

consummation then she is entitled to compensation.

5. It is recommended [for a man to give] compensation to every divorced woman except one [for whom it is essential,] and that is the one he divorced before consummation and for whom he did not name a mahr.
6. If the wali guarantees the mahr, his guarantee is valid, and the woman has a choice between demanding [it] from her husband or [from] her wali.
7. If [a man] marries a woman on [a mahr of] one thousand [being less than the mahr of her peers] on condition that he will not take her out of the country, or on condition that he will not marry over her, then if he fulfils the condition she is entitled to the named [mahr]. But, if he marries over her, or takes her out of the country, then she is entitled to the mahr of her peers.

6.0 TERMINATION OF A MARRIAGE

6.1 Invalidation of a Marriage

1. It is valid for a man and woman in ihram to marry one another in the state of ihram.
2. Mut`ah marriage and time-limited marriage are invalid.
3. If the judge separates the two spouses of an unsound marriage before consummation, then she is not entitled to a mahr, and similarly after seclusion. But, if he consummated with her then she is entitled to the mahr of her peers, [but] it may not exceed the named [mahr]. The waiting period is due upon her, and the lineage of her child is established.
4. Whoever marries two women in one contract, one of them not being lawful to him to marry, the marriage of the one who is lawful for him to marry is valid, and the marriage of the other is invalidated.

6.2 Physical Defects

1. If the wife has a defect, then her husband has no power of choice.
2. If the husband is afflicted with insanity, or white or black leprosy, then the wife has no power of choice according to Abu Hanifah and Abu Yusuf. Muhammad said : she has the power of choice.
3. If he is impotent, the judge adjourns him for a year, and then if he reaches her [during that time, the marriage continues] otherwise he separates them if the woman requests that. The

separation is an irrevocable divorce. She is entitled to the entire mahr if he had been secluded with her.

The castrated man is adjourned just as the impotent one is adjourned.

4. If [the husband] is [a man with] dissevered [genitals] then the judge separates them immediately, and does not adjourn him.

6.3 Embracement of Islam

1. If a woman embraces Islam and her husband is an unbeliever, the judge presents Islam to him. Then, if he accepts Islam, she is [still] his wife, but if he refuses [the judge] separates them, and that is an irrevocable divorce according to Abu Hanifah and Muhammad. Abu Yusuf said : it is a separation without divorce.
2. If a husband embraces Islam with a Zoroastrian woman under him, [the judge] presents Islam to her. Then, if she embraces Islam, she is [still] his wife, but if she refuses, the judge separates them. This separation is not a divorce, but if he had consummated with her she is entitled to the mahr. If he had not consummated with her then there is no mahr for her.
3. If a woman embraces Islam in *Dar al-Harb*, separation does not take effect on her until she has menstruated three menstrual periods. Then, when she has menstruated [thrice], she becomes separated from her husband.
4. If the husband of a Kitabi woman embraces Islam, they [continue] upon their marriage.
5. If one of the two spouses comes out to us from Dar al-Harb as a Muslim, separation takes effect between them.
6. If a woman comes out to us as an emigree, it is permissible for her to marry, and there is no waiting period [due] upon her according to Abu Hanifah. But, if she is pregnant, she may not marry until she delivers her load.
7. If an unbeliever married without witnesses, or in the waiting period of an unbeliever, and that is legitimate according to their religion, and then they both embrace Islam, they are asserted in it. But if a Zoroastrian married his mother, or his daughter, and then they both embraced Islam, they are separated.

6.4 Apostasy

1. If one of the two spouses apostasizes from Islam, separation occurs between them without divorce. Then,
 - ✦ If the apostate is the husband, and he has consummated \

- her then she is entitled to the entire mahr.
- ✦ If the woman is the apostate before consummation then there is no mahr for her. But, if the apostasy is after consummation she is entitled to the mahr.
 - ✦ If they both apostasize together and [then] embrace Islam together then they [continue] upon their marriage.
2. It is not permissible for an apostate to marry a Muslim woman, an unbelieving woman, nor an apostate woman. Similarly, an apostate woman may not be married by a Muslim man, nor an unbeliever nor an apostate.
 3. If one of the spouses is Muslim then the child [continues] upon religion. Similarly, if one of the two [spouses] embraces Islam and has a minor child, his child becomes Muslim by his [parent's] Islam. If one of the two spouses is a Kitabi and the other Zoroastrian then the child is a Kitabi.

7.0 TREATMENT OF WIVES

1. If a man has two free-women wives, it is [obligatory] upon him to be just with them in division [of nights, clothing, food and companionship], whether they were both virgins, or both non-virgins, or one a virgin and the other a non-virgin.
2. They have no right to division in the circumstance of travel. The husband may travel with whomever he wishes of them, but the more appropriate [procedure] is that he draw lots between them and then travel with whichever [wife] has her lot drawn.
3. If one of the wives consents to forgo her share for her co-wife, it is valid, but she is entitled to revoke that.

8.0 SUCKLING

8.1 Period of Suckling

1. A little and a lot of suckling is the same [as far as regulation]. If it occurs in the period of suckling, [the ruling of] prohibition is attached to it.
2. The period of suckling, according to Abu Hanifah, is thirty months. Abu Yusuf and Muhammad said : two years.
3. Then, when the period of suckling has expired, no prohibition is attached to suckling.
4. In suckling, the testimony of women alone is not accepted. [Suckling] is only established by the testimony of two men, or a man and two women.

8.2 Mixing of the Milk with Other Substances

1. If milk is mixed with water, and the milk is predominant, prohibition is attached to it, but if the water is predominant, prohibition is not attached to it.
2. If [milk] is mixed with food, prohibition is not attached to it, even if the milk is predominant according to Abu Hanifah.
3. If [milk] is mixed with medicine and [the milk] is predominant, prohibition is attached to it.
4. If milk is mixed with the milk of a ewe, and the [human] milk is predominant, prohibition is attached to it, but if the ewe's milk is predominant, prohibition is not attached to it.
5. If the milk of two women is mixed, prohibition is attached to the preponderant of the two according to Abu Hanifah and Abu Yusuf. Muhammad said : It is attached to them both.

8.3 Source of the Milk

1. If milk is extracted from a woman after her death, and an infant is fed with it, prohibition is attached to it.
2. If milk comes forth from a virgin, and she then suckles an infant with it, prohibition is attached to it.
3. If milk comes forth from a man, and he then suckles an infant with it, prohibition is not attached to it.
4. If two infants drink the milk of a [single] ewe, there is no [relationship of] suckling between them.

8.4 Prohibitions through Suckling

1. Suckling makes prohibited all that kinship makes prohibited, except for
 - ✦ The mother of his foster-sister, and so he may marry her, although he may not marry the mother of his sister by kinship and
 - ✦ The sister of his foster-son; he may marry her, although he may not marry the sister of his son by kinship.

The wife of his foster-son he may not marry, just as he may not marry the wife of his son by kinship.

The wife of his foster-father he may not marry, just as he may not marry the wife of his father by kinship.

2. A man may marry the sister of his foster-brother, just as he may marry the sister of his [half-]brother by kinship. That is, for example, like a paternal brother, if he has a maternal sister; it is permissible for his paternal brother to marry her.
3. Prohibition is attached to the milk due to a man, which is that the wife suckles a girl, and so then this girl is prohibited to her husband, and to his fathers and sons. The husband from whom the milk is derived becomes a [foster-]father to the suckled girl.
4. [For] any two infants that share a breast, it is not permissible for one of them to marry the other.
5. It is not permissible for a suckled girl to marry any one of the sons of the woman who suckled her, nor her son's sons.
6. A suckled boy may not marry the sister of the foster-woman's husband, because she is his foster-aunt.
7. If a man marries an infant girl and an adult woman, and then the woman suckles the infant, they both become prohibited to the husband. If he had not consummated with the woman, then there is no mahr for her, but the infant is entitled to half the mahr. The husband may claim it from the woman if she had deliberately used that for invalidation [of the marriage]. If she had not done it deliberately then there is nothing due upon her.

Children

Children

from "Al-Minhaj Al-Qawim `ala al-Muqaddimah al-Hadramiyyah"
(a standard text of the Shafi`i school)

- ✚ [Naming children](#)
- ✚ [The Kunyah](#)
- ✚ [Islamic Education and Upbringing of Children](#)

Naming Children

It is sunnah to keep a good name , and the best of names are Abdullah (Slave of Allah) and AbdulRahman (Slave of the Most Merciful) and the most truthful are al-Haarith (Productive) and Humaam (Active), and the worst are Harb (War) and Murrah (Bitter).

[The most beloved of names to Allah (the Exalted the Majestic) are Abdullah and AbdulRahman -reported by Muslim Abu Dawud added : and the most truthful are al-Haarith and Humaam, and the worst are Harb and Murrah]

And bad names, and those which signify bad things by their absence, are makrooh (disliked), such as NujayH (Successful), Barakah (Blessing), Kulayb (Dog), Harb (War), Murrah (Bitter), Shihab (Meteor), Himar (Donkey), AflaH (Most Successful), Yasaar (Ease), RabaaH (Profit) and Naafi` (Beneficial), and names like Sittun-nisaa (Lady of all ladies) are more reprehensible. And 'King of Kings' is forbidden, as is 'Shahenshah', and AqDal-quDaat (judge of judges).

And it is mandoob (preferred) to change bad names and those which signify bad things by their absence. And it is preferred (mandoob) for a man's son, pupil and servant not to call him by his name, and that good people (men and women) should have kunyah, even if they don't have a son, and that the kunyah is according to the eldest son, and it is forbidden (Haram) to have the kunyah of AbulQasim for one whose name is Muhammad as well as for others, during the life of the Prophet (s.a.w.) as well as

thereafter.

{NOTE (inserted): There is some difference among schools of thought on this point- some have held that the prohibition applied only during the lifetime of the Prophet (s.a.w.)}

And a transgressor (faasiq) or innovator should not be given kunyah unless there is fear of fitnah, or if it is for recognition, (like Abu Lahab). And it is preferred that a person should not use his kunyah alone (i.e. without including his name as well), unless he is well known by his kunyah and not known by anything besides it. And it is forbidden (Haraam) to nickname somebody by that which he dislikes if he is known by some other name (which he does not dislike), even if the nickname reflects something about him which is true.

The Kunyah

Evidence was requested that to have a kunyah is sunnah. There are several allusions to this in the aHadeeth. Firstly, the Prophet (may Allah bless him and grant him peace) had a kunyah, and there is no evidence that to have a kunyah was exclusively for him, and this suggests that it is a sunnah (following the Prophet in something which was not exclusively for him (may Allah bless him and grant him peace)). Then there is the Hadeeth to name people by the Prophet's name (Muhammad) but not by his kunyah (AbulQasim), which again implicitly suggests that we would be naming people with a kunyah. Further, there is a Hadeeth reported in Tirmidhi's "al-Shama'il" in which the Prophet (s.a.w.) called a young boy by a kunyah, showing that it is not necessary to have a child before taking on a kunyah. Further discussion of these ahadeeth can be found in FatH-al-Baaree (commentary of SaHeeH al-Bukhari).

Islamic Education / Upbringing of Children

"O you who believe! Save yourselves and your families from a fire, the fuel of which is mankind and stones. Over it are angels, harsh and severe, who do not disobey Allah in that which He commands them, and they do what they are ordered." [Qur'an, 66:6]

"Save yourselves and your families," meaning : teach them the good and educate/discipline them. [as explained by `Ali; reported by Ibn al-Mundhir and al-Hakim (who authenticated it)]

Ibn `Abbas said : Implement obedience to Allah, keep away from acts of disobedience to Allah, and order your families to remember Allah, so that Allah might deliver you from the Fire.

Qatadah said : Order them to obey Allah, and prohibit them from disobeying Allah. Preside over them with the decree of Allah, and

assist them in fulfilling it. When you see them disobeying Allah, reprimand and restrain them.

Brothers, and sisters, many of us perhaps had at least somewhat of an Islamic upbringing, perhaps growing up in a Muslim country, and hence we may not fully realize how great is the danger in which children are growing up in this country. Sending them to a public school, with merely a few hours of Islamic 'Sunday school' weekly (and how many do not get even that?), will more often than not fall far short of meeting their spiritual requirements and fulfilling the duty which the parents owe to them. If, throughout the week, they are in the morally, spiritually and ethically decadent and bankrupt environment at school, this is obviously going to have a profoundly devastating effect on their upbringing, and in particular on their faith (iman), especially when one adds to this the influence of television and the like. We cannot be so silly as to not take any precautions, nor make any effort to save our children from the evils of the society, and then still naively hope that, somehow, they will grow up as good, practicing Muslims, immune to the corruption, fornication, drugs and other sins around them.

"And man shall have only that for which he strives." [Surah al-Najm]

If you cannot preserve, practice and propagate your religion in a land, for even yourself and your children let alone others, then you are not permitted to remain there and must perform hijrah (emigration) if you are able to. Incapacity of this sort is not an excuse; rather it is a crime and a sin.

"Those whose souls the angels take while [the people] are wronging themselves [by abandoning hijrah]; [the angels] say, 'What was the matter with you?' They say, 'We were weak and oppressed in the land.' [The angels] say, 'Was not Allah's land spacious, that you could migrate therein?' So, the abode of those [people] shall be Hell; how terrible an outcome!" [Surah al-Nisa']

Hafiz Ibn Kathir says, "This noble verse was revealed in general terms applying to anyone who takes up residence among the pagans, and is capable of migrating and not capable of establishing his religion, for he is wronging himself and committing a forbidden deed by the consensus (ijma`) [of jurists]." [MTIK, (1/427)]

Indeed, in such an environment, there is a risk of a child losing his faith entirely by falling into blasphemy, polytheism and unbelief.

Luqman (may Allah be merciful to him) advised his son, "O my son! Do not associate partners with Allah! Indeed, <shirk> (associating partners/inappropriate descriptions to Allah) is a terrible injustice." [Surah Luqman]

Obviously, merely ordering the children not to commit <shirk> is not enough by itself. We have to adopt the necessary means towards achieving our goal, otherwise we will be 'like one who stretches out his hands to water, in order for it to reach his mouth, but it will not reach it.' [Surah al-Nur] We need to provide the

appropriate environment, training and upbringing that facilitate and foster faith, such that the child will automatically recognize and shun unbelief and evil. So, the children should be in an Islamic environment. Perhaps one of the best ways to achieve this is in this country is through an Islamic school, where children can study both worldly and Islamic subjects in a spiritually and morally clean and healthy, Islamic environment. It is up to us, if we are remaining in this country, to set up such schools for our children, and to support them. Don't we owe at least this much to our children? Merely clothing and feeding one's offspring, taking care of their physical needs, is done even by animals. But, as human beings, we have a duty to do more, and we will be questioned about this duty on the Day of Judgement.

"Every one of you is a guardian, and every one of you is liable to be questioned about those in his care. The man is a guardian with regard to his family, and is liable to be questioned about those in his care. The woman is a guardian with respect to her husband's house, and is liable to be questioned about that in her care So, every one of you is a guardian, and every one of you is liable to be questioned about those in his care." [Bukhari, Muslim]

So, brothers and sisters, save yourselves and your families from a fire, the fuel of which is mankind and stones. Ibn Mas`ud said : they are stones of sulphur, more foul-smelling than corpses.

And, over this fire are angels, harsh and severe.

`Ikrimah has said that when the first of the people of Hell reach the Fire, they will find at its gate 400,000 of the custodians of Hell, with faces dark and teeth scowling. Allah has removed mercy from their hearts, [such that] none of them has even an atom's weight of mercy in his heart. [Reported by Ibn Abi Hatim]

And remember, your effort in this regard will bring its fruits in this world - in the form of your children's well-being, and in the Hereafter - in the form of their salvation, and also in the form of reward for yourselves.

"When the son of Adam dies, his good deeds come to an end, except from three [sources] : perennial charity (sadaqah jariyah), knowledge from which benefit is obtained, and a pious child who prays for him." [Riyad al-Saliheen]

"Those who believe, and whose offspring follow them in faith, We shall unite their offspring with them, and We shall not deprive them of anything of their [good] deeds." [Qur'an, 52:21]

