

Islamic Fataawa Regarding The Muslim Child

More than 150 Fataawa concerning
The Muslim Child answered by:

Abdul Azeez ibn Abdullah ibn Baaz

Muhammad ibn Saaleh al-Uthaimeen

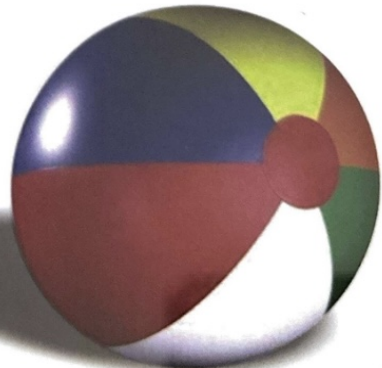
Abdullah ibn Abdur-Rahmaan ibn al-Jibreem

Saaleh ibn Fawzaan al-Fawzaan

The Permanent Committee For The Deliverance Of Legal Rulings

فتاوى

الطفلة المسلمة



Second Edition

**IN THE NAME OF ALLAAH THE MOST BENEFICENT THE MOST
MERCIFUL**

ISLAMIC FATAAWA REGARDING THE MUSLIM CHILD

**MORE THAN 150 FATAAWA CONCERNING THE MUSLIM
CHILD ANSWERED BY:**

*** HIS EMINENCE SHEIKH:**

ABDUL AZEEZ IBN ABDULLAH IBN BAAZ

*** HIS HONOURABLE SHEIKH:**

MUHAMMAD IBN SAALEH AL-UTHAIMEEN

*** HIS HONOURABLE SHEIKH:**

ABDULLAAH IBN ABDUR-RAHMAAN IBN AL-JIBREEN

*** HIS HONOURABLE SHEIKH:**

SAALEH IBN FAWZAAN AL-FAWZAAN

*** AND THE PERMANENT COMMITTEE FOR THE
DELIVERANCE OF LEGAL RULINGS**

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﴿فَمَنْ كَانَ يَرْجُوا لِقَاءَ رَبِّهِ فَلْيَعْمَلْ عَمَلًا صَالِحًا وَلَا يُشْرِكْ

بِعِبَادَةِ رَبِّهِ أَحَدًا﴾

﴿So whoever hopes for the Meeting with his Lord,
let him work righteousness and associate none as
a partner in the worship of his Lord.﴾

The Noble Qur'an - Surah Al-Kahf, Verse 110

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

A gift to...

- * every Muslim father...and every Muslim mother...
- * every male and female teacher...
- * those who install high morals...
- * everyone to whom Allaah has entrusted in their care youngsters, adornments of this worldly life...
- * to you...O dear ones...O fruits of the hearts...
we present this valuable collection...
accompanied by the perpetual supplication...

﴿ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا قُرَّةَ أَعْيُنٍ وَاجْعَلْنَا
لِلْمُتَّقِينَ إِمَامًا ﴾

﴿...O our lord, bestow upon us from our wives and our offspring the comfort of our eyes, and make us leaders of the pious ﴾.

[Al-Furqaan: 74].

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Chapter One:
Regarding belief



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Children are bestowed by the Will and Decree of Allaah.

Q.1:

A person has been emotionally affected by the fact that Allaah has not bestowed upon him children and he does not know whether his wife has also been affected or not. The community around him subjects him to harsh treatment and they blame him for this. Please advise us in this case, may Allaah reward you with good.

The answer:

Do not worry my brother about the fact that you have not been bestowed with children, for Allaah The Most Mighty and Majestic says in His book:

﴿لِلَّهِ مُلْكُ السَّمَوَاتِ وَالْأَرْضِ ۖ يَخْلُقُ مَا يَشَاءُ ۚ يَهَبُ لِمَن يَشَاءُ
 إِنثًا وَيَهَبُ لِمَن يَشَاءُ الذُّكُورَ ﴿٤٩﴾ أَوْ يَزْوِجُهُمْ ذُكْرَانًا وَإِنثًا
 وَيَجْعَلُ مَن يَشَاءُ عَقِيمًا ۚ إِنَّهُ عَلِيمٌ قَدِيرٌ ﴿٥٠﴾﴾

﴿To Allaah belongs the kingdom of the heavens and the earth. He creates what He wills. He bestows female offspring upon whom He wills and bestows male offspring upon whom He wills. Or he bestows both males and females and He renders barren whosoever He wills. Verily He is The All-Knower and is able to do all things.﴾ [Ash-Shoora: 49-50].

For He, glory be to Him The Most High is The All Knowing All Powerful and He creates what He wills, it is He who writes for his slaves that which He wills. He has mentioned that in regards to the bestowment of children people are of four types:

- 1- He bestows to whom He wishes females.
- 2- He bestows to whom He wishes males.
- 3- He bestows to whom He wishes both males and females.
- 4- He renders whom He wishes barren.

All this stems from His Knowledge, Wisdom and Power, glory be to Him the Most High. It may be that this present situation is reversed and Allaah bestows upon you children. For your part as long as your wife does not demand from you children then don't worry about her, may Allaah reward her with good for her patience with you and we ask Allaah The Most High, The All Powerful that He bestows upon us all success and reward for indeed He is All Hearing and ready to answer.

Sheikh Ibn Uthaimeen.

[Fataawa Manaar al-Islam: 3/625]

To hate being bestowed females is a matter of pre-Islamic ignorance.

Q.2:

In these times we have heard things from some people that instigate arguments and estrangement, of such issues certain people are saying: *"We do not like that our wives give birth to females"*. Some of them even say to their wives: *"By Allaah if you give birth to a girl I will divorce you"*. (We absolve ourselves to Allaah from them) Hence, you see a woman in severe distress concerning her situation as to what she would do if her husband fulfils his vow, so from your eminence do you have any advice concerning this?

The answer:

I believe, what this brother has just described is very rare, and I don't think anybody due to his ignorance could sink to this level as to threaten his wife with divorce if she gives birth to a girl, except if he has become tired of his wife and he wants to divorce her using this as a means. If it such and he has no patience with her, he has tried to stay with her but cannot, then he should out rightly divorce her, but not in this fashion, because there is no harm in divorce when there is a need. Along with this we advise anybody who finds something in his wife that he detests to have patience, just as Allaah The Most High has said:

﴿فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا
كَثِيرًا﴾

﴿...if you dislike them, it may be that you dislike a thing and Allaah brings through it a great deal of good﴾.

[An-Nisaa: 19].

As for hating to be bestowed with females, there is no doubt that this is a matter of pre-Islamic ignorance, and it entails a type of anger towards the Decree of Allaah and what He has destined. A person is unaware; it could be that a girl is better for him than many boys. For how many a time has a girl become a blessing for her father in his life and after his death, and how many a time has a boy become an indignation and trial for his father during his life and not availing him any after his death.

Sheikh Ibn Uthaimen.

[*Fataawa Islaamiyyah*: 3/257]

Can a child intercede for his parents, and his grand parents?

Q.3:

Can a one-year old child if it passes away, intercede for its parent's and grand parents?

The answer:

All praise be to Allaah alone and may He bless and send peace upon the Messenger, his family and his companions... Allaah will permit him to intercede for his parents, as for interceding for his grand parents, that knowledge lies with Allaah.

The Permanent Committee.

[*Al-Lujnatu ad-Daaimah: 4/343*]

For who are the deeds of a child written?

Q.4:

Are the deeds of a child who has not yet reached the age of puberty such as prayers, *Hajj* and the reading of *Qur'aan* entirely attributed to his parents or are they attributed to him?

The answer:

The good deeds of a child who has not yet reached the age of puberty and their reward are for him and not for his parents or anybody else. His parents are rewarded for having taught him to perform these deeds, for directing him to good and for helping him in them. This is indicated by the *Hadeeth* in *Saheeh* Muslim narrated by Ibn Abbaas (8), that a woman lifted a child to the Prophet (9) during his fare well *Hajj* and said: "O Messenger of Allaah, is there *Hajj* for him?" He replied:

"Yes, and there is reward for you"

The Prophet (9) informed that, the *Hajj* is for the child and that his mother is rewarded for her *Hajj* with him. Similarly, there is reward for others besides the child's parents, for the good they do such as teaching orphans, relatives, servants and others, due to the Prophet's (9) saying:

“For the one who guides to good, is a reward similar to that of the one who performs it”.

Narrated by Muslim in his *Saheeh*. This is because it is from the assisting of one another in virtue and fearfulness of Allaah and that He, glory be to Him rewards for this.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah: 4/526*]

The end destination of the children of the believers and disbelievers.

Q.5:

What is the final destination of the children of the believers and those of the disbelievers who die at an early age?

The answer:

The final destination of the children of the believers is paradise because they follow their parents, The Most High has said:

﴿وَالَّذِينَ آمَنُوا وَاتَّبَعَتْهُمْ ذُرِّيَّتُهُمْ بِإِذْنِ الْحَقِّنَا بِهِمْ ذُرِّيَّتَهُمْ وَمَا أَلْتَنَّهُمْ مِّنْ عَمَلِهِمْ مِنْ شَيْءٍ كُلُّ امْرِئٍ بِمَا كَسَبَ رَهِيْنٌ﴾

﴿And those who believe and whose offspring follow them in

faith: to them shall we join their offspring, and we shall not decrease the reward of their deeds in any. Every person is a pledge for which he has earned.) [At-Toor: 21].

As for the children of the disbelievers, that is the child who is raised from two parents who are not Muslims: the most correct opinion concerning them is that we say: "*Allaah knows what they would have done*". For they are in the status of their parent's according to the rules of this world. As for the rules of the next world, Allaah The Most High knows what they would have done, as the Prophet (9) said:

"...and Allaah knows their destination"

This is what we maintain. It is a matter that does not affect us much as that concerning us are their rulings in this world, which are like that of the disbelievers. They are not bathed, enshrouded, prayed over and nor are they buried in the graveyard of the Muslims and Allaah knows best.

Sheikh Ibn Uthaimen.

[*Al-Majmu' ath-Thameen: 1/93*]

The destination of an illegitimate child.

Q.6:

I have heard that there is a blessed *Hadeeth* of which the meaning is: "*Verily Paradise is forbidden for the illegitimate child*". Is this *Hadeeth* authentic? And if so, what is the sin of this child who will have to bear the error of its parents and their sin?

The answer:

It is stated in a *Hadeeth* reported by Abu Hurayrah (8), that the Messenger of Allaah (9) said:

"The illegitimate child is the worst in three"

Narrated by Ahmad and Abu Daawood. Some scholars have explained the meaning of this *Hadeeth*; he is the worst in three things: origin, descent and birth. This is because he is created from the sexual emission of the adulterer and adulteress. This emission is evil, of scheming origin and thus it is not assured that this evilness will not affect and induce him into evil, for Allaah absolved Maryam of evil in his words:

﴿ مَا كَانَ أَبِيكَ امْرَأً سَوْءٍ وَمَا كَانَتْ أُمُّكَ بَغِيًّا ﴾

﴿...your father was not one to commit adultery and nor was your mother unchaste.﴾ [Maryam:28].

Despite this, he is not accountable for his parent's sin, due to The Most High's words:

﴿ وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ ﴾

﴿...and no bearer of burdens shall bear the burden of another...﴾ [An-An'aam: 164].

Anyhow, the sin of adultery and its punishment in this world and the next is upon his parents. However it is not guaranteed that this will not induce him into evil and corruption, but this is not always so, for it may be that Allaah makes him upright and he becomes a scholar or a God fearing pious person and thus be the best in three. Allaah knows best.

Sheikh Ibn Jibreen.

[*Fataawa Islaamiyyah*: 4/125]

It is possible for the illegitimate child to enter paradise, as for the

Hadeeth negating this, it is fabricated.

Q.7:

Will the illegitimate child enter paradise if he obeys Allaah, or not? And is there any sin upon him?

The answer:

No sin is attributed to the illegitimate child as a consequence of his parents perpetrating the crime of adultery because that is not from his earning, but their sin rather is upon themselves for The Most High's words:

﴿لَهَا مَا كَسَبَتْ وَعَلَيْهَا مَا اكْتَسَبَتْ﴾

﴿...he gets reward for what he has earned and he is punished for what he has perpetrated...﴾ [Al-Baqarah: 286].

Also His saying:

﴿وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ﴾

﴿...and no bearer of burdens shall bear the burden of another...﴾ [An-An'aam: 164].

His position as to his destination is a different state of affairs. For if he obeys Allaah, performs good deeds and dies upon Islaam, for him is paradise. If he disobeys Allaah and dies upon disbelief, then he is from the inhabitants of the fire. If he mixes good deeds with bad deeds and dies as a Muslim then his affair is with Allaah. If He wills he will be forgiven and if He wills he will be punished and his final destination will be paradise by Allaah's grace and mercy. As for the *Hadeeth* stating that the illegitimate child will not enter paradise, it is fabricated. Success is with Allaah and

may He bless and send peace upon our Prophet Muhammad, his family and his companions.

The Permanent Committee.

[Fataawa Islaamiyyah: 4/522]

He who believes that children are from the bestowments of other than Allaah.

Q.8:

Are children from the bestowments of a sheikh? Is he the one who increases sustenance and decreases it? And what is the ruling of this belief?

The answer:

He who believes that children are from the bestowments of other than Allaah, and that other than Him increases sustenance and decreases it, is a *Mushrik*, a *Shirk* worse than that of the pre-Islamic Arabs and others similar to them. For they, despite their ignorance if they were asked who provides for them from the sky and the earth; who brings forth the living from the dead and the dead from the living they would reply: "Allaah". They worshipped their false gods due to their assumption that they would bring them closer to Allaah. The Most High said:

﴿ قُلْ مَنْ يَرْزُقُكُمْ مِّنَ السَّمَاءِ وَالْأَرْضِ أَمَّنْ يَمْلِكُ السَّمْعَ
وَالْأَبْصَرَ وَمَنْ يُخْرِجُ الْحَيَّ مِنَ الْمَيِّتِ وَيُخْرِجُ الْمَيِّتَ مِنَ
الْحَيِّ وَمَنْ يُدَبِّرُ الْأَمْرَ ۗ فَسَيَقُولُونَ اللَّهُ فَقُلْ أَفَلَا تَتَّقُونَ ﴾

﴿...Say o Muhammad who provides for you from the sky and

from the earth? or who owns hearing and sight? and who brings out the living from the dead and brings out the dead from the living? and who disposes the affairs? they will say Allaah, say: will you not then be afraid of Allaah's punishment) [Yoonus: 31].

He also said:

﴿وَالَّذِينَ اتَّخَذُوا مِنْ دُونِهِ أَوْلِيَاءَ مَا نَعْبُدُهُمْ إِلَّا لِيُقَرِّبُونَا إِلَى اللَّهِ زُلْفَىٰ إِنَّ اللَّهَ يَحْكُمُ بَيْنَهُمْ فِي مَا هُمْ فِيهِ يَخْتَلِفُونَ ۗ إِنَّ اللَّهَ لَا يَهْدِي مَنْ هُوَ كَاذِبٌ كَفَّارٌ ﴿٣١﴾﴾

﴿...And those who take protecting helpers besides Him say, we worship them only that they may bring us near to Allaah. Verily Allaah will judge between them concerning that wherein they differ. Truly, Allaah guides not him who is a liar and a disbeliever) [Az-Zumar: 3].

Furthermore He said:

﴿أَمَّنْ هَذَا الَّذِي يَرْزُقُكُمْ إِنْ أَمْسَكَ رِزْقَهُ ۗ﴾

﴿...who is he that can provide for you if He should withhold His provision?﴾ [Al-Mulk: 21].

It is established in the *Sunnah* that only Allaah possesses bestowment and deprivation. An example of this is the narration of Bukhaari in his *Saheeh* under the chapter; “Remembrance after prayer”, that: Warraad the scribe

of Al-Mugheerah Ibn Sho’bah said: Al-Mugheerah Ibn Sho’bah dictated

to me in a letter to Mu'aawiyah that the Prophet (9) used to say after every prescribed prayer:

لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ لَهُ الْمُلْكُ وَ لَهُ الْحَمْدُ وَ هُوَ عَلَى
كُلِّ شَيْءٍ قَدِيرٌ اللَّهُمَّ لَا مَانِعَ لِمَا أَعْطَيْتَ وَ لَا مُعْطِيَ لِمَا مَنَعْتَ وَ
لَا يَنْفَعُ ذَا الْجَدِّ مِنْكَ الْجَدُّ.

“There is no God worthy of worship except Allaah alone with no partner unto him, His is the dominion and His is all praise, and He is capable of all things. O Allaah, there is none to withhold that which You have given and none to give that which You have withheld and no possessor of wealth and majesty can avail any, from You is all wealth and majesty”

Muslim has narrated similar to this in his *Saheeh*. Allaah provides his slave with a family and extends his provision because of his supplication to Him only. This is apparent in *Soorah Ibraaheem* from the supplication of Ibraaheem (the close friend of Allaah) to his Lord Who accepted his supplication. In *Soorah Maryam* and *Al-Anbiyaa* and other *Soorahs* that recall the supplication of Zakariyya to his Lord and the acceptance of it, as is affirmed from Anas (8), that he said: *I heard the Messenger of Allaah (9) say:*

“Whosoever it pleases him that he should be expanded in his provision and extended in his life span, he should keep family ties”

Narrated by Bukhaari and Muslim in their *Saheeh* collections.

The Permanent Committee.

[*Fataawa Islaamiyyah: 1/154*].

The ruling of celebrating the birthday of a child.

Q.9:

Is the celebration of children's birthday parties considered to be the imitation of western disbelievers, or is it entertainment for the spirit, and a form of entering happiness into the heart of the child and his family?

The answer:

The celebration of birthday parties is of two types, either it is a form of worship or a custom:

1- If it is a form of worship then it is an innovation in the religion of Allaah. It is affirmed that the Prophet (ﷺ) warned against innovation, as it is misguidance, for he (ﷺ) has said:

“Be aware of innovated matters, for every innovation is misguidance and every misguidance is in the fire”

2- If it is from custom then there are two prohibitions linked to it:

a- The considering of a normal day as a holiday. This is a form of preceding Allaah and His Messenger (ﷺ), as we have affirmed a holiday in Islaam that Allaah and His Messenger (ﷺ) have not legislated.

When the Messenger of Allaah (ﷺ) migrated to Madeenah, he found the *Ansaar*¹ had two days within which they used to celebrate and consider as holidays. He (ﷺ), then said:

“Verily Allaah has exchanged them for you for that which is superior, Eid-ul-Fitr and Eid-al-Adha”

¹ The indigenous inhabitants of Madeenah who accepted Islaam and aided The prophet (ﷺ) and the immigrants from Makkah, may Allaah be pleased with all of them.

b- It is an imitation of the disbelievers, for this custom is not from the customs of the Muslims, rather it has been inherited from others. It has been affirmed that the Prophet (9) said:

“Whosoever imitates a people then he is surely from them”

Also it is not praise worthy for a person to be of many years in age, except if they were spent in the pleasure of Allaah The Most Honourable and Majestic and in His obedience. For the best of people is he who's life is long and deeds virtuous, and the worst of people is he whose life is long and deeds corrupt. For this reason some scholars disliked the supplication for a long life without being specific. They disliked that it should be said to a person: “*May Allaah extend your life*”, except that it be specified, for example that it be said: “*May Allaah extend your life is His obedience*” or “*May Allaah extend your life in virtue*” or that similar. This is because a long life could be bad for a person, for a long life with bad deeds (Refuge is with Allaah from this) is evil for a person. It is an extension in his punishment and an evil consequence upon him, the Most High said:

﴿وَالَّذِينَ كَذَّبُوا بِآيَاتِنَا سَنَسْتَدْرِجُهُمْ مِّنْ حَيْثُ لَا يَعْلَمُونَ
﴿۱۸۲﴾ وَأُمْلِي لَهُمْ إِنَّ كَيْدِي مَتِينٌ ﴿۱۸۳﴾﴾

﴿And those who reject our signs, we shall gradually seize them with punishment in ways they perceive not. And I respite them certainly my plan is strong﴾ [Al-A'raaf: 182-183]:

He, The Most Glorious also said:

﴿وَلَا تَحْسَبَنَّ الَّذِينَ كَفَرُوا أَنَّمَا نُمَلِّيْهِمْ حَيْرٌ لَّا أَنفُسِهِمْ إِنَّمَا

﴿ نُمَلِّئُهُمْ لِيَزِدَّادُوًا إِتْمًا وَهُمْ عَذَابٌ مُّهِينٌ ﴾

﴿And let not the disbelievers think that our postponing of their punishment is good for them. We postpone it only so that they may increase in sinfulness. And for them is a disgracing torment﴾ [Aali-Imraan: 178].

Sheikh Ibn Uthaimen.

[Fataawa Manaar Al-Islam: 1/43]

It is not permissible to attend this party.

Q.10:

In our country Egypt, we have a custom, that is every person when he ages a year of his life he holds a party, and we call this a birthday party or extinguishing of the candles. I have heard lately that this is not permissible according to the *Sharee'ah*. Is this deed really not permissible in the *Sharee'ah*? And is it permissible to attend these parties if one is invited to one? Please enlighten me, thank you very much.

The answer:

This is a bad custom, and an evil innovation that Allaah has not legislated, for festivities and holidays are dependent upon evidence just like all forms of worship. It has been related in a *Hadeeth* that the people of Madeenah during the times of ignorance used to celebrate two holidays and that Allaah exchanged these for them for two legislated holidays. It is not related what is known as a birthday party in the *Sharee'ah*, and none of the companions of the Prophet (ﷺ) practiced it, or any of the early generations of the Muslims. So it is not permissible according to the

Sharee'ah to celebrate these occasions or to attend them, or to encourage those who perform them, or to congratulate them or other such activities

that support this evil, or affirm it.

Sheikh Ibn Jibreen.

[*Fataawa al-Mar'atil-Muslimah: 1:156*]

A chain of *Shirk* based innovations and evil.

Q.11:

There are a group of students who have memorized the *Qur'aan*, who gather every year on the occasion of the birthday of the most blessed of mankind Muhammad (9) in the burial chamber of one of the pious friends of Allaah!!! During this occasion, children are circumcised, and money and other things are given in charity to the students. After the delegations of people have left, the students divide the money amongst themselves each according to his level and honour and amongst them, there is he who sells the charity given at an increased price. One of them would say, for example, "*O students what have you placed into the collection cloth?*" So they reply: "*We have placed health into it*", or wealth or pious children...etc. It is then sold at high price, which is many times its original value. They then buy with this money sacrificial animals that are sacrificed inside the tomb. The students stay there for a week and complete reading the whole *Qur'aan* many times each night. They pray inside the burial chamber, bearing in mind that the tomb is inside the chamber, and the chamber is inside a grave yard...what is the ruling concerning this deed? Is it a deed that draws one closer to Allaah? Or is it a deed that has no origin in the *Sharee'ah*? Please give us a verdict, may Allaah reward you with good.

The answer:

All praise is for Allaah alone, and may His blessings and peace be upon the Messenger (9), his family and companions.

Firstly: Muhammad (9) is our Prophet and our beloved one and the most blessed of the children of Aadam no doubt in that, he is the seal and the

last of the Prophets, the one sent to all people. He is the first to intercede on the Day of Resurrection - upon him be blessings and peace - but to celebrate his birthday is an innovation, because he himself did not do this nor did he legislate this for us. The rightly guided caliphs did not do this nor did the rest of his companions - May Allaah be pleased with them - and they are the most knowledgeable of this *Ummah* concerning his *Sharee'ah*. They have the most love for him amongst the believers and they are the most eager to obey him and venerate him, for if the celebration of his birthday were permissible according to the *Sharee'ah* they would have performed it. This is not related from him (9), or from them, for it is fabricated innovation. It has been affirmed from him (9) that he said:

“He who innovates in this matter of ours something that is not from it will have it rejected”

Narrated by Bukhaari and Muslim. As for celebrating this in the burial chamber of one of the pious or in his presence then this increases this matter in innovation, and excess in the veneration of the pious. This is clear misguidance.

Secondly: Circumcision of children is from the natural instinctive *Sunnah*, charity wipes out sins as water extinguishes fire. The *Sharee'ah* has encouraged both of these and called to them, but performing these on a yearly occasion at the tomb of one of the pious, and sacrificing animals there is a *Shirk* based innovation. This is a pagan ritual of ignorance, for these deeds consist of taking a tomb as place of worship and the pilgrimage of those seeking blessings. As is apparent from their yearly journey to the tomb to have their children circumcised, their giving in charity and their sacrificing of sacrificial animals there. Thaabit Ibn Adh-Dhahaak (8) said: a man vowed to sacrifice camels in a place called Bawaanah, so the Prophet (9) asked:

“Were there idols there from the idols of ignorance that were worshipped?”

They replied: "No". He then asked:

"Was it a place of festivity from their places of festivities?"

They replied: "No". So the Messenger of Allaah (9) affirmed:

"Fulfil your vow, for there is no fulfilling of a vow that amounts to the disobedience of Allaah, nor in that which is not owned by the son of Aadam"

Narrated by Abu-Daawood.

Thirdly: The remaining of these students inside this tomb for the period of a week during which they read the *Qur'aan*, completing it a number of times each night is another innovation. Also the reading of the *Qur'aan* for the dead upon their graves is of the evil innovations.

Fourthly: Their prayer inside the burial chamber, which is in a graveyard, is forbidden and void according to the *Sharee'ah*. This is because it is the taking of graves as mosques and the Messenger (9) has cursed the perpetrator of this.

From this it is clear, that the deeds that you have mentioned in your question are a chain of evil *Shirk* based innovations. It is upon the one who witnesses this to disown it and change it with his hand, if he cannot, then with his tongue and if he cannot then with his heart. This is the weakest level of belief, as is affirmed in the *Hadeeth* of the Prophet (9), that he said:

"He amongst you who witnesses an evil should change it with his hand, if he cannot then with his tongue, if he cannot then with his heart, and this is the weakest level of belief"

Narrated by Ahmad, Muslim, Abu-Daawood, Nasaabee, Tirmidhee and Ibn Maajah. With Allaah is success. May He bless and send peace upon our Prophet Muhammad, his family and his companions.

The Permanent Committee.

[*Fataawa al-Lujnati ad-Daa'imah*: 3/29]

Pictures of children as they read the *Qur'aan*.

Q.12:

Some scholars in Britain see it permissible to take pictures of worshippers whilst they are attending the congregational prayers, and of children whilst they are reading the *Qur'aan*, because these pictures if printed in magazines and papers could have a positive affect on non-Muslims and encourage them to find out about Islaam and Muslims.

The answer:

All praise be to Allaah alone and may He send blessings and peace upon the Messenger, his family and his companions. To commence: To take pictures of creatures with souls is forbidden, whether it is a picture of a human being or an animal, or whether it is of a worshipper or of one reading the *Qur'aan* or other such deeds. This is because the prohibition of this is firmly established in authentic *Ahaadeeth*. Hence it is not permissible to print pictures in magazines, newspapers or newsletters. Even if they are of Muslims performing *Wudhu* or reading *Qur'aan*, whether it be in the hope of spreading Islaam or as an encouragement to become acquainted with it and hence accepting it. This is because it is not permissible to use the forbidden as a means of spreading Islaam. The permissible means of media are many, so they are not to be left for other types that are forbidden by Allaah. The present situation in the Muslim countries is not evidence as to its permissibility, rather it is forbidden due to the authentic evidence concerning this. Therefore it is necessary to

disapprove of the taking of pictures in accordance to this evidence. May Allaah bless and send peace upon our Prophet Muhammad, his family and companions.

The Permanent Committee.

[*Fataawa al-Lujnati ad-Daaimah: 1/484*]

The keeping of photos of young children.

Q.13:

Is it permissible to keep photos of young children, picturing half, or the whole body for preserving in a photo album and not for hanging on the walls of the house. Please enlighten us in this.

The answer:

All praise be to Allaah alone and may He send his blessings and peace upon the Messenger, his family and companions...To commence: It is not permissible to keep photographs even if they are not hanged on walls or other such places except for in identity papers, passports, money or other such documents, for the need necessitates this. This is due to the words of the Prophet (ﷺ) to 'Ali (رضي الله عنه):

“Do not leave a picture except that you have effaced it”

May Allaah bless our Prophet Muhammad (ﷺ), his family and companions and send peace upon them.

The Permanent Committee.

[*Fataawa al-Lujnati ad-Daaimah: 1/488*]

This is destiny from Allaah and it is upon you to recite Islamic incantations (*Ruqyaa*).

Q.14:

I got married on the eighth of *Dhul-Hijjah*, (1403) to my cousin. On the first day of the blessed month of *Ramadhaan* (1405), Allaah bestowed upon me a child and I called him Moosa, then in the month of *Sha'baan* (1406), my wife had a miscarriage in her third month. In the month of *Rabee'-al-Awwal* (1407), my son Moosa passed away. As I have already mentioned my wife is my cousin, hence after the death of my son Moosa, my aunt who is my wife's mother, came to me and said that she had been to see a man who has knowledge of the book. She then added that this man had informed her that there is a group of *Jinn* who are killing my wife's children out of jealousy and malice for her, and that he can expel this group of *Jinn*, but my aunty refused. Then on the third of the month of *Sha'baan* last year, (1407), Allaah bestowed upon me a baby girl and I named her Mastoorah. On the second day after her birth she passed away. I then insisted on visiting this man, and likewise my father persuaded my wife that we should visit this man who can exorcize these *Jinn*. She then asked for respite, as it could be that Allaah The Most Glorious would guide me as what to do. All Praise be to Allaah The One Who guided me into writing this letter, hoping from Him, The Most Glorious and The Most High, that He may guide you in your verdict in this case for it causes me much insomnia.

The answer:

All praise be to Allaah and may his blessings and peace be upon the Messenger, his family and companions. To commence: You have done well in not visiting this man who claims knowledge of the book with your aunt, for he is a soothsayer, and you have also done well to ask the people of knowledge as to the solution. It is incumbent upon you to recite Islamic incantations (*Ruqyaa*) upon yourself, your wife and upon any children bestowed to you. You should read upon them *Al-Faatihah*, and the three *Soorahs* relating to refuge, (*Al-Ikhlaas*, *Al-Falaq* and *An-Naas*). These last three *Soorahs* should be repeated three times, at the end of each recitation, you should spit lightly in your hands and then rub their faces and their whole bodies. You should then make the following supplication:

أَعِيذُكَ بِكَلِمَاتِ اللَّهِ التَّامَّةِ مِنْ كُلِّ شَيْطَانٍ وَهَامَّةٍ وَمِنْ كُلِّ عَيْنٍ لَامَّةٍ.

“I seek refuge for you in the perfect words of Allaah from every devil, vermin and from every blaming eye”

We advise you to buy the following books²: Al-Athkaar an-Nawawiyah by Imaam Nawawiy, Al-Kalim ut-Tayyib by Ibn Taymiyyah, and Al-Waabil us-Sayyib by Ibn al-Qayyim. For these books contain many beneficial supplications and incantations. May Allaah bless and send peace upon our Prophet Muhammad, his family and companions.

The Permanent Committee.

[Fataawa al-Lujnati ad-Daaimah: 1/418]

The hanging of amulets upon children.

Q.15:

Is the writing of the Verses of the *Qur'aan* that pertain to seeking refuge in Allaah and other such Verses and then hanging them around the neck *Shirk* or not?

The answer:

It has been affirmed from the Prophet (9) said:

“Verily incantations³, amulets and charms are Shirk”

Narrated by Ahmad, Abu Daawood, Ibn Maajah, Ibn Hibbaan and

² Available in the English language is the book: “Fortification of the Muslim through remembrance and supplication from the *Qur'aan* and the *Sunnah*.”

³ Those that consist of other than the *Qur'aan* and legislated supplications.

Haakim authenticated it. Also narrated by Ahmad along with Abu Ya'laa and Haakim who authenticated it, upon the authority of 'Uqbah Ibn 'Aamir (8) that the Prophet (9) said:

“He who wears an amulet may Allaah give him no success and he who wears a shell as a charm, may Allaah grant him no peace.”

Ahmad also narrates it from a different path, from 'Uqbah Ibn 'Aamir with the words:

“He who wears an amulet has made Shirk”

There are many *Ahaadeeth* that bear this meaning. An amulet is that hung upon children or others, with the intent of repelling the evil eye, *Jinn* or sickness or other such ailments. Some people call it a charm⁴ and others call it a *Jaami'ah*. They are of two types:

1 - Those that consist of the names of devils or bones, beads, nails, letters or other such things. This type is forbidden without a doubt due to the abundance of evidence that indicate this. It is a type of minor *Shirk* as is in the aforementioned *Ahaadeeth* and similar narrations. It can also be major *Shirk* if the wearer of a charm believes it protects him, or cures him from sickness or repels calamities without the permission and will of Allaah.

2 - Those that consist of the Verses of the *Qur'aan*. Including Prophetic invocations and that similar to them of good supplications. The scholars have differed concerning this type, for some of them have permitted it stating: *“It is a type of permissible Islamic invocation.”* Whilst others have forbidden it, assisting their stance with two pieces of evidence;

The first evidence: The general meanings of the *Ahaadeeth* that forbid the

⁴ Also known as *Ta'weez*.

wearing of amulets, warn against them and rule upon them as being *Shirk*. It is not permissible to exempt any specific type of amulet as being permissible except with legal evidence indicating this. However there is no such evidence to indicate any kind of exemption. As for incantations, many authentic *Ahaadeeth* have indicated that there is no harm in those consisting of the Verses of the *Qur'aan* and permissible supplications. This is if they are in a legible language, and the incantated upon does not depend upon them, rather he believes that they are a method from the many different methods of therapy. This is due to the words of the Prophet (9):

“There is no harm in incantations as long as they are not Shirk”

The Prophet (9) himself used incantations as did some of his companions and he said:

“There are no incantations except from the evil eye or fever”⁵

⁵ Sheikh Uthaimen, may Allaah protect him states in his explanation of this *Hadeeth*,

“The apparent meaning of this *Hadeeth* negates the permissibility of incantations except for in these two matters, the evil eye and fever. However incantations have been narrated in other circumstances. For example, before retiring to sleep the Prophet (9) use to spit lightly into his hands after reading the *Soorahs* of the *Qur'aan* relating to refuge (Al-Ikhlaas, Al-Falaq and An-Naas). He would then wipe his hands over the parts of his body that he could reach. This is a form of incantation that is neither from the evil eye nor fever.”

So the meaning of this *Hadeeth* is as the Sheikh further explains,

“This *Hadeeth* means that incantations should not be sought from others except in the case of the evil eye and fever.”

The *Ahaadeeth* regarding this are many. As for amulets, there is no mention in the *Ahaadeeth* of any exemption for a particular type, hence it is necessary to forbid them all abiding by the general evidence.

The second evidence: Blocking the means that lead to *Shirk*. This is a great principle in the *Sharee'ah*. It is known that if we permit amulets containing Verses of the *Qur'aan* and *Ahaadeeth* that the door of *Shirk* would be opened, and permissible amulets would be confused with forbidden ones. It would be hard to distinguish between them except with extreme difficulty, hence, it is obligatory to close this door, and block this pathway that leads to *Shirk*. This is the correct opinion, due to the strength of its evidence. Allaah is the one who gives success.

Sheikh Ibn Baaz.

[*Fataawa al-Mar'atil-Muslimah: 1/162*]

The writing of an amulet for a child so that it may suckle.

Q.16:

A person writes amulets and he is an *Imaam* of a mosque, is it permissible to pray behind him? For clarification, this person does not write these amulets as a practice of magic, but for small matters such as headaches, for a newborn child, so that it may suckle, and other such matters. I hope that you can clarify this issue as there are scholars who maintain that such a person is a *Mushrik* and it is not permissible to pray behind him.

The answer:

It is permissible to pray behind the one who writes amulets that consist of the *Qur'aan* and legislated invocations, although it is not befitting that he should write them, as it is not permissible that they should be worn.

[Paraphrased from *Al-Qawl al-Mufeed 'ala Kitaab at-Tawheed: 1/235*].

Whereas if the amulets consist of *Shirk*, then the one who writes them is not to be prayed behind, and it is obligatory to clarify to him that this is *Shirk*. It is incumbent upon the one who has knowledge of this ruling to clarify it to him. May Allaah bless and send peace upon our Prophet, his family and companions.

The Permanent Committee.

[*Fataawa al-Lujnati ad-Daaimah: 1/211*]

The placing of a piece of cloth or that similar upon the belly of a child.

Q.17:

Is it permissible to place a piece of cloth, leather or that similar upon the belly of a child whilst it is of a suckling age or older. We in the South, do this to small children as well as adults. I hope for information concerning this.

The answer:

If it is intended by placing this cloth or leather that which is intended through amulets of inducement of benefit or repulsion of harm, it is forbidden and it could even be *Shirk*. Whereas if it is for a correct purpose such as preventing the naval of the child from rising or supporting the back, there is no harm in it. May Allaah send peace and blessings upon our Prophet, his family and companions.

The permanent Committee.

[*Fataawa al-Lujnati ad-Daaimah: 1/211*].

Is circumcision permissible in the month of *Safir*?

Q.18:

We have heard that there are certain beliefs stating that marriage,

circumcision and other similar matters are not permissible during the month of *Safr*. We hope that you can inform us in accordance to the *Sharee'ah* concerning this, may Allaah protect you.

The answer:

All praise be to Allaah alone, and may His blessings and peace be upon the Messenger, his family and companions. To commence: The aforementioned of not marrying or not performing circumcision in the month of *Safr* is a type of superstition, and the seeing of evil omens in months, days, birds and other such animals. This is not permissible due to the *Hadeeth* narrated by Bukhaari and Muslim upon the authority of Abu Hurayrah (8) that the Prophet (9) said:

“There are no contagious diseases (except with Allaah's permission), nor are there any bad omens from birds, vermin or Safr”

The seeing of the month of *Safr* as an evil omen is a type of evil omen seeing that is forbidden. It is from the deeds of ignorance and Islaam has falsified it. May Allaah bless and send peace upon the Prophet Muhammad, his family and companions.

The permanent Committee.

[Fataawa al-Lujnati ad-Daaimah: 1/451]

The disabled child, and being pleased with the divine decree and destiny.

Q.19:

What is the ruling of using certain phrases that one of the parents of a disabled child might say to him in acceptance of this divine decree?

The answer:

There is nothing to prevent speaking to a disabled child with words that would lighten his sadness. Similarly, there is no harm in one of them

saying to the people such words as:

- This is the decree of Allaah and that which He has created.
- There is no reversing that which He has destined and decreed.
- We are pleased with His decree.
- Whatever Allaah wills is and that which He does not will is not.
- Allaah has decreed and Whatever He wills He does, so there is no reversing his decree and there is no reviewer of his verdict.
- He creates whatever He wishes as He wishes.

He has distinguished between His creations so that His blessings may be recognised and those who are healthy may give thanks to Him, and acknowledge His bestowments upon them. The parents may be afflicted with sadness at the birth of this disabled child who is deficient in his creation but it is obligatory upon them to be pleased with the decree and fate of Allaah The Most High. It is forbidden to oppose Allaah concerning His creation and to become angry at His bestowments. Instead a person should have patience and content himself so that he may be bestowed a great reward for his perseverance, endurance of harm, tiredness and hardship. In this there is much good.

Sheikh Ibn Jibreen.

[*Al-Fataawa as-Shar'iyah Fee al-Masaa'il at-Tayyibah: P.65*]

The ruling of the phrase “*Children are beloved ones of Allaah*”.

Q.20:

What is the ruling of the saying of some people: “*Children are beloved ones of Allaah*”?

The answer:

It is not permissible to affirm that a particular person is a beloved one of Allaah, except with a proof. Rather, Allaah loves every believer and every

one fearful of Him, The Most High has said:

﴿ وَاللَّهُ وَلِيُّ الْمُؤْمِنِينَ ﴾

﴿...and Allaah is the protector of the believers﴾

[Aali-Imran: 68].

﴿ إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ ﴾

﴿Verily, Allaah loves those who turn to him in repentance often and He loves those who are clean﴾ [Al-Baqarah: 222].

﴿ إِنَّ اللَّهَ يُحِبُّ الَّاتَّقِينَ ﴾

﴿Verily, Allaah loves those who are fearful of Him﴾

[At-Tawbah: 4].

Sheikh Saaleh al-Fawzaan.

[Ad-Dawah: 1641]

The buying of a sheep or cow so that it may be sacrificed and eaten by children during times of drought.

Q.21:

Is it permissible to pray behind an Imam who writes amulets for the people? Also if there is a drought he orders the people to buy sheep or a cow so that it may be sacrificed and eaten by children in order that it may rain? And is it permissible to pray behind an *Imaam* who makes vows and sacrifices to other than Allaah The Most High?

The answer:

All praise be for Allaah alone, and may His blessings and peace be upon the Messenger, his family and companions...To commence: It is

permissible to pray behind the one who writes amulets that consist of the *Qur'aan* and legislated invocations, although it is not befitting that he should write them as it is not permissible that they should be worn. Whereas, if, the amulets consist of *Shirk* then the one who writes them is not to be prayed behind, and it is obligatory to clarify to him that this is *Shirk*. It is incumbent upon the one who has knowledge of this ruling to clarify it to him. Vowing by other than Allaah is *Shirk*. Sacrificing to other than Allaah is also *Shirk*, due to His saying, glory be to Him:

﴿وَمَا أَنْفَقْتُمْ مِنْ نَفَقَةٍ أَوْ نَذَرْتُمْ مِنْ نَذْرٍ فَإِنَّ اللَّهَ يَعْلَمُهُ﴾

«...And whatever you spend in charity or whatever you vow, verily, Allaah knows it» [Al-Baqarah: 270].

He The Most High has also said:

﴿قُلْ إِنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ
لَا شَرِيكَ لَهُ﴾

«Say, verily my prayer, my sacrifice, my life, and my death are for Allaah, Lord of existence. There is no partner unto Him...»

[Al-An'aam: 162-163].

The Prophet (9) has said:

“May Allaah curse he who sacrifices to other than Him (Allaah)”

It is not narrated from the Prophet (9) that he ordered in times of drought that a sheep or cow should be bought, sacrificed and then fed to children in order for it to rain. This deed is an innovation and there is no

foundation for it in the pure *Sharee'ah*. What are legislated in such times are the rain prayer, supplication, repentance and the giving of charity to the poor. It has been verified from him (9), that he said:

“He who performs a deed that is contrary to our affair will have it rejected”

Success is with Allaah and may He bless our Prophet Muhammad, his family and companions.

The Permanent Committee.

[Fataawa al-Lujnati ad-Daaimah 3/65]

She lazed away from her prayers, claiming that her sins where absolved after her giving birth!!!

Q.22:

My wife use to pray until she gave birth to our first child, she then lazed away from the prayers claiming that any woman who gives birth is absolved of all her sins due to her suffering of labour pains...so how would you advise her?

The answer:

This is not true, a woman is like the rest of the children of Aadam, if she is afflicted by such pains or disasters, has patience and hopes for reward, she surely is rewarded. This recompense is to such an extent that the Prophet (9) gave the example of a thorn, if it were to prick her that would wipe away some of her sins. Know that the calamities that befall a person, if he has patience and hopes for the reward from Allaah, then he is also rewarded for his patience and hope even though the origin of this disaster was as forgiveness for his sins. So disasters absolve sins under all circumstances. If they are met with patience, the person is rewarded due to this patience that he has displayed in the face of calamity. There is no

doubt, that a woman during childbirth suffers pain and discomfort. This pain absolves her sins, so if she has patience and hopes for reward from Allaah, then along with this atonement of sins is an increase in her reward and good deeds. Allaah knows best.

Sheikh Ibn Uthaimen.

[Fataawa ash-Sheikh Muhammad as-Saaleh al-Uthaimen: 2/962]

Chapter Two: Regarding naming



The time of naming.

Q.23:

Which is the best day to name a newborn child? Straight after it is born or on the seventh day? And it is permissible to celebrate this occasion with beloved ones, friends and neighbours?

The answer:

As for the time for naming a newborn child, there is plenty of scope, if it is named on the day of its birth or on the seventh day, there are narrations that indicate this. For Bukhaari and Muslim have narrated in their *Saheeh* collections upon the authority of Sahl Ibn S'ad As-Saa'idy, that he said:

“Al-Mundhiry Ibn Usayd was brought to the Messenger of Allaah (ﷺ), when he was born, so the Prophet (ﷺ) placed him on his thigh, whilst Abu Usayd was seated near by, the Prophet (ﷺ) then became busy with something so Abu Usayd ordered that his child be lifted off from the thigh of the Prophet (ﷺ). The Prophet (ﷺ) then said”:

“Where is the child?”

Abu Usayd responded: “We have returned him O Messenger of Allaah”, he then asked:

“What is his name?”

He said “So and so”. The Prophet (ﷺ) said:

“No, rather his name is Al-Mundhiry”.

Also in the *Saheeh* of Muslim from the *Hadeeth* of Sulayman Ibn Al-Mugheera from Thaabit, upon the authority of Anas, that he said: The Messenger of Allaah (ﷺ) said:

“Birth was given this night to a son of mine and I have named him by the name of my father Ibraaheem...”

Also the *Hadeeth* that Ahmad and the compilers of the books of the *Sunan*⁶ have narrated upon the authority of Samrah (8) that he said: The Messenger of Allaah (9) said:

“Every child is a pledge subject to its Aqeeqah, an animal is sacrificed upon its behalf on its seventh day, it is there forth named and it’s head shaved”.

Tirmidhee said: *“This Hadeeth is Hasan Saheeh”*⁷. Success is with Allaah, and may He bless and send peace upon our Prophet, his family and companions.

The Permanent Committee.
[*Fataawa Islaamiyyah: 4/489*]

Naming the child is the right of the father and it is preferred that the mother be consulted.

Q.24:

Allaah The Most Glorious and Most High bestowed upon me a daughter and I wanted to name her by a particular name but my wife wanted another name, so I suggested that we draw lots between the two names. So we named her according to the result of the lots. Is this a type of drawing fate with arrows? If it is, then how should we have resolved this

⁶ The compilers of the *Sunan* are: Abu Daawood, Tirmidhee, Nasaee and Ibn Maajah.

⁷ *Hasan Saheeh* is a level of authenticity in *Hadeeth* authentication lower than *Saheeh* but higher than *Hasan*. It’s ruling is that it is to be worked by.

difference? And is naming the child the right of the father only? Please enlighten us, may Allaah reward you with good.

The answer:

Drawing lots in such a situation is of the legislated matters for it consists of the resolving of differences and the appeasing of spirits. The Prophet (ﷺ) used it in many matters, if he (ﷺ) wanted to travel he would draw lots between his wives, which ever one of them the arrows would turn out in her favour, he would depart with. Also when a man who had no other wealth bequeathed that his six slaves should be freed, the Prophet (ﷺ) drew lots between them, he freed two and left four as slaves⁸. The naming of the child is the right of the father, but it is preferred that the mother be consulted to appease her spirit and conciliate the hearts. It is legislated for them both to choose good names and avoid hated ones. It is not permissible in naming to accompany 'Abd (worshipper or slave), with other than the names of Allaah, such as in the following forbidden names; 'Abdun-Naby, 'Abdul-Ka'bah, 'Abdul-Hussain or other such names. This is because everyone is an 'Abd of Allaah, The Most Glorious, hence it is not permissible to accompany 'Abd with other than him. The famous scholar Abu Muhammad Ibn Hazm has related the consensus of the scholars regarding the prohibition of this except for the name 'Abdul-Muttalib because the Prophet (ﷺ) allowed it for some of his companions. May Allaah be pleased with them all and success is with Allaah.

Sheikh Ibn Baaz.

[Fataawa Islaamiyyah: 3/221]

The ruling of holding a celebration upon the naming of the newborn.

⁸ This is because it is not permissible for a person to bequeath more than one third of his wealth after his death to other than his inheritors, as his wealth then becomes theirs.

Q.25:

Is it permissible for beloved ones, neighbours and friends to gather at the naming of the newly born? Or is this party an innovation and disbelief?

The answer:

Celebrating the event of the naming of a newborn child is not from the *Sunnah* of the Prophet (9) nor did the companions practice this during his lifetime. So whoever practices this, as if it were a *Sunnah* has innovated in the religion something that is not from it. It would be rejected from him due to the saying of the Prophet (9):

“He who innovates in our religion something that is not from it will have it rejected”

However this is not disbelief. There is no harm in doing this out of happiness and joy or to partake in the food of the *Aqeeqah* and not as an implementation of a *Sunnah*. It has been affirmed from him (9) that indicating the permissibility of sacrificing the *Aqeeqah* on the seventh day and there forth naming the newborn.

The Permanent Committee.

[Fataawa Islaamiyyah: 4/490]

Making names that consist of ‘Abd smaller’ or changing them around.

⁹ Certain nouns in the Arabic language can be derived into forms which denote a lesser meaning of the original. This is done for various reasons, of them:

Q.26:

We often hear from the layman or the learned the making of names consisting of 'Abd smaller or changing them around into names that differ from the original, is there any harm in this? For example 'Abdullaah is transformed into 'Ubaydullaah or 'Ubboodullaah or Al-'Abdy. 'Abdur-Rahmaan is transformed to Daheem or Dahheem. 'Abdul 'Azeez is transformed to 'Azeez or 'Azooz or that similar. As for Muhammad, it is transformed to Muheymeed or Hamdan or Al-Hamdy or that similar.

The answer:

There is no harm in the making of names consisting of 'Abd or others smaller and I do not know of any scholar who has stated that this is forbidden. Similar names are numerous amongst the narrators of the *Ahaadeeth*, such as Unays, Humayd, 'Ubayd and that similar. If this is done to somebody who hates it, then it's prohibition is more apparent, this is because it then becomes a form of name-calling, which is forbidden by Allaah in his book. Except for a person who is only known by this name, for then there is no harm, as the scholars of *Hadeeth* have stated

concerning narrators such as Al-A'mash (the weak sighted one), Al-A'raj (the cripple) and other similarly named narrators.

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- 1- To miniaturise in dimensions, e.g. *Jabal* (Mountain) is transformed into *Jubayl* meaning a small mountain.
 - 2- To lessen in stature, e.g. *Rajul* (Man) is transformed into *Rujayl* meaning half a man.
 - 3- To reduce in proximity, e.g. *Qabal* (Before) is transformed into *Qubayl* meaning just before.

Hence 'Abd (Worshiper or slave) is transformed into 'Ubayd meaning a small worshiper or slave.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah: 4/403*]

Changing names because they are not compatible with the zodiacal signs.

Q.27:

At the birth, the father contacts a sheikh to look into the star sign of the new born. If the child's name suits him, the sheikh remains silent, if it doesn't he orders it's changing. So it is common to find amongst us, people with two names. It is affirmed from the Prophet (ﷺ) that he ordered certain vile names be changed, however if a name is not vile, is it permissible to change it?

The answer:

Firstly: It is not permissible to read the stars for it is a type of fortune telling. Furthermore it is not permissible to change names because of their incompatibility with the stars for this entails believing the fortune-teller and acting upon the outcome of fortune telling.

Secondly: It is permissible to change a vile name in accordance to the practice of the Prophet (ﷺ). Also there is no harm in changing it even if it is not vile, if this is not done because of its incompatibility with the stars or such superstitions and also if this change does not lead to the deprivation of someone's rights. May Allaah send blessings and peace upon our Prophet Muhammad, his family and companions.

The Permanent Committee.

[*Fataawa al-Lujnati ad-Daaimah: 1/399*]

Naming with the names of Allaah.

Q.28:

What is the ruling of naming with the names of Allaah such as Kareem, 'Azeez and other such names?

The answer:

The naming with the names of Allaah The Most Honourable and Majestic, is of two kinds:

The first kind: It breaks into two further categories:

The first category: Names accompanied by Al (Meaning the). In this case, none is to be named by them except Allaah The Most Honourable and Majestic. Such as if someone were to be named Al-'Azeez, As-Sayyid, Al-Hakeem or other similar names. No one is to be named by these names in this fashion except Allaah because this Al indicates and suggests Allaah Himself as this is the meaning that these names incorporate.

The second category: If the attribute is intended by the name however it is unaccompanied by Al it is still not to be named by. The Prophet (9) changed the pseudo name of Abu al-Hakm (The judge) by which he was named for his companions used to settle their matters by his judgment. The Prophet (9) said:

“Verily Allaah is Al-Hakm and unto him is the judgment”

He then changed his pseudo name to that of his eldest child, Shureeh. This indicates that if somebody were to be named with a name from the names of Allaah with the intention of incorporating the attribute that this name encompasses, this would be forbidden. This is because this name would then be exactly similar to that particular name of

Allaah The Most Glorious and Most High. For the names of Allaah the Most High are names as well as attributes for they incorporate meanings.

The second kind: To name by a name that is unaccompanied by Al and incorporation of its attribute is not intended. There is no harm in this, such as Hakeem (Wise one), and from amongst the names of the companions; Hakeem Ibn Hazzaam to whom the Prophet (9) said:

“Do not sell something that is not in your possession”.

So this is an evidence indicating that if the attribute is not intended by the name then there is no harm in it. However it is not befitting to name with such names as Jabbaar (Mighty one) even if its attribute is not intended. This is because it could affect the one named by it and thus, he could become tyrannical, condescending and arrogant towards others. It is befitting that the individual should avoid such matters that could possibly affect him and Allaah knows best.

Sheikh Ibn Uthaimen.

[Al-Majmu' ath-Thameen: 1/44]

To name one ‘Abdul-Haarith.

Q.29:

Why is it that to name one ‘Abdul-Haarith is *Shirk*, despite the fact that Allaah is Al-Haarith (the cultivator)?

The answer:

The naming of one by ‘Abdul-Haarith consists of attributing worship to other than Allaah, The Most Honourable and Majestic. For Al-Haarith (The cultivator), is mankind as the Prophet (9) said:

“Every one of you is a Haarith (Cultivator) and every one of you is Hammaam (Energetic)”

So if a person subjoins 'Abd to something created then this is a type of *Shirk* but it doesn't reach the level of major *Shirk*. This is why if a man were to be named by this name, it would be obligatory for him to change it and subjoin it to a name of Allaah The Most Glorious and Most High or be named by another name. It has been affirmed from the Prophet (9) that he said:

“The most beloved names to Allaah are ‘Abdullaah and ‘Abdur-Rahmaan”

The saying of the masses that has spread: “*The best of names are those that are subjoined, consisting of ‘Abd or Hamd*” and its attribution to the Messenger of Allaah (9) is not authentic. It has not been narrated from the Prophet (9) with this wording rather that which has been narrated is:

“The most beloved names to Allaah are ‘Abdullaah and ‘Abdur-Rahmaan”

As for the words of the questioner in his question: “...*despite the fact that Allaah is Al-Haarith*”. I do not know of a name of Allaah The Most High in this form. He, The Most Honourable and Majestic is described as being Az-Zaare’ (The Grower), but He is not named by it, as is in His saying:

﴿أَفَرَأَيْتُمْ مَا تَحْرُثُونَ ﴿٦٤﴾ ءَأَنْتُمْ تَزْرَعُونَهُ أَمْ نَحْنُ الزَّارِعُونَ﴾

﴿Do you see that which you grow? Is it you that make it grow or are we the grower?﴾ [Al-Waaqi'ah: 63-64].

Sheikh Ibn Uthaimen.

[*Al-Majmu' ath-Thameen: 1/142*]

To name one Eemaan.

Q.30:

What is the ruling of naming with the name *Eemaan*?

The answer:

The name of *Eemaan* carries a type of self-recommendation that is why it is not befitting that one should be named by it. The Prophet (9) changed the name Barrah (The pious, dutiful one) because it implies self-praise. Those addressed in this matter are the guardians who name their children with such names. As for those names that are merely names and no self-praise is understood from them, there is no harm in naming by them. That is why we name with such names, as Saaleh and 'Ali because they are merely names that carry no self-purifying overtones.

Sheikh Ibn Uthaimen.

[*Al-Majm'ua ath-Thameen: 1/143*]

To name one 'Abdur-Rasool, 'Abdun-Nabiy or 'Abdul-Muhsin.

Q.31:

We hear that some people have named their children by 'Abdur-Rasool, 'Abdun-Nabiy or 'Abdul-Muhsin, what is your advice?

The answer:

It is not permissible to subjoin 'Abd with other than Allaah, glory be to Him. Abu Muhammad Ibn Hazm, the famous *Imaam* states:

"The scholars are in agreement that every name in which 'Abd is subjoined to other than Allaah is forbidden such as 'Abdu-'Amaru, 'Abdul-Ka'bah and such similar names except 'Abdul-Muttalib"

So it is not permissible in naming to subjoin 'Abd with other than Allaah such as 'Abdun-Nabiy, 'Abdul-'Ali, 'Abdul-Hasan and 'Abdul-Husain. As for 'Abdul-Muhsin there is no harm in naming by it because, Al-Muhsin is one of the names of Allaah, glory be unto Him The Most High. The most

beloved names to Allaah are 'Abdullaah and 'Abdur-Rahmaan and the most truthful names are Haarith and Hammaam, as is narrated upon the authority of Ibn 'Umar that the Prophet (9) said:

"The most beloved names to Allaah are 'Abdullaah and 'Abdur-Rahmaan"

Narrated by Muslim, Abu Daawood and Tirmidhee. In the narration of Tabaraany it is reported from Ibn Mas'ood that the Prophet (9) said:

"The most beloved names to Allaah are those in which 'Abd is subjoined to his name, and the most truthful of names are Hammam and Haarith"

Sheikh Ibn-Baaz.

[*Majmu' Fataawa wa Maqaalat Mutanawwi'ah: 5/358*]

To name one 'Aashiqullaah, Muhammadullaah or Muhibullaah.

Q.32:

Many people are called 'Aashiqullaah (Lover of Allaah), Muhammad-ullaah (Praisers of Allaah) and Muhibbullaah (Loved one of Allaah), is it permissible or not to name by such names?

The answer:

It is bad manners to name someone 'Aashiqullaah whilst there is no harm in Muhammadullaah or Muhibbullaah, but it is better to avoid them and

choose a name of Allaah subjoined with 'Abd or choose names such as Muhammad, Saaleh, Ahmad etc.

The Permanent Committee.

[Fataawa Islaamiyyah: 4/402]

The ruling of naming with the following names.

Q.33:

Is it permissible for a Muslim to be named by the following names: Ta-Ha, Yaa-Seen, Khabbaab, 'Abdul-Muttalib, Al-Hebbaab, Qaaroon and Al-Waleed?

The answer:

It is permissible to name with these names due to the lack of evidence prohibiting this. However it is better for the believer to choose the best of names that consist of 'Abd subjoined to a name of Allaah such as: 'Abdullaah, 'Abdur-Rahmaan, 'Abdul-Malik and those similar to them, and the widespread names such as Saaleh, Muhammad etc, instead of Qaaroon and such likes. As for 'Abdul-Muttalib it is permissible to name by it as an exception because the Prophet (ﷺ) permitted it for some of his companions. Otherwise it is not permissible to subjoin 'Abd with other than Allaah no matter who, such as: 'Abdun-Nabiy, 'Abdul-Husain, 'Abdul-Kab'ah or similar names. Abu Muhammad Ibn Hazm has narrated the consensus the scholars concerning the illegality of this. Ta-Ha and Yaa-Seen are not from the names of the Prophet (ﷺ) according to the more correct opinion of the scholars, rather they are from the individual letters that are at the beginning of certain *Soorah* of the *Qur'aan* such as *Soorah Saad*, *Soorah Qaaf*, *Soorah Noon* and other such *Soorahs*. Success is with Allaah.

Sheikh Ibn-Baaz.

[Fataawa Islaamiyyah: 4/402]

Chapter Three:
Regarding the *Aqeeqah*



The meaning of *Aqeeqah* and its ruling.

Q.34:

What is the meaning of the *Aqeeqah* of the new born? And is it obligatory or *Sunnah*?

The answer:

The *Aqeeqah* of the newborn is the sacrificial animal that is sacrificed seeking the pleasure of Allaah The Most Honourable and Majestic and thanking Him for the blessing of a child on the seventh day after its birth. The scholars have differed as to whether it is *Sunnah* or obligatory. Most of the scholars have stated that it is *Sunnah Muakadah*¹⁰, *Imaam Ahmad* says: "...he borrows money and performs the *Aqeeqah*". That is to say the one who has no money borrows it to cover the cost of the *Aqeeqah* and Allaah will replace it for him because he is reviving a *Sunnah*. As for his saying, may Allaah have mercy upon him: "...he borrows..." what is meant is: borrowing is for the one who expects that he can settle this debt in the future. As for the one who has no hope of this, then it is not befitting that he borrow to perform the *Aqeeqah*. So this is evidence from *Imaam Ahmad* indicating that it is *Sunnah Muakadah*, and it is so. A person should sacrifice two animals for a male and one for a female on the seventh day. He should eat, give gifts and donate from it and there is no harm in that, nor is there any harm in inviting his relatives and neighbours to partake of it as a cooked meal.

Sheikh Ibn Uthaimen.

[*Fataawa Islaamiyyah*: 2/324]

¹⁰ *Sunnah Muakadah*: A strong *Sunnah*, the one who performs it deserves reward and the one who leaves it does not incur punishment but is blameworthy.

The *Aqeeqah* is not required from the one who cannot afford it.

Q.35:

I did not sacrifice any animals at the birth of my children due to the fact that I could not afford it. What is the ruling concerning this?

The answer:

There is nothing upon you as you were unable to perform this act, for Allaah The Most High says:

﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ﴾

﴿So fear Allaah as much as you can...﴾

[At-Taghaabun: 16].

He also says:

﴿لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا﴾

﴿Allaah burdens not a person beyond his scope...﴾

[Al-Baqarah: 286].

The Prophet (9) said:

“If I order you with something, perform from it what you can”

For if a person is poor at the time of the birth of his children, then there is no sacrifice incumbent upon him because he is unable, as there is exemption from rituals for the unable.

Sheikh Ibn Uthaimeen.

[Fataawa Islaamiyyah: 2/326]

The time of the *Aqeeqah*.

Q.36:

Is the time span for the *Aqeeqah* a week or two or twenty-one days as is mentioned? So for example is it permissible to sacrifice the *Aqeeqah* on the ninth or tenth day?

The answer:

It is best performed on the seventh day as is mentioned in the *Hadeeth*, if that is missed the scholars have stated that it should be performed on the fourteenth day, if that is also missed then on the twenty first day. After this weeks are not considered. This is according to that most preferred, for if it is sacrificed on the sixth, fifth, tenth or fifteenth day, there is no blame upon him.

Sheikh Uthaimen.

[*Fataawa Islaamiyyah*: 4/488]

Performing the *Aqeeqah* for a miscarried foetus.

Q.37:

A child of mine was stillborn through an unnatural birth during the seventh month and eighth day, do the rulings of a normal child apply to him?

The answer:

Yes, the correct opinion is that if a foetus is born after four months then the rulings of a live child apply to it, rather it is alive because when four months have passed after it's conception the soul is blown into it. So if a miscarriage occurs after this, the foetus is to be washed, shrouded, prayed upon and buried in the graveyard of the Muslims. The scholars state: It should be named, if it is known that it is a male, it is given a male name. If it is known that it is a female, it is given a female name. If its gender is

unknown then it is given a name that suits both sexes such as Hibatullaah or a similar name. Based upon this an *Aqeeqah* is to be performed for it because it will be gathered on the Day of Judgment.

Sheikh Ibn Uthaimen.

[*Fataawa Islaamiyyah: 4/489*]

Delaying the *Aqeeqah* until after the seventh day is at variance to the *Sunnah*.

Q.38:

The *Aqeeqah* was performed after the death of the baby girl who had died at the age of one and a half years. Was the *Aqeeqah* performed, as it should be or not? Will this child benefit its parents in the next world? Please enlighten us in this matter.

The answer:

Yes, the *Aqeeqah* suffices but to delay it until after the seventh day following the birth opposes the *Sunnah*. Allaah will reward believing parents who have patience at the death of their baby boy or girl and cause the child to be of benefit to them in the next world.

The Permanent Committee.

[*Fataawa al-Lujnati ad-Daaimah: 2/325*]

The *Aqeeqah* for a miscarried foetus and other issues.

Q.39:

Should an *Aqeeqah* be performed for the miscarried foetus that is clearly a male or female? If the child is born then it dies after a few days and an *Aqeeqah* was not performed for it during its short life, should it be

performed after its death? If a month, two months, six months or a year passes after the birth of the child or he grows up and his *Aqeeqah* has not been performed should it be performed or not?

The answer:

The majority of the scholars hold that the *Aqeeqah* is *Sunnah* for it has been narrated by Ahmad, Bukhaari and the compilers of the *Sunan*¹¹ upon the authority of Salmaan Ibn 'Aamir that the Prophet (ﷺ) said:

“With the child is an Aqeeqah, so spill blood (sacrifice) upon his behalf and remove from him the harmful¹²”

Also due to the narration of Al-Hasan upon the authority of Samrah that the Prophet (ﷺ) said:

“Every child is a pledge subject to its Aqeeqah, an animal is sacrificed upon its behalf on its seventh day, its head shaved and it is there forth named”

Similarly narrated by Ahmad, compilers of the *Sunan* and authenticated by Tirmidhee.

Furthermore the narration of 'Amaru Ibn Shu'ayb from his father upon the authority of his grandfather, that the Prophet (ﷺ) said:

“He amongst you who likes to sacrifice on behalf of his child then let him do so, on behalf of a boy two equivalent sheep, and on behalf of a girl, one sheep”.

¹¹ The compilers of the *Sunan* are: Abu Daawood, Tirmidhee, Nasa'ee and Ibn Maajah.

¹² The removing of harm from him is as mentioned by some scholars the shaving of his head, however this phrase is more general, encompassing this and other meanings. It is therefore more befitting to interpret its meaning as being more general. [See *Fathul-Baary*: 9/740 by Ibn Hajr].

Narrated by Ahmad, Abu Daawood and Nasa'ee with a chain that is *Hasan*. There is no *Aqeeqah* for a miscarried foetus before the soul is blown into it even if it is clearly male or female this is because it is not yet defined as a child. The *Aqeeqah* is sacrificed on the seventh day after the birth. If the foetus is born alive and then it dies before the seventh day, it is the *Sunnah* to perform its *Aqeeqah* on the seventh day. If the seventh day passes and the child's *Aqeeqah* is not performed, some scholars are of the opinion that it is not from the *Sunnah* to perform it after this time because the prophet (9) designated the seventh day for it. The *Haanbaly*¹³ and another group of scholars hold that it is from the *Sunnah* to perform the *Aqeeqah* even after a month or a year or more after the birth due to the generality of these authentic *Ahaadeeth*. Also due to the narration of Bayhaqy upon the authority of Anas (8), that the Messenger of Allah (9) performed his own *Aqeeqah* after he was raised as a Prophet, this is the safer opinion.

The Permanent Committee.
[*Fataawa Islaamiyyah*: 2/325]

Issues concerning the *Aqeeqah*.

Q.40:

What is the ruling of sacrificing the *Aqeeqah* if the child is a male or a female? Is it necessary that two sheep be slaughtered upon behalf of a male child? What would the ruling be if one sheep was sacrificed then a

¹³ The *Hanbaly Mathhab*: Based upon the legal opinions of the great scholar of Hadeeth *Imaam* Ahmad Ibn Hanbal, 164-241 *Hijry*. He studied underneath great scholars such as: *Imaam* Shaafi'ee, Sufyaan Ibn 'Uyaynah and Waqee'. Of his more famous students: Bukhaari, Muslim and Abu Daawood. He was the compiler of the famous collection of *Ahaadeeth* named *Al-Musnad*.

long period elapsed before the slaughter of the second? What is the ruling if it was the grandfather who performed the sacrifice on behalf of his son's son? What is the ruling if he were to help him in the cost of purchasing the sacrificial animals? What is the ruling of holding a banquet upon the occasion of the *Aqeeqah*? What is to be done with the meat?

The answer:

The *Aqeeqah* is the sacrificial animal that is slaughtered on behalf of a child and its performance is *Sunnah Muakadah*¹⁴. Some scholars hold that it is obligatory due to the Prophet's (9) saying:

“Every child is a pledge subject to its Aqeeqah that is sacrificed on its seventh day and it is there forth named”

Rather this *Hadeeth* indicates to its importance, as the basis of everything is non-obligation until clearly proven otherwise. The *Sunnah* is to sacrifice two sheep on behalf of a male child or two beasts of any such cattle, even goats. One animal is to be sacrificed on behalf of a female child. If one is limited to slaughtering one animal on behalf of a male child then that is sufficient, Allaah willing. It is permissible to differentiate between two animals by slaughtering the first after a week and the second after two weeks, but to sacrifice them on the same day is better. Primarily the *Aqeeqah* is incumbent upon the father to express his gratitude towards Allaah The Most High, The one who has bestowed upon him a child. However if his grandfather, brother or other relative were to perform it, it would suffice. Similarly if some relatives were to donate towards the cost of the *Aqeeqah*, this would also suffice. The *Sunnah* is to eat a third, give to

¹⁴ *Sunnah Muakadah*: A strong *Sunnah*, the one who performs it deserves reward and the one who leaves it does not incur punishment but is blameworthy.

friends as gifts a third and donate in charity to the Muslims a third. It is permissible to invite friends and family to partake in it or donate it entirely to charity.

Sheikh Ibn Jibreen.

[*Fataawa Islaamiyyah: 2/325*]

The *Aqeeqah* of a stillborn child.

Q.41:

What is the ruling of the *Aqeeqah* of a child that is born on its expected delivery date, but dies a short period before the birth?

The answer:

If the child is born dead, some scholars hold that there is no *Aqeeqah* for it, because the *Aqeeqah* is legislated on the seventh day. Other scholars are of the opinion that an *Aqeeqah* should be performed because this child which has had a soul blown into it will be raised on the Day of Judgment. In this issue, I am of the opinion that it is better to perform an *Aqeeqah* on its behalf, but the preference of performing an *Aqeeqah* under these circumstances is not like its preference if the child were to live until the seventh day. This is because the *Aqeeqah* is to be sacrificed on the seventh day. If the *Aqeeqah* is not performed on this day it is preformed on the fourteenth and if this is missed then on the twenty-first day. This is what the scholars have mentioned and if these days are missed then on any subsequent day after this.

Sheikh Ibn Uthaimen.

[*Fataawa Manaar al-Islam: 3/26*]

Chapter Four: Regarding purification



The ruling of a child's urine if it contaminates clothing.

Q.42:

What is the ruling of a small child's urine if it falls upon clothes?

The answer:

The correct opinion in this issue is that the urine of a male child who feeds on its mother's milk only is a light impurity and in cleaning, it is sufficient to douse it with water. Water is poured over it until it is encompassed without the need for rubbing or wringing. This is because it is affirmed from the Prophet (9) that a baby boy was brought to him and placed in his lap. The child urinated upon him, so he called for water and doused the traces of urine with it and he did not wash the affected area. As for a female child, her urine must be washed away because the original principle is that all urine is a major impurity. Except the urine of a male infant who feeds only on milk, for he is exempted from this as is indicated by the *Sunnah*.

Sheikh Ibn Uthaimen.

[*Majmu' Fataawa ash-Sheikh: At-Tahaarah: 4/249*]

She bathed her child whilst she was in a state of *Wudhu*.

Q.43:

If a woman bathes her child whilst she is in a state of *Wudhu*, is it obligatory upon her to repeat her *Wudhu*¹⁵?

The answer:

If a woman bathes her child, male or female and in the process she touches the child's private parts, then she merely rinses her hand, because to touch the private parts without desire does not obligate *Wudhu*. It is well known

¹⁵ That is if she wants to perform worship that requires *Wudhu* after this.

that sexual desire does not enter the mind of a woman who bathes her children. So if she bathes her child male or female, she merely rinses her hand from any major impurity and it is not obligatory upon her to repeat her *Wudhu*.

Sheikh Ibn Uthaimen.

[*Majmu' Fataawa ash-Sheikh: At-Tahaarah: 4/203*]

Does the sun cleanse clothing from urine? And the ruling of praying in such clothing.

Q.44:

I have small children who I carry and sometimes they urinate on my clothing. I then spread this clothing in the sun until it dries and there after perform my prayers in them. Is this permissible or not?

The answer:

As for the urine of a male infant who does not feed on solids, it is sufficient to saturate the affected area with water due to the narration of Umm Qais Bint Muhsin. She had brought a young son of hers who was not yet feeding on solids to the Prophet (ﷺ), so he (ﷺ) placed him in his lap. The child then urinated upon his clothing so he called for water, saturated the affected area and he did not wash it. The authenticity of this *Hadeeth* is agreed upon¹⁶. What is intended by "saturating" is that the affected area is to be flooded with water even if this does not remove the urine completely, and it is not necessary to wring it. It is deduced from this that if the male child has started to feed on solids, then it is necessary to wash away his urine. As for the urine of a female infant, it should be washed away due to the narration of Lubabah Bint Al-Haarith. She said:

¹⁶ By Bukhaari and Muslim.

Al-Husain Ibn 'Ali was in the lap of the Messenger of Allaah (9) and he urinated upon him. So I said: "wear another garment and give me your Izaar"¹⁷ so that I may wash it". He (9) replied:

"Rather the urine of a female child is washed away and that of a male child saturated with water"

Narrated by Abu Daawood. This is the guidance of the Messenger (9) concerning the urine of a male and female infant. So from this, it is known that what the questioner has mentioned of his drying the garments that have been urinated upon by a child in the sun and then praying in them that the sun does not cleanse them. The prayer in them before they have been cleansed as mentioned is not correct.

The Permanent Committee.

[Fataawa Islaamiyyah: 1/198]

The signs of puberty.

Q.45:

I was fourteen years old when my periods first started. I did not fast during *Ramadhaan* that year bearing in mind that this action was a product of my ignorance and the ignorance of my family, as we were isolated from scholars and we had no knowledge in such matters. I then fasted when I was fifteen. I have heard from some scholars that if a girl has periods she must fast¹⁸, even if she is less than the age of puberty. We hope for further information.

The answer:

¹⁷ *Izaar*: A simple type of garment similar to a wraparound.

¹⁸ The obligatory fasting of *Ramadhaan*.

This questioner who mentioned about herself that her menses started when she was fourteen did not know that this attains puberty. There is no sin upon her for leaving fasting that year because she was ignorant of the ruling and there is no sin upon the one who is ignorant. However when she came to know that fasting is obligatory upon her it is there forth necessary for her to quickly make up for the month's fasting that passed after she started her menses. This is because fasting is obligatory upon a girl when she reaches puberty. A girl reaches puberty if one of four things occur:

1. She turns fifteen years of age.
2. Her pubic hair begins to grow.
3. She has sexual discharges.
4. She starts her menses.

So, if one of these four occurs, she has reached puberty and is now responsible for her actions. Worship rituals are now obligatory upon her like they are obligatory upon adults.

Sheikh Saaleh al-Fawzaan.

[*Fataawa al-Mar'atil-Muslimah: 1/262*]

The ruling of circumcision.

Q.46:

What is the ruling of circumcision for men and women?

The answer:

The ruling of circumcision is an issue differed in by the scholars. The most correct of the opinions is that it is obligatory upon men and *Sunnah* for women. The reason for this differentiation between the genders is that there is a benefit for men which returns to a condition from the conditions of prayer and purification. That is when urine exits from the hole in the

penis a small amount remains in the foreskin if it is not removed. This then, causes inflammation or contamination of clothing with urine, for every time it is moved urine seeps out. As in regards to a woman, the greatest benefit that it consists of is that it lessens the sexual appetite this is to seek perfection and not to remove harm. The scholars have stipulated that in order for circumcision to be obligatory upon a person he should not fear for himself. For if he fears for himself from death or sickness then it is not obligatory, as obligatory deeds are not obligatory under conditions of incapacity, fear of destruction or incurring definite harm. The evidence that obligates circumcision as in regards to men is as follows:

Firstly: It is narrated in many *Ahaadeeth* that the Prophet (9) ordered he who entered into Islaam with circumcision and the basis of an order is that the ordered is obligatory.

Secondly: Circumcision is a distinguishing feature between the Muslims and the Christians to the extent that the Muslims knew their slain ones in battles due to circumcision. For they said: "*Circumcision is a trait, and if it is a trait then it is obligatory due to the fact that it is obligatory to be able to differentiate between a disbeliever and a Muslim*". Due to this fact it is forbidden to imitate the disbelievers, the Prophet (9) has said:

"He who imitates a people is truly of them"

Thirdly: Circumcision is the amputation of part of the body and the amputation of part of the body is forbidden. The forbidden is not allowed, except for in attaining something else that is obligatory. Hence building upon this circumcision is obligatory.

Fourthly: Circumcision is the responsibility of the guardian of an orphan and it is literally a form on infringement upon his wealth because he will pay the circumciser his fee. If, it was not obligatory then it would not be permissible to infringe upon wealth and body.

These are the traditional and theoretical proofs that indicate that

circumcision is obligatory upon men. As for its obligation upon women, that is disputable, so the most correct opinion is that it is obligatory upon men and not so upon women. There is a weak *Hadeeth* that states:

“Circumcision is Sunnah in regards to men and a noble trait in regards to women”

If this *Hadeeth* were to be authentic it would be decisive.

Sheikh Ibn Uthaimeen.

[*Majmu' Fataawa ash-Sheikh as-Saaleh al-Uthaimeen: At-Tahaarah: /117*]

Issues regarding circumcision.

N.B. 47:

Cautionary notes regarding circumcision:

Circumcision is of the instinctive *Sunnah* and from the traits of the Muslims as related in the two *Saheeh* collections¹⁹ upon the authority of Abu-Hurayrah (8) that he said: The Prophet (9) said:

“The natural instinct are five: circumcision, to remove pubic hair, to trim the moustache, to trim nails and to pluck the hairs of the armpits”

So he (9), started with circumcision and informed that it is of the instinctive *Sunnah*. Circumcision according to the *Sharee'ah* is: To remove the foreskin that covers the penis only. As for he who removes the skin which covers the whole penis or severs the penis in it's entirety as is the practice in some barbaric countries, claiming in ignorance that this is the legal circumcision, rather this is a legislation from the devil who has made this appealing to the ignorant. It is a form of torture for the one

¹⁹ Bukhaari and Muslim.

circumcised in this manner, an infringement of the *Sunnah* of Muhammad (9). Furthermore this is a violation of the *Sharee'ah* that was revealed to ease, alleviate and to protect the individual. This type of circumcision is forbidden for a number of reasons of them:

1. That narrated in the *Sunnah* is the removal of the foreskin only that covers the penis.
2. This is torture and maiming of the individual. The Prophet (9) forbade mutilation, and forbade that animals should be tied and abused or their body parts severed. Hence, the prohibition of torturing the son of Aadam is worse and the sin incurred in this is greater.
3. This is at variance to kindness and gentleness that the Prophet (9) encouraged in his saying:

“Verily, Allaah has ordained kindness towards all things”

4. This could lead to the death of the one circumcised in this fashion and this is not permissible due to The Most High's words:

﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ﴾

﴿...and do not throw yourselves to destruction by your own hands...﴾ [Al-Baqarah: 195].

Also, His words, glory be to Him:

﴿وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا﴾

﴿...and do not kill yourselves, verily Allaah is most merciful to you﴾ [An-Nisaa: 29].

For this reason, the scholars have stated that the legal circumcision is

not necessary upon an adult if its consequence is feared. As for the gathering of men and women on a specified day to witness the circumcision, and the standing of the boy in front of them with his 'Aurah²⁰, private zone revealed, this is forbidden, for it entails revealing the 'Aurah. The religion of Islaam has ordered that it be covered and forbade revealing it. This also involves the free mixing of men and women on this occasion and this is not permissible for the trials that this brings and it's violation of the pure *Sharee'ah*.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah: 4/492*]

The timing of circumcision.

Q.48:

Is it permissible to circumcise a child before it is seven days old? This is in reference to some hospitals that perform the operation of circumcision before this. Somebody told me that it is forbidden before seven days and that it is disliked after that.

The answer:

All praise be to Allaah alone and may His blessings and peace be upon the Messenger (ﷺ), his family and companions. To commence: The circumcision of a child is *Sunnah*, it is not forbidden or disliked to advance it before the seventh day, nor is it forbidden or disliked to delay it after that. The matter is open bearing in mind the welfare of the child due to

²⁰ 'Aurah: The private zone of a person, which must be covered in the presence of others. For a male this is the area between the navel and the knees. The scholars have differed as to defining the 'Aurah of a woman. Some maintain that it is her whole body whilst most of them hold that her hands and face are exempted from this. [See *Bidaayat ul-Mujtahid wa Nihaayat ul-Muqtasid* by Ibn Rushd: 283/1].

the saying of the Prophet (ﷺ):

“Five are from the instinctive Sunnah: circumcision, to remove pubic hair, to trim the moustache, to trim nails, and to pluck the hairs of the armpits”

Agreed upon its authenticity ²¹.

The Permanent Committee.

[*Fataawa al-Lujnati ad-Daaimah: 5/112*]

To hold a celebration at the event of circumcision.

Q.49:

It is a running custom with some people to perform the operation of circumcision on the birthday of the Prophet (ﷺ). They sacrifice some animals and invite a number of families. After this they present the child with gifts of money. Is there a specific way to celebrate the event of circumcision?

The answer:

All praise be to Allaah alone and may His blessing and peace be upon the Messenger, his family and companions. To commence:

Firstly: Circumcision is from the instinctive *Sunnah* to which the Prophet (ﷺ) has guided.

Secondly: There is no celebrating of circumcision in Islaam and to specify the birthday of the Prophet (ﷺ) as a day to circumcise on and celebrate is an innovation. The Prophet (ﷺ) has said:

“He who innovates in this affair of ours something that is

²¹ By Bukhaari and Muslim.

not from it will have it rejected”

Narrated by Bukhaari and Muslim.

The Permanent Committee.

[*Fataawa al-Lujnati ad-Daaimah: 5/114*]

To circumcise the child after it's death.

Q.50:

There was a man to whom Allaah bestowed a child. The child lived for only eleven days until his inevitable term came before his father could circumcise him. The father then proceeded to circumcise his dead son in deep concern that he should not fall into sin. Bearing in mind that he did this out of ignorance what is the ruling? Is there expiation upon him? Please enlighten us. May Allaah reward you with good.

The answer:

All praise be to Allaah alone and may His blessings and peace be upon the Messenger, his family and companions. To commence: If the matter is as mentioned then there is no sin upon him because he was ignorant and he should not repeat this a second time after a death.

The Permanent Committee.

[*Fataawa al-Lujnati ad-Daaimah: 5/122*]

Children touching the *Qur'aan*.

Q.51:

Is it forbidden for those younger than the age of puberty to touch the *Qur'aan* without *Wudhu*?

The answer:

This is an issue that the scholars have differed in, some of them say:

“It is not forbidden for those younger than the age of puberty to touch the Qur’aan because they are not yet responsible for their actions and the pen²² has been lifted from them”

Some other scholars say:

“It is not permissible for a child to touch the Qur’aan without Wudhu and it is upon his guardian to obligate him into making Wudhu just as it is obligatory upon him to make Wudhu for the prayer. This is because this is an action in which Wudhu is conditional for its performance”.

Q.52:

What is the ruling of allowing small children to touch and read the Qur’aan?

The answer:

There is no harm in allowing small children to touch and read the Qur’aan if they have *Wudhu* and they do not miss-treat it.

Q.53:

Is it permissible to write Verses of the Qur’aan without *Wudhu*? What is the ruling of touching the board on which these Verses are written upon?

The answer:

²² In reference to the authentic Hadeeth:

“The pen has been lifted from three: the child until he reaches puberty, the insane until he is cured and the one who is sleeping until he awakens”.

It is permissible to write the Glorious *Qur'aan* whilst not in a state of *Wudhu* as long as it is not touched. As for touching the board upon which these Verses are written, the *Hanbaly* scholars have stated concerning a tablet:

"It is permissible for the child to touch the tablet upon which Verses of the Qur'aan have been written, that is the areas which are void of writing with the condition that his hand does not touch the letters".

Now does this include the board or not? For me this is an issue to refrain from passing a verdict in and Allaah knows best.

Sheikh Ibn Uthaimen.

[*Majmu' Fataawa Ash-Sheikh: At-Tahaara: 4/214*]

This is the safest opinion and it entails a clear benefit

Q.54:

What is the ruling of children touching the Noble *Qur'aan*?

The answer:

The scholars, may Allaah have mercy upon them have differed as to the permissibility of the one not in a state of *Wudhu* touching the *Qur'aan*. For some of them maintain:

"The touching of the Qur'aan by one not in a state of Wudhu is permissible due to the lack of clear evidence that forbids this, and the basis is discharge of the individual from responsibility and lack of obligation until proven otherwise".

Whilst other scholars hold:

"It is not permissible to touch the Qur'aan except for one who is in a state of

ritual purity (*Taahir*), because it has been mentioned in a letter of the Prophet (ﷺ) to 'Amru Ibn Hazm:

"...none should touch the Qur'aan, except one pure"

The pure one here is the one pure of ritual impurity".

This opinion is more correct than the first because even though the phrase: "pure one" (*Taahir*), includes spiritual and physical purity, the conventional in the address of the *Sharee'ah* is its non-usage in connection with the spiritually pure. The one spiritually pure is the Muslim. There remains, does this ruling include small children who are learning the *Qur'aan*? Hence obliging them to make *Wudhu*, or are they not included because they are not yet responsible for their deeds? In this too, there is a difference of opinion amongst the scholars. Some of them maintain:

"The young child is not required to make Wudhu in order to touch the Qur'aan because he is not yet responsible for his actions".

Whilst others hold:

"This is obligatory upon them hence they are made to make Wudhu".

No doubt, this is the safest opinion and of the benefits it entails, we implant in their hearts respect for the words of Allaah The Most Honourable and Majestic. If there is in obliging them difficulty then it is possible that they touch the *Qur'aan* from behind a cover, for this is permissible for the one in a state of ritual impurity and the one in a state of purity.

Sheikh Ibn Uthaimen.

[*Fataawa Islaamiyyah: 4/23*]

Chapter Five:
Regarding the Prayer



If two children are led in prayer where should they be placed?

Q.55:

A man led two children or more, who had not yet reached puberty in the prayer. Where should the children stand? Behind him or to his right?

The answer:

The *Sunnah* regarding children who have reached the age of seven is that they stand behind the *Imaam* like adults. If there is one child he stands on the right of the *Imaam* because it has been affirmed that the Prophet (ﷺ) prayed in the house of Abu-Talha, he placed Anas and the orphan behind him and Umm-Saleem behind them. It has also been affirmed in another narration that he (ﷺ) prayed with Anas and placed him on his right. Also he prayed with Ibn Abbaas and likewise placed him on his right.

The Permanent Committee.

[*Fataawa Islaamiyyah: 1/353*]

The Imaamate²³ of a child.

Q.56:

A man entered a mosque and found a group of youngsters praying, the oldest being twelve years old was leading the prayer. Is the Imaamate of this twelve-year-old child correct?

The answer:

The Imaamate of a child of understanding is correct, due to the saying of the Prophet (ﷺ):

“The one who leads the people in prayer is the most

²³ Taking the position of *Imaam* in prayer.

knowledgeable amongst them as regards to the book of Allaah...”

Also due to that affirmed in the *Saheeh* of Bukhaari upon the authority of ‘Amru Ibn Salamah al-Jurmy that he said:

“My father returned from the presence of the Prophet (ﷺ) and he mentioned that he heard the Prophet (ﷺ) say:

“If the time for prayer arrives then let him who has memorized the most Qur’aan lead you”.

They looked amongst themselves and did not find anyone who had memorized more Qur’aan than me, so they put me forward as the Imaam, whilst I was six or seven years of age.”

The Permanent Committee.

[*Fataawa al-Lujnati ad-Daaimah: 7/389*]

The praying of a child before time in fear of sleep.

Q.57:

Is it permissible to instate an *Imaam* for our children who would lead them in the ‘*Eshaa*’ prayer after *Maghrib*, before the elders pray? This is because they sleep before ‘*Eshaa*’.

The answer:

It is not permissible to instate an *Imaam* for children, male or female, who would lead them in the ‘*Eshaa*’ prayer after the *Maghrib*, before the arrival of the ‘*Eshaa*’ prayer time, out of fear that they would sleep without praying. This is because the timings of the prayers are the same in regards

to adults and children. Rather their guardian should keep them busy

in that which repels sleep from them so that they can pray 'Eshaa at its correct time.

The Permanent Committee.

[*Fataawa al-Lujnati ad-Daaimah: 6/152*]

The taking of small children to the mosques.

Q.58:

Some worshippers bring to the mosque their young children who have not yet reached the age of understanding nor have they perfected the prayer. They stand with the worshippers in line some of them play frivolously and disturb those around them. What is the ruling of this? And what is your advice to the guardians of these children?

The answer:

I am of the opinion that it is not permissible to take children who disturb worshippers to the mosque, because it is annoying for the Muslims who are performing an obligation from the obligations of Allaah. The Prophet (9) heard some of his companions praying aloud and he said:

“Do not raise your voices above one another in reading”

In another *Hadeeth*;

“Do not annoy each other”

Hence it is not permissible for a person to do anything that annoys other worshippers. My advice to the guardians of these children is not to bring them to the mosque and to follow the guidance of the Prophet (9) who has said:

“Order your children to perform the prayer at seven and spank

them over it at ten”

Likewise, I advise the congregation to widen their hearts towards the children for who it is legislated their coming to the mosques and not to be hard on them or force them from their places which they have preceded to. For whosoever precedes to something he is more deserving of it, whether he is a child or adult. For in removing the children from their places in the rows there is:

Firstly: The encroachment upon their rights, because whosoever precedes to something which no other Muslim has surpassed him to, is more deserving of it.

Secondly: The driving of them away from attending the mosques.

Thirdly: The harbouring of the child hatred and despise for the one who forces him from the space he occupied.

Fourthly: This leads to the gathering of the children in one area, thus leading to their frivolity and disturbance of the people of the mosque. This would not occur if they had been between the grown men. Some scholars have mentioned the moving of a child from his space until all the children are in the last row or the last row of the mosque quoting as evidence the saying of the Prophet (ﷺ):

“May those amongst you of maturity and understanding be behind me”

However this is an outweighed opinion that conflicts with the saying of the Prophet (ﷺ):

“He who precedes to that which none has surpassed him to is more deserving of it”

As for quoting as evidence the saying of the Prophet (ﷺ):

“May those amongst you of maturity and understanding be behind me”

This is not a sound argument, because the *Hadeeth* is an encouragement for those who are mature and of understanding to move forward until they are behind the Prophet (ﷺ). For they comprehend more than the young and are better at understanding what they see from the Prophet (ﷺ) or hear. The Prophet (ﷺ) did not say: “*May there not be behind me except those of maturity and understanding*”, for if he (ﷺ) had said this, the opinion of moving the children from their places in the first rows would be well founded. Rather the context of this *Hadeeth* is his ordering those of maturity and understanding to move forward until they are behind him (ﷺ).

Sheikh Ibn Uthaimen.
[*Fataawa Islaamiyyah: 2/8*]

She prays whilst children play around her.

Q.59:

A woman says: When performing the prayers, children play in front of me and climb on top of me, this leads to my lack of concentration in the prayer, constriction in it and speeding in its performance. So what do you advise me? May Allaah reward you with good.

The answer:

I advise her not to pray in a place where there are children around her, because it is not possible to control them. So she should choose a place far from them. This is my advice to her, and Allaah is the one who gives success.

Sheikh Ibn Uthaimen.
[*Fataawa Manaar al-Islam: 1/181*]

He buried his dead child and forgot to pray over him.

Q.60:

A child of mine passed away whilst he was six months old, so I took him to the graveyard and buried him without praying over him due to my forgetfulness. Bearing in mind that I do not know the location of the grave in which I buried the child is there a charity that suffices from the performance of the funeral prayer over him or any other deed that suffices from its performance?

The answer:

There is no deed that suffices from performing the funeral prayer upon the dead child or adult, not the giving in charity or other such good deeds. It is upon you to go to a grave in the graveyard in which you buried him. Place the grave between you and the direction of the *Qiblah* and pray the funeral prayer over this child whilst in a state of *Wudhu* and whilst fulfilling the remaining conditions of prayer. This will suffice you for you do not know the exact location of the child's grave. The Most High has said:

﴿لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا﴾

«Allaah burdens not a person beyond his scope...»

[Al-Baqarah: 286].

He, also said:

﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ﴾

«...so fear Allaah as much as you can...»

[At-Taghaabun: 16].

The Prophet (9) has said:

“If I order you with something, then perform from it that which you are capable of, and if I forbid you from something then avoid it”

Allaah is the one who gives success.

The Permanent Committee.

[Fataawa Islaamiyyah: 2/27]

Chapter Six:
Regarding *Zakaat*
And the wealth of an orphan



Zakaat is obligatory upon the old and young.

Q.61:

I am a teenager of seventeen years, I live with my family and my father meets my expenses. I have possessed money saved in an Islamic bank for a year, so is it obligatory upon me to pay its *Zakaat*?

The answer:

Zakaat is obligatory upon certain forms of wealth, they are: cattle, gold and silver, produce of the land and all that is prepared for trade. *Zakaat* is obligatory even if the possessor of this wealth is a child. So it is obligatory upon the wealth of an orphan just as it is upon that of an adult and the guardian is to pay it from the orphan's wealth. *Zakaat* is also obligatory upon the profits of trade even if it is less than the *Nisaab*²⁴, if the original capital investment had reached the *Nisaab*, and Allaah knows best.

Sheikh Ibn Jibreen.

[*Fataawa Islaamiyyah*: 2/72]

Zakaat ul-Fitr is obligatory, even upon the child.

Q.62:

Is *Zakaat ul-Fitr* obligatory or *Sunnah*? And upon who is it obligatory?

The answer: *Zakaat ul-Fitr* is obligatory upon all Muslims because the Prophet (ﷺ) obligated it upon the male, female, young and old. Its measure is a *Saa'*²⁵ of food, dates, barley, raisins or cheese. He (ﷺ) ordered that it should be paid before the people leave for the *Eid* prayer. It is a prophetic obligation legislated at the end of *Ramadhān* to purify the one who fasted

²⁴ *Nisaab*: A specified quota for each type of wealth upon which *Zakaat* is payable.

²⁵ *Saa'*: A measure of volume. Using both hands to measure one scoop, it is equal to four scoops of an average size man.

from vain talk and obscenity. It is also a feeding of the poor so that they can dispense from begging on the festival of *Eid*. Allaah is the one who gives success.

Sheikh Ibn Jibreen.

[*Fataawa Islaamiyyah*: 2/98]

It is upon you to save the extra for the orphan.

Q.63:

We fostered an orphan whose family passed away. He has uncles and whosoever wants to do good gives him money and sometimes we receive money as well, bearing in mind that what is donated to him is more than what we receive. We consider him as part of the family. Please enlighten us about this. May Allaah reward you with good.

The answer:

There is no blame upon you in taking from that donated to him if it is equal to your expenditure upon him or less, as for that which is more than your expenditure upon him, it is upon you to save this for him. Rejoice at the ample reward for your fostering him and kindness towards him.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah*: 4/352]

To manage the wealth of an orphan.

Q.64:

Is it permissible to manage the wealth of orphans whilst they are underage?

The answer:

Yes, it is permissible for the guardian of an orphan to manage his wealth in a fashion that benefits the orphan and to do this gladly, Allaah, glory be to Him The Most High has said:

﴿وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ
أَشُدَّهُ﴾

﴿...and come not near to the orphans property, except to improve it, until he attains the age of full strength...﴾

[An-An'aam: 152].

The guardian of the orphan manages his wealth in a manner that increases it and is in the orphan's advantage. As for him dealing with it in such a fashion that decreases or harms it, then that is not permissible.

Sheikh Ibn Uthaimeen.

[Fataawa Islaamiyyah: 4/352]

If there is a benefit for the one under aged, there is no harm.

Q.65:

My father passed away and left a house in which my brothers live in the city of Jeddah and a sum of money, which amounts to approximately one hundred thousand Riyals only. My mother and brothers asked me to build for them from this bequeathed money a larger house, except that one of my brothers is still underage and knows nothing of this matter. There is a definite benefit for him in this, so is it permissible for us to build this house from this sum of money? Bearing in mind that the under aged brother has a share in this money.

The answer:

If you are the guardian of this under aged child and you see that there is a benefit in this then there is no blame upon you, due to the words of Allaah The Most High:

﴿وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ﴾^ط

﴿...and come not near to the orphans property except to improve it, until he attains the age of full strength...﴾

[An-An'aam: 152].

Sheikh Ibn Uthaimen.

[Fataawa Islaammiyyah: 4/352]

The guardian managing the wealth of the orphan.

Q.66:

If a man is fostering an orphan who possesses wealth and he is observant of his welfare, is it permissible for him to manage the wealth of this orphan? Bearing in mind that the capital wealth of the orphan is preserved and will be returned to him.

The answer:

Allaah, glory be to Him The Most High, has ordered improving the affairs of the orphans and forbidden that their wealth should be drawn close to except in its investment for them, for He has said:

﴿وَيَسْأَلُونَكَ عَنِ الْيَتَامَىٰ ۖ قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ وَإِنْ تُخَالِطُوهُمْ فَإِخْوَانُكُمْ ۗ وَاللَّهُ يَعْلَمُ الْمُفْسِدَ مِنَ الْمُصْلِحِ ۗ﴾^ط

﴿...and they ask you concerning orphans. Say: To improve their affairs is best, and if you mix your affairs with theirs, then they are your brothers and Allaah knows him who means mischief from he who means good...﴾ [Al-Baqarah: 220].

He, also said:

﴿وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ ط﴾

﴿...and come not near to the orphans property except to improve it, until he attains the age of full strength...﴾

[An-An'aam: 152].

It is obligatory upon the guardian of the orphan to put into practice the implications of these two Verses. That is to improve the wealth of the orphan by exerting effort in it's investment, it's increase and preservation by either trading with it or entrusting it to somebody reliable who can do this. This can be for a shared portion of the profits such as half or that similar according to the custom of the country of trade. If he donates the entire profits to the orphan then this is something virtuous and superior. As for the guardian of the orphan dealing in the orphan's wealth for his own benefit, to suit his needs, and to develop his own business etc, the apparent is, this is not permissible. That is because this is neither from improving the affairs of the orphan nor from approaching it to enhance it. If he spends it to preserve it for the orphan having the intention of taking it as a loan because if it were to remain he would fear it's loss or theft etc and he is unable to find somebody reliable to invest it, then in this condition it is considered to be improving and preserving the orphan's wealth. Providing he is well off and there is no danger upon the orphan's wealth by it remaining in his debt. The summary is, that it is obligatory upon the guardian of the orphan to do the best for him and Allaah, glory be to Him is the one who knows the one who means mischief from the one who

means good. He rewards every doer by his deed, if good then good and if evil then evil, and we ask Him to give us and you the ability to do that which pleases Him.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah*: 4/351]

Paying *Zakaat* to his under aged brothers.

Q.67:

Is it correct for me to pay the *Zakaat* due on my wealth or *Zakaat ul-Fitr* to my under aged brothers and sisters who are cared for by my mother since the death of our father, may Allaah have mercy upon him. Is it also correct for me to pay this *Zakaat* to my other brothers and sisters who are not under aged, however I feel that they are in need of it more than other people to whom I may pay it to?

The answer:

Paying *Zakaat* to relatives who deserve it, is better than paying it to those who are not your relatives, because to spend in charity upon relatives is charity as well as maintaining family ties. Except for if these relatives are from those whom their expenditure is obligatory upon you and you gave them of your *Zakaat* to protect your wealth from expense, for this is not permissible. If your brothers and sisters you mentioned are poor and your wealth is not sufficient to cover their expenditure, then there is no blame upon you in giving to them from your *Zakaat*. Similarly, if your brothers and sisters were in debt, and you redeemed their debts from your *Zakaat*, then there is no blame upon you in this either. This is because, it is not obligatory for a relative to redeem the debt of his relative and so its redemption from his *Zakaat* suffices. Even if your son or father is in debt to somebody and he cannot redeem it, it is permissible for you to settle his debt from your *Zakaat*, with the condition that the reason for his debt is not in order to gain expenditure from you that is obligatory upon you. For

if the reason behind this debt is this then it is not permissible for you to redeem his debt from your *Zakaat*. This is so that it is not taken as a trick by the one paying the *Zakaat* to escape from spending upon those whom their expenditure is obligatory upon him, that is his dependents borrow and then he redeems the debt from his *Zakaat*.

Sheikh Ibn Uthaimeen.

[Fataawa ash-Sheikh Muhammad as-Saaleh al-Uthaimeen: 1/461]

Chapter Seven:
Regarding fasting



Fasting is not obligatory upon the child.

Q.68:

Is it obligatory upon the one who has lost his memory, the mentally handicapped, the child and the insane to fast?

The answer:

Verily Allaah, glory be to Him The Most High has obligated upon the individual worship if he qualifies for its obligation by possessing a sound mind with which he can comprehend. As for the one who has no comprehension, worship is not obligatory upon him, therefore it is not obligatory upon the insane or the child who has no understanding and this is from the mercy of Allaah, glory be to Him The Most High. Similarly, the mentally handicapped who's mind has been affected but not to the level of insanity. Likewise the aged who has lost his memory as the questioner has mentioned, for fasting, prayer and purification are not obligatory upon him because the one who has lost his memory is similar to the child who has no understanding, and so he is no longer responsible for his actions. As for obligations concerning wealth, they are obligatory in his wealth even though he is in such a condition. For example, *Zakaat* is obligatory, for it is upon the one who manages the affairs of such an incapable person to pay the *Zakaat* due on his money because the obligation of *Zakaat* is connected with the wealth, the Most High has said:

﴿ خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا ﴾

«Take from their wealth charity in order to purify them and sanctify them with it...» [At-Tawbah: 103].

For He said: ﴿ خُذْ مِنْ أَمْوَالِهِمْ ﴾ «Take from their wealth...» and He did not say "take from them...".

The Prophet (9) said to Mu'aadth when he sent him to Yemen:

“...inform them that Allaah has obligated upon them a charity in their wealth, it is to be taken from the wealthy amongst them and given to the poor amongst them”

He made clear that it is connected with the wealth, even though it is taken from the owner. Anyhow, a person in such a condition is not exempted from obligations concerning wealth. As for worship concerning the body, such as prayer, purification and fasting, a person in such a condition is absolved of them because he has no mind. As for he who temporarily loses his mind due to unconsciousness or sickness, the prayer is not obligatory upon him according to the opinion of most of the scholars. So if a sick person falls unconscious for a day or two, then there is no need to replace the missed prayers, because his mind was not with him. He is not like the one who over sleeps, about which the Prophet (9) said:

“He who sleeps through an obligatory prayer or forgets it, let him pray it when he remembers”

This is because the one who is asleep still has his senses with him, for he can arouse from his sleep if he is awoken. As for the one who is unconscious, he cannot wakeup even if awoken. This is if his unconsciousness is due to other than himself. As for the one who's unconsciousness is due to himself, such as he who gives permission to be anaesthetized, then it is obligatory upon him to replace the prayers missed whilst he was in this state.

Sheikh Ibn Uthaimen.

[Fataawa ash-Sheikh Muhammad as-Saaleh al-Uthaimen: 1/491]

A child persists in fasting whilst this harms him.

Q.69:

My young child persists in fasting during *Ramadhaan* even though it harms him due to his tender age, and causes him to become sick. Should I be stern with him in forcing him to break his fast?

The answer:

If the child has not yet reached puberty, then fasting is not obligatory upon him, but if he can fast without difficulty then he should be ordered to. The companions (8) of the Prophet (9) used to make their children fast, to the extent that a youngster would cry and so they would give him a toy to distract him, but if it is established that it harms him, then he is to be prevented from it. For if Allaah, glory be to Him The Most High has forbidden us from giving the young control over their wealth for fear that they should cause it to perish, then that causing harm to their personal being is more deserving to be forbidden. Preventing him from fasting should be done without severity because this is not necessary in the handling of children during their upbringing.

Sheikh Ibn Uthaimen.

[Fataawa ash-Sheikh Muhammad as-Saaleh al-Uthaimen: 1/493]

Is the reward for the child who fasts, for him or his parents?

Q.70:

What are the conditions of correct fasting for the young? And is it true that his fasts are written for his parents?

The answer:

It is legislated for the parents to accustom their children with fasting from a young age, if they are capable of it. When they reach the age of puberty they are to be forced into fasting. If they fast before puberty, it is upon them to avoid everything that spoils fasting, such as eating etc, as is with adults. The reward is for the child and there is also reward in this for the parents.

Sheikh Ibn Jibreen.

[Fawa'id wa Fataawa Tahumu al-Mar'ata al-Muslimah: 91]

If the pregnant or breast-feeding mother fear for their children.

Q.71:

If a pregnant or breast-feeding mother fears for herself or her child during the month of *Ramadhaan* and thus, breaks her fast, what is upon her? Should she break her fast, feed the poor and replace these missed fasts or break her fast and replace the missed fasts only, or break her fast and feed the poor only? What is correct from these three?

The answer:

If a pregnant woman fears for herself or for her child from fasting during *Ramadhaan*, then she may break her fast and it is incumbent upon her to replace it. Her similitude in this is that of the one incapable of fasting or fears that it will harm him, Allaah The Most High said:

﴿فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ عَلَىٰ سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ﴾

﴿...but if any of you is ill or on a journey, the same number of days should be made up from other days...﴾ [Al-Baqarah: 184].

Similarly, if the breast feeding mother fears for herself if she suckles her child during *Ramadhaan*, or she fears for her child if she fasts and does not breast feed him, then she may break her fast and it is incumbent upon her to replace it, and success is with Allaah.

The Permanent Committee.
[*Fataawa Islaamiyyah: 2/147*]

Chapter Eight:
Regarding *Hajj*



The *Hajj* of a child is considered as a *Nafil*²⁶ deed and does not suffice as the obligatory *Hajj*.

Q.72:

Does the *Hajj* of a child who has not yet reached the age of puberty suffice from performing the obligatory *Hajj*?

The answer:

There is no harm if a child performs *Hajj* where he is taught it's rituals and he performs them. This would be a *Nafil* deed for him and he would be rewarded for it. However this does not suffice him from performing the obligatory *Hajj* (*Hajjatul-Islaam*). The Prophet (9) has said:

“Any child who performs Hajj and there after reaches puberty, it is incumbent upon him to perform another Hajj”

A woman who had a child with her asked the Prophet (9):

“O Messenger of Allaah, is there Hajj for him?”

he (9) replied:

“Yes, and there is reward for you”

The companions of the Prophet (9) said:

“We used to recite the Talbiyah²⁷ on behalf of the children”.

Sheikh Ibn Baaz.

[*Ad-Da'wah*: 1637]

²⁶ *Nafil*: An optional deed not obligatory.

²⁷ *Talbiyah*: The remembrance of Allaah that the pilgrim is to repeat upon entering into a state of *Ihraam*. See the book: A manual on the rites of *Hajj*, published by I.T.I.

Tawaaf²⁸ suffices with the intention of the carrier and the one carried.

Q.74:

If the one who paces (*Sa'yee*²⁹) between *Safaa* and *Marwah*³⁰ or the one who circumambulates the Ka'bah (*Tawaaf*) carries a small child or a sick person does this *Sa'yee* and *Tawaaf* suffice both of them or not?

The answer:

The *Tawaaf* and *Sa'yee* suffice both of them through the intention of the carrier if the one carried cannot differentiate³¹. However if the one carried can differentiate he is to make his own intention for this to suffice, according to the more correct opinion of the scholars. May Allaah bless and send peace on our Prophet Muhammad, his family and companions.

The Permanent Committee.

[*Fataawa Islaamiyyah*: 2/246]

To enter into a state of *Ihraam*³² accompanied by a child.

Q.74:

If a child is unable to perform *Tawaaf* by himself, is it correct to carry him? And is expiation incumbent upon the child if he breaches a condition of *Hajj*?

²⁸ *Tawaaf*: The circumambulation of the *Ka'bah* seven times whilst in a state of *Wudhu*.

²⁹ *Sa'yee*: The pacing between two hillocks *Safaa* and *Marwah* in Makkah. Part of the *Hajj* and *Umrah* rituals.

³⁰ *Safaa* and *Marwah*: Two hillocks in Makkah between which *Haajar* the mother of *Ismaa'eel*, (ؑ) paced in her search for water. This action then became legislated as part of the *Hajj* and *Umrah* rituals.

³¹ The one who can differentiate is the one capable of forming an intention.

³² *Ihraam*: The ritual state that the pilgrim assumes during the *Hajj* and *Umrah*.

The answer:

It is permissible to enter into a state of *Ihraam* whilst accompanied by a child and the guardian is responsible for him. He dresses him in his ritual clothing and he intends the *Hajj* upon his behalf. He recites the *Talbiyah* on his behalf and holds his hand during the *Tawaaf* and *Sa'yee*. If he is unable, as such is the case with a small child or suckling infant there is no harm in carrying him. He suffices with one *Tawaaf* (i.e. seven circuits) for himself and the one carried according to the correct opinion. If the child commits the temporarily forbidden³³ whilst in the state of *Ihraam* out of ignorance such as the wearing of stitched clothing or covering the head, there is no expiation upon him due to him not intending this. If he does this deliberately such as his needing to wear clothing due to the cold or other such matters then his guardian is to expiate upon his behalf.

Sheikh Ibn Jibreen.

[*Fataawa Islaamiyyah: 2/182*]

³³ The temporarily forbidden whilst in a state of *Ihraam* are:

- 1- To cut the hair.
- 2- To trim the nails.
- 3- To cover the head (For males only).
- 4- To wear perfume.
- 5- To wear stitched clothing (For males only).
- 6- To marry or bind another's marriage.
- 7- To hunt (This is permanently forbidden within the precinct of Makkah and Madeenah.).
- 8- To have sexual intercourse.
- 9- To have any kind of sexual contact less than intercourse.
- 10- To cut the trees of the sacred precinct of Makkah (This is permanently forbidden.).

To appoint a deputy in stoning on behalf of the sick, the woman or the child.

Q.75:

What is the ruling of appointing a deputy to stone on behalf of the sick, the woman or the child?

The answer:

There is no harm in appointing a deputy on behalf of the sick or the woman who is unable such as the pregnant, the large and the frail who cannot stone the pillars (*Jamaraat*³⁴). As for the strong active woman, she is to perform her own stoning. The one who is unable to stone during the day after the sun's zenith, stones during the night. The one, who is unable to stone on the day of *Eid*, stones on the eleventh night after the day of *Eid*³⁵. The one, who is unable to stone on the eleventh day, stones on the twelfth night after the eleventh day. The one who is unable to stone on the twelfth day, or he misses stoning after the sun's zenith stones on the thirteenth night after the twelfth day and stoning ends at the rising of the sun. During the days of *Tashreeq*³⁶ there is no stoning until after the sun's zenith.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah: 2/240*]

³⁴ *Jamaraat*: Three stone pillars situated in Mina. They signify the locations at which the Devil approached Ibraaheem in an attempt to foil him from sacrificing his son Ismaa'eel in fulfilment of the command of Allaah. Ibraaheem threw stones at him and sought refuge in Allah thus defeating him. This later became legislated as part of the Hajj rituals.

³⁵ According to the *Sharee'ah* night precedes day and the new day begins at *Maghrib*.

³⁶ The days of *Tashreeq*: The 11,12 and 13th of *Dhul-Hijjah*.

She appointed a deputy in stoning because a small child accompanied her.

Q.76:

A woman performed *Hajj* and she completed all the rituals except stoning. She appointed somebody who stoned on her behalf because she was accompanied by a small child. Bearing in mind that this was the obligatory *Hajj*, what is the ruling concerning this? Please give us a verdict, earning reward by this for yourselves.

The answer:

There is nothing upon her concerning this, the stoning of the deputy suffices her because of the danger upon women in the crowds at the time of stoning, especially upon those accompanied by children.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah*: 2/241]

If the child reaches puberty during *Hajj*.

Q.77:

I performed *Hajj* with my family whilst I was young, on the eight day of *Dhul-Hijjah* I had a wet dream, so I had a bath, wore my *Ihraam* and completed my *Hajj*. Then after seven years I asked about that *Hajj*, does it suffice from the obligatory *Hajj* or not, for I heard that it doesn't. I now want to perform *Hajj* on behalf of my mother who has passed away and did not perform except one *Hajj*. Would this *Hajj* be accounted for her? Or is it obligatory for me to perform the *Hajj* for myself first and then for her?

The answer:

If a child reaches puberty during *Hajj* on the day of *Arafah*³⁷ or before it or in *Umrah* before *Tawaaf*, then they suffice from the obligation. For the questioner had a wet dream on the eight day whilst he was in *Ihraam* and he stood in *Arafah* after that, so his *Hajj* suffices him from the obligatory *Hajj* for he reached *Arafah* after puberty. He counts that *Hajj* for himself and it is permissible for him to perform *Hajj* on behalf of his mother or any other person. May it be that he repeats *Hajj*, Allaah willing, for himself, his parents and any body he wishes.

Sheikh Ibn Jibreen.

[*Fataawa Islaamiyyah: 2/182*]

³⁷ *Arafah*: The plain of *Arafah* is on the outskirts of Makkah. The pilgrim is to stand there on the 9th of *Dhul-Hijjah* from the morning until sunset supplicating to his Lord.

Chapter Nine: Regarding breast-feeding



Chapter:
The laws of breast-feeding³⁸.

The Most High has said in verification of the unmarried women:

﴿وَأُمَّهَاتِكُمُ الَّتِي أَرْضَعْنَكُمْ وَأَخَوَاتِكُمْ مِنَ الرِّضَاعَةِ﴾

﴿...and your suckling mothers who suckled you and your sisters from suckling...﴾ [An-Nisaa: 23].

It is narrated in the two *Saheeh* collections³⁹ that the Prophet (ﷺ) has said:

“It becomes forbidden by suckling those relationships that are forbidden by kinship”

Furthermore his (ﷺ) saying:

“It becomes forbidden by suckling those relationships that are forbidden by birth”

Narrated by the group⁴⁰.

The meaning of breast-feeding linguistically is:

“The suckling of milk from the breast or the drinking of it”

It's definition according to the *Sharee'ah*:

³⁸ Excerpted from the book: *Al-Mulakh'khas al-Fiqhee*: 2:345 by Sheikh Saaleh Ibn Fawzaan, may Allaah protect him.

³⁹ Of Bukhaari and Muslim.

⁴⁰ The group meaning: Bukhaari, Muslim, Abu Daawood, Tirmidhee, Nasa'ee, Ibn Maajah and Ahmad, may Allaah have mercy upon them.

“The suckling or drinking etc of the milk induced by pregnancy by a child younger than two years old”

The ruling of relations linked by breast feeding is that of those linked by kinship regarding marriage, seclusion, being a *Mahram*⁴¹ and the permissibility of looking, all of which details are to follow.

These rules are not established except with the fulfilment of two conditions:

The first condition: That the feedings be five or more due to the *Hadeeth* of ‘Aaisha (), who said:

“It was revealed in the Qur’aan: (Ten accounted feedings make forbidden). Five feedings were then abrogated from that and it became: (Five accounted feedings make forbidden). So the Messenger of Allaah (9) passed away whilst the affair is upon this”.
[Narrated by Muslim.]

This is an example of abrogation of the reading of a verse whilst the ruling remains. This *Hadeeth* clarifies the ambiguous in the Verses and *Ahaadeeth* concerning the topic of breast-feeding.

The second condition: That these five feedings are within the first two years of infancy due to the saying of Allaah the Most High:

﴿ وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ ^ط

⁴¹ A *Mahram* of a woman is a male who has reached puberty to whom which her marriage is permanently forbidden, due to kinship or another permissible reason such as kinship through suckling.

الرَّضَاعَةُ

﴿The mothers shall suckle their children for two whole years for those who desire to complete the term of suckling﴾

[Al-Baqarah: 233].

So this verse indicates that the considered feeding is that occurring in the infant's first two years and also his (9) saying:

“Relationships do not become forbidden by suckling except the suckling that slashes the intestines and occurs before weaning”

Tirmidhee said: *“This is Hasan Saheeh⁴²”*. The meaning of it being: Suckling does not lead to unmarriageability, except for the milk that reaches the intestines and widens them, so a small amount, that does not have this effect does not lead to unmarriageability. Furthermore suckling does not lead to unmarriageability except for that occurring before weaning. That is the feeding that occurs during infancy and takes the place of solid food, this is the feeding that leads to unmarriageability, because the milk satisfies the hunger of the suckling infant and causes him to grow, hence it is part of him.

The definition of a feeding is that the infant sucks from a breast, then he breaks suckling to breath, to move to the other breast or other than this. This is counted for him as one feeding, if he returns, two...and so forth, even if this occurs in one sitting. This is because the legislator has considered the number of feedings and didn't define a feeding, so in definition of this, custom is referred to.

If the milk reaches inside the infant by other than the breast, such as if it

⁴² *Hasan Saheeh* is a level of authenticity in *Hadeeth* authentication lower than *Saheeh* but higher than *Hasan*. It's ruling is that it is to be worked by.

were to drop into his mouth or nose, or he drank it from a container or similar to that, this would take the ruling of breast feeding because nourishment is attained by this, just like in breast-feeding. With the condition that this occurs five times.

Breast feeding extends unmarriageability when a woman suckles an infant of less than two years, five feedings or more: The suckling infant consequently becomes her son in their unmarriageability, the permissibility of him looking at her and them being secluded together. He becomes a *Mahram* for her due to the words of The Most High in the context of prohibition:

﴿وَأُمَّهَاتِكُمُ اللَّاتِي أَرْضَعْنَكُمْ﴾

﴿...and your suckling mothers who suckled you...﴾

[An-Nisaa: 23].

He is not considered as her son in the remaining laws: his expenditure is not obligatory upon her, there is no inheritance between them, it is not obligatory upon him to pay any blood money she may incur and he is not a guardian for her, because kinship is stronger than relationship from suckling. Relationship from suckling and kinship are not equal except for in the areas that evidence indicates, that is unmarriageability and that stemming from this of being a *Mahram* and permissibility of seclusion.

The suckling infant is considered a child of the one who induced the suckling mother's milk by her pregnancy from him or his having sexual intercourse with her through marriage or other than that⁴³. This is due to the attributing of kinship through pregnancy to him under these conditions, and suckling is a branch of this. So the suckling infant is his

⁴³ The intended is other legal sexual intercourse, that is the relationship between a master and his slave woman.

child, however only in the laws mentioned that concern the suckling mother that is, unmarriageability, permissibility of looking, seclusion and being a *Mahram*, excluding the remaining laws.

The unmarriageable kin of the one who induced the suckling mother's milk such as his forefathers, children, mothers, grandfathers, grandmothers, brothers, sisters and their children, paternal uncles and aunts, maternal uncles and aunts are unmarriageable to the suckling infant. The unmarriageable kin of the suckling mother such as her ancestors, children, mothers, brothers, uncles etc. are also unmarriageable to the suckling infant.

As unmarriageability is established for the suckling infant, it spreads through to his descendents such as his children and grandchildren without affecting his fore fathers or his brothers and sisters. This unmarriageability does not spread to those higher than him such as his fore fathers, mothers, paternal uncles and aunts and maternal uncles and aunts, just as it does not spread to those on the same level as him, that is his brothers and sisters.

The one who suckles from a woman who is sexually active through an invalid marriage or through fornication is considered a child of the suckling mother only, because fatherhood through marriage has not been established therefore fatherhood through suckling is not established either, as it is a branch of that.

The milk of an animal does not lead to unmarriageability. Hence if two infants drink from an animal, unmarriageability does not spread amongst them.

The scholars have differed in the case of a child who suckles from a woman whose milk flows without a previous pregnancy or sexual intercourse. It is said:

"This does not spread unmarriageability because it is not real milk,

rather it is emanated moistness, as the real milk causes the bones and flesh to grow and this doesn't"

The second opinion is that it does spread unmarriageability, and this is the opinion chosen by Al-Muwaffiq⁴⁴ and others.

Unmarriageability due to breast-feeding is established by the testimony of a woman who is commendable concerning her religion. Sheikh-ul-Islaam (Ibn Taymiyyah) said:

"If she is known for her truthfulness and she states that she suckled the child five times, then that is accepted from her according to the correct opinion, and the rules of breast feeding are established"

If there is doubt as to whether breast feeding took place, or doubt in whether five feedings were completed and there is no evidence, there is no unmarriageability because the basis is, lack of suckling.

Sheikh Saaleh Ibn Fawzaan Aale Fawzaan.

[Al-Mulakh'khas al-Fiqhee: 2:345]

The children of your suckling father from his second wife are your brothers.

Q.78:

I suckled from a woman, then her husband married a second wife and she had children, so are they my brothers?

The answer:

⁴⁴ The famous *Hanbaly* scholar: Muwaffiq ad-Deen Ibn Qudaamah al-Muqdasay, 541-620 *Hijry*. Author of *Al-Mughni*, *Al-Kaafee*, *Al-Muqne'* and many other important works. Considered to be one of the landmark scholars of the *Hanbaly Mathhab*.

If you suckled five times or more from your suckling mother and her husband induced her milk, due to her bearing his children, then they are your brothers from your suckling mother and father. As for his children from his second wife, then they are your brothers from your father in suckling. One feeding is that the child latches on to the breast and suckles milk until it reaches his insides then he leaves it for any reason, then he returns and suckles the breast until the milk reaches his insides then he leaves suckling, then he returns and so forth until he completes five or more feedings. It is irrelevant whether this occurs during one sitting or two, or along the course of a day or across the span of several, with the condition that the child is younger than two years old, due to the saying of the Prophet (9):

“There is no suckling that forbids marriage except for the suckling of one younger than two”

Also his (9) saying to Sahlah Bint Suhayl:

“Suckle Saalim five feedings and you will be forbidden to him in marriage”

Furthermore, due to that affirmed in *Saheeh* Muslim and the *Jaam’e* of Tirmidthee upon the authority of ‘Aaisha (), that she said:

“There was from that revealed of the Qur’aan: (Ten accounted feedings make forbidden). Then it was abrogated to five accounted feedings. So the Prophet (9) passed away whilst the matter is upon this”

This is the wording of the narration of Tirmidthee. May Allaah give us all the ability to do what pleases Him.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah*: 3/323]

It is permissible for your daughters to remove their *Hijaabs* in front of

their maternal uncle from suckling.

Q.79:

I have a wife and eight daughters from her and she has a sister who is fifteen years younger than her. A person had suckled from her mother and thus, became a brother of hers. My problem is that my daughters maintain that he is their maternal uncle from suckling and they don't wear *Hijaab* in his presence, I prevent them from this but they refuse, I hope for information, may Allaah reward you with good.

The answer:

If the aforementioned man had suckled from the mother of your wife or from a wife of her father's whilst she was married to him, five feedings or more whilst he was younger than two years then he is an uncle from suckling to your daughters. It is permissible for them to appear before him with no *Hijaab* and to be secluded with him, like the rest of the unmarriageable kin, due to the words of the Prophet (9):

"It becomes forbidden by suckling those relationships that are forbidden by kinship"

Agreed upon its authenticity⁴⁵. This is if there is no suspicion that prevents him from being allowed seclusion with any one of them.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah*: 3/324]

Unmarriageability does not occur except with five feedings or more.

⁴⁵ By Bukhaari and Muslim.

Q.80:

I suckled from a woman three times, every day one feeding on three separate occasions, am I a brother of this woman's son? Please enlighten us, may Allaah reward you.

The answer:

Unmarriageability does not occur with these three feedings rather unmarriageability is reached with five feedings or more due to the saying of the Prophet (9):

“One or two feedings do not make marriage forbidden”

Also due to that affirmed from ‘Aisha () that she said:

“There was from that revealed of the Qur’aan: (Ten accounted feedings). Then it was abrogated to five accounted feedings. So the Prophet (9) passed away whilst the matter is upon this”

Authenticated by Imaam Ahmad in his *Saheeh* and by Tirmidthee in his *Jaame’* and the wording is his. A feeding is the latching on to the breast and swallowing of milk even if the infant is not satisfied or sucks for a long time. If he releases the breast from his mouth then this is one feeding. If he returns, latches unto the breast and suckles milk from it then this is the second feeding and so forth, with the condition that the infant is younger than two years old for the saying of the Prophet (9):

“There is no suckling that forbids marriage except for the suckling of one younger than two”

Also his saying:

“Verily the suckling that forbids marriage is the one that

nourishes the infant”

Success is with Allaah.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah: 3/326*]

Is his sister from suckling a sister to all his brothers?

Q.81:

A person is the third brother amongst his brothers and he suckled along with a girl from another family. Is this girl considered a sister or not for the rest of his brothers equally, irrespective of their ages? Likewise are they considered her brothers from another mother?

The answer:

The suckling that makes marriage forbidden is that repeated five times or more whilst the suckling infant is younger than two years old due to the words of The Most High:

﴿ وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ
الرِّضَاعَةَ ﴾

«The mothers shall suckle their children for two whole years for those who desire to complete the term of suckling...»

[Al- Baqarah: 233].

Also due to that established upon the authority of ‘Aaisha (), that she said:

“There was from that revealed of the Qur’aan: (Ten accounted

feedings make forbidden). Then, it was abrogated to five accounted feedings. So the Prophet (ﷺ) passed away whilst the matter is upon this”

A feeding is that the infant suckles the milk from the breast and then leaves it to breath or move or something similar. If he returns then it is counted as another feeding and likewise. If it is established that the person suckled from the mother of the girl or from a wife of her father’s as was mentioned earlier, then he is a brother of this girl and to all her brothers and sisters from both the parents or from either one. As for his brothers, it is permissible for anyone of them to marry this girl or any of her sisters and there is no harm from this suckling upon the mentioned marriage.

The Permanent Committee.

[Fataawa Islaamiyyah: 3/327]

They are your brothers from your suckling mother only.

Q.82:

I suckled from a woman alongside one of her children, thereafter her husband passed away so she completed the waiting period, married another man and bore his children. Are her children from her second husband my brothers?

The answer:

If the situation is as you have mentioned in the question and you suckled from her five times or more whilst you were younger than two years then her children from her first husband are your brothers from your suckling mother and father. Her children from her second husband are your brothers from your suckling mother only. This is due to the saying of Allaah, glory be to Him, whilst mentioning the unmarriageable women in *Soorah an-Nisaa*:

﴿حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ﴾

«Forbidden to you are you mothers and your daughters...»

[An-Nisaa: 23].

Following this, He said:

﴿وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتِكُم مِّنَ الرَّضَاعَةِ﴾

«...and your suckling mothers who suckled you and your sisters in suckling...» [An-Nisaa: 23].

Also due to the saying of the Prophet (9):

“It becomes forbidden by suckling those relationships that are forbidden by kinship”

Agreed upon its authenticity ⁴⁶.

Sheikh Ibn Baaz.

[Fataawa Islaamiyyah: 3/341]

The ruling of the doubted feeding.

Q.83:

I proposed to a girl four years ago and the marriage ceremony was subsequently completed but I have not yet legally consummated the marriage. This year one of my sisters declared that she suckled this girl but she doesn't remember the number of feedings due to the passing of a long time, approximately twenty years. So is it permissible for me to marry this girl?

⁴⁶ By Bukhaari and Muslim.

The answer:

The marriage contract that was concluded with this woman is correct, nothing invalidates this contract except with definite evidence. As for the doubted suckling or it's doubted number, this does not have any effect, due to the *Hadeeth* of 'Aaisha () :

“There was from that revealed of the Qur’aan: (Ten accounted feedings make forbidden). Then it was abrogated to five accounted feedings”

The describing of the five feedings as being accounted indicates that it is obligatory to have firm knowledge of their occurrence and number. If the suckling mother has doubts as to whether she suckled a specific child or not, or she doubts whether five feedings were completed or not, then this suckling has no effect. Based upon this the marriage that you contracted with this woman is not affected by the declaration of your sister.

Sheikh Ibn Uthaimen.

[*Fataawa Islaamiyyah: 3/347*]

It becomes forbidden by suckling those relationships that are forbidden by kinship.

Q.84:

I want to marry a particular girl, but there is a problem and I want to know the ruling of the *Sharee'ah* concerning it: I suckled alongside a son of a particular family and this girl which I want to marry suckled alongside a daughter of this family as well. That is she suckled alongside the sister of the brother who I suckled along with. Bearing in mind that I did not suckle alongside any of this girl's sisters and she did not suckle with my mother, is it permissible for me to marry her?

The answer:

If you suckled from a woman and this girl suckled from her as well, alongside another boy or girl she is your sister in suckling, even if she suckled before or after you, if the feedings were complete, that is five or more and you both were younger than two years old when suckling took place.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah: 3/329*]

This suckling has no effect.

Q.85:

My mother passed away whilst I was six months old and so my grandmother took up the task of my upbringing, she used to give me cows milk to drink. Sometimes, she would give me her breast to distract me as there was no milk in it, is it permissible for me to marry from the daughters of my uncles and aunts?

The answer:

It is permissible for you to marry from the daughters of your uncles and aunts due to the fact that your grandmother's breasts were dry of milk and you didn't receive anything whilst suckling, rather that was merely to keep you quiet. Furthermore she was old at the time and had no menses or hope of having children. There is no relationship or effective suckling which forbids you from marrying them.

Sheikh Ibn Jibreen.

[*Fataawa Islaamiyyah: 3/331*]

Note: *Fataawa* issued from the grand scholars concerning breast-feeding are too numerous to count, so I have sufficed with this number out of fear of lengthiness. I have placed at the beginning of this chapter a summary of the rules of suckling from the works of Sheikh Al-Fawzaan, may Allaah protect him. This is so that the reader may contemplate the principles of these rules and success is with Allaah.

Chapter Ten:
Regarding grievous
Bodily crimes



The child left the house, fell into a hole and died.

Q.86:

A woman left her home one-day after the *Asr* prayer to visit some of her friends. She was the mother of a number of children, amongst them young and old. Whilst she had gone on her visit, one of her small children who was approximately four years old left the house, he then fell into a hole opposite the front door of one of the neighbours and died instantly. On this road that the family stayed work was going on by a company that maintains sewage works. The child used to leave the house many times with his brothers and those of the same age as him. The sewage company did not place safety guards around this hole. The workers of this company were working at the time the child fell into the hole and none of them saved him from drowning, of course no doubt the decree of Allaah is pre-determined. The question of the child's mother is: Is there any expiation upon her, such as fasting or other than this? Please enlighten us, may Allaah reward you with good.

The answer:

Viewing the fact that the mother was not careless, she did not expel him into the streets by himself whilst the sewage pipes were dug up. Hence there is nothing upon her because this is usual that a woman leaves the home for a need whilst her children are at home. Whereas, if she was careless by expelling him from the home into the streets, with none of his brothers or anybody older to protect him from falling into these sewage works, then in this situation she would be considered irresponsible. It would be obligatory for her to fast two consecutive months, because it is upon the one who raises a child to protect him in his worldly affairs like he protects him in his religion. Allaah is the one who gives success.

Sheikh Ibn Uthaimen.

[Fataawa Manaar al-Islam: 3/632]

He ran over his small child and killed him.

Q.87:

I have been tested in this life, for I caused an accident in which my son was run over, all I can do is have patience and hope in Allaah. Am I absolved or not of expiation because he was my son?

The answer:

If he threw himself in front of the car whilst his father was travelling at a respectable speed and he wasn't able to stop the car, then his father is not responsible and there is no expiation. Whereas if this accident was as a result of recklessness on behalf of the father then it is obligatory upon him to pay the blood money and expiate. It is well known that the blood money of an accidental killing is to be paid by the 'clan'⁴⁷ of the accidental killer, but to who is it to be paid to in this case? It is paid to the mother of the deceased, his brothers, if he has any, his uncles or cousins. As for the expiation, it is obligatory upon him and it is two consecutive months of fasting, if he cannot fast then there is nothing upon him, this is because Allaah has stated concerning the blood money:

﴿ وَمَنْ قَتَلَ مُؤْمِنًا خَطَاً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ
 أَهْلَيْهِ إِلَّا أَنْ يَصَدَّقُوا ۗ فَإِنْ كَانَتْ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ
 مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ ۗ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ ۗ

⁴⁷ The clan (*'Aaqilah*) of a person are his mature male relatives from his ancestors, descendants and brothers, excluding those related through marriage. They are those free from slavery, are sane and are not poor themselves, for these are the people a person turns to for assistance. The blood money is to be paid by the closest of the clan in relation extending to the furthest if need be, over a period of three years.

وَبَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِّنَ اللَّهِ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا ﴿٩٢﴾

«...and, whosoever kills a believer by mistake, he must set free a believing slave and blood money must be given to the deceased's family unless they remit it. If, the deceased belonged to a people at war with you then free a believing slave, and if he belonged to a people with whom you have a mutual treaty, blood money must be paid to his family and a believing slave freed, and whosoever finds this beyond his means, he must fast two consecutive months in order to seek repentance from Allaah, and Allaah is All-knowing, All-wise.»

[An-Nisaa: 92].

He did not mention the feeding of the poor here, whereas He did in the expiation of *Zihaar*⁴⁸. Based upon this we say to the accidental killer: If

⁴⁸ *Zihaar*: The saying of a man to his wife: “You are like my mother’s back to me”. Meaning she is forbidden to him. This use to be said out of anger to one’s wife and Islaam has forbidden it. The Most High has said:

﴿وَالَّذِينَ يُظَاهِرُونَ مِن نِّسَابِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا فَتَحْرِيرُ رَقَبَةٍ مِّن قَبْلِ أَنْ يَتَمَاسَا ذَٰلِكُمْ تَوْعُظُونَ بِهِ ۗ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ ﴿٩١﴾ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ مِّن قَبْلِ أَنْ يَتَمَاسَا ۗ فَمَنْ لَمْ يَسْتَطِعْ فَاِطْعَامُ سِتِّينَ مِسْكِينًا ۗ ذَٰلِكَ لِتُؤْمِنُوا بِاللَّهِ وَرَسُولِهِ ۗ وَتِلْكَ حُدُودُ اللَّهِ ۗ وَلِلْكَافِرِينَ عَذَابٌ أَلِيمٌ ﴿٩٢﴾﴾

«And those who make their wives unlawful by *Zihaar* and then they wish to return what they have uttered, a slave must be freed before they touch each other. That is an admonition to you and Allaah is

you can fast, then fast and if not then there is nothing upon you.

Sheikh Ibn Uthaimen.

[Majmu' Duroos wa Fataawa al-Haram al-Makky: 3/398]

He ran his daughter over in the car by accident.

Q.88:

I was involved in an accident by the decree and destiny of Allaah as follows: After returning from work I decided to go and tend my plantation. As I was moving my car, I crushed my three-year-old daughter to death, as I didn't see her behind the car. I hope from your good selves that you will give me a verdict as to what is legally obligatory upon me of blood money, bearing in mind that I am a farmer, I work all day and so fasting is difficult for me.

The answer:

If the situation is as you have mentioned, then you killed her accidentally due to your carelessness in observing who was around your car. It is obligatory upon you to pay blood money to her inheritors except if they waive it and you are not to inherit anything from it. Expiation is also obligatory upon you, that is: the freeing of a believing slave and if that is not possible, then fast two consecutive months. Feeding the poor does not suffice or that you should pay money because Allaah did not mention other than the freeing of a slave and fasting in the expiation of accidental killing, and your Lord is not forgetful. He, The Most High said:

All Aware of what you do. He who does not find this must fast two consecutive months before they touch each other. He who is unable to do this should feed sixty of the poor. That is in order that you may have perfect belief in Allah and His Messenger. These are the limits set by Allaah and for the disbelievers there is a painful punishment.» [Al-Mujaadilah: 3-4].

﴿وَمَنْ قَتَلَ مُؤْمِنًا خَطَاً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا﴾

﴿...and whosoever kills a believer by mistake, he must free a believing slave and blood money must be given to the deceased's family unless they remit it...﴾

Until his words:

﴿فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِّنَ اللَّهِ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا﴾

﴿...And whosoever finds this beyond his means, he must fast for two consecutive months in order to seek repentance from Allaah, and Allaah is All-Knowing, All Wise﴾ [An-Nisaa: 92].

May Allaah send blessings and peace upon our Prophet Muhammad, his family and his companions.

The Permanent Committee.

[Fataawa Islaamiyyah: 3/359]

She was heedless of her small daughter and caused her death.

Q.89:

A woman had her two-year-old daughter seated with her in the presence of a pot of coffee and a kettle of tea. The child wandered off playing. Her mother then turned in the opposite direction to wash some cups. Suddenly the child approached the pot of extremely hot coffee, grabbed it and it fell

on her. As the child fell, the hot coffee soaked through into her inside clothing. Twenty-four hours later the child died. This woman asks: Is it obligatory or not for her to expiate? And if it is, what is the expiation of this?

The answer:

The questioner knows best about the surrounding circumstances of this accident. If she thinks that she was negligent in leaving the child resulting in the accident, she would then be a cause of it. It would be obligatory upon her to expiate, that is free a believing slave. If she couldn't do that, then she would have to fast two consecutive months.

The Permanent Committee.

[Fataawa Islaamiyyah: 3/361]

The expiation is upon the one who ran him over.

Q.90:

A woman who had a two-year-old child left the house with him. The child was then hit and killed by a car driven by one of his relatives. So is there anything upon the mother bearing in mind she is extremely distressed by this accident?

The answer:

If the situation is as you mentioned in the question, there is nothing upon the mother, rather the blood money and expiation is upon the one who ran the child over. We ask Allaah that He recompenses the child's parents with good and that He heals their pain. Verily to Allaah we belong and unto him we return.

Sheikh Ibn Baaz.

[Fataawa Islaamiyyah: 3/361]

He had built a reservoir and his daughter fell into it.

Q.91:

I had a water reservoir built inside the house for our benefit and others. That was eight years ago or more. Our family and others drew water from it during this period. Then by the decree and destiny of Allaah, our five-year-old daughter went to draw water on the 17/12/1401 like she usually did and fell into the reservoir and died. May Allaah The Most Honourable and Majestic have mercy upon her. For this reason, I ask your good selves about my situation, is there anything upon me? Because I was the one who had the reservoir built. Please tell me, what is the penalty upon me? Out of my fear for Allaah, The Most High and Powerful. Please give me a verdict as to my predicament, may Allaah reward you.

The answer:

If your circumstances and that of the girl's are as you have mentioned, there is no blood money or expiation obligatory upon you. The mere fact that you had the reservoir built does not incriminate you, and may Allaah send blessings and peace upon our Prophet Muhammad, his family and companions.

The Permanent Committee.

[Fataawa Islaamiyyah: 3/358]

A child accidentally hanged herself with a curtain cord.

Q.92:

I am a married woman and I have a number of boys and girls. The youngest of them was a ten-year-old girl who died. I have doubts whether there is sin upon me or not in regards to how she died, because I was close by. That is I left her in a room one day to study and I closed the door. She then began to look out of one of the windows, holding onto the curtain cord. She then, placed the cord around her neck and whilst she was

playing, the cord tightened and she died. Whilst she was in this state one of her brothers entered the room and began to shout. I heard him from the next room, so I hurried at his shouting. Since that time I have been bewildered out of fear of Allaah, that there is sin concerning this upon me. Please give us a verdict, may Allaah reward you with good.

The answer:

There is nothing upon you in regards to this accident as you have described it because she is the one who accidentally killed herself, so there is no sin upon you, no blood money and no expiation.

Sheikh Uthaimeen.

[Fataawa Manaar al-Islam: 3/629]

The child was accidentally harmed.

Q.93:

I returned one day from the hospital with my one-year-old child and I placed him beside me. His elder sister then came along and placed a kettle of tea upon the ground without me noticing. The tea was then accidentally spilt onto the foot of the child and he suffered burns, is it obligatory upon me to fast?

The answer:

In this question the questioner has not made clear the condition of the child, is he still alive or did he die? If he is still alive then there is nothing upon the questioner, not the fasting of a day, two days, a month or two months. If the child died, likewise there is nothing upon the questioner because he was not the cause of the accident. Rather the case of this sister should be looked into. If she has passed the age of puberty, has a sound mind and she had brought the tea so close to the child that any slight movement it made it would have split on him then she would be the cause

and her case would be studied further. Whereas if she has not yet reached the age of puberty there is nothing upon her because she is not responsible for her actions.

Sheikh Ibn Uthaimen.

[Fataawa Manaar al-Islam: 3/629]

The child died without a reason stemming from her mother.

Q.94:

My mother placed her daughter in a leather carrycot that they usually hang. She left the child sleeping and when she returned after half an hour, she found her dead and in the same position she had been left in. So is there any sin upon her or expiation?

The answer:

If this mother had placed her daughter in the carrycot in a normal fashion so that she was not constricted or suffocated by it, there is nothing upon her if the child subsequently died. This is because her action was not a reason for the child's death as it was something normal. Bearing in mind that she had taken precaution to make sure that the carrycot was spacious and non-confining so as to squeeze or suffocate the child to death. Death is caused by many reasons. So if there was no reason stemming from the mother that would necessitate blaming her for the incident, there is nothing upon her, no expiation and no blood money. Despite this, we advise the mothers of children to take precautionary measures and not to throw their own children to destruction. So let them take the utmost care at all times from being a reason for the death or harm of their children, and Allaah is the One who gives success.

Sheikh Ibn Uthaimen.

[Fataawa Manaar al-Islam: 3/630]

The death of the suckling child sleeping next to her tired mother.

Q.95:

Approximately thirty years ago, my mother retired to sleep, being totally exhausted from a hard days work in the plantations due to it being the harvest period. As she was retiring, she suckled her daughter and then fell asleep. When she woke up in the morning, she found the child had died next to her. In reality she doesn't know the reason for the death of the child, whether it was because she unknowingly covered her with the heavy blanket that suffocated her or whether she rolled over her without perceiving during the night. I hope for information as to this case, and what is upon my mother? May Allaah protect you.

The answer:

In view of the fact that she doesn't know the cause of death of her daughter, there is nothing upon her because a person can die during their sleep. The basis is innocence from guilt and responsibility, so we do not obligate her with anything until we are definite of the reason for obligation. If we are not sure then the basis is innocence of responsibility and there is nothing upon her. I advise her not to allow the devil to play with her and thus become overtaken by his whisperings concerning this daughter. Whereas if she was careless by deliberately covering the child with a thick heavy blanket that is known could kill her, she would then have to pay the blood money to the inheritors of the child. Furthermore she would have to expiate by fasting two consecutive months if she could not find a believing slave to free.

Sheikh Uthaimen.

[Fataawa Manaar al-Islam: 3/631]

The child was born dead.

Q.96:

A pregnant woman performed a great deal of work during the month of *Ramadhaan* whilst she was fasting. The pregnancy commenced its nine-month course but when she gave birth the child was dead. She did not intend his death. Is there anything upon her concerning this child? Please give us a verdict may Allaah reward you with good.

The answer:

There is nothing upon her concerning this child, because it is not known that it died as a result of her exertion during *Ramadhaan*. If this is not known then the basis is innocence from guilt and responsibility and non-obligation. Based upon this there is nothing upon her. It is obligatory upon a pregnant woman to be aware of her condition, not to carry heavy things and not to exert herself in tasks that could endanger the foetus because if she did this, she could cause the death of the child. It would then be obligatory for her to pay the blood money and expiate. Allaah is the one who gives success.

Sheikh Ibn Uthaimen.

[*Fataawa Manaar al-Islaam: 3/633*]

There is no expiation upon her.

Q.97:

I had a small suckling child. Her mother placed her on her bed one night and went to tend to the other children. She remained with them until they slept, then she was overcome by sleep and slept with them. Upon my arrival and her awakening, I found that the suckling child had cried extensively, as the traits of this were apparent upon her. I rushed her to the hospital and she stayed there for a few days, then she died due to what had happened. The question is: Is expiation obligatory upon the mother? And what is it? May Allaah reward you.

The answer:

If the situation is as mentioned by the questioner, there is nothing upon the mother of the child because she did not do anything that caused its death.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah: 3/362*]

To be precautious is better⁴⁹.

Q.98:

My mother use to work in the plantations thirty years ago. Once after a hard days work she retired to sleep with her three month baby girl suckling from her, she then fell asleep. Early in the morning, she found that the child had died. Bearing in mind that she doesn't know the cause of the child's death, whether she rolled onto her whilst sleeping or whether she leaned on her whilst her breast was in her mouth. What is upon my mother?

The answer: As a precaution for her she should complete sixty days of consecutive fasting because the apparent from this incident is that she caused the death of the child as no other reason is known. It is from the principles of the *Sharee'ah* to work by that safest in times of confusion out of concern that the conscious be clear of the rights of Allaah and those of his slaves. May Allaah assist her to complete these fasts.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah: 3/362*]

⁴⁹ This case is identical to the case mentioned in Q.95 and the two different scholars passed two different *Fataawa*. Primarily it should be known that *Fataawa* are only passed in issues where no clear evidence is available or there is evidence but it is conflicting. It should also be noted that the *Fatwa* of Sheikh Ibn Baaz is based upon taking a precautious stand so that the conscious may be cleared beyond doubt of the rights of Allaah and those of his slaves. Whereas the *Fatwa* of Sheikh Ibn Uthaimen is based upon the definite boundaries of the *Sharee'ah*.

Is a father to be executed for murdering his own son?

Q.99:

Is a man to be executed according to the law of retribution (*Qisaas*) if he kills his own son? We have heard from some scholars, that he is not to be executed rather it is obligatory upon him to pay the blood money.

The answer:

1- The majority of scholars are of the opinion that the father is not to be executed for murdering his own son and they defend this stance with traditional evidence and a logical argument:

As for the traditional evidence, it is the well-known *Hadeeth*:

“The father is not to be executed for murdering his son”

As for the logical argument, they maintain:

“The father is a cause in the creation of the son so it is not befitting that the son should be a cause in his execution”

This is what the majority of the scholars are upon, that is the father is not to be executed for murdering his son.

2- Some other scholars are of the opinion that the father is to be executed if it is known with certainty that he intended killing him, this is due to the generality of the evidence indicating that retribution (*Qisaas*) is obligatory in the case of murder, such as His saying, The Most High:

﴿يَتَأْتِيهَا الَّذِينَ ءَامَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ ۗ الْحُرُّ
بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ ۗ وَالْأُنثَىٰ بِالْأُنثَىٰ ۗ﴾

﴿O you who believe, retribution (*Qisaas*) is prescribed for you in the case of murder, the free for the free, the slave for the slave and the female for the female﴾ [Al-Baqarah: 178].

Also His saying, The Most High:

﴿وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ﴾

﴿And we ordained therein for them: a life for a life and an eye for an eye...﴾ [Al-Maaidah: 45].

Furthermore the Prophet's (9) saying:

“It is not permissible to spill the blood of a Muslim who testifies that there is no God worthy of worship except Allaah and that I am the messenger of Allaah, except for one of three: The life for a life (i.e. the murderer), the adulterer and the renegade from the Muslims (i.e. the apostate)”

In addition to his saying (9):

“The blood of the believers are equal and the pact of the lowest of them is binding”

These scholars hold:

“The generality of these evidences necessitate that if it is known with certainty that he intended killing his son then he is to be executed for his murder and as for the well known Hadeeth:

“The father is not to be executed for murdering his son”

It is weak⁵⁰. As for the logical argument it is not correct because the execution of the father for murdering his son is not due to the son, rather the cause is the father himself. For in reality he is the one who transgressed against himself. He is the reason for his own execution since he murdered a person”.

These scholars also maintain:

“We can reverse their evidence and say: The killing of a son by his father is the greatest form of severing relations and the worst of killings, as never does a father have the audacity to kill his son, even animals lift their hooves away from their young for fear of harming them. So how can it be that the recompense of this man who severed his kinship by killing his own son is pardon from the punishment of execution?!”

⁵⁰ This *Hadeeth* has been narrated by *Imaam* Ahmad, Tirmidthee and Ibn Maajah. Ibn Al-Jarood and Bayhaqy have authenticated whilst Tirmidthee states: *“It is disarrayed in its narration”*. The scholars have mentioned that this *Hadeeth* has been narrated from many different paths however all of them flawed. Those of the scholars who have authenticated this *Hadeeth* have taken into consideration all its pathways, for it is known in the science of *Hadeeth* authentication that many weak pathways strengthen each other and raise the level of a *Hadeeth*. Sheikh Albaani states concerning this *Hadeeth*:

“The pathways of this Hadeeth when considered in their entirety indicate that the Hadeeth is authentic and established”.

[Summarized from the book *Tawdheeh al-Ahkaam min Buloogh al-Maraam* by sheikh Abdullaah Ibn Abdir-Rahmaan al-Bassaam: 5/174]

Under all circumstances this issue is to be referred back to the Islamic high courts so that the judge may pass verdict according to what he sees to be more correct from amongst the opinions of the scholars.

Let a person turn to his Lord, The Most Honourable and Majestic when there is conflicting evidence and opinions seeking guidance to the straight path. Let him say:

اللَّهُمَّ رَبَّ جِبْرَائِيلَ وَمِيكَائِيلَ وَاسْرَافِيلَ فَاطِرَ السَّمَوَاتِ وَالْأَرْضِ
عَالِمَ الْغَيْبِ وَالشَّهَادَةِ أَنْتَ تَحْكُمُ بَيْنَ عِبَادِكَ فِيمَا كَانُوا فِيهِ
يَخْتَلِفُونَ اهْدِنِي لِمَا اخْتَلَفَ فِيهِ مِنَ الْحَقِّ بِإِذْنِكَ إِنَّكَ تَهْدِي مَنْ
تَشَاءُ إِلَى صِرَاطٍ مُسْتَقِيمٍ.

“O Allaah, Lord of Jibraa'eel and Meekaa'eel, originator of the heavens and the earth, knower of the unseen and the seen, you judge between your slaves in that which they have differed. Guide me to the truth in that which there is dispute by your permission, for verily you guide whom you wish to the truth, for indeed you guide whom you wish to the straight path.”

Let him also repent to Allaah, The Most Honourable and Majestic from his sins, for sins hamper a person from reaching the truth. Some scholars have deduced this from His words, The Most High:

﴿ إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرْنَاكَ
اللَّهُ وَلَا تَكُنَ لِلْخَائِبِينَ حَصِيمًا ﴿١٥﴾ وَأَسْتَغْفِرِ اللَّهُ إِنَّ اللَّهَ
كَانَ غَفُورًا رَحِيمًا ﴿١٦﴾ ﴾

«Surely, we have sent down to you the book in truth that you might judge between men by what Allaah has shown you, so be not a pleader for the treacherous, and seek the forgiveness of Allaah, certainly Allaah is Ever Forgiving, Most Merciful.»

[An-Nisaa: 105-106].

Sheikh Uthaimen.

[*Fataawa Islaamiyyah: 3/354*]

Chapter Eleven:
Regarding good upbringing



A practicing Muslim woman is superior, relative or non-relative.

Q.100:

One of my marriageable relatives approached me in sight of marriage. However I have heard that marriage with non-relatives is better in respects to the future of the children and other matters, what is your opinion concerning this?

The answer:

Some scholars have mentioned this principle of marrying non-relatives and have indicated towards what you have mentioned of the effect of heredity. There is no doubt that heredity has an effect upon the character of a person and his physical constitution. A man came to the Prophet (ﷺ) and said:

“O Messenger of Allaah, my wife has given birth to a black child”
(casting doubt about this woman, how can the child be black whilst his parents are white?), so the Prophet (ﷺ) questioned him:

“Do you have any camels?”

He replied: “Yes”. He (ﷺ) asked:

“What is their colour?”

He replied: “Red”. He (ﷺ) asked:

“Is there a grey one amongst them?”

He replied: “Yes”. He (ﷺ) asked:

“From where did it get this?”

He said: "*Maybe it is from heredity*". So the Prophet (9) said:

"This son of yours maybe his colour is from heredity"

This indicates that heredity has an effect, no doubt in this, however the Prophet (9) has also said:

"A woman is married for four things: her wealth, status, beauty and religion. Be triumphant with the religious woman otherwise you will lose"

So the decider in choosing a wife is the strength of her religion, that is the more religious and beautiful she is, the more suitable she is for marriage, whether she is a relative or not. This is because her religiousness will cause her to protect her husband's wealth, children and household and her beauty will suffice his need so that he will lower his gaze and not turn to another...and Allaah knows best.

Sheikh Ibn Uthaimen.

[Fataawa Muhammad as-Saaleh al-Uthaimen: 2/763]

The merits of good child upbringing.

Q.101:

I am a woman who has boys and girls, as for the girls due to the fact that they are constantly with me I have brought them up well, whereas the boys, some of whom are old, it has not been within my capacity to discipline them. Their father works all day and when I ask him to do this, he is not pleased. Am I to blame for this? I hope that you can encourage fathers to pay attention to their sons and not be preoccupied away from them by work.

The answer:

We thank this woman for the good upbringing of her daughters, and for her attempts at disciplining her son's as well. We hope that their father will pay attention to them, care for them and guide them until they become righteous. This is better for him in this world and the next, in life and in death, The Most High said:

﴿يَتَأْتِيهَا الَّذِينَ ءَامَنُوا قُوًا أَنفُسُكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ
وَالْحِجَارَةُ﴾

﴿O you, who believe, ward off from yourselves and your families a fire whose fuel is people and stones...﴾

[At-Tahreem: 6].

Also the Prophet (9) has said:

“If the son of Aadam dies, his deeds are severed except for three: accumulative charity, knowledge that is benefited from after him or a pious child who invokes Allaah for him”

It is a great good if he attends to their upbringing as Allaah and His Messenger (9) have ordered. They would thus invoke Allaah for him during his own lifetime and after his death. If he neglects the upbringing of his sons then he is sinful and they will become a source of worry for him. We hope that this father will pay attention to his sons as he pays attention to his wealth, rather more eagerly. For wealth is incidental and it fades whereas sons are part of a person, and they are the ones who really benefit him during his life and after his death.

Sheikh Ibn Uthaimen.

[Fataawa Manaar al-Islam: 3/789]

The good upbringing of children is obligatory and a responsibility.

Q.102:

Many fathers pay no attention to the upbringing of their children, especially in respects to the religion. They are negligent concerning their teaching, arguing that they are tired after a hard days work.

The answer:

It is obligatory upon the believer to pay significant attention to the upbringing of his children, so that he may be applying the words of Allaah, The Most High:

﴿يَأْتِيهَا الَّذِينَ ءَامَنُوا قُوًا أَنفُسِكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ
وَالْحِجَارَةُ عَلَيْهَا مَلَائِكَةٌ غِلَاظٌ شِدَادٌ لَا يَعْصُونَ اللَّهَ مَا أَمَرَهُمْ
وَيَفْعَلُونَ مَا يُؤْمَرُونَ ﴿٦﴾﴾

﴿O you, who believe, ward off from yourselves and your families a fire whose fuel is people and stones over which are angels stern and severe, who disobey not the commands they receive from Allaah, but do as commanded﴾ [At-Tahreem: 6].

So that he may rise to the responsibility that the messenger of Allaah (9) has placed upon him in his saying:

“A man is as a shepherd amongst his family and he is responsible for his flock”

It is not permissible for him to neglect them rather it is upon him to discipline them according to their bad manners and wrongdoings. This is why the Prophet (9) said:

“Order your children to perform the prayer at seven and spank

them over it at ten”

Let him know that this is a trust that has been placed upon him and that he will be asked about it on the Day of Resurrection. Let him prepare the correct answer so that he may be free from this responsibility on that day. He will reap the fruits of his works if good then good, if bad then bad. It may be that he is punished in this world by being tested with children who treat him badly, disobey him and do not pay him his due respects.

Sheikh Uthaimen.

[*Fataawa Islaamiyyah: 1/367*]

The Ideal Islamic method of child upbringing.

Q.103:

What is the ideal Islamic method for the upbringing of small children so that they may grow up to be pious and exhibit good manners?

The answer:

The matter of child raising is in the hands of the father not the mother, if he is of a sound mind and is religious, as the Prophet (ﷺ) has said:

“A man is as a shepherd amongst the members of his household, and he is responsible for his flock”

Based upon this, it is not allowed for the mother to intervene between the father and the raising of the children as is done by ignorant women. They intervene between him and his correcting of their manners and training. This is the prevention of a person from enacting his rights. It is upon the father to be a real man in his family, a man who has values, such that he does not heed to mere sentiments, rather he strives for that in which there is benefit. It can be that in considering sentimental emotions much good is lost concerning training and guidance. As for actual upbringing of the

children, about which the questioner asked, the wise one knows how to handle this. The Prophet (9) ordered his *Ummah* to order their children to perform the prayer at the age of seven and to spank then over it at ten. This is evidence that a child can handle spanking and it benefits him. During the early years, spanking is of no benefit to him so guidance is with a soft desirable word. Whereas if they develop through the years until they reach age specified by the Prophet (9), they are susceptible to discipline through spanking. It is necessary in such a situation that spanking be the last method resorted to that could possibly rectify the child, for if it is possible to correct the child without it, it is not turned to. If discipline by spanking is required, the father is the one who delivers it in a non-violent fashion and to an extent by which correction is achieved. A person does not suffice with having taken these measures and having followed the path of wisdom, rather he takes his most support from his invocation of Allaah The Most Honourable and Majestic, and the seeking of His help for the piety of his children. For if Allaah does not assist a person in his tasks, he returns with failure and loss, and Allaah is the one who gives success..

Sheikh Ibn Uthaimen.

[*Fataawa Manaar al-Islam: 3/623*]

The merits of raising three girls.

Q.104:

The Messenger of Allaah (9) said:

“He who has three girls, has patience with them, gives them drink and clothes them, they would be as a screen for him from the fire”

Would they be a screen from the fire for their father only or would their

mother share in this? I have three daughters, all praise be to Allaah.

The answer:

The *Hadeeth* is general it applies to the father as well as the mother due to his (9) also having said:

“Whosoever has two daughters and treats them well, they would be as a screen for that person from the fire”

Likewise if he has sisters, paternal aunts, maternal aunts and such relatives, and treats them well, we hope that he will attain paradise for that. For when he treats them well he deserves a huge reward and is screened from the fire due to this good deed. This reward is only for the Muslims. A Muslim, if he works such good deeds, seeking the pleasure of Allaah, has caused his deliverance from the fire. The means of salvation from the fire and entry into paradise are numerous, and it is mandatory upon a Muslim to prepare many of them. Islaam is the main foundation, it is the foremost reason for entry into paradise and rescue from the fire. There are also deeds which if a Muslim performs, he would by them, enter the paradise and be saved from the fire. Such as, whosoever were to be bestowed daughters or sisters and treated them well they would be as a screen for him from the fire. Similarly, whosoever were to die leaving three children who had not reached the age of puberty, they would be as a screen for him from the fire. It was then said:

“O Messenger of Allaah, what about two?”

He replied:

“And two”

They did not then ask him about one. It has been authenticated that he (9) said:

“Allaah The Most Honourable and Majestic says: There is no

lesser reward for my believing slave if I take away his beloved one from the people of this world and he contents himself except the paradise”

So he made clear that the reward of the believing slave of Allaah who's beloved one in this world dies and he then has patience and contentment is paradise. So if Allaah takes one of our children, this *Hadeeth* is applicable. If the father or the mother or both of them have patience and content themselves then their reward is paradise. This is a great blessing from Allaah. Likewise if the husband, wife and the rest of the relatives and friends have patience and content themselves, this *Hadeeth* would also apply to them. This is viewing the fact that they do not perpetrate anything that could prevent this such as dying whilst practising a major sin, and we ask Allaah for security and safety from this.

Sheikh Ibn Baaz.

[*Majmu' Fataawa wa Maqalaat Mutanawwi'ah: 4/375*]

What is the good treatment of daughters?

Q.105:

What is the good treatment of daughters mentioned in the *Hadeeth* ⁵¹?

The answer:

The good treatment of daughters and other relatives is in their Islamic upbringing, their being raised upon the truth, the eagerness to protect their chastity, to distance them from that which is forbidden by Allaah of public beautification and other such matters. Similarly, sisters, sons etc, are

⁵¹ In reference to the Prophet's (9) saying:

“He who has three girls, has patience with them, gives them drink and clothes them, they would be as a screen for him from the fire”.

brought up in this fashion and other such variations of good treatment. This is so that everybody may be brought up upon the obedience of Allaah and His Messenger (ﷺ), far from his prohibitions and upon fulfilling His rights, The Most Glorious and Most High. Hence it is known that the intended by good treatment is not merely providing food, drink and clothing, rather that intended is much more general than this, their good treatment in the affairs of the religion and worldly life.

Sheikh Ibn Baaz.

[*Majmu' Fataawa wa Maqaalaat Mutanawwi'ah*]

Fairness between children.

Q.106:

It is narrated in a *Hadeeth*:

“Fear Allaah and treat your children equally”

Is the intended outright equality or is the share of the male child twice that of the female child in compliance to the laws of inheritance? For the *Hadeeth*, I think states,

“Did you give all of them similar to this?”

For the word “*similar*” if it is authentic, suggests outright equality, except if he (ﷺ) was referring to males only. Please enlighten us, may Allaah benefit you.

The answer:

The *Hadeeth* is authentic and narrated by Bukhaari and Muslim upon the authority of An-Nu'maan Ibn Basheer (8), that his father gave him a slave, so his mother said:

“I am not satisfied until the Prophet (ﷺ) certifies this”

So Basheer Ibn Sa'd went to the Prophet (ﷺ) and informed him of what he had done. The Prophet (ﷺ) said:

“Have you given to all your children similar to that which you have given to An-Nu'maan?”

He replied: “No”, the Messenger (ﷺ) then said:

“Fear Allaah and treat your children equally”

This proves that it is not permissible to prefer some children over others concerning bestowments or to specify some of them with gifts at the exclusion of others, for they are all ones children and their devotion is expected. The scholars, may Allaah have mercy upon them have differed as to whether it is to be equated between male and female offspring or the male given more than the female, such as in the case of inheritance. They are of two opinions, the more correct being that bestowments upon children are similar to their proportions in inheritance. That is their equation is by giving the male child a share twice that of a female child, for this is what Allaah has legislated for them of the inheritance, and He, glory be to Him is the fair judge. So the believer distributes his bestowments upon his children as if he were bequeathing it to them after his death, for the male child a share twice that of the female child. This is fairness concerning them, their mothers and fathers. This is what is obligatory upon a mother and father when giving to their children. For the male child a share twice that of the female child, with this justice and fairness is achieved, just as Allaah has made this justice in their inheritance from their father and mother.

Sheikh Ibn Baaz.

[Majmu' Fataawa Wa Maqaalaat Mutanawwi'ah: 6/377]

Custody is in observance of the child's welfare.

Q.107:

How does a man take custody of his children if he divorces his wife and he has two boys and two girls? Is it true that it is not allowed for him to take custody of them until his ex-wife remarries? And is it necessary that the case be referred to the Islamic courts?

The answer:

It is not necessary to refer the case to the Islamic courts if you are satisfied with their remaining with their mother and there is no harm in this. It is obligatory upon you to observe what is best for the welfare of the children. If their remaining with their mother is best, it is more becoming to leave them with her and it is not permissible for you to object to this. Whereas if it is for the best that they remain with you, then you should take custody of them, however you are not to take their custody before they reach the age of seven years as is well narrated in the *Mathhab* of *Imaam* Ahmad. They remain with the mother until they reach the age of seven. Whosoever reaches this age from amongst the males is given the choice of staying with his mother or father as for the females the father takes their custody in order to marry them off. This is the well known in the *Mathhab* of *Imaam* Ahmad and this issue is greatly differed in by the scholars. Whichever opinion is followed, it is not permissible for the mother to prevent the father from visiting his children if they are in her custody. Likewise it is not permissible for the father to prevent the mother from visiting her children if they are in his custody. It is obligatory for the believer to fear Allaah The Most Honourable and Majestic, and acknowledge that within the heart of each parent of love, care and mercy for the child whether it is the mother or the father. It is well known in the *Mathhab* of *Imaam* Ahmad that if the mother marries somebody who is not a relative of the children, it is the prerogative of the father to take custody of them.

Such issues are referred to the judges. No doubt they will observe the

welfare of the child because their sole aim is achieving that wherein there is good for him.

Sheikh Ibn Uthaimen.

[*Fataawa Manaar al-Islam: 3/622*]

A disbeliever is not to take custody of a Muslim child.

Q.108:

If a woman is married and her husband does not pray, is it permissible for her to leave him?

The answer:

If a woman is married and her husband never prays, not in the congregational prayer or by himself, then her marriage to him is void and she is not his wife. She is not permissible to him in marital relations, because she has become as a strange woman to him. It is obligatory in this situation for her to go to her family and exert her utmost efforts in separating from this man who has disbelieved after his Islaam (Refuge from this is with Allaah). Upon this I say, and I hope that the women take heed of what I say, it is not permissible for any woman whose husband does not pray, to stay with him for the blink of an eye, even if she has children from him. The children in this situation will remain in her custody and the father has no right in this because a disbeliever does not take custody of a Muslim. If Allaah guides her husband, and he returns to Islaam and begins to pray, then she is to return to him if she is still within her waiting period. If her waiting period finishes before he returns to the prayer then her affairs are in her own hands. Most of the scholars are of the opinion that the wife of an apostate is not to return to him if he returns to Islaam after her waiting period has finished except by concluding a new marriage contract.

Sheikh Uthaimen.

[*Fataawa ash-Sheikh Muhammad as-Saaleh al-Uthaimen: 2/778*]

He looks after her and her children but he uses drugs.

Q.109:

What is the ruling of a woman seeking divorce from her husband who uses drugs? And what is the ruling of her staying with him, bearing in mind that she has no one else to look after her and her children other than him?

The answer:

It is permissible for a woman to seek divorce from her drug-addicted husband, because his condition is not pleasant. In this situation, if she seeks divorce from him, the children would remain in her custody if they were younger than seven years old and their expenditure would be obligatory upon him. If it is possible for her to stay with him in order to mend his ways with advice, then that is good.

Sheikh Ibn Uthaimen.

[*Fataawa ash-Sheikh Muhammad al-Saaleh al-Uthaimen: 2/803*]

She curses, swears and beats her children.

Q.110:

It is a habit of my wife to curse and swear at our children, young and old, verbally and sometimes accompanied by physical beatings. I have advised her many times to leave this habit, and she replies: "*You have spoilt them until they have become wretched*". The result of this is that the children hate her, pay no attention to her as they know that the end of matters is abuse and beatings. What is the verdict of the religion in detail, regarding the stance I should take towards this wife so that she may take heed? Should I divorce her? Hence the children would end up in her custody, or what should I do? Please enlighten me, may Allaah give you success, may peace, the mercy of Allaah and his blessings be upon you.

The answer:

To curse the children is a major sin and likewise to curse others who do not deserve to be cursed. It has been authenticated that the Prophet (9) said:

“To curse a believer is like killing him”

He (9) also said:

“To verbally abuse a Muslim is disobedience to Allaah and to fight him is disbelief⁵²”

Furthermore he (9) said:

“Verily those who frequently curse will not be witnesses or

⁵² This is a lesser form of disbelief that does not take a person out of the folds of Islaam. The Most High has said:

﴿ وَإِنْ طَآئِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا ﴾

﴿And if two factions from amongst the believers fight, make peace between the two...﴾ [Al-Hujuraat: 9]

He, glory be to Him in this verse describes both of these warring factions as being believers. *Imaam* Nawawiy states in his explanation of *Saheeh* Muslim concerning the above mentioned *Hadeeth*:

“To unduly abuse a Muslim is forbidden according to the consensus of the Ummah and its perpetrator is a disobedient as the prophet (9) has stated. As for fighting him with no due cause, according to the people of truth it does not take its perpetrator out of the fold of Islaam as we have previously explained in numerous places unless he maintains that this is lawful.”

[*Al-Minhaaj Sharh Saheeh Muslim: 2/241,242. By Imaam An-Nawawiy*].

intercede on the Day of Resurrection”

It is obligatory for her to repent to Allaah, glory be to Him, and hold her tongue from abusing her children. What is legislated for her is to make plenty of invocations for their guidance and amendment. As for the husband, it is legislated that you regularly advise her, warn her from abusing her children and shun her if your advice does not avail her. You should shun her in such a way that you believe it will benefit her. You should display patience and contentment and not be hasty towards divorce, we ask Allaah guidance for ourselves, for you and for her.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah*: 3/219]

To invoke against the children when they do wrong.

Q.111:

Many fathers and mothers invoke against their children when they do wrong, we hope that you can direct a word of guidance towards them concerning this.

The answer:

We advise parents to forgive and pardon the shortcomings of their children whilst they are young, to have patience at that stemming from them of harmful speech or actions as small children's minds are not yet fully developed so as to prevent them from making mistakes. When the parent is patient, forgives such doings, teaches the child with softness, is kind and advising this is readily accepted and more likely to amend. Some parents, on the other hand fall into the grave mistake of invoking upon their children death, sickness, calamities and disasters. They persist and exceed in these invocations and after their anger has subsided, they acknowledge their mistake in regret. They admit that they do not wish that these invocations should actually be responded to, for they have been created

with the instincts of care and love for their children. Rather what carries them to make such invocations is anger, Allaah, glory be to Him forgives for this, He The Most High said:

﴿ وَلَوْ يُعَجِّلُ اللَّهُ لِلنَّاسِ الشَّرَّ اسْتَعَجَالَهُمْ بِالْخَيْرِ لَقُضِيَ إِلَيْهِمْ أَجْلُهُمْ ﴾

﴿And were Allaah to hasten for mankind the evil as He hastens for them the good. Then they would have been ruined...﴾ [Yoonus: 11].

It is obligatory upon the parents to have patience, be forbearing and correct with spanking, for that deters. For a child is affected more by spanking than by training and teaching. As for invoking against a child, it does not benefit him because he is unaware of that being said and furthermore the invoked for could be written upon the parent.

Sheikh Ibn Jibreem.

[Fataawa Islaamiyyah: 4/181]

To invoke upon the children sickness and death.

Q.112:

Some women invoke upon their children sickness and death, what is your advice concerning this matter?

The answer:

This is not permissible for this invocation could coincide with a time of acceptance, for the Prophet (9) said:

“Do not invoke against yourselves, your wealth and your

children so as not to coincide with an hour wherein Allaah is not asked for something except that He bestows it”

The Most High said:

﴿ وَلَوْ يُعَجِّلُ اللَّهُ لِلنَّاسِ الشَّرَّ اسْتِعْجَالَهُمْ بِالْخَيْرِ لَقَضَىٰ إِلَيْهِمْ أَجْلَهُمْ ﴾^ط

﴿And were Allaah to hasten for mankind the evil as He hastens for them the good, then they would have been ruined...﴾ [Yoonus: 11].

Some scholars of *Tafseer*⁵³ have explained this verse saying:

“It is a man saying about his wealth if he gets angry: “O Allaah, do not place blessings in it and curse it” and that which is similar”

So The Most High has informed that He does not respond to such invocations because they have not stemmed from love and intention. This is why Allaah does not hasten for them their invocations upon themselves out of anger. Despite this, it is obligatory upon a woman to be forbearing if she becomes angry, and not to hasten in invoking against her children or family. Rather she should spank and discipline, as this is more appropriate than invoking upon them sickness, death, division and such likes which she in reality wouldn't like to occur, and Allaah knows best.

Sheikh Ibn Jibreen.

[*Majalat ad-Da'wah:al-A'dad: 1590*]

⁵³ The science of *Qur'aan* explanation and the expounding of its meanings.

She cursed her son...what is upon her?

Q.113:

My son who is five years old, angers me a lot. On a particular day I cursed him, then I regretted it deeply after that. I repented to Allaah, glory be to Him, The Most High. What should I do? Should I give in charity or fast? Or is repentance sufficient? Please enlighten us, may Allaah benefit you.

The answer:

It is not permissible to curse a specific thing whether that is a human, animal or other such creations, especially if a person curses one of his own children, brother or relative. This curse would be accompanied by the severing of kinship and impiety. It is upon the one who does this to repent to Allaah, for he who turns to Him in repentance He forgives. Allaah is The One who gives success.

Sheikh Uthaimeen.

[Fataawa Manaar al-Islam: 1/26]

The ruling of television and its influence upon children.

Q.114:

Honourable Sheikh Muhammad Ibn Uthaimeen, may Allaah protect you... of the wide spread tribulations is the television which no house on land or sea is without, bearing in mind that the following are televised on it:

1. Singing, in its fluidity and music composed by many different instruments.
2. Crime serials.
3. Superstitious and fictitious tales.
4. Plays in which there is free mixing between the sexes.

5. Distortion of Islaam, Muslims and the pious, as the women from amongst them are depicted with their faces uncovered. This can be witnessed in theatrical plays.
6. Some shows depict unfaithfulness between marital partners and refuge from that is with Allaah.
7. The appearance of the woman unveiled, beautified, singing, acting or as such.
8. In the middle of what has passed, before it or after it the *Qur'aan* is read as well as *Ahaadeeth* and religious guidance.
9. The depiction of the companions of the Prophet (9).

If it is known that the *Qur'aan* station broadcasts on the radio an Islamic programme that is superior to that broadcasted on the television including even the local and international news:

- Is it permissible to bring a television into the house so that it reaches the hands of those of weak discernment such as women and children, they watch what is broadcasted and confuse the truth with falsehood?
- Is it permissible to view women on it, in addition to men who sometimes appear in a fashion that negate manhood?
- What is obligatory upon the one who persists in keeping a television in his home? Or the one who says: "*I can't get rid of it!*"
- Is it permissible to enter it into the house for the one who says: "*It is hard for me to switch it off when there is singing, women and music surrounding the programme I want to watch*" ?
- Are the previous mentioned programmes in line with the *Sharee'ah*?
- Is it permissible for men and women in general, to view the previous mentioned programmes? May Allaah assist you to give the correct answer in detail.

The answer:

There is no doubt that the first seven points mentioned in your address concerning the television make it forbidden. No one who has knowledge of the sources of the *Sharee'ah* doubts its prohibition, due to its corruption of the people in their religion, their morals and the security of society. We ask Allaah, The Most High to assist those who control it to shun it and distance it so that good, prosperity, and the prevention of the means of evil and tribulations can be realized. Likewise to surround the *Qur'aan* and Islamic programmes with such matters is the gathering of two opposites. There is no doubt that to possess a television for viewing the aforementioned is forbidden, because to view the forbidden is forbidden. Building upon this, whoever keeps a television whilst knowing or thinking that he will not be able to avoid the programmes mentioned has persisted in something forbidden. Likewise he who obtains one for his family and children, who are not able to shun it, even if he does not watch it, has perpetrated a sin because he has assisted in the forbidden. Furthermore the television leads to an evil upbringing about which a person will be accountable for on the Day of Resurrection. As for viewing a television without possessing one it is of three scenarios:

1. To view that in which there is religious or worldly benefit. There is no harm in this except if the viewer uses this as a means to achieve something forbidden, such as if a woman were to take pleasure in viewing the presenter of the programme, it would then be a trial.
2. To view what affects the viewer's religion. This is forbidden because it is obligatory upon the believer to protect his religion from what will harm it.
3. To view what has no benefit or harm. This is of the vain affairs that are not befitting for a serious believer to waste his time in.

Allaah is the one I ask to amend the state of the Muslims and that he protects them from evil in this world and the next.

Sheikh Ibn Uthaimen.

[Fataawa Islaamiyyah: 4/371]

Chapter Twelve: Regarding education



To teach the young the prayer with words and actions.

Q.115:

My small children of whom the oldest is no more than three years stand behind me when I pray at home, this is so I can teach them how to pray. They do this without *Wudhu*, is this permissible? What should I do about my wife who sometimes becomes slack in performing her prayers?

The answer:

As to the answer to the first part of the question, it is permissible for a person to teach his children the prayer with words and actions. This is why when a pulpit was made for the Prophet (ﷺ), he climbed upon it and prayed there, when he wanted to prostrate he descended from it and prostrated on the ground, then he (ﷺ) said:

“Indeed I did this so that you may follow me and learn my prayer”

It is obligatory that he should also teach them *Wudhu* if they understand, but those of the ages mentioned by the questioner, that is the oldest being three years, I don't think can comprehend well. The Prophet (ﷺ) ordered us to order our children to perform the prayer at seven years and to spank them over it at ten.

As for the answer to the second part of the question, that is his wife does not pray it is obligatory upon the husband to order her to perform the prayer and to discipline her over it. If she persists in not praying she becomes a disbeliever and refuge from this is with Allaah. Their marriage becomes void and she is not permissible for him as long as she has left the prayer due to the words of Allaah, The Most High concerning the female immigrants:

﴿فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ حِلٌّ لَهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ﴾

﴿...then if you ascertain that they are true believers send them not back to the disbelievers. They are not lawful for the disbelievers nor are the disbelievers lawful for them...﴾

[Al-Mumtahanah: 10].

It is not lawful for a Muslim man to marry disbelieving woman who has apostated from Islaam. If she apostates after her marriage, the marriage is void and if she returns to Islaam before her waiting period ends she remains his wife. If the waiting period ends then they are to be separated.

Sheikh Uthaimeen.

[Fataawa Islaammiyyah: 1/295]

If a teacher requests from a student to draw that possessing a soul.

Q.116:

In some schools it is requested from the students to draw living creatures or they are given for example, a picture of part of a chicken and they are ordered to complete the rest. Sometimes it is requested from them to cut out such pictures and glue them onto a sheet, or they are given a picture and are requested to colour it. What is your opinion concerning this? May Allaah protect you.

The answer:

My opinion is that it is forbidden and it should be prevented. It is obligatory upon those who are responsible in education to fulfil their trust concerning this and prevent such matters. If they want to establish the intelligence of a student, they could instruct him to draw a car, a tree or

something similar to these, which are encompassed by his knowledge. They could assess his intelligence and application in problems by this. This is what the people have been tested with by means of the devil, for otherwise there is no difference concerning drawing, between that a person should draw a picture of a tree, car or palace or that of a human being. I see it as being obligatory upon those responsible to prevent these matters.

If the student is put to trial and he must produce something then he should draw an animal with no head.

Sheikh Uthaimeen.

[Majmu' Fataawa wa Rasaa'il ash-Sheikh: 3/157]

If the student is forced, the sin is upon the one who ordered him.

Q.117:

You mentioned in the last *Fatwa*: "*If the student is put to trial and he must produce something then he should draw an animal with no head*". However if it could lead to his failure if he does not draw the head what should be done?

The answer:

If this is the situation, it could be that the student is compelled to do this. The sin would then be upon the one who ordered him, but I hope from those who are responsible, that this issue does not carry them to this limit, that they force the slaves of Allaah into His disobedience.

Sheikh Uthaimeen.

[Majmu' Fataawa wa Rasaa'il ash-Sheikh]

Using pictures of living beings, as encouragement is not an excuse.

Q.118:

We had started a magazine for Muslim children by the name of "Urwaah", we have included a copy of an issue. Somebody who we trust in his religion came to us complaining about the pictures of people, bearing in mind that we avoid in our work the pictures of the Prophets, may Allaah's blessings be upon them and those of the companion's (ؓ). So we have written to you this letter seeking your verdict as to the permissibility of what we have begun, hoping for a quick response.

The answer:

All praise be to Allaah alone and may blessings and peace be upon His Messenger, his family, and companions...To commence: The depicting of living beings is absolutely forbidden even if it is the picturing of other than the Prophets, may blessings and peace be upon them and the companions (ؓ). The usage of pictures as a means to clarify and encourage is not an excuse as to make their use permissible.

The Permanent Committee.

[*Fataawa al-Lujnati ad-Daaimah: 1/465*]

The ruling of applauding.

Q.119:

Is it permissible for a man to clap his hands in playing with a child? Furthermore is it permissible for it to be requested from students in a classroom to applaud another student in order to encourage him?

The answer:

Applauding is not befitting. It's least ruling is that it is extremely hated due to it being a trait of pre-Islamic ignorance. Also it is a speciality of women, for during the prayer they indicate to the *Imaam* if he is forgetful by

clapping their hands. Success is with Allaah, and may He bless and send peace upon our Prophet Muhammad, his family and companions.

The Permanent Committee.

[*Fataawa Islaamiyyah: 4/332*]

The ruling of rocking whilst reading the *Qur'aan*.

Q.120:

We have become used to, since we were young memorising the *Qur'aan* in elementary school to rocking left and right particular whilst reading. We feel that this rocking helps to make the reading of the *Qur'aan* easier for us. Some brothers have objected to this, claiming that it is an innovation, however they have no evidence. This is why we hope that you can be generous in enlightening us as to whether it is an innovation or not, so that we may leave it if it is. May Allaah reward you with good and make you of assistance to the Muslims.

The answer:

All praises be to Allaah and may blessings and peace be upon His Messenger, his family and companions... To commence: There is no harm in what you have mentioned of rocking left and right whilst reading the *Qur'aan*, as this rocking is not taken as worship so as to be considered an innovation in the religion. Rather it is of the habits of people. That which is forbidden is innovation in the religion, the Prophet (9) has said:

“He who innovates in this affair of ours something that is not from it will have it rejected”

Narrated by Bukhaari and Muslim. Success is with Allaah and may He bless and send peace upon our Prophet Muhammad, his family and companions.

The Permanent Committee.

[*Fataawa al-Lujnati ad-Daaimah: 4/116*]

Free mixing in schools.

Fatwa 121:

All praise be to Allaah and may blessings and peace be upon His Messenger ...To commence: I have read the article written by some journalists in the magazine "Al-Jazeera" edition number: 3754 dated: 15/4/1403, according to the *Hijri* calendar, in which the free mixing of the sexes was suggested at the elementary school level. Due to the detrimental consequences of this suggestion, I see fit to warn against it, so I say: Free mixing is a medium that leads to much evil and corruption, so its practice is not permissible. The Prophet (9) said:

"Order your children to perform the prayer at seven years, spank them over it at ten and separate between them in the beds"

The Prophet (9) ordered that they be separated between in their beds because their proximity to each other at the age of ten years or more can be a cause for the occurrence of indecent sexual acts due to free mixing. No doubt, their gathering every day whilst they are in the elementary school level is also a cause of this, just as it is means for their free mixing in the remaining levels of education. Under all circumstances the free mixing of boys and girls at this level is evil and not permissible due to it leading to various types of immorality. The perfect *Sharee'ah* has obligated the forbidding of the means that lead to *Shirk* and disobedience. Much evidence from the Verses of the *Qur'aan* and *Ahaadeeth* have indicated towards this principle, if it were not for lengthiness I would have mentioned many of them. The great scholar Ibn al-Qayyim, may Allaah have mercy upon him mentioned ninety-nine pieces of evidence indicating towards this principle in his book (*E'laam al-Muwaqqi'een*). My advice to these journalists and others is not to suggest matters that open the doors of evil upon the Muslims that have been closed. We ask Allaah for guidance

and success for all. It is sufficient for the sound minded to see what has occurred of immense immorality in the countries that have legalised free mixing.

Sheikh Ibn Baaz.

[*Majmu' Fataawa wa Maqaalaat Mutanawwi'ah: 5/234*]

The danger of women teaching boys at the elementary level in schools.

Fatwa 122:

I came across an article in the "Al-Madeenah" paper published in issue number: 3898 dated: 30/2/1397, according to the *Hijri* calendar, written by she who calls herself "Noorah Bint" under the title of "Face for a face". In summary the aforementioned Noorah was part of an assembly of women at which the director of the faculty of education in the city of Jeddah (Faaizah ad-Dibaagh) was present. The aforementioned Noorah expressed her amazement to Faaizah at the lack of women teachers teaching our boys in the elementary school level, even if this were to the fifth year only. Faaizah seemed to have assisted the aforementioned Noorah due to that hinted by Noorah in her subsequent article. I thank Faaizah, Noorah and their other colleagues for their concern about the issue of educating our small boys and their eagerness to observe their welfare. I see it as being from the obligatory upon me to warn against this suggestion for it leads to much harm and evil consequences. This is because the installation of women teachers for boys at the elementary level leads to their mixing with male children, some of whom have reached the age of puberty. Some boys enter elementary school and they are adolescent, whilst others have reached puberty. If a boy reaches the age of ten he is considered an adolescent and by his nature he is attracted to women, because he can marry and do what men do. There is another point, that is women teaching small boys at the elementary level leads to free mixing, this then extends to the following levels of education. It is without doubt, the opening of the door to free mixing at all levels. It is well

known that free mixing in education leads to much corruption and evil consequences and these have caught up with those who have practiced it in other countries. So anybody who has the slightest knowledge of Islamic evidence and the situation of the *Ummah* in this time, from those who have religious insight no doubt perceive this affect upon our boys and girls. I believe that this suggestion is what the devil or some of his deputies have thrown upon the tongues of the aforementioned Faaizah and Noorah. It is without doubt that which delights our enemies and the enemies of Islaam and what they call to secretly and openly. For this reason I am of the opinion that it is obligatory that this door should be securely locked and that our boys should remain underneath the instruction of men at all educational levels, likewise the education of girls should remain with women teachers at all levels. By this, we safeguard our religion, our sons and daughters and we sever the line of retreat upon our enemies. It is sufficient for us that our respected women teachers exert their utmost efforts with sincerity, truthfulness and patience in teaching our daughters. Likewise, our men teachers should rise to the task of teaching our sons with firm sincerity, truthfulness and patience at all levels. It is well known that men are more patient, stronger and exert more power in educating boys than women teachers at all levels of education. Likewise, boys at an elementary level and that above, fear a male teacher, they respect him and pay attention to what he says more than to a woman teacher. All this encompasses the upbringing of boys at this level upon the qualities of men, their chivalry, patience and strength. It has been authenticated that the Prophet (9) said:

“Order your children to perform the prayer at the age of seven, spank them over it at ten and separate between them in the beds”.

This noble *Hadeeth* indicates to what we have mentioned of the immense danger of free mixing between boys and girls at all educational levels. The evidence proving this from the *Qur'aan*, *Sunnah* and the present situation of the *Ummah* is abundant and I don't see it relevant to recall it here

seeking conciseness. The information provided by our government, may Allaah aid it, his Excellency the Minister of information and his Eminence the General President for the education of girls is extensive and suffices from the need to expand here. I ask Allaah that He gives us success in all that contains amendment of the *Ummah*, our rectification, correction of our teenagers and their bliss in this world and the next. Verily He is All-Hearing and readily responds. May Allaah send blessings and peace upon our Prophet Muhammad, his family and companions.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah: 3/104*]

Teaching the deaf and dumb.

Q.123:

I have a brother who is deaf and dumb, so he does not hear or speak. Naturally he does not know anything about the prayer, *Zakaat*, the rules of the religion nor does not know anything about the *Qur'aan*. How can he be instructed whilst in this condition?

The answer:

He should be tested with signalling if he can see, as to determine whether his mind is sound or not. If it is established that he has a sound mind, he should be taught the prayer through actions. His guardian or others should pray with him and indicate to him that he should follow their actions. The prayer times are taught to him in such a fashion that he understands, or by teaching him the prayer at every time by action. If he knows how to read, the reality of the Islamic belief and the pillars of Islaam are written for him, alongside the meaning of the testimony of faith. In a similar manner he is taught the rest of the rules of the *Sharee'ah* that is through reading. He is taught the rules of prayer, *Wudhu*, *Ghusl* (bathing from major ritual impurity), the times of the prayer, it's pillars, it's obligations and that legislated in it. It is clarified for him the *Sunnah*

prayers, the *Dhuhaa* prayer, the *Witr* prayer and such matters which a person who is responsible for his deeds requires, it could be that he benefits from such reading. When it is established by any means, that he has a sound mind and he has reached puberty through one of its well-known signs he is responsible for his actions. The rules of those responsible for their actions then apply to him according to his knowledge and capability. Whereas if it is apparent from his condition that he does not have a sound mind then there is no blame upon him because he is not responsible for his actions, as it has been stated in an authentic *Hadeeth*:

“The pen has been lifted from three: the child until he reaches puberty, the insane until he is cured and the one who is sleeping until he awakens”

Sheikh Ibn Baaz.

[*Majmu' Fataawa wa Maqaalaat Mutanawwi'ah*: 5/281]

The standing of pupils for the teacher.

Q.124:

What is the ruling of female students standing for their teacher out of respect for her?

The answer:

The standing of male or female students for their teacher is something which is not befitting, its least ruling is that it is extremely hated due to the saying of Anas (8):

“There was nobody more beloved to them⁵⁴ than the Messenger of Allaah (9) and they never used to rise at his entry upon them for they knew his hatred of this”

⁵⁴ The companions of the Prophet (9).

and due to the saying of the Prophet (9):

“He who likes that men should stand for him then let him take his seat in the fire”

The ruling for women and men is the same in this issue. May Allaah assist us all to do that which pleases him, and may He distance us from his prohibitions and that which angers Him. May He bestow upon us all useful knowledge and the ability to implement it for indeed He is bountiful and generous.

Sheikh Ibn Baaz.

[Majmu' Fataawa wa Maqaalaat Mutanawwi'ah: 5/349]

Chapter Thirteen: Regarding clothing



This clothing is forbidden.

Q.125:

What is the ruling of clothing a child in a garment that contains pictures of live beings?

The answer:

The scholars say: It is forbidden to clothe a child in that which is forbidden for an adult to wear and that containing pictures of living beings is forbidden for an adult to wear, hence it is forbidden for a child to wear it as well and it is so. It is upon the Muslims to boycott such clothing and footwear so that wicked people do not subject us to evil from this front. If they are boycotted these people would not find a way to import it into this country and it would become non profitable for them.

Sheikh Ibn Uthaimeen.

[Majmu' Fataawa wa Rasaa'il ash-Sheikh: 3/158]

It is not permissible to wear that containing a picture of living being.

Q.126:

Honourable Sheikh: Muhammad Ibn Saaleh al-Uthaimeen, may Allaah protect you, peace be upon you and the mercy and blessings of Allaah...To commence: The displaying of pictures large and small has swamped the shops, they are pictures of either famous actors or famous people. They are for introducing ranges and types of products such as perfumes and such likes. When we object to the shop traders about this evil, they reply that these pictures do not possess bodies or shadows this means that they are not forbidden, as they are not the imitations of Allaah's creations. They claim that they have read a *Fatwa* from your honourable selves in the newspaper "Al-Muslimoon", stating that the making of embodied pictures, that is modelling is forbidden as for other

than that, it is permissible! We hope from your honourable selves the clarification of this issue. May Allaah reward you with good. May peace be upon you and the mercy and blessings of Allaah.

The answer:

In the name of Allaah The Most Merciful, The Most Beneficent. May peace and the mercy and blessings of Allaah be upon you too. He who attributes to us that the forbidden in picture making is modelling and that other than this is permissible has lied against us. We see it as being impermissible to wear garments that contain a picture of a living being whether that is for the young or old. We also see it as being impermissible to keep photographs for remembrance and other such purposes, except for in those matters that necessity calls for, such as in identity cards or licences. Allaah is the one who gives success.

Sheikh Uthaimen.

[*Fataawa Islaamiyyah: 4/364*]

The clothing of small girls in short dresses.

Q.127:

Some women may Allaah guide them clothe their young daughters in garments that reveal their shins. If we advise these mothers as to this they reply: "*We use to wear similar clothing when we were young and it didn't effect us when we got older*". What is your opinion concerning this?

The answer:

I see that it is not befitting that one should dress ones young daughter in such clothing because if she becomes use to it, it will remain her habit and the issue of it's wearing will be a light matter to her. Whereas if she is accustomed to modest clothing she will remain upon it when she grows

up. I advise our Muslim sisters to avoid the clothing of the foreign enemies of the religion, and to accustom their daughters to concealing clothing and modesty, for modesty is from belief.

Sheikh Ibn Uthaimen.

[*Fataawa ash-Sheikh Muhammad as-Saaleh al-Uthaimen: 2:845*]

Short and tight clothing.

Q.128:

Some people have made it their habit to dress their daughters in short, tight clothing that describes the body, whether they be young or old. I hope that you can guide and advise such people.

The answer:

It is obligatory upon a person to observe his responsibility. It is upon him to fear Allaah and prevent all those who have control over his girls from dressing them in such clothing. For it has been authenticated from the Prophet (ﷺ), that he said:

“Two types from the inhabitants of the fire I have not yet seen...”

Then he mentioned:

“...clothed women but yet naked, alluring in their walk and their heads like the leaning humps of camels⁵⁵. They will not enter paradise or smell it's scent...”

These women who wear short skirts are clothed because they are wearing clothing, but they are naked due to the fact that their private zone is revealed. For the entire body of a woman is her private zone, regarding to

⁵⁵ Meaning that they tie their hair on top of their head's so that it leans to one side. [See: *Al-Minhaaj Sharh Saheeh Muslim: 17/191.*]

viewing by non-*Mahrams*, including her face, hands and feet. Similarly naked is the woman who wears tight clothing, for she appears to be clothed but in reality she is naked, because the detailed description of the body through tight clothing is nakedness. It is upon a woman to fear Allaah and not reveal her beauties. She should not go to the markets except wearing clothes that do not turn heads and she should not be perfumed so as not to attract men in which case it would be feared that she is an adulterous woman. It is upon a Muslim woman not to leave her house except for a needy requirement. If she does leave it she should not be perfumed, beautified or walk in a lewd fashion. Let it be known that the Prophet (9) said:

“I have not left behind me a trial more harmful to men than women”

The trial of women is immense and virtually no one is safe from it. It is upon our nation of Muslims not to follow the paths of the enemies of Allaah, such as the Jews, Christians and others. For verily this issue is of enormous importance. It is narrated from him (9) that he said:

“Verily Allaah gives respite to an oppressor until the time that he seizes him, then he does not allow him to escape”

He (9) then read The Most High's words:

﴿وَكَذَلِكَ أَخْذُ رَبِّكَ إِذَا أَخَذَ الْقُرَىٰ وَهِيَ ظَالِمَةٌ إِنَّ أَخْذَهُ أَلِيمٌ شَدِيدٌ﴾

﴿Such is the grip of your lord when he grips the towns while they are doing wrong. Verily, His grip is painful and severe﴾

[Hood: 102].

Those propagators of Islaam who call to the unveiling of women's faces and free mixing of the sexes are upon clear misguidance and immense ignorance, for they are at variance with the guidance of Allaah and His Messenger (ﷺ). They are ignorant or play ignorant to what has happened to those nations who have been afflicted with these issues. They seek escapement from this disaster, but how is that possible for them whilst they take such a stance? It has become a habit that will not be changed except with a huge effort. Allaah is the helper.

Sheikh Ibn Uthaimen.

[*Fataawa Manaar al-Islaam: 3/809*]

The young girl and the veil.

Q.129:

My brother dresses his four year old daughter in a veil and says: "*He who grows up upon something grows old upon it*", and he tries to force this upon my children. Whereas I disagree with him in this, and say to him, when they reach menses. What is your opinion about this severity by which he has chained the childhood of this child at the age of four? May Allaah reward you with good.

The answer:

There is no doubt that your brother's statement is the common occurrence: He who grows up upon something grows old upon it, this is why the Prophet (ﷺ) has ordered the one who reached the age of seven years to perform the prayer even though he is not yet responsible for his actions, rather this is in order that he be accustomed to it. As for a young girl, there is no ruling concerning her private zone, it is not obligatory upon her to cover her face, neck and hands or feet and it is not befitting that she should be forced into this. Whereas if she reaches a stage at which men start to become attracted to her, then she should wear the

Hijaab to prevent trials and evil. This varies with different women, for there are some who develop very rapidly, whilst others are the opposite of this. Allaah is the one who gives success.

Sheikh Ibn Uthaimen.

[*Fataawa Manaar al-Islam: 3/810*]

Chapter Fourteen: Regarding toys



Toys that contain pictures

Q.130:

Many toys contain drawings of living creatures mostly for the purpose of education, such as those in learn to read and write books, so are they permissible?

The answer:

If they are for the amusement of small children, those who have permitted pictures for them permit pictures such as these. There are those who forbid such pictures despite the fact that they are not imitations of their counterparts from the creation of Allaah as is apparent from the one in front of me ⁵⁶. This matter is simple.

Sheikh Ibn Uthaimen.

[*Majmu' Fataawa wa Rasaa'il Ash-Sheikh: 3/154*]

The ruling of various types of dolls.

Q.131:

There are many different types of dolls, some are made of cotton and are merely a sack with different sections as a head, two arms and two feet. Whilst some accurately resemble a human and others speak, cry or walk. What is the ruling of making or buying such types of dolls for small girls designed for their education and amusement?

The answer:

As for the inaccurately detailed doll, such that it consists of some limbs, a head and does not show any close resemblance to a human, there is no doubt as to its permissibility. It is of the type of dolls that 'Aaisha () used

⁵⁶ It is apparent from this *Fatwa* that the sheikh had such a toy in front of him as an example which contained cartoon like characters, and Allaah knows best.

to play with. Whereas if it is complete in it's resemblance to a human, as if you were looking at one, especially if it moves or speaks, then I have a doubt about it's permissibility because it totally emulates that created by Allaah. It is apparent that the dolls that 'Aaisha () used to play with were different to this, therefore to avoid it is more worthy, but I do not affirm that it is forbidden. Bearing in mind that it is permitted for children in such matters that not permitted for adults. For it is created within the nature of children to like playing and amusement and they are not responsible for any type of worship, so that we could have possibly argued that their time is wasted in such playing and amusement. If a person wants to be safe in such matters, let him cut the dolls head off or heat it up over fire until it becomes soft and then press away it's features.

Sheikh Ibn Uthaimeen.

[*Majmu' Fataawa wa Rasaa'il ash-Sheikh*: 3/155]

To produce toys in a fashion that emulates the creation of Allaah.

Q.132:

Is there a difference between a child making these toys and us making them and buying them for them?

The answer:

I maintain that to produce them in such a fashion that emulates the creation of Allaah is forbidden, because this is a type of depicting live beings, as to which there is no doubt concerning it's prohibition. If they are imported to us from the Christians or other disbelievers, to posses one is as I have mentioned in the beginning forbidden⁵⁷. As for concerning the purchase of toys, instead of buying such dolls, we should buy things that

⁵⁷ The sheikh states that to buy such dolls from the disbelievers is forbidden because most commonly they are of the forbidden type, that is they totally resemble human beings and Allaah knows best.

do not consist of pictures such as bicycles, toy cars, swings and other similar toys. As for the rag doll that does not accurately depict a human being, even though it consists of limbs, a head and a neck, but there are no eyes or nose, there is no harm in it because it does not emulate that created by Allaah.

Sheikh Ibn Uthaimeen.

[Majmu' Fataawa wa Rasaa'il ash-Sheikh: 3/156]

To produce dolls from modelling clay.

Q.133:

What is the ruling of producing what resembles a bride from modelling clay and then kneading it away immediately?

The answer:

Anyone who creates something that emulates the creation of Allaah falls under the curse of the Prophet (ﷺ) of those who portray living beings. He has said:

"The people who are most severely punished on the Day of Resurrection are the picture makers"

However it is like I have mentioned: If the picture is not detailed, that is it does not depict the eyes, nose, mouth or fingers, then it is not a complete picture nor the emulation of that created by Allaah The Most Honourable and Majestic.

Sheikh Ibn Uthaimeen.

[Majmu' Fataawa wa Rasaa'il ash-Sheikh: 3/156]

The ruling of model animals as toys for children

Q.134:

What is the ruling of buying model animals made from rubber as toys for children?

The answer:

The use of detailed models and pictures is forbidden according to the *Sharee'ah*. As for children's toys, it is best to deform them but better still is not to buy them so as not to encourage the producers and Allaah is The One Who gives success.

Sheikh Ibn Uthaimen.

[*Fataawa Manaar al-Islaam: 3/760*]

Beware of this toy!

Q.135:

What is the ruling of the toy that has appeared in the markets, which children and teenagers play with. It consists of model football players arranged in rows on a table. A small ball is introduced and the rows of models are moved by hand. The one who loses pays the cost of the game played to the owner of the game, and more commonly nothing is paid. Is it permissible and that similar to it according to the *Sharee'ah*?

The answer:

If the description of the game is as you have mentioned, it consisting of rows of models that are played with and the paying of the loser the cost of renting the game, then it is forbidden for the following reasons:

Firstly: Busying one's self with this game is a frivolity and it wastes the player's time. He loses much of the welfare of his religion and his worldly affairs. This game could become a habit of his and a means that leads to worse, such as the different types of gambling. Everything that is as such is forbidden according to the *Sharee'ah*.

Secondly: To produce models and pictures of live beings and possessing them is of the major sins, due to the authentic *Ahaadeeth* in which Allaah, The Most High and His Messenger (9) have cautioned those who do this with fire and severe punishment.

Thirdly: The paying of the loser the cost of using the game is forbidden, because it is wastefulness and the squandering of money in mere game and frivolity. The renting of the game is a void transaction and the earning of its owner from it is the attaining of ill-gotten property and the consumption of wealth through falsehood. So this is a major sin and of the illegal gambling games.

May Allaah bless and send peace upon our Prophet (9), his family and companions.

The Permanent Committee.

[*Fataawa Islaamiyyah: 4/439*]

Chapter Fifteen:
Miscellaneous issues



The pronouncing of the *Azaan* and the *Iqaamah* in the ears of the newborn child.

Q.136:

Is the pronouncing of the *Azaan* in the newborn's right ear and the *Iqaamah* it's left, to be done on the seventh day after it's birth or on the first? Or when is this to be done? May Allaah bless you.

The answer:

Firstly, we must ask, are these matters legislated or not? For the *Ahaadeeth* concerning this are not strong, especially in regards to the *Iqaamah*. Those who have authenticated these *Ahaadeeth* say:

"It is to be done at the birth of the child as is mentioned in the Ahaadeeth. The wisdom behind this is that the first thing he will hear is the Azaan which consists of the exaltation of Allaah, the affirmation of His oneness, the call to prayer and success"

This is the opinion of it being at birth. As for naming the child, if a name was chosen for him before birth, then he is named at birth, because the Prophet (9) entered upon his family one day and said:

"Birth was given this night to a son of mine and I have named him by the name of his father Ibraaheem"

Whereas if his name is not selected until after birth, then it is better to name him on the seventh day, because that is the day his *Aqeeqah* is sacrificed, and if the child is a male his head is shaved.

Sheikh Ibn Uthaimen.

[*Liqaat al-Baab al-Mafrooh: al-Liqaat: 60*]

Piercing the ears or nose of an infant female for beautification.

Q.137:

What is the ruling of piercing the ear or nose of a female infant for beautification?

The answer:

The correct opinion is that there is no harm in ear piercing because it coincides with the intentions by which permissible adornment with jewellery is achieved. It is affirmed that the wives of the companions used to wear earrings. It is tormenting, but only slightly and if it is done in the early years it quickly heals. As for nose piercing, I don't know of any statement of the scholars concerning it, but in our view it is a form of mutilation and deformation of the body. It could be that others do not see it as so, therefore if a woman is in a country in which the piercing of the nose is considered a decoration and beautification then there is no harm in it.

Sheikh Uthaimeen.

[Majmu' Fataawa ash-Sheikh: 4/137]

The ruling of tattooing.

Q.138:

What is the ruling of tattooing? If a girl had been tattooed whilst she was young, is there any sin upon her? We hope for information, and may Allaah reward with good.

The answer:

Tattooing is forbidden rather it is of the major sins because the Prophet (9) cursed the one who performs tattoos and the one who has it done to himself. So, if a girl was tattooed whilst she was young and she couldn't stop that, there is no blame upon her. This young girl couldn't manage her

own affairs so the sin is upon the one who did this to her, because Allaah does not overload a soul with a burden that it cannot handle. She should remove it if possible without harming herself, and Allaah is the one who gives success.

Sheikh Ibn Uthaimen.

[*Fataawa Manaar al-Islaam: 3/829*]

Shaving part of the head, it's definition and ruling.

Q.139:

What is the ruling of *Al-Quza'*? (Shaving part of the head)

The answer:

Al-Quza' is the shaving of part of the head and leaving part, and it is of different types:

The first type: Part of the head is shaved in no particular pattern, for example, part of the right side, the forelock, and the left side is shaved.

The second type: The middle is shaved and the two sides are left.

The third type: The sides are shaved and the middle is left. Ibn al-Qayyim, may Allaah have mercy upon him, said: "...as is practised by the lowly".

The fourth type: The forelock is shaved and the rest is left.

All these types are hated because the Prophet (ﷺ) saw a child with part of his head shaved, so he (ﷺ) ordered that all his head be shaved or all of it left. If part of the head is shaved in emulation of the disbelievers, it then becomes forbidden, because to resemble the disbelievers is forbidden. The Prophet (ﷺ) has said:

“Who ever imitates a people he is surely of them”

Sheikh Ibn Uthaimen.

[*Majmu' Fataawa ash-Sheikh: at-Tahaara: 4/118*]

The ruling of children's songs.

Q.140:

We have previously asked your good selves about listening to singing and you replied that it is forbidden to listen to lewd singing therefore, what is the ruling of listening to Islamic, patriotic, children's and birthday songs, bearing in mind that these are accompanied by music whether on the radio or the television?

The answer:

Music is absolutely forbidden. Patriotic, Islamic and children's songs are forbidden if they are accompanied by music. As for birthday parties, they are an innovation and it is forbidden to attend them or participate in them. Of the evidence that forbids singing and *Anaasheed*⁵⁸ that are accompanied by music, is the saying of the Prophet (9):

“There will surely be people from amongst my Ummah who will permit illegal sex, silk⁵⁹, alcohol and musical instruments”

⁵⁸ Plural of *Nasheed*, which is a simple rhythmic song unaccompanied by music.

⁵⁹ Silk is forbidden for males and permissible for females due to the saying of the Prophet (9):

“Gold and silk are lawful to the females of my Ummah and forbidden to its males.”

Narrated by Ahmad Nasaee and authenticated by Tirmidhee who states: *“It is Hasan Saheeh.”*

Narrated by Bukhaari in his *Saheeh*. Along side other *Ahaadeeth* narrated on this topic.

The Permanent Committee.
[*Fataawa Islaamiyyah: 4/3390*]

He stole whilst he was a child.

Q.141:

Whilst I was fourteen years old, a relative, may Allaah have mercy upon him from another country use to visit my father. I use to steal money from him, which was in the currency of his country, exchange it at the money exchangers and then spend it. When I grew up, I deeply regretted what I did and I am now determined to repent...but what is upon me? Do I return the stolen property to its rightful owner? Or is it permissible for me to spend in various forms of charity and intend that he be rewarded for it, bearing in mind that he is still alive?

The answer:

It is obligatory for you to return it to its rightful owner by any method in which it will reach him and it is not your prerogative to spend it in any way.

Sheikh Ibn Baaz.
[*Fataawa Islaamiyyah: 4/166*]

Leaving disabled children in disabled centres.

Q.142:

Some parents have a specific approach towards disabled children. They leave them in disabled children centres within the country. What is the stance of Islaam towards this approach?

The answer:

There is no harm in this, for the government has paid great attention to the issue of the disabled, they have commissioned centres for their education, feeding, fostering and the tending of their needs. Parents should register their disabled children at such governmental centres, so that these children can rest, be sheltered and cared for. Hence the parents would not be burdened by their expenditure, raising and medical treatment etc. He who chooses to home his disabled child in another centre or tend to him himself, there is no blame upon him. Islaam does not forbid the housing of these children in such centres national or international.

Sheikh Ibn Jibreen.

[Al-Lu'lu' ath-Thameen min Fataawa al-Mu'awwiqeen: 1/42]

She takes oaths that her children should not disobey her, but they do not respond.

Q.143:

I have many children and I take oaths that they should not do certain things, but they do not obey me, is it obligatory for me to expiate under these circumstances?

The answer:

If you take an intended oath that your children or others should do, or not do a certain thing and they then contradict this, it is upon you to expiate for your broken oath due to the saying of Allaah, glory be to Him:

﴿لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّغْوِ فِي أَيْمَانِكُمْ وَلَٰكِنْ يُؤَاخِذُكُمْ بِمَا
عَقَدْتُمُ الْأَيْمَانَ ۖ فَكَفَرْتُمْ ۖ إِطْعَامُ عَشْرَةِ مَسْكِينٍ مِّنْ أَوْسَطِ مَا
تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ أَوْ تَحْرِيرُ رَقَبَةٍ ۗ فَمَنْ لَّمْ يَجِدْ

فَصِيَامُ ثَلَاثَةِ أَيَّامٍ ۚ ذَٰلِكَ كَفْرَةٌ أَيْمَانِكُمْ إِذَا حَلَفْتُمْ ۚ وَاحْفَظُوا أَيْمَانَكُمْ ۚ

﴿Allaah will not punish you for the unintentional in your oaths but he will punish you for your deliberate oaths, for it's expiation feed ten poor persons, on the scale of the average of what you feed your own families, or clothe them or free a slave. But whosoever cannot afford then he should fast for three days. That is the expiation for the oaths when you have sworn and protect your oaths...﴾ [Al-Maaidah: 89].

Likewise, if you take an oath to do or leave something and then you see benefit in opposite to that, there is no harm in breaking your oath and paying the mentioned expiation, due to the saying of the Prophet (9):

“If you swear upon an oath and then you see other than this to be superior expiate for your oath and do the superior”

Agreed upon its authenticity ⁶⁰.

Sheikh Ibn Baaz.
[Fataawa Islaamiyyah: 3/471]

Is it correct that a small child should be a *Mahram*?

Q.144:

What is your opinion about the one who lets his wife travel by plane with her small child? He himself does not travel with her arguing that he is busy and his work does not permit?

⁶⁰ By Bukhaari and Muslim.

The answer:

It is not permissible for a woman to travel a long distance without a *Mahram*, not by plane or any other means of transport due to the general saying of the Prophet (ﷺ):

“It is not lawful for a woman who believes in Allaah to travel the distance of a day and a night except accompanied by a Mahram”

In another narration:

“...The distance of two days...”

A *Mahram* of a woman is a male who has reached puberty to whom which her marriage is permanently forbidden, due to kinship or another permissible reason⁶¹. The one who has not reached puberty does not suffice as a *Mahram*. When a man wanted to leave for *Jihaad* whilst his wife wanted to perform *Hajj*, the Prophet (ﷺ) ordered him to perform *Hajj* with his wife and did not give him permission to depart with the expedition. So how is it that some people find justification in saying that his work does not permit him to travel with his wife, is not *Jihaad* considered an excuse?! The danger upon a woman in her travelling by plane is greater than in other means of transport, because its destination can be unexpectedly changed due to various reasons to a different airport, who will then receive this woman?! Where would she go in such a situation?!

Sheikh Saaleh al-Fawzaan.

[Al-Muntaqaa min Fataawa ash-Sheikh: 3/297]

⁶¹ Such as kinship through suckling. See chapter nine.

She takes from her husband's wealth to spend upon her children.

Q.145:

What is the ruling of a woman who has taken from her husband's money on a number of occasions without his knowledge in order to spend upon her children, and she swears to him that she didn't take anything from him?

The answer:

It is not permissible for a woman to take from her husbands money without his permission, because Allaah, glory be to Him Most High has forbidden his slaves from transgressing upon each other's wealth. The Prophet (9) announced in his farewell *Hajj*:

"Verily your blood, wealth and honour are sanctified amongst yourselves, like the sanctity of this day of yours, in this month of yours, in this land of yours, have I not conveyed this message?"

However if her husband is miserly and does not give her and her children an expenditure that is commonly known to be sufficient, then it is permissible for her to take this amount from his wealth for herself and her children. It is not permissible for her to take more than this. This is due to the *Hadeeth* of Hind Bint 'Utbah. She came to the Prophet (9) and described her husband, saying:

"He is a tight fist man who does not give me an expenditure that suffices me and my children". So the Prophet (9) replied:

"Take from his wealth that which is sufficient for yourself and your children"

In another narration he (9) said:

“...that commonly known to be sufficient for yourself and your children.”

So the Prophet (9) gave her permission to take from his wealth this amount for herself and her children, whether he knew about this or not.

In this question the lady mentions that she swears to her husband that she didn't take anything. Her swearing in this fashion is forbidden, except if she interprets it away from it's apparent meaning by intending by her oath the following: “By Allaah I didn't take anything that was forbidden for me to take” or “By Allaah I didn't take anything more than the expenditure that is obligatory upon you” or similar interpretations that are in co-ordination with what she legally deserves. These interpretations are feasible if a person is oppressed, whereas if he is the oppressor or under no oppression, they are not permissible. A woman whose husband is miserly in his obligatory expenditure upon her and her children is maltreated and oppressed.

Sheikh Ibn Uthaimen.

[Fataawa ash-Sheikh Muhammad as-Saaleh al-Uthaimen: 2/774]

Gifts for the newborn and its mother.

Q.146:

What is the stance of the *Sharee'ah* concerning the practice of some women, that is if a woman's friend gives birth she gives her a gift called a *Hifaalah* that is a sum of money, does this have a basis in the *Sharee'ah*?

The answer:

There is no harm in giving a child a gift to at its birth, because the basis in gift giving and all other transactions is permissibility and validity unless there exists evidence forbidding them. If it is a custom of the people that

when a child is born it's relatives give it a sum of money as a present then there is no harm in a person practicing this in observance of custom and not as a worship of Allaah The Most Honourable and Majestic.

Sheikh Ibn Uthaimen.

[*Fataawa Islaamiyyah: 2/327*]

Is there condolence for the family of a deceased child.

Q.147:

Is specifying three days after the death of a person for condoling his family of the innovated matters? Are the families of a child, the old and the terminally ill to be condoled after their deaths?

The answer:

Sending condolences to the family of the dead is *Sunnah* for it entails the comforting of the grief stricken and the invocation of good for them. There is no difference in this whether the deceased is young or old. There are no specific phrases, rather a Muslim condoles his brother with the easy of relevant phrases, such as: "*May Allaah improve your solace, heal your distress and forgive your deceased one*", that is if the deceased is a Muslim. Whereas if the deceased is a disbeliever he is not to be invoked for. However his Muslim relatives are condoled with the mentioned phrases. There is no specific time or days for sending condolences rather it is legislated from the time of death, before the funeral prayer and after as well as before the burial and after. It's hastening is best to coincide with the peak of grief and it is permissible after the first three days, due to the lack of evidence specifying a certain time for it.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah: 2/43*]

Burying two children in one grave.

Q.148:

It happened that a six month old child died and was buried with a miscarried foetus in it's sixth month of development in one grave, is this permissible or not? If this is not permissible, what is the ruling of the one who buried them in one grave?

The answer:

The legislated is to bury each deceased person in a separate grave. This is the *Sunnah* that the Muslims have practised since the time of the Prophet (ﷺ) until our times, but if it is necessary to bury two or more in one grave, then there is no harm in that. It is affirmed in the two authentic collections of *Ahaadeeth*⁶² and other sources that the Prophet (ﷺ) buried two or three of the martyrs of *Uhud* in one grave when needed. It is not obligatory now to exhume this infant and the miscarried foetus due to the passing of some time. There is no sin upon the one who buried them in one grave if he was ignorant of this matter. However it is necessary for anyone who performs a deed of worship or other than that to know the limits of Allaah, The Most High concerning that deed before he gets involved into it, so as not to fall into that which is forbidden.

Sheikh Ibn Uthaimen.

[*Fataawa Islaamiyyah*: 2/34]

The young girl who has not reached puberty waits the waiting period (*Iddah*) if her husband dies.

Q.149:

Is it necessary for the old woman who has no need for a man or a young girl who has not reached puberty to wait the waiting period (*Iddah*) after the death of their husbands?

⁶² By Bukhaari and Muslim.

The answer:

Yes, it is upon the old woman who has no need for a man to wait the waiting period (*Iddah*) after the death of her husband and likewise the young girl who has not reached puberty or drawn close to it. If a woman is pregnant the waiting period is until the delivery and four months and ten days if she is not due to the general saying of The Most High:

﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾

﴿And those of you who die and leave wives behind them, they shall wait for four months and ten days...﴾ [Al-Baqarah: 234].

In addition to His general saying, The Most High:

﴿وَأُولَاتُ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ﴾

﴿...and for those who are pregnant their waiting period is until they lay down their burden...﴾ [At-Talaq: 4].

The Permanent Committee.

[*Fataawa Islaamiyyah*: 3/309]

Keeping birds for the amusement of children.

Q.150:

What is the ruling of the one who collects birds and places them in a cage for the amusement of children?

The answer:

There is no harm in this as long as he provides them with what they require of food and drink, because the basis of such a matter is permissibility, for there is no evidence in our knowledge indicating opposite to this. Allaah is the one who gives success.

Sheikh Ibn Baaz.

[*Fataawa Islaamiyyah: 4/449*]

Adoption and its rules.

Q.151:

All praise be to Allaah and may blessings and peace be upon the Messenger, his family and companions. To commence: The Permanent Committee for Islamic research and deliverance of legal rulings has looked into the question posed by the Executive Secretary of the Punjabi assembly for the welfare of children to his Eminence, the President of the administration of the Islamic research, deliverance of rulings, propagation and guidance committee. The question was then referred to the General secretariat for the board of Great scholars numbered: 2/86 dated 15/1/1392 *Hijri*. The questioner seeks information pertaining to the rules and principles concerning the rights of an adopted child regarding inheritance.

The answer:

1. Adoption was known in the days of ignorance before the message of our Prophet Muhammad (ﷺ). The adopted son would be ascribed to his foster father, inherit from him, allowed to be in seclusion with his wife and daughters and his foster father's wife would be forbidden to him in marriage. On the whole the status of an adopted son was that of a begotten one in all affairs. The Prophet (ﷺ) adopted Zayd Ibn Haarithah Ibn Sharaaheel al-Kilaby before the message of Islaam, and he used to be

called Zayd Ibn Muhammad⁶³. This form of pre-Islamic adoption continued until the third or fifth year after the migration to Madeenah (*Hijrah*).

2. Then Allaah ordered to ascribe adopted children to their fathers from whose loins they originated, if they are known. If their original fathers are unknown they are considered brothers in the religion and as freed slaves to those who adopted them. He, glory be to Him forbade that a child should be ascribed to it's foster father in descent, and forbade the child from attributing itself to other than it's real father, except by a slip of the tongue in error, for there is no blame in that. He, glory be to Him, verified that this ruling is pure justice due to it entailing truth in speech, preservation of lineage, honour and the reservation of financial rights to those who are more deserving, The Most High said:

﴿وَمَا جَعَلَ أَدْعِيَاءَكُمْ أَبْنَاءَكُمْ ۚ ذَٰلِكُمْ قَوْلُكُمْ بِأَفْوَاهِكُمْ ۗ وَاللَّهُ يَقُولُ الْحَقَّ وَهُوَ يَهْدِي السَّبِيلَ ﴿١﴾ اَدْعُوهُمْ لِأَبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ ۚ فَإِن لَّمْ تَعْلَمُوا ءَابَاءَهُمْ فَاِخْوَانُكُمْ فِى الدِّينِ وَمَوَالِيكُمْ ۗ وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ ۚ وَلٰكِن مَّا تَعَمَّدَتْ قُلُوبُكُمْ ۗ وَكَانَ اللَّهُ غَفُورًا رَّحِيمًا ﴿٢﴾﴾

«...nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allaah says the truth and He guides to the way. Call them by their fathers that is more just with Allaah. But if you know not their fathers they are your brothers in faith and as your freed slaves, and there is

⁶³ i.e. Zayd son of Muhammad.

no sin upon you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend, and Allaah is ever forgiving and Most Merciful﴾

[Al-Ahzaab: 4-5].

Furthermore the Prophet (ﷺ) said:

“Whosoever attributes himself to other than his father or ascribes to other than his manumitor⁶⁴, then the continuous curse of Allaah is upon him”

Narrated by Abu Daawood.

3. At His termination of adoption, glory be to Him, (that is the false acclaiming of son-ship), He terminated those rules that were linked with it in the pre-Islamic period that had continued into the early stage of Islaam:

a- He terminated inheritance between the adopted and the foster guardian by means of this false son-ship. He made it that each one should be charitable to the other in their lifetimes, and that a deserved share be bequeathed to the other from the deceased that does not exceed a third of his wealth. The *Sharee'ah* has clarified the laws of inheritance and the deserving heirs in detail without a mention of the adopted or his guardian amongst them. He, The Most High, has also mentioned in general those who are to inherit of distant relatives out of kindness to kin. The Most High said:

﴿ وَأُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَىٰ بِبَعْضٍ فِي كِتَابِ اللَّهِ مِنَ الْمُؤْمِنِينَ وَالْمُهَاجِرِينَ إِلَّا أَنْ تَفْعَلُوا إِلَىٰ أَوْلِيَائِكُمْ مَعْرُوفًا ﴾

⁶⁴ Manumitor: The person who frees a slave.

﴿...and blood relations amongst each other have closer personal ties in the decree of Allaah than the believers and the *Muhaajiroon* except that you do kindness to those brothers...﴾

[Al-Ahzaab: 6].

b- Allaah has permitted the adopted son to marry the wife of his guardian after his term with her ends and this was forbidden in the pre-Islamic period. He started with His Messenger in this to be stronger in its legislation and tougher in terminating the custom of the people of the pre-Islamic period in forbidding this, The Most High said:

﴿فَلَمَّا قَضَىٰ زَيْدٌ مِّنْهَا وَطَرًا زَوَّجْنَاكَهَا لِكَيْ لَا يَكُونَ عَلَىٰ
 الْمُؤْمِنِينَ حَرَجٌ فِي أَزْوَاجِ أَدْعِيَائِهِمْ إِذَا قَضَوْا مِنْهُنَّ وَطَرًا
 وَكَانَ أَمْرُ اللَّهِ مَفْعُولًا﴾

﴿...so when Zayd had accomplished his desire from her, we gave her to you in marriage, so that there may be no difficulty upon the believers in respect to the wives of their adopted sons when the latter have no desire to keep them, and Allaah's command must be fulfilled﴾ [Al-Ahzaab: 37].

So the Prophet (9) married Zaynab Bint Jahsh by the command of Allaah after Zayd Ibn Haarithah had divorced her.

4. From the preceding, it is clear that the termination of adoption is not the termination of human emotions and Islamic rights such as brotherhood, love, keeping ties, good treatment, and all that is linked with prestigious morals. It is recommended to do good deeds, as follows:

a- A person is allowed to call he who is younger than him with the words: "O my son..." in treating him with kindness, gentleness and making him feel loved, so that he may become friendly and listen to his advice or carry

out his need. Likewise, it is allowed for a person to call he who is older than him with the words: "O my father..." out of respect for him and in seeking his compassion in order to receive his kindness, advice and help. Good manners can spread in the society and relationships between its members can strengthen due to this and all can feel a general feeling of brotherhood in faith.

b- The *Sharee'ah* has encouraged cooperation in doing good and in increasing the fear of Allaah. It has been recommended for people from all walks of life to love and treat each other well, The Most High said:

﴿وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ﴾

﴿...and help one another in virtue and fearfulness of Allaah, but do not help one another in sin and transgression...﴾

[Al-Maaidah: 2].

Also the Prophet (ﷺ) said:

"The similitude of the believers in their love, compassion and kindness between one another is like that of a body, if a limb complains, the rest of the body collapses with fever and restlessness"

Narrated by Ahmad and Muslim. He (ﷺ) furthermore said:

"The believers amongst themselves are like a structure, parts of it strengthen others"

Narrated by Bukhaari, Muslim, Tirmidhee and Nasaace.

This includes the caring of orphans, the poor, those unable to work and those whose fathers are unknown by tending, raising and treating them well. So that society may not contain those who are wretched and

neglected for they could afflict the *Ummah* due to their bad upbringing or rebel for having felt the harshness of society and its neglect. It is upon the Islamic governments to establish centres for the disabled, orphans, abandoned children, those who have no families and those who fall under the rulings of these categories. If the treasury of the government does not suffice the needs of such people, assistance can be sought from the affluent of the *Ummah*, the Prophet (ﷺ) said:

“Any believer who dies and bequeaths wealth, let his heirs whoever they may be inherit from him, if he bequeaths a debt or loss, then let his creditors refer to me, for I am his sponsor”

Narrated by Bukhaari.

May Allaah bless and send peace upon the Messenger, his family and companions.

The Permanent Committee.
[*Fataawa Islaamiyyah*: 4/497]

Attributing the deserted infant to its adopted guardian by way of descent.

Q.152:

We put before you the case of one of our relatives who adopted a deserted male infant, raised him and treated him well. By way of diligence and compassion he named him Yoosuf. The foster guardian (Zubayr) then passed away leaving no sons to inherit from him. The adopted child reached the age of puberty and enrolled at the academy of the arts in the city of Dhahran. Our relatives sat in consultation as to changing the name of this adopted child. Some are of the opinion that his name should be amended to the family name, whilst others oppose this fearing that

confusion could occur in lineage and error in inheritance. I hope that we can be advised as to the ruling of the *Sharee'ah* concerning this, so that we can progress upon the light of a *Fatwa*.

The answer:

It is not legally permissible to attribute the deserted infant to it's adopted guardian by way of descent, where the child is named after it's guardian, attributed to him like a son is to his father and ascribed to his tribe as is mentioned in the question. Due to the fact that this involves lies and falsity, confusion of lineage, danger to honour and the changing of the course of inheritance by eliminating a deserving heir or granting a share to a non-heir. It also involves making the forbidden lawful and forbidding what is lawful. This is by permitting his seclusion with the guardian's wife and daughters. In addition to the forbidding of their marriage and other transgressions of sanctity as well as traversing the limits of the *Sharee'ah*. For this reason Allaah has forbidden attributing a child to other than it's father and the Prophet (9) has cursed he who ascribes himself to other than his father or manumitor. Allaah, The Most High said:

﴿وَمَا جَعَلَ أَدْعِيَاءَكُمْ أَبْنَاءَكُمْ ذَٰلِكُمْ قَوْلُكُمْ بِأَفْوَاهِكُمْ وَاللَّهُ يَقُولُ الْحَقَّ وَهُوَ يَهْدِي السَّبِيلَ ﴿١٠٦﴾ أَدْعَوْهُمْ لِآبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ فَإِنْ لَمْ تَعْلَمُوا آبَاءَهُمْ فَاِخْوَانُكُمْ فِي الدِّينِ وَمَوَالِيكُمْ ۗ وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ ۗ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا ﴿١٠٧﴾﴾

﴿...nor has he made your adopted sons your real sons. That is but your saying with your mouths. But Allaah says the truth and he guides the way. Call them by their fathers that is more just with Allaah. But if you know not their fathers they are

your brothers in faith and as your freed slaves. And there is no sin upon you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend. And Allaah is Ever Forgiving, Most Merciful.) [Al-Ahzaab: 4-5].

Furthermore the Prophet (9) said:

“Whosoever attributes himself to other than his father knowingly, paradise is forbidden for him”

Narrated by Ahmad, Bukhaari and Muslim. He (9) also said:

“Whosoever attributes himself to other than his father or ascribes to other than his manumitor, the continuous curse of Allaah is upon him until the Day of Resurrection”

The endeavour of the questioner in naming this adopted child by the family's name is an error that is not permissible to prolong. It is obligatory to change his name to other than that of the family's due to the evidence related and in light of the clarified aforementioned points of wisdom. As for being compassionate towards the deserted child, raising him, and treating him well, it is well known that the *Sharee'ah* has encouraged this. May Allaah bless and send peace upon our Prophet Muhammad and his family.

The Permanent Committee.

[*Fataawa Islaamiyyah: 3/12*]