83179 - Who has more right to her son – her or her husband whom she suspects of witchcraft? What are the signs of the practitioner of witchcraft?

the question

My son is nearly 11 years old. He has become very aggressive; he does not respect me and shouts at me. Sometimes even he uses his hands without any justifications, after his father gave him a computer as a gift. His father deals by sihr, I do not know if he is sahir himself or not, Allah alone knows. He wants to take my son from me (as we are divorced).
How can I protect my son and myself? What can I do so that my son returns to how he was before? How can I know the reality of his father? In the case that I make sure he is a sahir and wants to harm me and my son, am I permitted to not let him see our son if he wanted to?.

Detailed answer

Praise be to Allah.

Firstly:

Islam enjoins parents to take care of their children and raise them well. Children will grow up on what they hear, read and see in their home, on the streets and in school, and whatever faults happen in their upbringing are because of faults in one or all of these aspects.

What has happened with your son, of his bad attitude towards you, may because of what he has seen and heard at home of the problems between you and your husband, which led to divorce, or it may be because of the influence of what he has seen and read on the computer, or it may be the result of witchcraft done against him by his father in order to take him from you. Any of these things is possible, or it may be all of these reasons combined that has lead to this bad behaviour of your son towards you.

Whatever the case, you have to set things straight by looking for the causes that have led to these

problems, so that you can deal with the matter by dealing with the cause. If it is because of your problems with his father, then you must make him understand the reality of the situation and what happened [?} between you, in a way that is appropriate to his age and level of understanding. If the cause is what he hears, watches and sees on the computer then you must keep an eye on whatever he is looking at, and it is essential to teach him to make good use of the computer. If he does not respond, then you can forbid him to use it altogether. If the cause is his father doing witchcraft on him, then you can start to remedy it by using shar'i ruqyahs from the Qur'aan and saheeh dhikrs of the Prophet (peace and blessings of Allaah be upon him). There is no reason why you shouldn't take him to someone whose religious commitment you trust, to treat him in the shar'i manner for such cases.

Secondly:

You can find out whether his father is really doing sihr (witchcraft) by finding out how he treats others or what he really says to those who visit him and consult him.

Some of the scholars have mentioned the signs of the saahir (practitioner of witchcraft) by means of which anyone can discern the saahir from those who are good and righteous. These signs are:

1.He asks the sick person for his mother's name, and some personal possession of the one for whom treatment is sought, such as his hair or clothing.

2.He mumbles words that have no meaning and that the listener cannot understand. The muttering may be calls to the jinn or devils to come and serve him.

3.Another sign is that the saahir does not attend Jumu'ah prayer or the five daily prayers in the mosque.

4.He is dishevelled and smells bad, and he likes being in the dark and on his own.

5.He gives the sick person an amulet ("hijab") containing some mumbo-jumbo, squares or numbers.

To find out the truth, he should have all or some of the characteristics. Thus you will know the truth about him. It should be noted that you may be exaggerating in suspecting him of witchcraft. You have to be fair in judging him, and fear Allaah before making accusations and claims of which he is innocent.

But so long as you have separated from him, we do not think that you should concern yourself too much with your ex-husband and whether he is a saahir or not; rather what you should do is focus on how to protect yourself and your son, and how to fulfil your duty of raising this boy.

Thirdly:

With regard to custody of the child, it is known that the purpose of custody is to protect and take care of the child. Hence a person's right to custody is waived if he is immoral or corrupt, or if he neglects him, or if he travels a great deal, which would harm the child's interests.

Shaykh al-Islam Ibn Taymiyah (may Allaah have mercy on him):

It should be noted that there is no text which gives precedence to either parent in general terms, or chooses one of the parents in all cases. The scholars are unanimously agreed that neither of them is specified in all cases, rather when there is transgression of the limits or neglect, precedence is not to be given to the one who will be like that (i.e., the parent who will transgress the limits or be neglectful) over the one who is just and good and will do what is required.

Majmoo' al-Fataawa (34/132).

It should be noted that the period of custody extends until the child reaches the age of discernment and independence, i.e., custody lasts until the child is able to discern and is independent of his guardian, in the sense that he can eat and drink by himself, and clean himself after going to the toilet by himself, and so on.

As he has reached the age of 11, he should be given the choice of living with his father or with you, so long as the choice is made by him freely, without any pressure or compulsion, and so long as the reason for his choice is not that he will never be told to pray or obey Allaah, or to do

anything that is in his religious or worldly interests, because his choice in this case would be harmful to him. Many children care only about choosing the one who will spoil them the most or give them the toys and games that they want, so in that case he should not be allowed to have what he wants.

If it is proven that his father is engaging in witchcraft, then it is not permissible for him to take his son, rather he should be withheld from him until he repents sincerely to Allaah.

If it is not proven that the father is engaging in witchcraft, then the parents should cooperate in raising their son, and pay attention to what is in his best interests, so that their conflict will not be a cause of the children failing and being lost.

See also the answers to questions no. 8189 and 20705 and 21516.

We ask Allaah to set all your affairs straight and to guide your son to that which our Lord loves and is pleased with, and to set his father straight and protect his religious commitment.

And Allaah knows best.