

Islam encourages proliferation and protects children

عن معقل بن يسار قال جاء رجل إلى النبي صلى الله عليه وسلم فقال إني أصبت امرأة ذات حسب وجمال وإنها لا تلد أفأتزوجها قال لا ثم أتاه الثانية فنهاء ثم أتاه الثالثة فقال تزوجوا الودود الولود فإني مكاثر بكم الأمم (ص-ج 2940) /- 2050

narrated by Ma'qil ibn Yasar: "A man came to the Prophet and said, 'I have found a woman of rank and beauty, but she is infertile. Should I marry her?' He said, 'No'. He came again to him, but he prohibited him. He came to him a third time, and he [the Prophet] said, 'Marry the loving and fertile women for, I shall show you off on the Day of Judgment.'" (Abudawood book 11, number 2045: (s-j 2940)

Is family planning forbidden?

Although you should not say I will have only these kids and never have more you may use contraception for health reasons, which include the mother's inability to care for more

عن جابر قال كنا نعزل و القرآن ينزل 4808/خ م/2608

Narrated by Jabir: "We used to practice coitus interruptus while the Quran was being revealed." (Albukhari /4808 muslim/2608)

However, it is unallowable to do that out of fear from poverty, Allah says,

(نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ) (الاسراء: من الآية 31)

"[17/31] We provide for them and for you"

So take it on a one by one basis, if your wife has three or four and tells you, she can't take anymore then, you may defer having more until she can and, if she couldn't then it is Allah's will that you have that many kids.

Islam protects children and provides for their physical intellectual emotional and spiritual well-being.

Islam starts its protection of children prior to conception by establishing a healthy family to which the child will be born in.

Islam protects the fetus in his mother's womb

Examples of such protection:

- Preserving the fetus's life
it is agreed upon amongst the scholars that aborting a fetus after 120 days from conception is a murder. Between 42 and 120 days it is controversial. That does not mean that abortion prior to that is lawful for, it is still haram except in very limited conditions.

The mother who is entrusted with such a great favor is obliged to protect her fetus from any harm whether this harm can be caused by the consumption of a certain food, or medicine, or an activity that, is deemed by the experts as unsafe; it is enough here to say that Allah exempted the pregnant woman from the third pillar of Islam which is fasting for her and the baby's sake.

- Preserving his mother's life

(Even if she deserves to be killed) for the fetus's sake

عن بريدة قال جاءت الغامدية فقالت يا رسول الله اني قد زنيت فظهرني وانه ردها فلما كان الغد قالت يا رسول الله لم تردني لعلاك ان تردني كما رددت ما عزا فوالله اني لحبلى قال اما لا فاذهبي حتى تلدي فلما ولدت ائته بالصبي في خرقة قالت هذا قد ولدته قال اذهبي فارضعيه حتى تقطميه فلما فطمته ائته بالصبي في يده كسرة خبز فقالت هذا يا نبي الله قد فطمته وقد اكل الطعام فدفع الصبي الى رجل من المسلمين ثم امر بها فحفر لها الى صدرها وامر الناس فرجموها
خ/1695

Narrated Buraidah that Alghamidiyah (a woman) came to the Prophet to, purify her from fornication and, she was pregnant so, the prophet told her go back until you give birth. She did and, came back and, the Prophet told her, 'Go back and, nurse him.' She did and, brought the child with a piece of bread in his hand, only then, the Prophet inflicted the punishment on her.

(Albukhari/1695)

- Punishment of whoever beats a pregnant woman leading to abortion of the fetus.

عن أبي هريرة أن رسول الله صلى الله عليه وسلم قضى في جنين امرأة من بني لحيان بغيره عبد أو أمة
خ/6511

Narrated Abu-hurairah that, the Prophet decreed against a woman who caused another woman to have abortion that, she gives a slave to the guardian of the aborted. Albukhari/6511

This financial punishment would not mean that the assaulter would not be punished in other ways as well

- Financial rights of the fetus

It is known that a fetus will inherit his deceased father who died before his birth.

The father is required to spend on his pregnant divorcee as long as she is pregnant.

Othman ibn Affan recommended that Zakat Alfitr be paid on behalf of the fetus.

Once the child is born he/she is entitled to many rights, which include:

- His right on Allah is not to be held accountable until puberty

عن علي أن رسول الله صلى الله عليه وسلم قال ((رفع القلم عن ثلاثة عن الصبي حتى يبلغ وعن النائم حتى يستيقظ وعن المعتوه حتى يبرأ))
د/4402

ص-ج 3514

(ص-ج=صحيح الجامع)

Aly reported that the Prophet said, “three shall not be held accountable, the boy until he reaches puberty, the person who is asleep until he wakes up, and the insane until he is cured”

Abudawood /4402 s-j 3514

- At the same time his good deeds will be counted for him

عن ابن عباس قال رفعت امرأة صبيا لها فقالت يا رسول الله ألهذا حج قال نعم ولك أجر
1336/م Ibn Abbas reported that a woman raised her child (for the Prophet to see him) and said is this child's hajj accepted the Prophet said:
“Yes and you shall be rewarded.” Muslim/1336

Some of the rights acquired upon birth by the child on the family and the society

- The protection of his lineage
The man who is married to a pregnant woman cannot deny his paternity of the newborn if such (i.e. paternity) is possible.

1456/م 1948/خ

قال رسول الله الولد للفراش

The Prophet said: “The newborn shall only belong to the husband of the mother.”
(Albukhari /1948; Muslim/1456)

That means the protection of the infant's honor and that someone will be responsible for him.

The ill effects of disrupting the family system through premarital affairs and other forms of deviation are well known and documented. For that Allah forbade all those forbidden relations that some people may think are personal freedoms.

- Nursing
Allah said:

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنِيمَ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ وِثْرًا وَلَا سُعْيًا وَلَا نُضَارًا وَالذَّهْرُ بَوْلِدِهَا وَلَا مَوْلُودٌ لَهُ بَوْلِدِهَا وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تُسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ (البقرة:233)

“[233] The mothers shall breast-feed their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling, but the father of the child shall bear the cost of the mother's food and clothing on a reasonable basis. No person shall have a burden laid on him greater than he can bear. No mother shall be treated unfairly on account of her child, or father on account of his child. And on the (father's) heir is incumbent the like of that (which was incumbent on the father). If they both decide on weaning, by mutual consent, and after due consultation, there is no sin on them. And if you decide on a foster suckling-mother for your children, there is no sin on you, provided you pay (the mother) what you agreed (to give her) on reasonable basis. And fear Allah and know that Allah is all-seer of what you do.”

▪ Custody (Alhadanah)

The best environment for a child to grow and blossom is between his two parents who live in harmony with mercy and compassion being the driving force for the family as Allah stated in his book however, this is not always feasible and since Islam is a religion which deals with the reality of humans and tries to make the best out of this reality it set guidelines for the care taking of the child of divorced parents.

1-Both parents have the right to see and care for the child and, no parent should deprive the other of such right.

لا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدِهِ

no mother shall be treated unfairly on account of her child, or father on account of his child.

2-A child who is less than seven gets to stay with his mother as long as she is unmarried.

3-And when the child becomes seven he gets to choose between his parents. These rules are deduced from the following two Ahadeeth.

عن جده عبد الله بن عمرو أن امرأة قالت ثم يا رسول الله إن ابني هذا كان بطني له وعاء وثديي له سقاء وحجري له حواء وإن أباه طلقني وأراد أن ينتزعه مني فقال لها رسول الله صلى الله عليه وسلم أنت أحق به ما لم تتكحي صح/ناصر/ارواء
2276/د

Narrated Abdullah ibn Amr ibn Al-'as: a woman said: Apostle of Allah, my womb was a vessel to this son of mine, my breasts, a water-skin for him, and my lap a guard for him, yet his father has divorced me, and wants to take him away from me. The Messenger of Allah said: you have more right to him as long as you do not marry.

Abudawood book 12, number 2269: and authenticated by Alalbany in Irwa' Alghaleel

قال أبو هريرة اللهم إني لا أقول هذا إلا أني سمعت امرأة جاءت إلى رسول الله صلى الله عليه وسلم وأنا قاعد عنده فقالت يا رسول الله إن زوجي يريد أن يذهب بابني وقد سقاني من بئر أبي عتبة وقد نفعني فقال رسول الله صلى الله عليه وسلم استهما عليه فقال زوجها من يحاقتني في ولدي فقال النبي صلى الله عليه وسلم هذا أبوك وهذه أمك فخذ بيد أيهما شئت فأخذ بيد أمه فانطلقت به صح/ناصر/ارواء
2277 /د

Abuhurairah said: o Allah, I do not say this, except that I heard a woman who came to the apostle of Allah while I was sitting with him, and she said: my husband wishes to take away my son, Apostle of Allah, and he draws water for me from the well of Abi inabah, and he has been good to me. The apostle of Allah said: cast lots for him. Her husband said: who is disputing with me about my son? The Prophet said: this is your father and this is your mother, so take whichever of them you wish by the hand. So he took his mother's hand and she went away with him (Abudawood 2277 and authenticated by Alalbany in Irwa' Alghaleel)

The scholars agree however that the judge will have to use his discretion in the process of giving custody. For example, if one parent is too permissive with the child and doesn't care much about the child's education and manners, such a parent may not be given custody even if he is entitled to it according to the order or through the free choice of the child.

▪ The right to sustenance

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنِيمَ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارُّ وَالِدَةٌ بَوْلِدِهَا وَلَا مَوْلُودٌ لَهُ بَوْلِدُهُ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تُسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَعَلِمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ
(البقرة:233)

[2/233] the mothers shall nurse to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling, but **the father of the child shall bear the cost of the mother's food and clothing on a reasonable basis.**
No person shall have a burden laid on him greater than he can bear.

So not only is the father responsible for the child but, also for his mother (who is divorced) as long as she is nursing him.

If the father is absent or incapable, the duty becomes the child's relatives; and, if there are no relatives (the sequence of who would be responsible is controversial, but Ahmad said those who would inherit the child when he dies are the responsible ones), the duty becomes the Muslim society (Baytulmaal).

▪ Guardianship

There are different types of guardianship. One has to do with protection and sustenance and in general, looking out for the child's best interest and, this is the father's. In case of his absence or incapability, it moves to other relatives, who are males on the paternal side.

Examples of such guardianship include, sharing with the girl in the decision making with regards to marriage and, the right to bar her from marrying someone who is not befitting for her, that is why this guardianship lasts until marriage as far as girls are concerned and until puberty for boys, and although this may look like a burden not a right, if you really examine the issue, you will realize, it is a right not a burden.

The other type of guardianship is the custody which is the mother's or if absent or incapable other female relatives on the maternal side.

The third type of guardianship is a financial one (growing the child's wealth), and, this is delegated to the child's father or his appointee, if the father is not available, then, it is either delegated to the judge or his appointee (Hanbali methodology) or, the grandfather or his appointee then the judge (Shafi'y)

▪ The right of education

Tarbeyat in islam included education, and the Murabby is the person who teaches both manners and reading, writing and other subjects.

The Prophet (May Allah bless him and give him peace) said:

عن عائشة قالت قال رسول الله : ((من ابتلي بشيء من هذه البنات فأدبهن فأحسن تأديبهن ورباهن فأحسن تربيتهن كن له حجاباً من النار))
خ/1352 م/2629

“He who is tested by Allah by daughters and, he raised them well [which includes teaching them manners and knowledge], they will be a protection and a shield for him from the hellfire.” (Albukhari/1352 ; Muslim/2629)

In the following few pages we will elaborate more on Altarbeyat (an Arabic word for raising children but it includes all the aspects of the process from an Islamic perspective, physical, emotional, intellectual and spiritual)