



A New Perspective on the Qur'anic Concept of Equity in the Family¹

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Introduction

Human beings are inherently social creatures; just as they require interaction with others to realize their developmental potential, they depend on the family more than on any other institution. As the most fundamental context for human growth and flourishing, the family cannot be rendered an optimal environment for members' interactions solely through the enforcement of law and justice. In this regard, *inṣāf* (equity/fairness), with its ethically grounded and flexible character, can complement law and justice by providing an effective mechanism for regulating familial interactions. Article 10 of the Constitution states: "Since the family is the fundamental unit of Islamic society, all laws, regulations, and pertinent programs must tend to facilitate the formation of a family, and to safeguard its sanctity and the stability of family relations on the basis of the law and the ethics of Islam."

The interweaving of law and equity in family life is inevitable; the realm of equitable and ethical conduct precedes that of legal rights and fosters the flourishing of the family as an institution. The first step in organizing family relations is taken on the basis of ethics. This assumption acquires special significance when contrasted with society at large: in the social sphere, law and justice function as the primary instruments for regulating relations, and although ethical recommendations are subsequently taken into account, the starting point remains justice. The situation within the family is different: in this institution, ethics is primary, and only when ethics proves inadequate to address problems and harms do law and justice intervene as a secondary support. Accordingly, it can be said that *inṣāf* (equity/fairness) plays a central role in the family, because the realization of ethics in the familial sphere is made possible above all through equitable conduct. Accordingly, one of the objectives of this study is to examine *inṣāf* (equity/fairness) within the domain of family law and to analyze the components of equitable conduct in light of the verses of the Noble Qur'an. This gives rise to the

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following central research questions: What does *inṣāf* mean within the framework of family law? And what criteria does the Qur'an provide for equitable behavior among family members? The hypothesis of this research is that the components of equitable conduct can be explicated and derived by drawing on the Qur'an's core concepts of *iḥsān* (benevolence/excellence in conduct) and *ma'rūf* (that which is commonly recognized as right and good).

Literature Review

In the field of law and jurisprudence, numerous works have been written on equity (*inṣāf*). These include: Azgh and colleagues (1395/2016–17) in an article entitled "An Examination and Comparison of Equity and Justice in Law"; Amini (1395/2016–17) in the article "Reconsidering the Relationship between Equity and Law"; Javadian (1394/2015–16) in the thesis "Analyzing the Position of Equity in Jurisprudence and Law"; Khanlari Bahmanmiri (1397/2018–19) in the dissertation "Examining the Position of the Principle of Equity in Iranian Law"; and Nafar (1401/2022–23) in the book "Practicing Equity in Jurisprudence and Law." These studies have primarily elucidated various aspects of equity within the legal domain; however, the bulk of this research has not examined the concept of equity in the Qur'an. In some instances, Qur'anic verses have been cited weakly and incompletely, as in the article "The Application of Equity in Family Jurisprudence" by Eshaqi and colleagues (1399/2020–21). Accordingly, the issue of equity in the Noble Qur'an still calls for a novel and structured study.

Research Method

In this scholarly endeavor, various verses of the Noble Qur'an within the domain of family law are elucidated using a descriptive–analytical method, and the data have been collected through a library-based approach.

Research Findings

The findings indicate that principles such as ethical orientation, commitment to socially approved norms (*ma'rūf*), safeguarding human dignity, love and empathy, rational deliberation, and the removal of harm and hardship are recognized in the Qur'anic verses as the main dimensions of equitable conduct. The Qur'an's emphasis on these components shows that *inṣāf* (equity/fairness) has an intrinsic connection with ethics, *ma'rūf* (that which is commonly recognized as right and good), *iḥsān* (benevolence/excellence in conduct), and human dignity. In light of these criteria, it is possible to prevent inequitable behaviors and to strengthen and deepen family relations.

Conclusion

The present examination shows that the term "*inṣāf*" (equity/fairness) is not explicitly mentioned in the Qur'an; however, by analyzing verses related to the family, components such as ethical orientation, conformity to what is commonly recognized as right and good (*ma'rūf*), safeguarding human dignity, love and empathy, rational deliberation, and the removal of harm and hardship can be derived as indicators of equitable conduct. Among these, ethical orientation, conformity to *ma'rūf*, and human dignity emerge as foundational components. *Iḥsān* (benevolence/excellence in conduct) at the time of separation, commitment to living together in accordance with *ma'rūf*



(mu'āsharah bi al-ma'rūf), and observance of dignity in spousal and familial relations constitute the most significant manifestations of inṣāf.

These principles acquire heightened significance in the context of divorce, since any conduct grounded in malice or harm is incompatible with the Qur'anic teachings of “divorce with iḥsān (benevolence/excellence in conduct)” and “good conduct (ḥusn al-mu'āsharah),” and is likewise not recognized within the legal system. Drawing on this very approach, the Civil Code, in Articles 1130 and 1119, restricts inequitable conduct. Legal doctrine also emphasizes the necessity of integrating ethical values into the legal framework; accordingly, recognizing inṣāf (equity/fairness) as a key principle in family law constitutes a fundamental step toward enhancing the consolidation of the family foundation.

In the process of divorce, which is often treated merely as a legal act with its human dimensions neglected, the Qur'an emphasizes the observance of iḥsān (benevolence/excellence in conduct). The parties should separate from one another equitably, without inflicting harm on the other, and on the basis of ethical conduct. This mode of separation symbolizes the realization of inṣāf (equity/fairness) in the divorce process and transforms a purely legal approach into a human and ethical one, such that separation grounded in iḥsān is recognized as an equitable and responsible behavior.

In the Qur'anic approach, equity (inṣāf) in spousal relations is realized through adherence to “ma'rūf” (that which is commonly recognized as right and good) and good conduct (ḥusn al-mu'āsharah). Inṣāf is not merely legal justice; rather, it is a profound expression of ethics and dignity in marital interactions. Acting in accordance with ma'rūf, as a measure of inṣāf, contributes to establishing a stronger relationship between spouses. Such a mode of interaction within the family constitutes a tangible manifestation of inṣāf; within this framework, inṣāf is a combination of observance of rights and moral virtues, and in marital relations it serves as an indicator of the health and balance of family ties.

Keywords: inṣāf (equity); equitable conduct; mu'āsharah bi al-ma'rūf (living together in accordance with what is commonly recognized as right and good); spousal relations; the Noble Qur'an



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