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The Rights of Children

From Dr Abd Al-Razzaq Hussein's

Islam & Children

Adapted by

Sumayyah Bint Joan

Chapter 1

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There are very few things in life which produce as much joy and excitement, along with equally as much fear and anxiety, as the news of the arrival of your first child. With this news, couples happily begin to contemplate their new baby's sex, start picking out names, and the spare room that used to be the den is quickly transformed with gallons of blue or pink paint and all things cute and cuddly. During this time, couples reassess their lives and try to answer what they feel are the most relevant questions: Will the mother keep working after the baby is born? Will she breastfeed or use a bottle? Is there enough savings to adequately provide for another person? The questions that very few of us ask however, are often the most compelling.

What rights does this child have on us as parents? What responsibilities has Allah placed on us by putting this child in our care? These are all questions that we as Muslim parents, or parents-to-be, must not only ask ourselves, but we must also be thoroughly familiar with the answers, if we are to rear a generation of Muslims who are better than ourselves. One might ask where and when does a child's rights begin? Well, according to the Prophet, sallallaahu alaye wa sallam, it begins before the beginning. The Prophet cautioned us and called upon us to be careful in our choice for spouses. He is reported to have said, "Make a good choice for (your) spouse, for blood will tell." (Ibn Majah) This highlights the effect of heredity on the infant. It is therefore the right of the child to have parents who are loving and of noble and righteous character. After conception, the rights that Allah has prescribed for unborn children, in the Islamic Law, then take effect.

Chapter 2

Rights of the Unborn

In the United States where human, civil and moral rights are debated hourly, the rights of the unborn are often neglected and ignored. In the past 25 years since the Supreme Court decision in *Roe vs. Wade*, more than 35 million unborn children have been slaughtered in the industry's abortion mills. In an authentic hadeeth, the Prophet, Sallallaahu alayhe wa sallam, told us that human life begins after 120 days from conception. It is human life that is being extinguished, not some meaningless blob of tissue. The rights of the unborn in Islamic Law protects the unborn from the ignorant, misguided and those ungrateful of their Lord's bounties.

Allah, subhanahu wa ta'ala, describes the persons who kill their children, prior or after their birth, as lost, misguided and ignorant, "Indeed lost are they who have killed their children, from folly without knowledge and have forbidden that which Allah has provided for them, inventing a lie against Allah. They have indeed gone astray and were not guided." (6:140) This is a clear prohibition against aborting the unborn. The person who aborts a child is punishable by paying diyah reparation, known as algharrah. Based on person's understanding and assessment, some may accept varied reasons for aborting the unborn. However, Allah the All-Mighty has decreed, with His prior Knowledge, the right of the infant for sustenance and He guaranteed such rights. As a result, He soothes the hearts of those who may fear poverty, "And kill not your children for fear of poverty. We provide for them and for you. Surely, the killing of them is a great sin." (17:31) The father should also do everything in his power to preserve the life of the unborn child, Allah says, "And if they are pregnant, then spend on them till they deliver." (65:6)

The father is responsible for providing for the women that bears and delivers his child. This may provide more incentive for the mother to

take the utmost care. "The father of the child shall bear the cost of the mother's food and clothing on a reasonable basis." (2:233).

However, it does not stop here, Islamic Law further commands the guardian to take into consideration the condition of the pregnant woman, her affairs and mental frame of mind. Doing well to the expectant woman is mandatory, even if the mother had committed a crime or an offense against society. Her guardian should delay her punishment so that the unborn will not be affected by it. The evidence used here is the order given by the Prophet to the guardian of the woman, who had committed adultery and was pregnant, to be kind with her. (Ibn Majah) The story of Al-Ghamediyyah is popular and well known. It was narrated that a woman from the tribe of Ghaamed came to the Prophet, sallallahu alayhe wa sallam, and said, "I have committed adultery," He said, "Return," so she went back. The following day she came back to him and said, "You may want me to return as you did with Maa'iz Bin Malik, but by Allah, I am pregnant!" He told her, "Return until you deliver," so she left. When she had delivered, she brought the baby to the Prophet and said, "Here I am with what I have delivered." He said, "Return and breastfeed him until fitaam (weaning or the end of the nursing period and beginning of eating regular food)." When the time of fitaam came, she went to the Prophet sallallahu alayhe wa sallam with the child, who was eating something from his hand. The Prophet sallallahu alayhe wa sallam then gave the child to one of the Muslim men. He commanded a hole to be made for her and then ordered that she be stoned. (Abu Dawoud) It is clear from this hadeeth how careful and concerned Islam is about the life of the infant and the need for giving the infant his complete rights, such that he may be capable of depending on himself even if he came to this life through illegitimate means. The manner of the child's birth is not his sin, "And no soul shall bear the sin of another." (35:18) No matter how a child comes into the world, all of his rights, including rights for sustenance remain valid under Islamic Law.

Nurturing the Newborn

For women in the West, the means of providing sustenance for their newborns has been heatedly debated for many years. The investigation into breastfeeding over bottle-feeding however, has yielded some new information lately. Recent studies have shown that breastfed babies are healthier, develop more quickly and are smarter on the average, than babies who are bottle-fed. Under Islamic Law, Allah Has made breastfeeding an established right of the child, whether his mother or someone else provides it. The noble verses that have guaranteed this right to the infant also guaranteed the rights of all parties involved so that none will be harmed. The breastfeeding process has different sides to be considered:

1. The rights of the child:

Islam has prescribed breast-feeding and commanded that children be breastfed until they attain their full power and strength, for breastfeeding has a great impact on the growth and development of the child. Allah, has told us about the required time period for breastfeeding. He says, "The mothers shall give such to their children for two whole years." (2:233) "And the bearing of him and the weaning of him is thirty months." (46:15)

2. The rights of the mother:

If the mother is not divorced, she should breastfeed her child as a religious obligation and not because she is the natural mother. If she is divorced then nursing is dealt with as nafaqah (financial support). This is established within the shari'ah. The nafaqah of the child is the responsibility of the father. The father has to give the mother compensation for her nursing. If she refuses to nurse then it becomes incumbent upon the father to find and hire a wet-nurse for the child. However, scholars have made it mandatory upon the mother to nurse her child if the child refuses to be nursed by other than his mother or if the father doesn't have sufficient funds to hire a wet-nurse. The Qur'an has satisfactorily

detailed the rights of nursing for us, "The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling, but the father of the child shall bear the cost of the mother's food and clothing on a reasonable basis. No person shall have a burden laid on him greater than he can bear. No mother shall be treated unfairly on account of her child, or father on account of his child. And on the (father's) heir is incumbent the like of that (which was incumbent on the father). If they both decide on weaning by mutual consent and after due consultation, there is no sin on them. And if you decide on a wet-nurse for your children, there is no sin on you, provided you pay what you agreed on a reasonable basis. And fear Allah and know that Allah is All-Seer or what you do." (2:223) "And if they are pregnant, then spend on them till they deliver. Then if they give suck to the children for you, give them their due payment and let each of you accept the advice of the other in a just way. But if you make difficulties for one another, then some other woman may give suck for him." (65:6)

3. The rights of others:

The wet-nurse has rights as well, for there are relationships established as a result of the child being nursed by her. Aisha said that the Prophet, sallallaahu alayhe wa sallam, said, "The effect of nursing is like giving birth in regards to relationships such as marriage, etc." (Al-Mughni).

General rights

Another fundamental right of children under Islamic Law, is the giving of good names, Man-made laws have not given much consideration to this matter, almost as if it is considered insignificant. Islam, on the other hand, has intervened in naming the child and encourages parents to choose good names for their children. Islam recognizes that the name has an effect on the person since it is associated with him throughout his life and after his death. Additionally, his children and descendants will carry the name. It has become common to see and hear about numerous cases where people apply to the courts to change their proper names (i.e., first names) or surnames (i.e., last names) because of an inherent dissatisfaction with these names or an embarrassment to be associated with a particular name. The Prophet, sallallaahu alayhe wa sallam, has told us to select good names. He is reported to have said, "You'll be called on the Day of Resurrection by your names and your father's names, so choose good names for yourselves." (Abu-Dawud) He also told us about some of the best names, "The dearest names to Allah are Abdullah and Abdur-Rahman." (Muslim) Abu-Musa said, "I was blessed with a son so I brought him to the Prophet and he named him Ibrahim." (Bukhari).

The Prophet, sallallaahu alayhe wa sallam, also used to change some names for better ones. He changed, for example, Harb (war) to Silm (peace), an area called Afirah (dirty) to Khadhihira (green) amongst many others. (Abu Dawud) Nicknaming a child is also known and accepted within Islam. By doing this, they are not thought of as small and weak since they have nicknames just like adults. Anas narrated that, "The Prophet was the best amongst people in conduct and manners. I had a brother called Abu-Umair and he was weaned at that time. When the Prophet would see him, he used to say, 'Abu-Umair what has done the nughair (an Arabian bird)?" (Muslim) This hadeeth indicates not only the permissibility of nicknaming children, but also of playing and joking with them. Apart from having a home that is full of love and acceptance, children need and have the right to be free from all kinds of harm, no matter where it comes from. Many of us may feel that we provide adequate protection for our children by living in nice neighbourhoods and sending them to 'good' schools, yet we continually expose them to the dangers, violence and filth that the TV offer. In a February 1996 Media Research Center study which analyzed shows from a four-week period in the fall of 1995, they found 72 obscenities in 117 hours of 8-to-9p.m programming. Moreover, portrayals of sex outside of marriage, - premarital, extramarital and homosexual - outnumbered those of sex within it by 8 to 1. By willingly exposing our children to this, we fail to protect their minds, hearts and souls from the seduction and glamour of evil. Islam commands us to protect the lives of children, whether Muslims or not.

Islam prohibits the killing of women and children. Ibn Umar narrated that a woman was found killed in one of the battles during the time of the Prophet, sallallaahu alayhe wa sallam, so the Prophet prohibited the killing of women and children. (Bukhari) The prohibition of killing the children is also shown in the story of the Prophet's companion Khabib Bin Adiy when he got captured by Bannu Al-Harith, on the battle of the Day of Ar-Raji'a and they decided to kill him in place of Al-Harith, whom he killed, in the battle of Badr. He was imprisoned at Al-Harith's house. And when he asked the woman of the house for a razor to make Istihdad (shaving the pubic area). The woman said, "I was not paying attention when suddenly one of my children approached him and sat on his thigh." When I saw that, I was terrified, and he saw that in me. So he said, "Do you fear that I would kill him? I would not do such a thing." (Bukhari) This noble stance and other references reveal how Muslims and Islam are very concerned with the preservation of the life of children as well as being merciful and kind to them.

Additionally, Islam has organised the process of protecting foundlings from loss and going astray. Islam has made it mandatory upon the person who finds the foundling to shelter and protect it. If a child is found in a place where he may die if he stays there, then the person who finds him and leaves him unprotected will be held accountable and tried for murder. The finder is entitled to the right to keep the foundling more than others as long as he doesn't abuse him. If money is found with the child, then it can be spent on the child with permission from a judge. The finder has the right to the child's money unless someone else claims the possession of the money. If there is no one capable of sponsoring the foundling, then the government is responsible for doing so.

In these days of test-tube babies and children of fathers known by numbers, instead of names, ultimately these children are left asking the questions; where do I come from and who is my family. Under Islamic Law, it is the specified right of every child to know the answers to these questions.

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*"Wisdom is the lost property of the Believer,
let him claim it wherever he finds it"*

Imam Ali (as)