

Physical Violence against Children: Causes and Remedies

(An Applied Study: In the light of Sira-un-Nabi)

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Abstract

It is a natural principle in the world to reward good performance and punish bad performance or violation of rules and regulations. But children deserve love because the law and their weakness do not bind them. Therefore, it is permissible to punish children for violating the rules and regulations during education and training. But Shari'a has set limits on punishing children. Because without limits and restrictions of anything, there is a danger of extremism. It is not permissible to beat a child with a stick as punishment. However, it is permissible to hit up to three numbers by hand. But it is not permissible to beat so hard that it marks or injures the body of child. It is also not permissible to slap a child in the face. It is also forbidden to punish a child beyond his means.

Keywords: Child, punishment, permissible, regulation, limit.

Introduction

The law of punishment and retribution is indispensable for the establishment of peace and order in human society and for the elimination of sedition and corruption. In the same way, there is a great deal of punishment and retribution involved in human training. Rewards for the best performance and punishment for evil and wrong is also a natural process. Which no human being can deny. Only civilized and talented people play the best role in building and developing the society and human welfare. But it is only possible for every human being to make good use of the abilities bestowed upon him by nature and after proper training. The time of human training is childhood, but the child is bound by Islamic rules after puberty. Punishment and retribution are also needed during the training of a child. Nowadays, it is common to preach the principle of "love not killing". On the one hand, punishment for a child is being considered as a poison killer, while on the other hand, punishment for every mistake is being considered as inevitable. Can mistakes be punished or not? And what are its limitations? This article seeks

to address the causes and limitations of juvenile delinquency, as well as the consequences of physical abuse of children.

Compassion and kindness to children:

Islam commands love and compassion for children. The Prophet ﷺ used to hug children and treat them with kindness out of love and compassion. According to a narration, Hazrat Ali ibn Marra (may Allah be pleased with him) said: We were invited to dinner. We went out with the Prophet ﷺ. Go ahead and spread both your arms (hands) for Hazrat Hussain (RA), Hazrat Hussain رضى الله عنه kept running here and there and you kept laughing at him till you grabbed him and he (you) held one of his hands He ate his chin and the other on his head, then hugged and loved him (kissed) then said:

” حسين مني وانا منه حسين مني وانا منه أحب الله من أحب الحسن والحسين سبطان من الأسباط“ (1)

Hussain رضى الله عنه is from me and I am from Hussain (RA). Whoever loves Hassan and Hussain (RA), Allah loves him. Both are my grandchildren.

The Holy Prophet (PBUH) could have described the virtues of Hazrat Hassan and Hussain رضى الله عنه in any case, but for them, spreading their arms and making them laugh and hug and kiss them teaches perfect compassion and love. And it also shows that the child deserves love and affection, whether it is his own or someone else's, as if it is the child's right to love and be loved. So it is narrated from Hazrat Ayesha (may Allah be pleased with her) that a villager came to the Holy Prophet (SAW) and said: Do you kiss children too? We do not kiss them?

” أوأملك لك أن نزع الله من قلبك الرحمة(2)

The Holy Prophet ﷺ said: If Allah Almighty has removed the softness from your heart, then I am not able to create softness in your heart.

As if the heart of one who does not love a child is empty of compassion and mercy, and full of harshness. On the contrary, in a narration, the Holy Prophet said:

من لم يرحم صغيرنا ويعرف حق كبيرنا فليس منا (3)

He who does not destroy our little ones and does not recognize the rights of our elders is not one of us. The Holy Prophet always loved children and treated them with kindness. The Prophet ﷺ did not even rebuke the children for their mistakes, but treated them with kindness and love.

It is narrated on the authority of Umm Qais bint Muhsin that she was with the Messenger of Allah ﷺ with her little child, which she could not eat.

1 Bukhārī, Muḥammad bin Ismā'īl, Ṣaḥīḥ al Bukhārī, Dār al Bashā'ir, al Islamiyyah, Beirut, 3rd Edition, 1409 A.H, Ḥadīth No: 364.

2 Bukhārī, Muḥammad bin Ismā'īl, Ṣaḥīḥ al Bukhārī, Dār Ṭūq al Najāt, 1st Edition, 1422 A.H, Ḥadīth No: 5998.

3 Abū Dāwūd, Sulimān bin Ash'ath, Sunan Abī Dāwūd, Al Maktabah al Aṣriyyaa, Ṣaydā, Beirut, Ḥadīth No: 4943.

” فدعا بماء، فنضح عليه ولم يغسله(1)

So he asked for water and poured it on it and did not wash it.

It is known from a tradition that the Holy Prophet used to raise small children which is a proof of love for children. The other did not reprimand the child for urinating, nor did he say anything to his mother, nor did he express any hatred, nor did he tolerate it, which indicates perfect compassion and love. Therefore, regarding other such hadiths, Imam Nawawi says:

وفيه النذب إلى حسن المعاشرة واللين والتواضع والرفق بالصغار وغيرهم،(2)

And it is a statement of kindness, humility, and gentleness and kindness to the little ones and others.

The Prophet ﷺ used to take care of the children as well as their protection and comfort. Therefore, a narration of Hazrat Qatadah (may Allah be pleased with him) says:

خرج علينا النبي صلى الله عليه وسلم وأمامة بنت أبي العاص على عاتقه، فصلى فإذا ركع وإذا رفع رفعها(3)

The Holy Prophet ﷺ came to us and Imam bint Abi al-'Aas was on his shoulders. This shows that the Prophet ﷺ took care of the girl's comfort even in the state of prayer and did not separate her so that she would not cry or be harmed due to separation. He picked up Al-Aas and offered prayers.

Allama Ibn Hajar writes in his commentary on this hadith:

” واستنبط منه بعضهم عظم قدر رحمة الولد لأنه تعارض حينئذ المحافظة على المبالغة في الخشوع والمحافظة على مراعاة خاطر الولد فقدم الثاني ويحتمل أن يكون صلى الله عليه وسلم إنما فعل ذلك لبيان الجواز ، (4)

Some people have argued from this hadith about the greatness of the value of mercy and love for the child because the Prophet ﷺ used to take care of the protection of the child and the protection of the child when lifting Imam bint Abi al-Aas in prayer. In the event of a dispute, the Prophet ﷺ put the other (the thought of protecting the child) first, and it is possible that the Prophet ﷺ did this act to justify the statement.

This shows that there is real tenderness and compassion in the case of children. That is, children should not be treated harshly, but should be treated with love, compassion and gentleness.

Warning children about mistakes:

In the light of Islamic teachings and the biography of the Prophet, the real issue with children is to have compassion and love, but that does not mean that children should be left unattended, and that their every straightforward statement should be tolerated. They should also be warned

1 Imām, Mālik bin Anas, Al Muta, Mo'assasah Za'id bin Sultān āl Nihiyān lil āmāl al Khayriyah, wal Insāniyah, Abū Zabī, 1st Edition, 1425 A.H, Hadīth No:207.

2 Nawawī, Yahyā, bin Sharaf, Al Minhāj Sharḥ Ṣaḥīḥ Muslim bin al Ḥajjāj, Dār Ihyā' al Turāth al Arabī, Beirut, 2nd Edition, 1392 A.H, 3/195.

3 Ṣaḥīḥ al Bukhārī, Ḥadīth No: 5996.

4 Ibn Ḥajar 'Sqalanī, Aḥmad bin Alī, Fath al Bārī Sharḥ Ṣaḥīḥ al Bukhārī, Dār al Ma'rifah, Beirut, 1379 A.H, 10/429.

about the children's mistakes or non-sharia matters. Education and training have the right, so do not make the child a free man, atheist, but warn and urge the child. The Prophet's love and affection for Hazrat Hassan and Hussain رضي الله عنه was ideal, but in spite of this, once Hazrat Hussain رضي الله عنه started eating dates for charity, he immediately warned him:

فاستخرجها النبي صلى الله عليه وسلم وقال إن الصدقة لا تحل لنا (1)

The Prophet ﷺ took a date out of his mouth and said: Charity is not lawful for us.

This shows that along with love and compassion, warning is also important. On the contrary, it was narrated on the authority of Ibn 'Abbaas that the Messenger of Allah ﷺ said:

«علقوا السوط حيث يراه أهل البيت، فإنه لهم أدب» (2)

Hang the whip for surveillance in a place where family members can see it, it contains literature for them (family members). Children and spouses are all included in the family and the purpose of hanging garbage is to monitor and warn the family. So that there will be fear of warning. There is no mention of beating in this tradition, only the command to hang the whip, which indicates that he should not rush to kill but should show the whip and warn. Therefore, in another narration it is said that the Holy Prophet bequeathed ten things to Hazrat Mu'adh and one of them is that:

وأنفق على عيالك من طولك، ولا ترفع عنهم عصاك أدبا وأخفهم في الله (3)

And spend as much as you can on your family, and do not remove your staff from them for the sake of literature, and keep on frightening them with Allah Almighty.

In this hadith, not removing the stick means to warn the children. The famous Hanafi scholar Mullah Ali Qari, while explaining this hadith, writes:

والمعنى إذا استحقوا الأدب بالضرب فلا تسامحهم، (وأخفهم في الله) أي: أنذرهم في مخالفة أوامر الله ونواهيه بالنصيحة، والتعليم، وبالحمل على مكارم الأخلاق من إطعام الفقير وإحسان اليتيم وبر الجيران وغير ذلك. (4)

And this means that when they deserve to be killed for the sake of literature, then do not be lenient with them in it, and keep them in fear of Allah. , And good manners, to feed the poor, to do good to the orphans, to provoke the neighbors to do good and so on.

In the same way, the Sheikh says:

1 Ibn Ḥambal, Aḥmad bin Muḥammad, Musnad Aḥmad, Mo'assasah al Risālah, 1st Edition, 1421 A.H, Ḥadīth No:19059.

2 Tibrānī, Sulimān bin Aḥmad, Al M'uhjim al Kabīr, Maktabah ibn Taymiyah Cairā, 2nd Edition, Hadīth No: 10669.

3 Musnad Aḥmad, Ḥadīth No: 22075.

4 Mullā Qārī, Alī bin Sultān Muḥammad, Mirqāt al Mafāṭīḥ Sharḥ Mishkāt al Maṣābīḥ, Dār al fikr, Beirūt Labnān, 1st Edition 1422 A.H, 1/133, 134.

"Not removing the wood means that he should not be worried that the father does not warn and does not kill. Do whatever you want, but he should never be beaten under the limits of Shariah, because without beating there is often no warning." (1)

These traditions show that it is permissible to carry a stick for warning and punishment. Considering holding a cane as child abuse or a crime would be contrary to these traditions. Therefore, it is advisable to keep a stick to warn the child. If holding a stick would spread fear and harm and avoid it, then the great teacher Hazrat Muhammad (PBUH) would never have known about it. The purpose of the cane is simply to keep the child in mind that it would be a warning to go against the rules and regulations. But where there is a danger that a teacher, teacher or any other person punishes the child with a stick, then the stick should not be kept there as some madrassas are forbidden to keep the stick in the memorization class. Because beating a minor with a stick and torturing a child is not right under any circumstances.

Punish children:

It is very important to warn children against wrongdoing, but can a warning be given only with good advice or reprimand or can punishment be given for the warning? Research shows that it is also permissible to punish children for wrongdoing as a warning. Therefore, it is narrated that the Holy Prophet said:

مروا أولادكم بالصلاة وهم أبناء سبع سنين، واضربوهم عليها، وهم أبناء عشر وفرقوا بينهم في المضاجع،(2)

Order your children to pray when they are seven years old, and beat them for prayer when they are ten years old, and separate them in their beds.

It is quite clear from this hadith that if a ten year old child is lazy or negligent in prayers, then it is permissible to kill him for punishment. Therefore, Allama Khattabi writes:

’ يدل على إغلاظ العقوبة له إذا تركها متعمدا بعد البلوغ ونقول إذا استحق الصبي الضرب وهو غير بالغ فقد عقل أنه بعد البلوغ يستحق من العقوبة ما هو أشد من الضرب وليس بعد الضرب شيء مما قاله العلماء أشد من القتل(3)

The saying of the Prophet ﷺ indicates severe punishment for a child when he deliberately abandons prayer after reaching puberty It is said that after puberty (Turkish prayers) deserves more severe punishment than killing and the scholars said that killing is more severe punishment than killing.

Hazrat Luqman Hakim says:

’ ضرب الوالد لولده كالماء للزرع (4)

The beating of the father is like water for the field for the children.

1 Muḥammad Zakryā , Fadā,il A'māl, kutub Khānah Fidī Lāhūr, Pākistān, p: 230.

2 Sunan Abī Dāwūd, Ḥadīth No: 494.

3 Khitābī, Aḥmad bin Muḥammad, Ma'ālim al Sunan , Al Matb'ah al 'Ilmiyyaa Ḥalb, 1st Edition, 1351 A.H,1: 149, 150.

4 Jalāl Dīn Sayūtī, Abd al Rahmān bin Abī Bakar, Dur Manthūr, Dār al fikr, beirūt, 6/519.

This shows that it is permissible to punish and punish a child for a mistake. But what are the limits of this punishment? How much punishment? And what is the punishment with a stick?

Limitations of punishment for a child:

It is permissible to warn and punish a child for any wrongdoing. But the punishment given to the child is for punishment and discipline, because the minor child is not bound by Shariah. Therefore, Allama Allauddin's Sani Hanafi quotes in terms of construction obligation that the child can be given Tadiyat-e-Tahrir after he becomes sane. And the reason for this is that the child is one of the people of discipline, not one of the people of punishment. The only evidence for this is the hadeeth which says that when a child reaches the age of ten, the Turks kill him at the time of prayer and say about him:

وذلك بطريق التأديب والتهديب لا بطريق العقوبة؛ لأنها تستدعي الجناية، وفعل الصبي لا يوصف بكونه جناية، بخلاف المجنون والصبي الذي لا يعقل؛ لأنهما ليسا من أهل العقوبة ولا من أهل التأديب . (1)

And sickness is as a punishment and not as a punishment because punishment wants crime and the child's action is not a crime, as opposed to a child who is insane and not wise, because Both of them are from the people of punishment and not from the people of discipline.

When it is known that the punishment for a child's mistake will never be the same, it will not be mine. In Totadi Basza, the child's discount is necessary, it will not last long. For this reason, the jurists said that the child should not be flogged or beaten with a stick. Therefore, it is written in Maraqi al-Falah that:

” تؤمر بها الأولاد ” إذا وصلوا في السن لسبع سنين وتضرب عليها لعشر بيد لا بخشبة أي عصا كجريدة رفقا به وزجرا بحسب طاقته ولا يزيد على ثلاث ضربات بيده “ (2)

When children reach the age of seven, enjoin prayer on them, and when they are ten years old, when they have stopped praying, strike them with the hand, not with a stick, that is, with a stick, not for the sake of softening, and for their Tolerate as much as you can, and do not hit more than three times with your hands

But there may be a question about this that in the Holy Hadith only killing has been ordered. It is not forbidden to hit with a stick or a cane.

Allama Tahtawi responds by saying:

” أنه خص الضرب بغير الخشبة لقرينة وهو أن الضرب بها إنما ورد في جناية صدرت من مكلف ولا جناية من الصغير وقد ورد في بعض الآثار ما يدل عليه وهذا الضرب واجب (3)

The killing is special because of a reference to the addition of wood and that is that beating with wood has been reported to the presidents of the crime by the unaccompanied and the minor

1 Alā al Dīn, Abū Bakar Al Kāsānī, Badā'i' al Ṣanā'i' fi Tartīb al Sharā'i', Dār al Kutub al 'Ilmiyyah, 2nd Edition, 1406 A.H, 7/64.

2 Sharnablānī, Ḥassan bin 'Ammār, Marāqī al Falāh Sharḥ Mtn Nūr al ,idāh, Al maktabah, al Aṣ sriyya, 1st Edition, 1425 A.H, p: 71, 72.

3 Taḥtāwī, Aḥmad bin Muḥammad, Ḥāshiyah al Taḥtāwī 'Ala Marāqī al Falāh Sharḥ Nūr al ,idāh, Dār al Kutub al 'Ilmiyyah, Beirut Labnān , 1st Edition, 1418 A.H, p: 174.

(child) does not commit crime and there are some indications of this, and this Killing is not necessary.

That is to say, punishing with a stick is a crime of the obligee and no action of the child can be offended because the child is not bound by the rules of Shariah. When a child does not commit a crime, it is not permissible to give him more than he can bear as punishment. Therefore, it would not be permissible to beat a child with a stick. This shows that when it is not permissible to beat a child with a stick for the biggest act in Islam, ie laziness in prayers, then how it can be permissible for any other action. The other can only slap with the hand and that too more than three of us.

Therefore, Allama Ibn Abidin says:

’ولا يجاوز الثلاث، وكذلك المعلم ليس له أن يجاوزها قال عليه الصلاة والسلام لمرداس المعلم إياك أن تضرب فوق الثلاث، فإنك إذا ضربت فوق الثلاث اقتص الله منك ‘ (1)

And he should not exceed three in killing, and in the same way it is not permissible for a teacher to have more than three. The Prophet ﷺ said to Mardas Muallem, “You intend to kill more than three, because if you kill more than three, Allah will take retribution from you.”

From these statements of the jurists, it is known that while punishing a child, it is necessary to take into account his physical condition ie strong. Punishment beyond the power of the child is absolutely not permissible.

Prohibition of hitting in the face:

You can hit a child with your hand as a warning but it is not permissible to hit more than three. Similarly, it is not permissible to slap a child on the face. Because it is forbidden in the Holy Hadith to hit on the face. Therefore, it is narrated in a hadith that:

لا تضرب الوجه . (2)

Don't hit me in the face

It is narrated from Hazrat Jabir that:

’هي رسول الله صلى الله عليه وسلم عن الضرب في الوجه الخ ‘ (3)

The Prophet ﷺ forbade hitting and staining the face.

It is narrated from Hazrat Abu Hurayrah that the Holy Prophet said:

” اذا قاتل أحدكم أخاه فليجتنب الوجه (4) ”

When one of you kills his brother, he should avoid hitting you in the face. In the tradition of Sunan Nisa'i, there are words like

1 Ibn ābidīn, Muḥammad Amīn, Rad al Muḥtār 'alā al Dur Muḥtār, Dār al Fikr, Beirut, 3rd Edition 1412 A.D, 1/352.

2 Musnad Aḥmad, Ḥadīth No:20030.

3 Abū Bakar bin Abī Shaybah, Abdullah bin Muḥammad, Muṣannaf Ibn Abī Shaybah, Maktabah al rushd Riyād, 1st Edition, 1409A.H, Hadith No 19930.

4 Ṣaḥīḥ Muslim, Ḥadīth No: 2612.

”إذا ضرب احدكم (1)

Penalties:

In modern times, a fine is imposed on a person for violating discipline or any other matter. It is not permissible to take the property of a child who has not yet fulfilled the Shari'ah without his consent. The issue of financial punishment has also been different among the jurists. Most of the jurists consider Ta'zeer Ali unlawful because in Ta'zeer Mali it is to take someone's property without his consent. And it is narrated on the authority of Anas bin Malik that the Holy Prophet said:

لا يحل مال امرئ مسلم إلا بطيب نفسه . (2)

It is not permissible to take the property of a Muslim without his consent. It is not permissible to take a perfect Muslim in any false way without his consent, as Allah has said:

ولا تاكلوا اموالكم بينكم بالباطل... الآية (3)

And do not eat the other canal in vain.

Imam Abu Yusuf justifies punishment for the ruler. But punishment is not permissible for a child. Because punishment is a punishment imposed by a judge for committing a crime. How can a child be punished when the pure Shariah does not bind him? Therefore, it would be permissible to compare the financial penalty with the financial penalty.

The results of the discussion

1. In the training and education of children, love and compassion must be shown to the child
2. It is illegal to warn or punish children for making mistakes or violating rules and regulations.
3. Shariah does not bind children because they are minors, so there is nothing wrong with them. Therefore, the punishment given to them for violating discipline will be for them as discipline and warning and not as ransom. As a child of ten years knows the punishment for negligence in prayers.
4. It is not permissible to discipline a child, but it is not permissible to beat him with a stick.
5. It is not permissible to hit a child by hand, but not more than three.
6. It is not permissible to hit a child with such force that it marks the body or bends.
7. It is not permissible to punish a child beyond his tolerance in order to discipline him.
8. It is not permissible to hit a child in the face as a warning or discipline.
9. According to most jurists, financial punishment is not permissible, while punishing a child is not permissible. Therefore, it is not permissible to impose a financial penalty on a child for discipline and warning.

1 Nisā'i, Aḥmad bin Shu'ayb, Al Sunan al Kubrā, Mo'assasah al Risālah: Beirut, 1st Edition, 1421 A.H , Ḥadith No:7310.

2 Dār Qutnī, Alī bin 'Umar, Sunan al Dār Qutnī, Mo'assasah al Risālah: Beirut, Labnān, 1st Edition, 1424 A.H, Ḥadith No:2885.

3 Al Baqarah: 189.