



286874 - Is it obligatory for the father to spend on his sons until they complete their university studies?

the question

Until when is it obligatory for a father to spend on his son, according to the four madhhabs? Is it obligatory for the father to spend on his son's education up to the level of a bachelor's degree or postgraduate studies as part of obligatory spending on his maintenance?

Summary of answer

There is no clear text to suggest that it is obligatory for the father to spend on his healthy adult son who has no income, and the scholars differed concerning that in the past. What is in the best interests of the Muslims, individually and communally, in the present era is following the view which says that the father is obliged to spend on his son who is studying full-time, until he graduates and becomes able to work.

Detailed answer

Praise be to Allah.

I.

There is scholarly consensus that the father is obliged to spend on his son until he reaches puberty, but they differed with regard to spending on a son who reaches puberty in good health and is able to work, but he has no job through which he can earn money.

Ibn al-Mundhir (may Allah have mercy on him) said:

Every scholar from whom we acquired knowledge regarded it as obligatory for a man to spend on his children who are minors and have no wealth. Then they differed with regard to spending on



children who reach puberty and have no wealth or source of income to cover their expenses.

End quote from *Al-Awsat*, 9/79.

Ibn Hubayrah (may Allah have mercy on him) said:

The scholars differed concerning the case when a son reaches puberty in financial difficulty and has no skill or profession.

Abu Hanifah said: The obligation to spend on a son's maintenance ceases when he reaches the age of puberty in good health, and the obligation to spend on a daughter's maintenance ends when she gets married.

Malik said something similar, except with regard to a daughter, he said: The father's obligation to spend on his daughter does not cease even if she gets married, until the husband consummates the marriage with her.

Ash-Shafa'i said: It ceases in both cases.

Ahmad said: The obligation does not cease for the father, even if the son reaches puberty, if he does not have a source of income or any wealth.

End quote from *Ikhtilaf al-A'imma al-'Ulama'*, 2/212.

From the above we may conclude that the majority of Hanafis, Malikis and Shafa'is were of the view that it is not obligatory for the father to spend on his son if he reaches puberty in good health and is able to earn a living.

Al-Hafiz Ibn Hajar (may Allah have mercy on him) said:

The majority of scholars are of the view that what is required is to spend on them until the male reaches puberty and until the female gets married, then the father is not obliged to spend on them after that unless they are chronically ill...



End quote from *Fat-h al-Bari*, 9/500.

There is no clear text stating that the father is no longer obliged to spend on them; rather this is the view of various scholars based on their understanding of the religious texts that speak of spending on children, as they thought that the texts refer to minors on the grounds that they are minors, because the minor is usually unable to earn a living and needs his father to spend on his maintenance. So when the child reaches puberty in good health, if it becomes apparent that he is able to earn a living, in that case he is to be regarded as being like one who is well off, so he no longer has any right to his father's wealth.

Ibn ar-Rif`ah (may Allah have mercy on him) said:

If the sons are healthy and have reached puberty but do not have work by means of which they can earn a living, then spending on their maintenance is not obligatory, because in principle that obligation to spend on relatives applies to minors, and included with them are those who are chronically ill or insane, because in a way they are similar to minors. But if the sons are healthy and able to earn a living, they can no longer be compared to minors.

End quote from *Kifayat an-Nabih*, 15/242.

It says in *Al-Muhit al-Burhani*, a book of Hanafi jurisprudence (3/578):

In our view, the obligation of spending on relatives applies if they are poor and in need. However, if a person is able to earn a living he is to be regarded as being independent of means because he is able to earn, so there is no need to make it obligatory for someone else to spend on him. End quote.

This view was undoubtedly suitable and appropriate, and served shar`i interests in the past, because in days gone by, people would hasten to teach their children crafts and skills, and they would force that on them at an early age, as that was in the child's interests and also in the interests of the Muslim community, and no considerable harm resulted from that, whereas neglecting children and not training them early to work hard would lead to obvious negative



consequences.

Ibn ar-Rif`ah (may Allah have mercy on him) said:

I have seen some of my fellow scholars saying that the father has no right to force his child to work and earn a living, and this is a serious error.

Kifayat an-Nabih, 15/242.

This (forcing the child to take on responsibilities and work hard) is part of being kind to them, caring for them and raising them in the right way. This is the advice that the scholars used to give to people at that time.

Al-Khallal narrated, advising people to engage in trade in *Al-Jami`* (p. 13) that `Ali ibn Ja`far said: My father went to Abu `Abdillah (may Allah have mercy on him), taking me with him, and said to him: O Abu `Abdillah, this is my son. He offered supplication for me and said to my father: Force him to work in the market and keep him away from his peers.

But what we should note is that this is a certain scholarly opinion that was worked out in the context of the customs and circumstances of a particular time, and such a view may be subject to change as the context and circumstances change, for the shar`i interests in different circumstances may point to a different view.

Ibn al-Qayyim (may Allah have mercy on him) said:

Rulings are of two types:

The first type does not change and remains the same regardless of time and place, and there is no room for scholars to work out their own views (ijtihad). This type includes the ruling that religious obligations are obligatory and what Islam forbids is prohibited, as well as the prescribed hadd punishments for certain offences, and the like. These rulings are not subject to change or there should be no scholarly opinion that is contrary to what is prescribed.

The second type is rulings that may be changed at different times and in different places and



circumstances as dictated by what best serves the Muslims' interests, such as amounts and types of disciplinary punishments and how they ought to be carried out, for the Lawgiver may vary in that according to what best serves the Muslims' interests.

End quote from *Ighahat al-Lahfan fi Masayid ash-Shaytan*, 1/570.

So the scholarly view that may be regarded as weaker in one era may become a stronger view in another era, and vice versa, because of changes in conditions and circumstances. That is because the interest on which the the previous view or opinion of a jurist was based can no longer be achieved on the basis of that view.

Ibn Rajab (may Allah have mercy on him) said:

A weaker view that was worked out by a scholar may later take precedence over another view that was regarded as stronger, if giving rulings on the basis of the view that was formerly regarded as stronger could lead to negative consequences.

End quote from *Al-Istikhraj li Ahkam al-Kharaj*, p. 268.

Islamic law came to achieve what is in people's best interests and to protect them from harm, so the scholarly view that achieves that is the right view.

Ibn al-Qayyim (may Allah have mercy on him) said:

Changes in fatwas as a result of changes in time, place, circumstances, intentions and customs

This is an issue of great benefit, but because some scholars were unaware of it, they made serious mistakes in their fatwas which imposed a great deal of frustration and hardship on people, that was beyond what they could bear, and it is well known that the great Islamic system of law, which aims to achieve what is in people's best interests, cannot impose such hardship. Sharia is built and based on wisdom and is aimed at achieving what could serve people's interests in this world and the hereafter, and it is fair and just, a mercy in all its rulings; it seeks to achieve what is in people's best interests, and it is all based on wisdom. So every fatwa that goes beyond what is fair



and just and becomes oppressive, and it goes beyond mercy to its opposite, and it ignores what is in the Muslims' best interests and favours what is detrimental to them, and goes beyond wisdom to folly, is not part of Islamic teachings, no matter how hard those who hold such views try to justify it.

Sharia is Allah's justice for His slaves and divine mercy for His creation.

End quote from *A`lam al-Muwaqqi`in*, 3/429.

What appears to be the case, based on people's situation and circumstances nowadays, is that what is in their best interests is not to force the child to work and earn money as soon as he reaches puberty, before he finishes his studies which are in his best interests, as is the case for the majority of people, especially if the child shows that he is intelligent and is excelling at school, and the family's situation does not compel them to force the child to go out and work, and the family is not unable to spend on him.

The interest that could be served by his learning how to earn a living or learning a craft may also be served, in part or in full, during his breaks from school.

Ibn Hazm (may Allah have mercy on him) said about spending on relatives:

It was narrated Ahmad ibn Shu`ayb, from Qutaybah, from al-Layth ibn Sa`d, from Abuz-Zubayr, from Jabir who said: The Messenger of Allah (blessings and peace of Allah be upon him) said: "Start with yourself and be charitable to yourself. Then if there is anything left over, give it to your family; then if there is anything left over from your family, give it to your relatives; then if there is anything left over from your relatives, give it to the poor and needy, and other charitable causes."

Allah, may He be Glorified and Exalted, ordained that something should be due to relatives, the needy and wayfarers, and the Messenger of Allah (blessings and peace of Allah be upon him) enjoined giving to relatives.

If the one who disagrees says that the relative's right is that we should uphold ties with him and not cut him off,



we say: Yes, that is his right, and upholding ties of kinship means not leaving him to ask of others, holding out his hand; or to die of hunger or cold or neglect; or to be exposed to the sun, rain, wind and cold, when you have wealth surplus to your needs and you can do without it. The worst type of cutting him off is to leave him as mentioned above.

End quote from *Al-Muhalla bil-Athar*, 9/271-272.

III.

A group of scholars were of the view that the father is obliged to spend on his son who has reached puberty if he has no income, even if he is healthy, because the texts that speak of spending on children do not speak of an age when that spending can be stopped; rather they do not specify any such age.

According to the hadith of `A'ishah (may Allah be pleased with her): Hind bint `Utbah said: O Messenger of Allah, Abu Sufyan is a stingy man and he does not give me enough maintenance for myself and my children, unless I take from his wealth without his knowledge. The Messenger of Allah (blessings and peace of Allah be upon him) said: "Take from his wealth on a reasonable basis, whatever is sufficient for yourself and your children." Narrated by al-Bukhari, 5364; Muslim, 1714.

Ibn al-Mundhir (may Allah have mercy on him) said:

A group of scholars regarded it as obligatory to spend on all children, minors and adults, males and females, if they do not have wealth that would make them independent of means with no need for their father to spend on them, based on the apparent meaning of what the Messenger of Allah (blessings and peace of Allah be upon him) said to Hind: "Take from his wealth on a reasonable basis, whatever is sufficient for yourself and your children"; he did not exclude those who had reached puberty and state that this applied only to minors. In cases where all scholars are unanimously agreed that the father is not obliged to spend on those of his children who are well off, the obligation is definitely waived in such cases. But in any situation in which the scholars differed as to whether spending on the children is waived or not, then the obligation in that case is



affirmed, because it is included in the general meaning of the Prophet's words.

End quote from *Al-Awsat*, 9/80.

It was narrated by `Abd ar-Razzaq in *Al-Musannaf* (8/454) and by Ibn Abi Shaybah in *Al-Musannaf* (12/442) from `Amr ibn Dinar, that a man said to Jabir ibn Zayd: My father is depriving me of his wealth and is saying: I will not spend anything on you. He said: Take from your father's wealth on a reasonable basis.

This hadith was narrated by Imam Ahmad, and something similar was narrated from Tawus (may Allah have mercy on them both).

Al-Mirwadhi (may Allah have mercy on him) said:

What is permissible for a man to take from his father's wealth and for a woman to take from her husband's wealth:

Abu `Abdillah narrated to us, from Ibn Tawus, from his father, who said: A man may take from his father's wealth on a reasonable basis... Sufyan narrated to us that `Amr said: A man said to Jabir ibn Zayd: My father is depriving me [that is, not spending on me]. He said: Take what is sufficient for you on a reasonable basis.

End quote from *Az-Wara`*, p. 118.

This view is one view that was narrated from Imam Ahmad, and is what appears to be his madhhab: that the father is obliged to spend on his adult, healthy son if the latter has no income.

Al-Qadi Abu Ya`la (may Allah have mercy on him) said:

If the son is in a good condition, meaning that he is an adult, of sound mind and healthy, but he is going through financial difficulties, is the father obliged to spend on him?

There are two views. Al-Athram narrated from him (Ahmad): He should be forced to spend on his son if he is in need. What this appears to mean is that he is obliged to do that on the grounds that



he is in need.

Abu Dawud narrated: The heirs who will inherit from him should spend on an adult if he is chronically ill. What this appears to mean is that if he is not chronically ill, they are not obliged to spend on him.

The grounds for this ruling is because he is accountable and in a good condition, but has no income, so the son is not obliged to spend on his father, because he is regarded as being like one who is well off...

According to another view, if the father is in financial difficulty, the son must spend on him, even if he is not chronically ill.

From that we may conclude that if the son is in need, he is like one who is chronically ill, and his case is like that of the father mentioned above.

End quote from *Ar-Riwayatayn wal-Wajhayn - al-Masa'il al-Fiqhiyyah minhu*, 2/242.

Burhan ad-Din ibn Muflih (may Allah have mercy on him) said:

In the case of one who is healthy and accountable, and has no profession, is it obligatory for his father to spend on him? There are two views. It is not stipulated that for the parents to spend on the child, or vice versa, that there should be some disability or that the individual should be lacking in terms of being an adult, sane and in good health, according to the madhhab, because the Prophet (blessings and peace of Allah be upon him) said to Hind: "Take from his wealth on a reasonable basis, whatever is sufficient for yourself and your children," and he did not exclude from that one who was an adult, or healthy; and because the child was poor, it was his due that his well-off father should spend on him, similar to the case of a child who is chronically ill.

End quote from *Al-Mubdi` Sharh al-Muqni`*, 9/12.

This is one view among the Shafa`i scholars, although the official view of the madhhab is different.

Al-`Imrani (may Allah have mercy on him) said:



If the son is an adult, healthy, in need and has no income, then there are two views:

The first view is that of our companions, who said: There are two opinions regarding that, as in the case of parents.

The second view is what some of them say: it is not obligatory to spend on him, according to unanimous scholarly opinion, because the right of the father is more emphasised, so he deserves that his son should spend on him even if he is healthy, and the right of the child is less emphasised, so he does not deserve that his father should spend on him when he is healthy. This is according to our madhhab.

End quote from *Al-Bayan fi Madhhab al-Imam ash-Shafa`i*, 11/252.

Al-Isnawi (may Allah have mercy on him) said:

If he is a relative and is able to earn an income appropriate to his situation, then if he is a descendant, it was said that you definitely do not have to spend on him [because he is able to earn a living]. And it was said that there are two views, the more correct of which according to our companions is that it is not obligatory to spend on him.

It says in *Al-`Iddah*: But the official view today is that it is obligatory to spend on him.

However, if that relative is an ascendant, there are two views. One group of scholars thought that the view that says it is obligatory to spend on him is stronger. End quote.

As for what may be understood from what he said concerning the ascendant, that the view that says it is obligatory to spend on him is stronger, this is correct, and ar-Rafi`i narrated that it is definitely correct concerning zakat al-fitr.

As for what he said about descendants, that it is not obligatory to spend on a descendant if he is healthy, he also stated that clearly in *Ash-Sharh as-Saghir*, and he did not state that any other view was stronger than it. But he stated in *Al-Muharrar* that the stronger view is that it is obligatory to spend on him, because he made a statement that mentions both (that is, the



ascendant and the descendant) together, in which he said: However, there are three views, the strongest of which is that it is obligatory to spend on him, and the third view is that it is obligatory for the descendant to spend on the ascendant, but not vice versa.

An-Nawawi commented on the view in *Al-Minhaj*, and corrected the detailed discussion.

End quote from *Al-Muhimmat fir Sharh ar-Rawdah* by ar-Rafi'i, 8/102.

What we may conclude from all of the above is:

That according to this view, it is more appropriate for the father to spend on the son who is studying full-time, until the excuse of studying is no longer present. The custom nowadays has settled on the idea that the student who is studying full-time is not to be blamed if he does not work and he is not to be regarded as falling short.

This view is mentioned in the fatwas of the Permanent Committee for Academic Research and Issuing Fatwas, who were asked:

What is the ruling on my father spending on my accommodation and food, because I am a student and I am not working yet? I have eighty pounds from which I spend on my accommodation, clothing and purchase of textbooks. Should I spend it on food too and ask my father for anything until Allah grants me provision?

Answer: If you are in financial difficulty and you do not have any wealth or source of income that you could spend on accommodation, food, drink and clothing, then your well-off father is obliged to spend on your accommodation, clothing and food, within his means, as much as you need. But if you have some wealth or income that will suffice you, your father is not obliged to spend on you; rather you should spend from your own wealth or earnings to cover the cost of your accommodation, clothing and food.

And Allah is the source of strength. May Allah send blessings and peace upon our Prophet Muhammad and his family and companions.



Permanent Committee for Academic Research and Issuing Fatwas

`Abdullah ibn Qa`ud, `Abd ar-Razzaq `Afifi, `Abd al-`Aziz ibn `Abdillah ibn Baz.

End quote from *Fatawa al-Lajnah ad-Da'imah*, Vol. 1, 21/173.

Summary:

There is no clear text to suggest that it is obligatory for the father to spend on his healthy adult son who has no income, and the scholars differed concerning that in the past. What is in the best interests of the Muslims, individually and communally, in the present era is following the view which says that the father is obliged to spend on his son who is studying full-time, until he graduates and becomes able to work.

And Allah knows best.