



MODULE 7 FAMILY LAW



Module 7: Family Law

- 7.1 Marriage
- 7.2 Conflict and Divorce
- 7.3 Rights of Parents
- 7.4 Rights of Children
- 7.5 Family ties



7.4: THE RIGHTS OF CHILDREN

- Children are the fruit of marriage and means of pleasure (or pain) in this life.
- Children have rights upon their parents before birth, during their gestation, and after birth.

‘O you who believe, save yourselves and your families from a fire whose fuel is men and stones.’ ... ‘Your wealth and children are but a trial, and Allah has with Him a tremendous reward.’

‘Upon death, a person’s deeds will cease, except for three: a perpetual charity, knowledge left behind from which others benefit, and a pious child who continuously prays for his parents.’ (Muslim)

RIGHTS OF CHILDREN

- 1] To nourish the fetus with halal food.
- 2] To call the azan in the baby's right ear and the iqama in its left ear—reminding it of the primordial nature (fitra) on which it was created.
- 3] To give the child a good name. The Prophet (Allah bless him and give him peace) said, 'Keep the names of the Prophets. The most beloved names in the sight of Allah are 'Abdullah and 'Abd al-Rahman...' (Abu Dawud)
- 4] Spending on their needs with halal income (based on 'urf). The Prophet (Allah bless him and give him peace) said: 'It is sufficient sin for a man if he neglects those on whom he is obliged to spend.' (Abu Dawud)

RIGHTS OF CHILDREN

5] Upbringing (tarbiyya):

- Being taught about Allah (existence, names and attributes, etc.); worshipping Allah alone; our purpose of existence:

‘And [remember] when Luqman said to his son when he was advising him: “O my son! Join not in worship others with Allah. Verily, joining others in worship with Allah is a great wrong indeed.”’ (31:13)

- **Purity and prayer.** ‘Abd al-Malik b. al-Rabi’ b. Sabra narrated from his father that his grandfather said: ‘The Messenger of Allah (Allah bless him and give him peace) said: “Teach the child to pray when he is seven years old, and physically discipline him if he does not pray when he is ten.”’ (al-Tirmidhi)

RIGHTS OF CHILDREN

- **Fasting:** Rubayyi' bint Mu'awwidh said: 'The Prophet (Allah bless him and give him peace) sent word on the morning of 'Ashura to the areas where the Ansar lived (on the outskirts of Medina), saying: "Whoever did not fast this morning, let him not eat for the rest of the day, and whoever started fasting this morning, let him complete his fast.' We used to observe this fast after that, **and we used to make our children fast and make them toys of wool; if one of them cried for food we would give him that toy until it was time to break the fast.** (Bukhari)

RIGHTS OF CHILDREN

6] Good manners, character, and Fard ‘Ayn. Imam al-Nawawi said, “The father must discipline his child and teach him what he needs to know about religious duties. This teaching is obligatory upon the father **and all those in charge of children** before the child reaches the age of adolescence. This was stated by al-Shafi’i and his companions. Shafi’i and his companions said: This teaching is also obligatory upon the mother, if there is no father, because it is part of the child’s upbringing and they have a share of that and the wages for this teaching may be taken from the child’s own wealth. If the child has no wealth, then the one who is obliged to spend on him may spend on his education, because it is one of the things that he needs. And Allah knows best.” (**Sharh Sahih Muslim**)

RIGHTS OF CHILDREN

7] **Treating siblings fairly.** The Prophet (Allah bless him and give him peace) said, 'Fear Allah and treat your children fairly.' (Bukhari)

8] **Keep them away (as much as possible) from bad friends.**

9] Protect their fitra

RIGHTS OF CHILDREN

10] Provide the gender specific education and training that will allow them to develop into a well-rounded man or woman. These include:

a] Life skills for a woman/wife/mother

b] Life skills for a man/husband/father

b] Model respect for legitimate authority, as personified by the child's father.

d] To carry responsibility well and take one's duties seriously.

e] To challenge them in age and gender appropriate ways; do not coddle them; let them rise to the occasion; don't be a helicopter parent, always ready to bail them out or 'swoop in' to 'save' them at the first sign of struggle. Too much pampering—especially for boys—creates weak, incompetent men.

RIGHTS OF CHILDREN

f] **Preserve their dignity.** Never belittle, mock, or embarrass them in front of others. Treat them with respect. Do not masculate daughters or emasculate sons.

g] **Teach them their God-given, fitri, roles as a man and woman.** The training of the boy should come mostly from the father, and the training of the girl should come mostly from the mother. Do not punish or pathologize normal, healthy feminine behavior in girls (e.g., shyness), or masculine behavior in boys (being competitive, aggressiveness, etc.). Guide it and direct it.

h] **Modeling all of this**—working on ourselves to show our children at home that ‘Islam works’ and living our purpose as Muslims, following the example of the Prophet (Allah bless him and give him peace) brings well-being.

7.5: KEEPING FAMILY TIES (*SILA AL-RAHIM*)

“Allah created creation and when he completed the act of creation the womb pleaded to Allah and He said to it, ‘Are you not satisfied that I connect whoever connects you and sever whoever severs you?’”



SILA AL-RAHIM—RULING

- Keeping family ties (*Sila al-rahim*) is wajib in general, and cutting it is haram in general.
- Keeping family ties has degrees, some surpassing others.
- The lowest degree is avoiding Muhajara (abandonment). This means that the bare-minimum is giving Salams.
- The Prophet (Allah bless him and give him peace) said, ‘Connect your family ties, even if only with salam.’

SILA AL-RAHIM–VIRTUES

- It increases feelings of love and connection
- Allah connects the one who connects: “Verily Allah created creation and when he completed the act of creation the womb pleaded to Allah and He said to it, ‘Are you not satisfied that I connect whoever connects you and sever whoever severs you?’”
- It is a means of entering Janna.
- It is a means of expanding provision (rizq).

CUTTING FAMILY TIES

- The punishment is hastened in this life before the next. ‘There is no sin in which Allah hastens with its punishment in this life—along with what is stored in the hereafter—like transgression and severing family ties.’ (Ahmad)
- The good deeds of one who cuts family ties are rejected: ‘Verily the actions of the children of Adam are presented every Thursday night preceding Jumu’a—and none of the actions of the one who cuts family ties are accepted.’ (Bukhari)
- The one who cuts family ties does not enter Paradise with the foremost: ‘The one who severs family ties will not enter Paradise.’ (Bukhari)

WITH WHOM MUST WE KEEP TIES?

- 1] Those with whom connection is obligatory–Mahram relatives. Mothers, fathers, brothers, sisters, grandparents, aunts and uncles.
 - 2] Those with whom connection is recommended–non-Mahram relatives (e.g., cousins).
- The Maliki view is that Sila al-Rahim is obligatory for ‘relatives in general’ (mahram and non-mahram)

WHAT DOES 'KEEPING TIES' MEAN?

- 'Keeping ties' is by action and statement.
- Its forms and frequency are determined by custom ('urf).
- This may differ from people to people, land to land, culture to culture, and even family to family.
- It is maintained with relatives we like and dislike (though in cases of abuse/toxicity, one can minimize contact with a relative and keep it to a bare-minimum).
- 'Keeping ties' includes: visiting, sitting, smiling, giving salams, gift giving, phone calls, emails, texts, responding to invitations, visiting when sick, attending their janaza, making peace with them, asking about them, teaching them, helping them, making du'a for them, spending money on them as needed.

WHAT DOES ‘CUTTING TIES’ MEAN?

- ‘Cutting ties’ is by action and statement.
- Scholars differ over what amounts to ‘cutting ties.’ Imam Zayn al-Din al-‘Iraqi said, ‘It is by *isa’a* (bad treatment).’
- Other say it is by forsaking *ihsan*—there is no middle space between keeping ties or cutting ties: it is one or the other. The worst form of cutting ties is towards one’s parents. Then next in severity is cutting ties with close relatives (brothers and sisters and aunts and uncles), then distant relatives.
- Examples include: enmity, backbiting, fighting, lying, slander, defrauding, etc.
- One form of ‘cutting ties’ is neglect of kind treatment—leaving what is customarily seen as ‘keeping ties’ in the custom of the people/family.