Is Today's Family Perishing?

In the name of Allah, the Most Gracious, the Most Merciful.

Family, parenthood, motherhood, children, and relatives denote the same social structure, within this structure branches out a group of relationships that compose highly interconnected circles. It maintains the process of interconnectedness by framing it with an ethical, legislative and *maqasidi* paradigm that contributes to clarifying its function and value, enhancing cohesion and operating its internal differences.

This social system was, to a certain extent, unified among nations and peoples of different religious and cultural backgrounds, as the "idea of the family" received pronounced interest from various organizations and entities, with the presence of legislative differences imposed by religious institutions. However, many of these laws are no longer considered in today's legal systems in countries where people practice these religions, both in the West and East, for a variety of reasons, leaving us wondering: what has changed?

Perhaps a simple question may arise, as everyone agrees that major changes in the family system and structure exist. However, It is challenging to identify the reasons for these changes that led to the fractures in family structure.

If we think about the family today, we can say that the challenges and changes have a lasting impact on the human family in general and the Muslim family in particular. Many of our intellectuals, family experts and legalists underestimated the "*butterfly effect*", disregarding the magnitude of these infinitesimal family challenges and changes and their long-lasting full-sized impact on the family itself and human society at large. Therefore, It is our responsibility as scholars of *maqasid* and *fiqh* to address the challenges and changes that are facing the family structure today and hindering its very existence.

Although the family structure in the Islamic context still maintains its solidity for religious, social, and political reasons, it still is reacting to the changes and challenges occurring around it and endangering the entire social structure with "nothingness" and "absolute relativity."

Is it understood from the above that all change is unacceptable? The family has known a group of transformations throughout history, so to be objective, we must acknowledge, however, that the nature of the family structure does not discard transformation and change in its entirety. In this context, we will not trace the

family development historically, but we will focus on the Islamic perception of the family and its structural transformations after abrogating and rectifying family matters of the *jahiliyyah* such as ending injustices against women, limiting marriage to four wives, giving divorced women's rights, especially the right to inherit, within a system designed by the Holy Qur'an.

Islam also established a set of rulings that corrected the injustices that some family members were exposed to through the re-adjustment of the structure of the family system, its legislation, and its objectives. Islam also offers moral values to family formation and relationships based on *mawaddah, rahmah, fadhl*, and *ihsan* and prohibited injustices and unfairness which begin from engagement all the way to marriage and family composition. However, the Holy Qur'an also cautioned of the disagreement and conflict that may befall the husband and wife and offered guidelines to manage this crisis such as carrying out the reconciliation and permitting divorce, within a maqasid system based on kindness and benevolence, in case of severe disagreements. Moreover, the Holy Qur'an also values parent-child relationships by emphasizing the values of birr and ihsan in terms of expressions, action, and supplication. It also promotes fraternal and brotherly relationships and it gives them a purpose by alerting people from the disturbing feelings of envy and jealousy that may occur between brothers. In that light, the Holy Qur'an cited the stories of Cabel and Abel, and Joseph and his brothers, and stories that value love, sheltering one's partner, and support, as happened to young Moses with his sister and with his brother Haron when he was old, as well as Joseph with his brother Benjamin.

Contemplating the Holy Qur'an opens up a very interesting worldview related to the system of maqasid and the values of the family which protects it throughout the good times and otherwise. This worldview needs more integration in our education, legislation, and research in different societies, cultures, and contexts. The Holy Qur'an also detailed issues of the family and its relationships, system, purposes and legislation because of its rectifying nature, not only for the pre-Islamic era, but it rectifies human reality to the day of judgement. Therefore, dealing with the Qur'an as the corrector would guide the transformations in reality and improve the state of society.

The family system's transition from the extended to nuclear, in addition to the change in the structure of relationships within this system at the level of education, rules and authorities, is an almost global transformation, affected by the new system of values. The transformation of the concept of family started from being based on "marriage" to mere "cohabitation", from male-female spouses to homosexuals, from having children within the family to buying them according to certain specifications. In addition to the changes and ills mentioned above, one also notices the exclusion of the kinship system from the nuclear family affairs.

The contemporary transformation has also affected the concept of *zawjiyyah* (pairing) which represents a core constituent in the family system. This transformation started with a functional change and ended up a very radical change, celebrated by human rights institutions that have wide-ranging authority at the global level. In my opinion, the disparagement of the principle of *zawjiyyah* based on male-female relationships is considered a key point in today's family fractures. Therefore, we find different amendments and changes in the definitions of the family published by Western institutions and dictionaries. Notably, these new altered definitions were related to the concept is *zawjiyyah* when the *"nucleus of the family"* is now defined in a narrow sense such as two or more persons living in the same family, or who are related or registered partners, or a mutually consented cohabitants of the opposite or same sex.

These altered definitions give us not only the conceptualisation of the family but also an idea about its reality because they were inspired by data from several European countries where cohabitation went beyond its legal natural framework under the marital system between a woman and a man to take place between even two people of the same sex, thus violating the standards of all divine religions that do not permit these acts. Furthermore, the abandonment of religion from the public sphere in the West caused the alterations of the concept of the family as the most solid social structure. This has rendered the concept of marriage and many others subject to constant change and limitless alteration.

The consequences of these changes are dearly paid by the children who have no right to fatherhood, lineage, and motherly love and affection as well as the knowledge of their relatives and the rest of the kinship circles. The consequences are also reflected in the lack of men's and women's rights to reposing and stability, and at large within society and the state.

If one compares the Western and Islamic contexts, we will find that the family structure in Islam is more enduring, and is still relatively immune to such radical or structural transformations, for various reasons, including that the social change that the family experienced was at the level of hierarchical-functional structure of relationships within the family, with the modification of family functions according to new changes.

However, this so-called immunity from functional and structural changes does not mean settling in our comfort zones while globalisation and its values and laws as well as the dominance of pleasure, love, body, selfishness, competition, and conflict between sexes take the marital relationships by a storm and menace our family structure. Therefore, I believe that establishing a system of monotheistic and 'umranic (the feelings of closeness and harmony between man and universe) objectives upon which the family is founded and also raising awareness of the consequences of structural social changes and transformations, would create a persuasive realistic and compassionate discourse for future generations and the pursuit of good life (*al-hayat al-tayyibah*).

It is also worth noting at the end of this editorial opening that the family is centred within a framework of values demonstrated by the Prophetic hadith: "Everyone of you is a guardian, and everyone is answerable with regard to his guardianship. The hadith connects the functions of responsibility and guardianship which, according to Ibn Faris, entails supervising and preserving and also indicates a sense of anticipation of the consequences. (Ibn Faris, 2008 2/409). The guardian for al-Tibbi is entrusted with what he is supposed to keep and preserve, he said: "In this hadith, the guardian is not appointed for his own sake but rather was assigned to preserve what he was entrusted with, so he should not act except with what the lawgiver has authorized, it is a very comprehensive and eloquent representation that started with Stating something general then moved to details" (al-Fath, 13/111).

Therefore, establishing a family and ensuring its maintenance and continuation is the responsibility of the guardian. It must be tended, preserved, and managed appropriately in times of turmoil and disputes. It must also commit to educating people on the morals of responsibility mentioned in the noble Prophet's hadith.

On another note, we are also in dire need of adhering to the truth to avoid loss, signalling out tyranny that consumed the spirit of the family, and elevating the status of the family to the horizons of umran. Moreover, it is mandatory to understand the family issue in its entirety and discrepancy, in its dimensions and relationships in light of the family transformations.

If we examine our society today, we would have designed a lexicon of contradictions and inconsistencies, for instance, on the one hand, men speak of the obligation of women's obedience and on the other hand, they claim to have the right to enjoyment and pleasure without any limits of responsibility. In another instance, the women are robust proponents of husbands' provision, yet they are also for the removal of any guardianship under the banner of equality and absolute freedom without any limits of responsibility. In short, people want to live their lives according to their logic even if it is self-centred, selfish, and individualistic. I remember watching a reel online where an actress was asked if she would initiate divorce if love ends in a marriage, she immediately answered, "Yes" justifying her choice by merely saying that we only have one life to live. From an Islamic perspective, this perception is far from the tawhid and maqasid systems taught in Islam. the Qur'an accentuates that this is a worldly life, and what counts is what we prepare for the afterlife which determines our final refuge, so for that let the strivers strive.

Hence, the present predicament requires a comprehensive and holistic approach where we need the maqasid thought of the Faqih, the precision of the Usuli, the reasoning of the philosopher, the wisdom of the Sufi, and the justice of the jurist. It is, therefore, a requisite to consider the nature of the earlier-mentioned challenges and transformations and their consequences and to distinguish between what is acceptable and refutable regardless of the type of change taking place in

social structures, we must preserve the fundamentals and the essence. So, how can we defend the family and ensure its existence and preservation?

Accordingly, in the Sixth Issue of the Journal of Contemporary Maqasid Studies, we are targeting a maqasid-based discussion on the issue of family. This maqasid approach contemplates the outcomes and learns from the experiences of people and nations to realistically address the changes and transformations that compromise the preservation and existence of the family.

We are pleased to have received a group of valuable contributions in this issue; At the forefront we have Dr. Farid Chokri's paper entitled: *"The Values of Virtue in the Family and the Objective of Establishing Umran"*. Dr Jamila also contributed with a study on *"The Objectives of the Family in the Digital Age"*. Additionally, we have a paper by Maryam Amrou on the topic of: *"The Maqasid Values System and its Impact on Marital Stability: a Maqasid Field Study,"* and another paper by Dr. Majdy Helal entitled: *"The Family: a Nucleus of Existence and a Desired Hope, a Social Educational Understanding of the Maqasid of Family"*.

Outside of the issue file, El Miloudi Khettab participated with a paper entitled: *"The Identity of the Maqasid Terminology: Its Features and Dimensions,"* Dr. Baptiste Brodard also contributed with a paper in English on the topic of *"Islam, Welfare Social Services and Human Dignity: A Maqasid Approach"*, and we received another paper in English as well by Salwa Almulla entitled: *"Between Nationalism and Universalism: Qatar 2022 World Cup and Investment in Sustainability and Nation Branding in Light of the Goals of Sharia"*. The issue also included a translation of a paper by Professor Halim Rane from Australia entitled: *"Higher Objectives (maqasid) of Covenants in Islam: A Content Analysis of 'ahd and mithaq in the Qur'an"* translated by Dr. Mawloud Mohadi. The issue also included a review by Dr. Mohammed Eriouiche for a book entitled *"Virtue And The Common Good: Hermeneutic Foundations Of Aš-Šāṭibī's Ethical Philosophy"* by Mohammed Nekroumi.

Lastly, Dr. Mawloud also contributed to this issue by conducting a scholarly dialogue with Sheikh Dr. Abdullah al-Judai, who shared his thoughts on several critical issues related to the family.

In conclusion, I want to thank all our contributors whose efforts laid the foundation for the sixth issue of JCMS. Special gratitude to Prof. Dr. Jasser Auda, President of Maqasid Institute and its Executive Director, Dr. Zaid Barzinji for their valuable and unconditional guidance and support. I also want to extend my thanks to Dr. Mawloud Mohadi the Deputy Editor-in-Chief for his dedication, unmatched efforts, contributions and patience.

I am also pleased to stretch my gratitude to Prof. Dr. Yasser Tarshany, and our esteemed editors: Dr. Addiarrahman, Dr. Ahmad Syukran, Dr. Aulia Rahmat, and all the editors and reviewers for their dedication, assistance, and involvement.

May Allah SWT abundantly reward everyone for disseminating, sharing, and blessing us with their knowledge.

Jamila Tilout
Editor-in-Chief