur'ān 4:3?
2. What is the maximum number of wives stated in Qur'ān 4:3?
3. What condition does Qur'ān 4:3 attach to plural marriage?
4. What does the verse direct if a man fears he cannot be just?
5. Why should emotional equality not be confused with equitable treatment?

4.2 Guardianship in Islamic Family Law

4.2.1 Meaning and types of guardianship

Guardianship, commonly expressed by the Arabic terms wilāyah or walāyah in different contexts, refers to a legally recognised authority or responsibility exercised for the protection or management of another person's interests. The exact meaning depends on the subject. Guardianship over a person's affairs is not identical to guardianship over property, and marriage guardianship is a distinct juristic topic.

The central idea is responsibility rather than ownership. A guardian is expected to act within the limits of the authority recognised by Islamic law and to protect the interests of the person under guardianship.

Fill in the blank: Guardianship is a legal authority exercised for the protection or management of another person's _____.

4.2.2 Guardianship of minors and property

The Qur'ān gives detailed guidance on the management of orphans' property. Qur'ān 4:6 instructs guardians to test orphans until they reach marriageable age and, where sound judgement is found, to hand their property over to them. It also regulates the guardian's access to the property, distinguishing between a guardian who is financially self-sufficient and one who is poor. [cite?turn0search0]



This guidance illustrates an important principle: guardianship exists to protect an interest that belongs to another person. It is therefore not a licence to consume, waste or permanently control the property of a child. The guardian's authority ends or changes when the legal conditions for independent management are fulfilled.

Fill in the blank: Qur'ān 4:6 links the release of an orphan's property to maturity and sound _____.

4.2.3 Marriage guardianship and juristic differences

Marriage guardianship concerns the role of a walī in the conclusion of marriage. Classical schools differ on the legal effect of the walī's role. The Shāfi'ī, Mālikī and Ḥanbalī traditions generally give the walī a central role in the validity of marriage, while the Ḥanafī school gives a competent adult woman greater contractual capacity subject to its own rules and conditions. This difference is a recognised area of Islamic jurisprudence, not a reason to declare one school's position the only Islamic position. ²[cite](#)²[turn0search4](#)²

Whatever juristic position is applied, guardianship should not be confused with ownership or a licence to force a person into marriage. Questions of consent, competence, protection from harm and the applicable legal system remain important.

Fill in the blank: The guardian involved in the classical discussion of marriage is commonly called the _____.

Pilot questions 4.2

1. What is meant by guardianship?
2. Why is guardianship not equivalent to ownership?
3. What does Qur'ān 4:6 say about the management of orphans' property?
4. Which three Sunni schools generally give the walī a central role in marriage validity?
5. Which Sunni school gives a competent adult woman greater contractual capacity, subject to its rules?



4.3 Paternity and Lineage

4.3.1 Meaning and importance of nasab

Nasab refers to lineage, ancestry or recognised family descent. In Islamic family law, lineage is important because family relationships can carry legal consequences, including rights and responsibilities connected with inheritance, maintenance, marriage restrictions and identity.

Protecting lineage therefore involves more than identifying a family name. It protects the legal structure through which children are connected to their parents and wider kinship. The Qur'ān instructs believers to call adopted children by the names of their fathers where the fathers are known. [cite]turn0search1[

Fill in the blank: The Arabic term commonly used for lineage or recognised descent is _____.

4.3.2 Establishing and protecting lineage

Islamic law recognises several evidentiary and legal mechanisms concerning lineage, and the detailed rules are developed extensively in fiqh. A foundational principle is that lineage should not be falsely attributed. Qur'ān 33:5 directs that adopted children be called by their fathers' names where their fathers are known. [cite]turn0search1[

The rule protects identity and prevents the deliberate replacement of established biological or legal lineage with a false attribution. At the same time, children without known fathers are not deprived of dignity or community. The same verse describes them as brothers in religion and persons entrusted to the community. [cite]turn0search1[

Fill in the blank: Qur'ān 33:5 emphasises that a known child should be attributed to the child's _____.

4.3.3 Adoption, naming and legal identity

Islam encourages care for children who need protection, but it distinguishes caring for a child from changing the child's established lineage. Qur'ān 33:4-5 rejects treating an adopted child as a biological child of the adoptive father merely through a verbal



declaration and directs believers to preserve known paternal identity.

☐cite☐turn0search1☐

This does not mean that an adopted or fostered child should be neglected. Care, protection, education, affection and financial support remain valuable acts of responsibility. The legal distinction concerns lineage and the rights that Islamic law attaches to biological kinship. Adoption practices and legal recognition can also be regulated by national law, so practical cases should be considered within the applicable legal framework.

Fill in the blank: Islamic law distinguishes caring for a child from falsely changing the child's established _____.

Pilot questions 4.3

1. What is nasab?
2. Mention two legal areas affected by lineage.
3. What does Qur'ān 33:5 say about known paternal identity?
4. Does preserving lineage mean that a child in need should be denied care?
5. Why is legal identity important in family law?

4.4 Family Rights and Responsibilities

4.4.1 Maintenance and fair treatment

Family relationships create responsibilities as well as rights. In marriage, maintenance and fair treatment are among the responsibilities discussed in Islamic family law. Qur'ān 4:34 places financial responsibility on men in the context of family maintenance, while Qur'ān 4:19 commands husbands to live with their wives in kindness. The application of maintenance rules involves detailed juristic discussion.

In a polygynous household, the existence of several wives does not cancel these obligations. A person who enters such a marriage must be able to fulfil the rights attached to each marriage under the applicable legal rules.



Fill in the blank: Islamic family law treats marital rights as accompanied by corresponding _____.

4.4.2 Children's rights and family care

Children have interests that family law seeks to protect, including care, maintenance, identity and proper upbringing. Qur'ān 4:6 illustrates the protective duty involved in managing an orphan's property, while Qur'ān 33:5 protects the child's known lineage. These provisions show that family law is concerned with the welfare and legal identity of children, not merely with the rights of adults.

Guardians and parents should therefore treat family authority as a trust. Decisions affecting children should be made with their welfare, lawful rights and future interests in view.

Fill in the blank: A guardian's authority over a child's interests should be exercised as a _____ rather than as ownership.

4.4.3 Applying Islamic principles responsibly

Islamic family-law principles should be applied carefully because real cases often involve more than one legal issue. A case may involve marriage, guardianship, paternity, maintenance and national legislation at the same time. The correct approach is to identify the relevant rule, determine the facts, recognise any juristic disagreement and then consider the law applicable in the jurisdiction.

As a student of Islamic family law, you should therefore avoid giving categorical advice where the facts are incomplete. In actual disputes, especially those involving children, marriage status, paternity or property, qualified scholars and competent legal or judicial authorities should be consulted.

Fill in the blank: Responsible application requires identifying the facts, the applicable rule, juristic differences and the relevant _____ law.

Pilot questions 4.4

1. Mention one responsibility associated with marriage.
2. Why do polygynous marriages not remove a wife's rights?



3. Mention two interests of children protected by Islamic family law.
4. How should guardians understand their authority over children?
5. Why should practical family-law disputes be considered alongside national law?



Series Summary

This Series examined polygamy, guardianship and paternity as interconnected areas of Islamic family law. We began with polygyny and showed that Qur'ān 4:3 permits up to four wives subject to justice, while directing monogamy where justice is feared to be impossible. We distinguished lawful permission from a command to marry more than one wife.

We then examined guardianship as a protective legal responsibility. Qur'ān 4:6 was used to illustrate the guardian's duty in relation to orphan property, while the role of the walī in marriage was presented with the recognised differences among Sunni schools. We next studied nasab and the protection of paternity and identity, including the Qur'ānic distinction between caring for a child and falsely replacing known lineage.

Finally, we considered the wider responsibilities of spouses, guardians and parents. By completing this Series, you should now be able to explain the framework governing polygamy (SLO 4.1), distinguish forms and purposes of guardianship (SLO 4.2), analyse paternity and lineage (SLO 4.3), and apply family-law principles responsibly while recognising juristic and legal differences (SLO 4.4).

Glossary of Terms

- **Nasab:** Lineage, ancestry, or recognised family descent.
- **Polygyny:** A marriage arrangement in which one man is married to more than one woman at the same time.
- **Paternity:** The legal or recognised relationship between a father and a child.
- **Walī:** A guardian with a legally recognised role, including in the classical discussion of marriage guardianship.
- **Wilāyah:** Guardianship or legally recognised protective authority, depending on the context.
- **Justice:** Fair and equitable treatment, particularly important in the Qur'ānic regulation of polygyny.



Concept Check Questions 4

Objective Questions

1. What is the maximum number of wives stated in Qur'ān 4:3? (Linked to SLO 4.1)
2. What condition is attached to the Qur'ānic permission for polygyny? (Linked to SLO 4.1)
3. What term refers to lineage? (Linked to SLO 4.3)
4. What is the Arabic term commonly used for a marriage guardian? (Linked to SLO 4.2)
5. Which Qur'ānic verse directs that known adopted children be called by their fathers' names? (Linked to SLO 4.3)

Short-Answer Questions

6. Explain why polygyny should be described as a conditional permission rather than a universal command. (Linked to SLO 4.1)
7. Explain the protective purpose of guardianship over an orphan's property. (Linked to SLO 4.2)
8. Explain why Islamic family law protects nasab. (Linked to SLO 4.3)
9. Distinguish caring for an adopted child from changing the child's established lineage. (Linked to SLO 4.3)

Long-Answer Questions

10. Evaluate the importance of justice in the Qur'ānic regulation of polygyny and explain why it should not be reduced to a numerical limit. (Linked to SLO 4.1)
11. Analyse why juristic differences concerning the walī and family guardianship should be identified when teaching or applying Islamic family law. (Linked to SLO 4.2 and SLO 4.4)

Answers to Concept Check Questions 4

Objective Questions

1. Four.



2. Justice; where justice is feared to be impossible, the verse directs monogamy.

3. Nasab.

4. Walī.

5. Qur'ān 33:5.

Short-Answer Questions

6. Qur'ān 4:3 permits marriage to two, three or four but expressly conditions the permission on justice and directs monogamy where justice is feared to be impossible. It therefore does not command every Muslim man to practise polygyny.

7. Guardianship over an orphan's property exists to protect the child's assets until the child reaches the relevant level of maturity and sound judgement. Qur'ān 4:6 restricts improper consumption of the property.

8. Nasab protects identity and the family relationships on which rights and responsibilities such as inheritance, maintenance and marriage restrictions may depend.

9. Caring for a child means providing protection, affection, education and support. Changing established lineage means falsely attributing the child to a different biological father, which Qur'ān 33:5 prohibits where the true father is known.

Long-Answer Questions

10. Basic response: Justice is the central condition attached to the permission for polygyny in Qur'ān 4:3. The verse permits up to four wives but directs monogamy where justice is feared to be impossible. Value-added response: Justice must be understood in relation to enforceable responsibilities and fair treatment, while Qur'ān 4:129 recognises that complete equality of emotion is not within human control. The rule is therefore a condition of responsible practice, not merely a numerical ceiling.

11. Basic response: Juristic differences concerning the walī matter because the Sunni schools do not assign exactly the same legal effect to the guardian's role. Value-added response: Identifying the differences prevents students from confusing one school-specific doctrine with a universally agreed rule and helps them distinguish classical fiqh from the law applied by a particular jurisdiction.



Answers to Pilot Questions 4

Part 4.1

1. Polygyny.
2. Four wives.
3. Justice.
4. Marry only one.
5. Emotional attachment cannot be made completely identical, whereas fair treatment in controllable matters can be regulated.

Part 4.2

1. Legally recognised authority or responsibility for protecting or managing another person's interests.
2. Because the authority exists to protect another person's interests and does not transfer ownership of the person or their property.
3. It requires responsible management and release of the property when the orphan reaches the relevant maturity and sound judgement.
4. Shāfi'ī, Mālikī and Ḥanbalī schools generally give the walī a central role.
5. The Ḥanafī school, subject to its own rules and conditions.

Part 4.3

1. Lineage or recognised family descent.
2. Inheritance, maintenance, marriage restrictions and identity.
3. A known child should be attributed to the child's father.
4. No. Care, protection and support remain important responsibilities.
5. It identifies the relationships from which family rights and obligations arise.



Part 4.4

1. Maintenance or fair treatment.
2. Each wife retains the rights attached to her marriage.
3. Care, maintenance, identity and proper upbringing.
4. As a trust and responsibility, not as ownership.
5. National legislation may regulate or modify the practical legal consequences of family matters.



References and Attributions (Section 4)

Primary Sources

- The Qur'ān: 4:3–6, 4:19, 4:34, 4:129; 33:4–6
- *Ṣaḥīḥ al-Bukhārī*: Relevant books on marriage and family relations
- *Ṣaḥīḥ Muslim*: Relevant books on marriage and family relations

Secondary Sources

- Baderin, M. A. (2021). *Islamic Law: A Very Short Introduction*. Oxford University Press
- Al-Zuḥaylī, W. (2008). *Al-Fiqh al-Islāmī wa Adillatuhu*. Dār al-Fikr
- Kamali, M. H. (2008). *Shari'ah Law: An Introduction*. Oneworld Publications

Illustrations

- *Figure 4.1: The Conditional Framework of Polygyny*
 - AI-generated suggestion: “Create a clean academic flow diagram for Islamic family law showing Qur'ān 4:3 as a conditional framework: consideration of plural marriage, ability to maintain justice and rights, then either lawful polygyny within the stated limit or monogamy when justice is feared to be impossible. Avoid stereotypes and avoid depicting intimate scenes.”
 - Attribution: Prompt designed specifically for AI illustration tools
 - Suggested OER search string: *Quran 4:3 polygyny justice Islamic family law educational diagram OER*

General Attribution This series draws on Qur'ānic provisions, Prophetic tradition, and classical Islamic jurisprudence. Where jurists differ, the difference is identified rather than presented as a single universally binding position. Practical disputes involving marriage, guardianship, paternity, or children should be considered under the applicable jurisprudence and national law.



Series 5: Family Planning and Birth Control

Parts and Sub-Parts

- **5.1 Family Planning in Islamic Perspective**
 - 5.1.1 Meaning and scope of family planning
 - 5.1.2 Procreation and family welfare in Islam
 - 5.1.3 Distinguishing family planning from permanent sterilisation
- **5.2 Contraception and Birth Spacing**
 - 5.2.1 The classical precedent of *'azl*
 - 5.2.2 Temporary contraception and mutual agreement
 - 5.2.3 Legitimate reasons for spacing pregnancies
- **5.3 Islamic Principles Governing Birth Control**
 - 5.3.1 Preservation of life, health, and progeny
 - 5.3.2 Harm, consent, and responsible decision-making
 - 5.3.3 Contemporary contraceptive methods and juristic considerations
- **5.4 Ethical and Practical Issues**
 - 5.4.1 Permanent methods and sterilisation
 - 5.4.2 Pregnancy, abortion, and the distinction between prevention and termination
 - 5.4.3 Applying Islamic family-law principles to practical cases

Introduction

Family planning is concerned with decisions about the timing and spacing of pregnancies and the responsibilities associated with raising children. Islamic family law approaches these questions through the Qur'ān, Sunnah and principles developed by Muslim jurists.

The subject therefore requires careful distinction between temporary prevention of conception, permanent interruption of reproductive capacity and termination of an established pregnancy.

The course content for this Series is deliberately treated as a question of Islamic family law rather than as a general health-science discussion. The emphasis is on the legal and



ethical principles that guide family planning, the precedent of 'azl, the interests of spouses and children, and the areas in which jurists may differ.

A key point is that the terms family planning, birth spacing and permanent birth control should not automatically be treated as synonyms. Contemporary Islamic legal authorities commonly distinguish temporary spacing for a legitimate reason from permanent cessation of fertility without a valid reason. At the same time, juristic positions and the conditions attached to particular methods can differ. □cite□turn0search0□turn0search2□

Series Learning Outcomes

Upon completing this Series, you should be able to:

- SLO 5.1 explain the Islamic concept and objectives of family planning;
- SLO 5.2 discuss the classical precedent of 'azl and its relevance to temporary contraception;
- SLO 5.3 analyse the Islamic principles used in evaluating birth-control practices;
- SLO 5.4 distinguish temporary birth spacing, permanent sterilisation and termination of an established pregnancy and apply the relevant principles to practical cases.

5.1 Family Planning in Islamic Perspective

5.1.1 Meaning and scope of family planning

Family planning may be understood as the deliberate management of the timing and spacing of pregnancies. In an Islamic-law context, this may include temporary measures used to delay conception, particularly where there is a recognised benefit or need.

Contemporary fatwa authorities have distinguished family planning or birth spacing from permanent cessation of reproductive capacity. □cite□turn0search0□turn0search11□

The distinction is important because a couple may seek to postpone a pregnancy without rejecting procreation as an objective of marriage. Reasons discussed by contemporary Islamic legal authorities include protecting the mother's health, avoiding harm associated



with closely spaced pregnancies and giving parents adequate opportunity to care for existing children. □cite□turn0search0□turn0search3□

Fill in the blank: The deliberate management of the timing and spacing of pregnancies is commonly described as family _____.

5.1.2 Procreation and family welfare in Islam

Procreation has an important place in Islamic family life, but family welfare also involves the responsible care and upbringing of children. Islamic legal discussion therefore does not require the question to be reduced to the number of children a couple has. Rather, the circumstances, intention, method and consequences of a decision may be relevant.

Qur'ān 17:31 prohibits killing children because of fear of poverty. This prohibition concerns infanticide and should not be mechanically equated with every form of contraception. Contemporary Islamic legal reasoning distinguishes preventing conception before pregnancy from terminating an established pregnancy. □cite□turn0search2□

Fill in the blank: Qur'ān 17:31 addresses the killing of children because of fear of _____.

5.1.3 Distinguishing family planning from permanent sterilisation

A major legal distinction in Islamic family law is between **temporary birth spacing** and **permanent sterilisation**. Contemporary Islamic legal authorities generally permit temporary spacing under appropriate conditions, while treating permanent cessation of reproductive capacity differently, especially where there is no valid necessity. For example, *Dar al-Ifta Egypt* states that family planning through spacing pregnancies can be permissible for valid reasons, whereas permanent cessation of reproductive capacity without a valid excuse is not permissible. This distinction does not mean that every permanent procedure has the same ruling in all circumstances. Medical necessity and the prevention of serious harm can alter the legal assessment. A careful ruling therefore considers whether the procedure is temporary or permanent, whether there is a genuine medical need, and whether the method itself causes prohibited harm.



Fill in the blank: Temporary birth spacing should be distinguished from permanent _____ of reproductive capacity.

Pilot Questions 5.1

1. What is meant by family planning?
2. Mention two reasons for temporary birth spacing recognised in contemporary Islamic legal discussion.
3. Why should contraception not automatically be equated with infanticide?
4. What is the main legal distinction between birth spacing and permanent sterilisation?
5. Can medical necessity affect the assessment of a permanent procedure?

5.2 Contraception and Birth Spacing

5.2.1 The classical precedent of 'azl

'Azl, commonly translated as coitus interruptus or withdrawal, is a classical method of attempting to prevent conception by withdrawing before ejaculation. Reports in Ṣaḥīḥ Muslim state that the Companions practised 'azl during the lifetime of the Prophet ﷺ and that he was informed of the practice without prohibiting it.

☐ cite ☐ turn0search12 ☐ turn0search1 ☐

This precedent is important in Islamic legal reasoning because jurists used it when discussing temporary prevention of conception. It does not mean that every modern contraceptive method is automatically identical to 'azl in every legal detail. Rather, contemporary jurists may use analogy and other legal principles to assess particular methods.



Fill in the blank: The classical contraceptive practice discussed in hadith is called _____.

5.2.2 Temporary contraception and mutual agreement

A significant juristic issue concerns whether both spouses should agree before temporary contraception is used. A widely cited position among jurists permits 'azl with mutual agreement, while discussions of the issue contain differences concerning the precise legal effect of consent and the circumstances in which an exception may apply. Dar al-Ifta Egypt reports the broad position that 'azl is permissible with mutual agreement and that neither spouse should ordinarily impose it unilaterally. ☐ cite ☐ turn0search3 ☐

The principle of mutual consultation is consistent with the fact that reproduction affects both spouses and creates shared responsibilities. However, where a serious health risk exists, contemporary fatwa reasoning may recognise an exception based on preventing harm. A student should therefore avoid reducing the rule to an absolute statement without considering the circumstances.

Fill in the blank: A commonly stated condition for temporary contraception is the _____ agreement of both spouses.

5.2.3 Legitimate reasons for spacing pregnancies

Islamic legal discussions identify a range of reasons that may justify temporary birth spacing. These include protecting the mother's health, reducing harm from repeated pregnancies and deliveries, allowing recovery between pregnancies and giving parents time to care properly for children already born. Contemporary fatwa authorities explicitly mention such considerations. ☐ cite ☐ turn0search0 ☐ turn0search3 ☐

The concept is therefore better understood as responsible family management rather than hostility towards children. The intention and circumstances matter. A couple may seek temporary spacing while remaining committed to the institution of marriage and the upbringing of children.



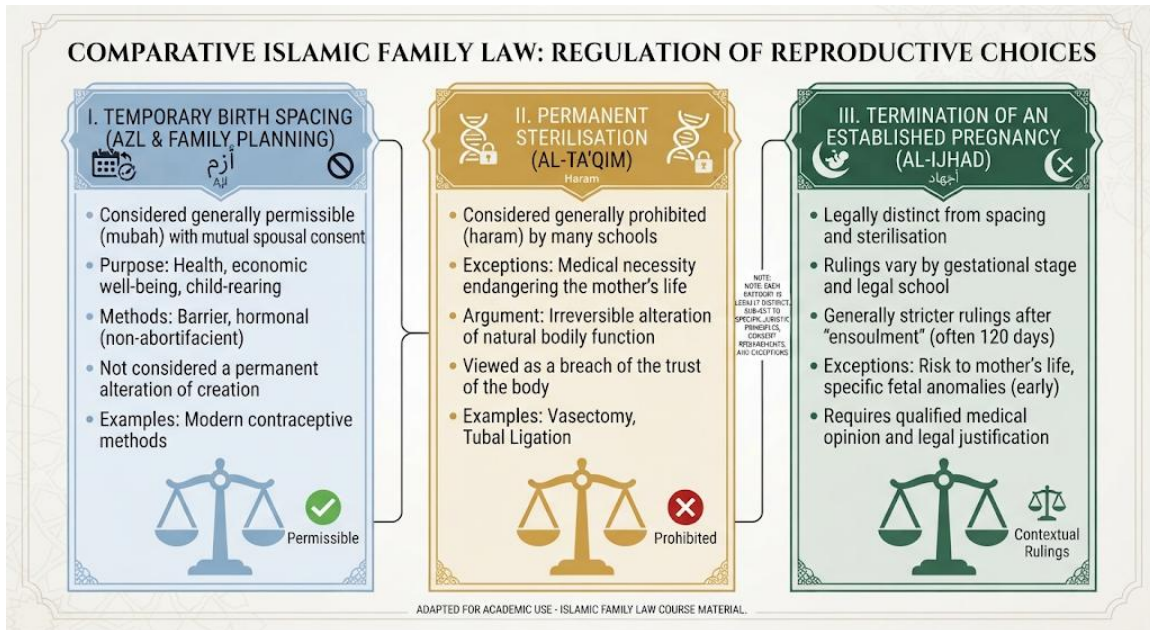


Figure 5.1: Distinguishing Three Reproductive Decisions

Fill in the blank: The purpose of spacing pregnancies is to delay conception rather than to terminate an already established _____.

Pilot Questions 5.2

1. What is 'azl?
2. What hadith precedent is commonly cited regarding 'azl?
3. Why is mutual agreement relevant to temporary contraception?
4. Mention three reasons that may justify birth spacing.
5. Why should modern contraceptive methods not automatically be treated as identical to 'azl?

5.3 Islamic Principles Governing Birth Control

5.3.1 Preservation of life, health and progeny

Islamic legal reasoning seeks to preserve important human interests. In discussions of family planning, preservation of progeny is relevant, but so are protection of life and



health and prevention of serious harm. This requires a balanced assessment rather than assuming that one objective automatically overrides every other consideration.

For example, a temporary method used to protect a mother's health may be assessed differently from a permanent procedure undertaken merely to avoid all future children. Contemporary Islamic legal authorities explicitly refer to maternal health and protection from the harms of repeated pregnancies as legitimate considerations for temporary family planning. □cite□turn0search0□turn0search7□

Fill in the blank: Islamic legal assessment of family planning may consider preservation of progeny alongside protection of life and _____.

5.3.2 Harm, consent and responsible decision-making

The avoidance of harm is an important principle in evaluating family-planning practices. A method that causes significant medical harm should not be treated as permissible simply because its purpose is to prevent pregnancy. Contemporary guidance also stresses informed medical supervision for some modern methods and recognises the importance of agreement between spouses. □cite□turn0search6□

Responsible decision-making therefore requires attention to the method used, its medical effects, the intention behind it, the interests of both spouses and any relevant juristic conditions. Where medical facts are central, qualified medical advice should accompany the legal assessment.

Fill in the blank: A contraceptive method should not be assessed without considering its possible medical _____.

5.3.3 Contemporary contraceptive methods and juristic considerations

Modern contraceptives include barrier methods, hormonal methods, intrauterine devices and other medical interventions. Islamic law does not contain a single named ruling for every modern technology. Jurists therefore assess methods through established principles, including analogy with temporary prevention of conception, prevention of harm, mutual agreement and the distinction between preventing conception and ending an established pregnancy.



Contemporary fatwa authorities have stated that temporary contraceptive methods may be permissible when used for legitimate family-planning purposes and when they do not cause prohibited harm. A 2026 Dar al-Ifta opinion concerning modern temporary contraception, including an intrauterine device, expressly conditions permissibility on mutual agreement, absence of harm and appropriate medical supervision, while recognising an exception where necessary to prevent harm. citeturn0search6

Fill in the blank: Modern contraceptive methods require assessment according to Islamic legal principles and their actual medical _____.

Pilot Questions 5.3

1. Mention three interests that may be considered when assessing family planning.
2. Why is the principle of preventing harm relevant to contraception?
3. Why is medical advice relevant to some family-planning decisions?
4. Does Islamic law contain a separate named ruling for every modern contraceptive technology?
5. What conditions are highlighted in contemporary guidance on some temporary methods?

5.4 Ethical and Practical Issues

5.4.1 Permanent methods and sterilisation

Permanent sterilisation raises a different legal question from temporary birth spacing because it deliberately removes or seriously limits future reproductive capacity.

Contemporary Islamic legal authorities generally distinguish permanent sterilisation without valid necessity from temporary contraception. The former is commonly regarded as impermissible when undertaken without a valid excuse, while serious medical necessity may affect the ruling. citeturn0search0turn0search7



A quality legal answer should therefore avoid saying simply that all sterilisation is either always permissible or always prohibited. The medical condition, permanence of the procedure, level of necessity and likelihood of harm must be established before a ruling is applied.

Fill in the blank: Permanent sterilisation should not be treated as legally identical to temporary birth _____.

5.4.2 Pregnancy, abortion and the distinction between prevention and termination

Contraception and abortion are not identical categories. Contraception aims to prevent conception, whereas abortion involves ending an established pregnancy. Islamic legal rulings concerning abortion are detailed and may differ according to the stage of pregnancy and the reason involved. It is therefore unsafe to infer an abortion ruling simply from a ruling on contraception.

Contemporary Dar al-Ifta guidance explicitly distinguishes an agreement to avoid pregnancy from a later decision to terminate an established pregnancy and states that the latter has separate conditions. ☐cite☐turn0search8☐

Fill in the blank: Contraception aims to prevent _____, while abortion concerns an established pregnancy.

5.4.3 Applying Islamic family-law principles to practical cases

Practical cases should be analysed systematically. First identify whether the issue concerns temporary spacing, permanent sterilisation or an established pregnancy. Next identify the purpose and medical circumstances. Then determine whether the method causes harm, whether mutual agreement is relevant, and which juristic position or legal authority is being applied.

For example, if a doctor advises temporary contraception because repeated pregnancy poses a serious health risk, the case should not be treated in the same way as a couple seeking permanent sterilisation for convenience alone. Likewise, a question about abortion after pregnancy has begun belongs to a different legal category and requires separate analysis.



In actual cases, especially where serious medical risks or pregnancy are involved, an Islamic legal opinion should be sought from a qualified authority alongside competent medical advice. The final legal position may also depend on the law of the jurisdiction.

Fill in the blank: A practical family-law assessment should first identify the precise legal _____ involved.

Pilot Questions 5.4

1. Why is permanent sterilisation treated differently from temporary contraception?
2. Can medical necessity affect the assessment of permanent sterilisation?
3. Why is abortion not simply another form of contraception?
4. What should be identified first when analysing a practical family-planning case?
5. Why may both a qualified scholar and a medical professional be needed in some cases?



Series Summary

This Series examined family planning and birth control from the perspective of Islamic family law. We began by defining family planning and distinguishing temporary birth spacing from permanent sterilisation. We also considered the place of procreation alongside family welfare, health and responsible child care.

We then examined ‘azl as the principal classical precedent for temporary prevention of conception. The reported practice of the Companions during the Prophet's lifetime provides an important basis for juristic discussion of contraception. We also considered the commonly stated requirement of mutual agreement and the possibility that serious harm may affect the legal assessment. □cite□turn0search3□turn0search6□

The Series next considered the principles of preserving life, health and progeny, avoiding harm and assessing modern contraceptive methods. Finally, it distinguished permanent sterilisation from temporary birth spacing and contraception from abortion. The central lesson is that family-planning questions must be classified accurately before a legal ruling is attempted.

By completing this Series, you should now be able to explain the Islamic concept and objectives of family planning (SLO 5.1), discuss ‘azl and its relevance to temporary contraception (SLO 5.2), analyse the principles used to evaluate birth-control practices (SLO 5.3), and distinguish and apply the relevant principles to practical cases (SLO 5.4).

Glossary of Terms

- **‘Azl:** Coitus interruptus or withdrawal, a classical method of attempting to prevent conception.
- **Birth spacing:** Deliberately increasing the interval between pregnancies, usually through temporary measures.
- **Contraception:** Methods used to prevent conception or pregnancy.
- **Family planning:** The deliberate management of the timing and spacing of pregnancies.



- **Sterilisation:** A procedure intended to permanently prevent reproductive capacity.
- **Procreation:** The biological process of producing offspring.
- **Abortion:** The termination of an established pregnancy; its Islamic legal assessment is distinct from prevention of conception.



Concept Check Questions 5

Objective Questions

1. What is family planning? (Linked to SLO 5.1)
2. What is 'azl? (Linked to SLO 5.2)
3. What principle is central to assessing possible harm from contraception? (Linked to SLO 5.3)
4. What is the principal legal distinction between contraception and abortion? (Linked to SLO 5.4)
5. What is the main distinction between temporary birth spacing and permanent sterilisation? (Linked to SLO 5.4)

Short-Answer Questions

6. Explain why family planning and permanent birth control should not automatically be treated as the same thing. (Linked to SLO 5.1)
7. Explain the importance of 'azl in Islamic legal reasoning on contraception. (Linked to SLO 5.2)
8. Explain why mutual agreement may be relevant to temporary contraception. (Linked to SLO 5.3)
9. Explain why the ruling on contraception cannot simply be transferred to abortion. (Linked to SLO 5.4)

Long-Answer Questions

10. Evaluate the Islamic legal principles that may be used when assessing temporary family planning, with particular attention to health, harm, consent and preservation of progeny. (Linked to SLO 5.1 and SLO 5.3)



11. Analyse the legal and ethical differences between temporary birth spacing, permanent sterilisation and termination of an established pregnancy. Explain why a careful examiner should not treat them as one category. (Linked to SLO 5.4)

Answers to Concept Check Questions 5

Objective Questions

1. The deliberate management of the timing and spacing of pregnancies.
2. A classical method of attempting to prevent conception by withdrawal before ejaculation.
3. Prevention of harm and assessment of the actual medical effects of the method.
4. Contraception aims to prevent conception, while abortion terminates an established pregnancy.
5. Birth spacing is temporary, whereas sterilisation is intended to permanently remove or seriously limit reproductive capacity.

Short-Answer Questions

6. Family planning may involve temporary spacing of pregnancies for a legitimate reason, while permanent birth control deliberately ends reproductive capacity. Contemporary Islamic legal authorities distinguish the two categories and generally treat permanent cessation without a valid necessity more restrictively.
7. 'Azl is important because reports in Ṣaḥīḥ Muslim indicate that the Companions practised it during the Prophet's lifetime and that he was informed of the practice without prohibiting it. Jurists use this precedent when discussing temporary prevention of conception.
8. Reproduction affects both spouses and creates shared family responsibilities. For this reason, a widely cited juristic position requires mutual agreement for temporary contraception, although circumstances involving serious harm may require separate consideration.



9. Contraception prevents conception before pregnancy is established, whereas abortion ends an established pregnancy. The legal questions, evidence and conditions are therefore not identical.

Long-Answer Questions

10. Basic response: Islamic legal assessment may consider health, prevention of harm, mutual agreement, the purpose of the method and preservation of progeny. Value-added response: Contemporary fatwa authorities permit temporary family planning in appropriate circumstances, including protecting maternal health and reducing harm from closely spaced pregnancies, while requiring attention to the method and its consequences.

□cite□turn0search0□turn0search6□

11. Basic response: Temporary birth spacing delays conception, sterilisation permanently prevents or seriously limits reproductive capacity, and abortion terminates an established pregnancy. Value-added response: The three categories involve different legal facts and therefore cannot be given one automatic ruling. A proper analysis must establish the stage of reproduction, purpose, medical circumstances, permanence and applicable juristic position. □cite□turn0search8□

Answers to Pilot Questions 5

Part 5.1

1. The deliberate management of the timing and spacing of pregnancies.
2. Examples include protecting maternal health and avoiding harm from repeated or closely spaced pregnancies.
3. Infanticide concerns killing an existing child, whereas contraception prevents conception before pregnancy is established.
4. Birth spacing is temporary, while sterilisation is intended to permanently remove or seriously limit reproductive capacity.
5. Yes. A genuine medical necessity or prevention of serious harm may alter the assessment.



Part 5.2

1. A classical withdrawal method used to attempt to prevent conception.
2. Reports that the Companions practised 'azl during the Prophet's lifetime and that he was informed without prohibiting it.
3. Because reproduction affects both spouses and temporary contraception may affect shared marital and family interests.
4. Protecting maternal health, avoiding harm from repeated pregnancies, allowing recovery and enabling better care of existing children.
5. Modern methods differ in their mechanisms and medical effects, so each method must be assessed using relevant Islamic legal principles.

Part 5.3

1. Preservation of progeny, protection of life and health, and prevention of harm.
2. A method that causes significant harm cannot be treated as permissible solely because it prevents pregnancy.
3. Some methods have medical risks and require assessment of their actual effects.
4. No. Modern methods require legal assessment through established principles and their particular circumstances.
5. Mutual agreement, absence of harmful effects and, where appropriate, medical supervision.

Part 5.4

1. Permanent sterilisation deliberately changes reproductive capacity, while temporary contraception only delays conception.
2. Yes. Serious medical necessity may affect the legal assessment.
3. Abortion ends an established pregnancy, while contraception prevents conception.



4. Whether the issue concerns temporary spacing, permanent sterilisation or an established pregnancy.

5. Some cases involve both medical facts and Islamic legal assessment, and the applicable national law may also matter.



References and Attributions (Section 5)

Primary Sources

- The Qur'ān: 17:31; 23:12–14, and other relevant passages concerning family and procreation
- *Ṣaḥīḥ Muslim*, Book of Marriage, report concerning 'azl (including 1438g)
- *Ṣaḥīḥ al-Bukhārī*, relevant reports concerning 'azl

Secondary and Contemporary Legal Sources

- Egypt's Dar al-Ifta (2025). *Birth control and family planning*
- Egypt's Dar al-Ifta (2025). *Family planning in Islam*
- Egypt's Dar al-Ifta (2007). *Using contraceptives in Islam*
- Jordan Iftaa' Department (2015). *Resolution No. 65: Ruling of Sharia on Birth Control*
- Dar al-Ifta Egypt (2026). *Contemporary guidance on mutual agreement and temporary contraceptive methods*

Illustrations

- *Figure 5.1: Distinguishing Three Reproductive Decisions*
 - AI-generated suggestion: “Create a clean academic comparison diagram for an Islamic family-law course showing three distinct concepts: temporary birth spacing, permanent sterilisation, and termination of an established pregnancy. Use neutral medical and legal symbols, no graphic imagery, and clearly show that the three are legally distinct categories.”
 - Attribution: Prompt designed specifically for AI illustration tools
 - Suggested OER search string: *Islamic family planning birth spacing sterilisation abortion legal distinction OER*

General Attribution This series is based on Qur'ānic provisions, Prophetic traditions, and Islamic jurisprudence, with contemporary legal guidance used to clarify current



applications. Where juristic positions or contemporary fatwas differ, the material identifies the difference rather than presenting one opinion as universally binding. Medical questions require qualified medical advice, while practical legal questions should also be considered under the law applicable in the relevant jurisdiction.

