220070 - Concerning obedience to his disbelieving parents, and attribution of an illegitimate son

the question

I am a revert and from my jahiliyya time I have a son who is now 9 years.
His mother and me were never married and 3 years ago we separated. 2 years ago I reverted alhamdulillah and now I am married to a pious and religious muslim woman alhamdulillah.
My son is today living more with his mother than with me and my wife plan to move to another city where there is a mosque and more muslims to socialize with, and its not even far away but somehow my mother and her husband (I refer to them as my parents) are against this idea and cannot understand it. They are also non-muslims and sometimes I feel that they are a little against my wife, and also they have difficulties in understanding that we are practicing muslims.
I know that as muslim I have to obey my parents even when they are kuffar but until what point?
I just want to plan and live my life with my wife and I have no intention to cut my family ties with either my son or with them. What can you advise me to handle this situation? Now my parents are angry with me and we are not talking at the moment. And what is the ruling in Islam according to my son? Who is he attributed to?

Detailed answer

Praise be to Allah.

Firstly:

We congratulate you on your entering Islam, the religion of truth and of sound human nature with which Allah created His slaves. We ask Allah, may He be glorified, to make you steadfast in adhering to His religion and to protect you from the evil of the devils among mankind and the jinn.

With regard to your disbelieving parents, you have to honour them, uphold ties with them, and keep company with them on a basis of kindness. Allah, may He be exalted, says (interpretation of the meaning):

“And We have enjoined on man (to be dutiful and good) to his parents. His mother bore him in weakness and hardship upon weakness and hardship, and his weaning is in two years give thanks to Me and to your parents, unto Me is the final destination.

But if they (both) strive with you to make you join in worship with Me others that of which you have no knowledge, then obey them not, but behave with them in the world kindly, and follow the path of him who turns to Me in repentance and in obedience. Then to Me will be your return, and I shall tell you what you used to do.”

[Luqmaan 31:14,15]

It says in al-Fawaakih ad-Dawaani ‘ala Risaalat Ibn Abi Zayd al-Qayrawaani (2/290): One of the individual obligations upon every accountable individual is honouring his parents, i.e., treating them kindly, even if they are evildoers, with regard to anything that does not involve shirk (or sin), and even if they are mushrikeen, because of the verses which indicate that in general terms. Rights are not waived because of evildoing or being of different religions. End quote.

With regard to obeying disbelieving parents in matters that are right and proper, the scholars differed as to whether that is obligatory. A number of scholars stated that it is also obligatory to obey them in matters that do not involve disobedience towards Allah, may He be exalted.

It says in al-Adaab ash-Shar‘iyyah wa’l-Minah al-Mar‘iyyah (1/437): From the above it appears that obedience to one’s father is obligatory even if he is a disbeliever. This was stated definitively by the author of an-Nuzum. The apparent meaning of his words in al-Mustaw‘ab as-Saabiq concerning the words “even if they are evildoers” indicates that if the parents are disbelievers, in that case it is not obligatory to obey them. That concurs with what was mentioned by our companions, that their permission is not needed for jihad, regardless of whether it is an individual obligation in his case or not. End quote.

But if the disbelieving parents behave in such a manner that it seems that want to bar their child from Islam or from following its laws and obligatory duties, or from something that is more beneficial to him in terms of his religious commitment that enables him to learn and understand matters of religion, then it is definitely not permissible to obey them in that case.

Based on that, you do not have to obey your parents by not moving to that place that is better for you and your wife in terms of your religious commitment.

Shaykh Ibn ‘Uthaymeen (may Allah have mercy on him) was asked about a father who did not let his son attend classes and study circles, which resulted in the son losing his religious commitment and going to watch movies and do other haraam things; is the action of this father regarded as barring his son from the path of Allah, and is the son obliged to obey his father in this instance?

He replied:

If your father or mother forbids you to attend study circles, you should not obey him, because attending study circles is something good, and it will not result in any harm to the parents. Therefore we say: do not obey them, but strive to be diplomatic with them.

What is meant by being diplomatic is not to tell them that you are going to study circles; rather you can act as if you are going to see your friends and the like.

With regard to the father and mother who prevent the son from attending study circles, that comes under the heading of preventing the remembrance of Allah, so they are sinning by doing this. What the father and mother should do if they see their son is interested in seeking knowledge is to rejoice at that and help him as much as possible, because this is a blessing from Allah to him and to them. Who is the child who can benefit a parent if he or she dies? It is the righteous child, as the Prophet (blessings and peace of Allah be upon him) said: “When a person dies, all his good deeds come to an end except three: ongoing charity, beneficial knowledge or a righteous child who will pray for him.”

End quote. Liqaa’aat al-Baab al-Maftooh, no. 99, p. 9

Our advice to you in this case is that you should move to that place where there is a mosque and more Muslims, so that you can cooperate with them in righteousness and piety and in obedience to Allah, may He be glorified and exalted.

We should not neglect to remind you to strive to call your parents to the truth, for they are in the greatest need of that, to save them from disbelief and sin. You should use wise means of calling them and strive to show kindness towards them as much as you can.

Secondly:

With regard to this child who was born from an illicit relationship, he should not be attributed to you at all; rather he should be attributed to his mother who gave birth to him. That is because the Prophet (blessings and peace of Allah be upon him) said: “The child is for the (owner of the) bed and the fornicator gets nothing.” Narrated by al-Bukhaari (2053) and Muslim (1457)

But if the woman with whom the man committed that evil act is not married, then a number of scholars said that it is permissible for the fornicator in that case to attribute the child she bore to himself.

This has been discussed in fatwa no. 85043 .

And Allah knows best.