390426 - Does a father have the right to hit his children in any way he wishes, even if he breaks a limb or puts out an eye?

the question

There is a girl who lives in her father’s house, and her father attacked her and harmed her greatly, causing some physical deformity and obvious injuries. The matter ended up with him going to jail, then this girl dismissed the case against her father.

But one of the shaykhs told her that according to Islamic teachings, her parents are not to blame for anything, and that there is a hadith which indicates that the son and his wealth belongs to his father, and that the father did the child a favour because he is the cause of the child’s existence in this world, and it is not permissible to take him to court and send him to jail, and this girl should be punished.

Now she is asking: My faith in Islam has been shaken, if what the shaykh said is true, to the extent that I have started to neglect my prayers to a great extent, and I have begun to hate any advice or for anyone to talk to me, and I do not know what to do. At the same time, I do not want to be a loser in this world and the hereafter as a result of what I heard from this shaykh, or because of some trial that I could not face with patience.

Detailed answer

Praise be to Allah.

Firstly:

Before I answer your question or deal with your complaint or write words of consolation to you, I invite myself and you to reflect on the meaning of the verses in Surat Fatir, where Allah, may He be Glorified and Exalted, says:

{O people, it is you who are in need of Allah, whereas Allah is Self-Sufficient, Worthy of all praise.

If He so willed, He could destroy you and bring a new creation [in your stead].

And that is not difficult for Allah.

No bearer of burdens can bear the burden of another. If a heavily-laden soul calls another for help to bear its load, nothing of it will be carried, even if he is a close relative. You [O Muhammad] can only warn those who fear their Lord unseen and establish prayer, for whoever purifies himself only does so for his own benefit. And unto Allah is the return [of all]} [Fatir 35:15-18].

So you should understand that Allah, may He be Glorified and Exalted, is the Self-Sufficient, Worthy of all praise; to Him be praise because He is Self-Sufficient, and to Him be praise in this world and the hereafter. And man is in need of his Lord in all circumstances. Self-sufficiency is a divine attribute of His, may He be Glorified and Exalted, and none of His creation bestowed it on Him; rather it is He Who bestows all blessings on them, and He is their Provider Who gives them all blessings and favours. So you are a slave of Allah and are in need of Him, may He be Glorified and exalted.

Your faith should be too dear to you – and to every believer who believes in the divine and worships Him – to make it dependent on whether others are kind to you or mistreat you, or whether they are pleased with you or displeased with you, or whether they accept you or reject you.

Adhere firmly to your faith, for it is your life. Hold fast to it and beware lest the Shaytan snatch you away from it, even if you were to be killed or burned, and whether they give to you or withhold from you, whether they treat you justly or unjustly.

Your faith has nothing to do with these disputes; your faith is between you and your Lord.

Secondly:

What your father did of harming and injuring you is a grievous evil and clear injustice. Islam does

not permit that or approve of it, and it does not come under the heading of permissible discipline; rather it is a crime for which he should be punished severely.

In *Sahih al-Bukhari* (525) and *Sahih Muslim* (144), it is narrated that Hudhayfah said: We were sitting with `Umar (may Allah be pleased with him) and he said: Which of you remembers what the Messenger of Allah (blessings and peace of Allah be upon him) said about fitnah (tribulation)? I said: I know it exactly as the Prophet (blessings and peace of Allah be upon him) said it. `Umar said: You are a capable person. I said: "The tribulation caused for a man by his wife, wealth, children and neighbour are expiated by his prayers, fasting, charity and enjoining (what is right) and forbidding (what is wrong)."

Al-Qadi Abu Bakr ibn al-`Arabi (may Allah have mercy on him) said: "The tribulation caused for a man by his wife, wealth, children and neighbour" means: the troubles and problems that he goes through because of them, such as falling short in taking proper care of them, or any harm that he causes to them… End quote from *`Aridah al-Ahwadhi*, 9/115.

Najm ad-Din at-Tufi (may Allah have mercy on him) said: "The tribulation caused for a man by his wife, wealth [and] children" includes harm that he may cause to them, because of which he incurs sin, that may be expiated by doing acts of worship and righteous deeds, unless that harm is regarded as a major sin.

End quote from *Mukhtasar at-Tirmidhi*, 2/390.

Thus it becomes clear that the harm that a man may cause to his family without justification is regarded as a sin that requires expiation.

The expiation mentioned is only for that which does not constitute a major sin, so how about if the harm he caused reached the point where it is regarded as a major sin and caused bodily harm? Then he claims that this harm is within the limits set by Allah, and that there is no blame on him for that, and that he has not incurred any blame or sin for what he did to them. Subhan-Allah, this is a grievous lie!

What you say that this ignorant shaykh said is very strange and has no basis.

Rather the jurists differed regarding qisas (retaliatory punishment): is qisas to be carried out against the father if he killed his child or not?

But this does not mean that the crime is pardoned and that there is no sin on him for which he will be questioned by Allah (on the Day of Resurrection), or that he is not to be subjected to any punishment in this world because of that.

The scholarly view regarding qisas that is most likely to be correct is that if the father kills his child deliberately, he is to be executed for that. This is the view of Ibn Nafi`, Ibn al-Hakam and Ibn al-Mundhir. See: *Al-Mughni*, 8/277.

Malik (may Allah have mercy on him) was of the view that if he killed him by striking him with a sword and the like, he is not to be executed.

But if he slaughtered him or killed him in a manner that leaves no doubt that he intended to kill him and not just discipline him, then qisas should be carried out on him.

The basis for that is the general meaning of the evidence for qisas (retaliatory punishment), and the fact that the hadith that is quoted by those who say that there is no qisas in this case is weak (d@a`if).

Shaykh Ibn `Uthaymin (may Allah have mercy on him) said: The famous hadith that is quoted as evidence that no father should be executed for killing his son is a religious text.

The rational argument [for saying that no father should be executed for killing his son] is that the father was the cause of the son coming into existence, so the son should not be the cause of the father being executed.

Let us look at this evidence: as for the hadith, many of the scholars classed it as weak (da`if), so it cannot refute the general meaning of the hadiths which say that it is obligatory to carry out qisas (in the case of murder).

As for their rational argument, the response to that is that the son is not the cause of the father's execution; rather the father is the cause of his own execution, and he brought it upon himself by committing the offence of killing his child.

The correct view is that the father should be executed. Imam Malik (may Allah have mercy on him) favoured this view, but he limited that to cases where the killing was deliberate and there is no doubt or ambiguity about the way in which he did it, such as if he brought the child, lay him down, picked up a knife and slaughtered him. This is a matter concerning which there can be no doubt that it was deliberate.

This is unlike a scenario where there is some doubt as to whether it was deliberate or not, in which case there should be no qisas. He said: That is because it is unlikely that a father would kill his child, so we cannot carry out qisas (retaliatory punishment) unless we are certain that he intended to kill him.

The correct view regarding this issue is that the father is to be executed for murdering his child, and the evidence given for the opposite view is weak and cannot stand up to the clear authentic texts which speak of qisas without exception.

Furthermore, if people were to take this matter lightly, then we would see people having no deterrent to attacking their children, especially people in the direct line of ascent other than the father, such as the maternal grandfather and the like, and killing them, because they will never be subjected to qisas.

End quote from *Ash-Sharh al-Mumti`*, 14/43.

Regarding the hadith "You and your wealth for your father", even if we assume that it is authentic, it indicates that it is permissible to take something from the son's wealth, but it does not indicate that it is permissible to transgress against him or that there will be no qisas.

Moreover, taking from the son's wealth is limited to what the father needs, and it is subject to certain conditions; it does not mean that the father has free rein in this regard. See the answer to

question no. 9594.

To sum up: according to Islamic teachings, it is not permissible for a father to do what your father did, or for him to strike his son on his face, or break or destroy a limb. He is sinning if he does that and he deserves to be punished, and he should be subjected to qisas (retaliatory punishment) according to the view which is regarded as the correct view according to some scholars, provided that it is proven that his intention was to kill him.

The son may take his father to court for that, even if that will lead to the father being imprisoned, and that is not regarded as sinful defiant disobedience towards parents.

It may be that you misunderstood what the shaykh meant. He may have wanted to encourage you to forgive your father, and tell you that you should not treat him badly even if he mistreated you, and so on. So you may have misinterpreted his message and thought that he meant what you mentioned in your question.

Thirdly:

Our advice to you is to be patient and seek reward with Allah, for Allah will keep testing the patient believer until he meets Allah with no sin on him. Beware of being negligent about prayer, for prayer is the most important of the pillars of Islam after the twin declaration of faith (Shahadatayn).

Allah warns those who are negligent of perdition (ghayy), which is a valley in Hell, as He, may He be Exalted, says:

{But after them came generations who neglected prayer and pursued their desires. So they will meet with perdition (ghayy)} [Maryam 19:59].

Ibn Mas`ud (may Allah be pleased with him) said: It is a valley in Hell which is very deep and has an evil taste.

So fear Allah, may He be Exalted, and trust the laws and religion that Allah has ordained; do not be

one of those who worship Allah on the edge [of faith]; and do not pay any attention to the words and harm of the ignorant.

We ask Allah to grant you patience and to increase you in faith and steadfastness

And Allah knows best.