

## Child Protection from physical violence in Islamic and contemporary point of view

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### Abstract

A prosperous, peaceful and civilized society depends upon the behavior, education and attitudes of the people living within it. The most important factor in change of behavior and attitudes of the people is effectiveness of education and training which is primarily done at education institutions. There are many theories and practices for the effective change and nurturing the new generation in which corporal punishment has a significant role throughout the history.

There are three kinds of opinions regarding the corporal punishment of children among the people. One group is of the opinion that it has the complete right of punishing the children for their faults. The second group is of the view that corporal punishment is totally inhuman and brutal. The third group is a moderate one which interprets have the opinion that teachers and parents have the right of punishing children corporeally but they will exercise this right very rarely with care and cautions.

In Islamic point of view, the character building of the child is the foremost element in the education system. Punishment is considerable only when all the preliminary struggles of bringing changes become fruitless, like wise, the punishment should be limited and not shocking. It is of the view that the teachers and parents should take concions measures with regard to punishment.

The current paper deals with this topic in detail from modern and Islamic points of view.

**Key Words:** Children, Parents, Physical violence, Punishment, Child protection

### Introduction

The offspring is considered as a matchless blessing in the humans as the prophets themselves prayed for this. Hazrat Zakariyya (AS) prayed to the Almighty Allah:

"رَبِّ هَبْ لِي مِنْ لَدُنْكَ ذُرِّيَّةً طَيِّبَةً إِنَّكَ سَمِيعُ الدُّعَاءِ"<sup>1</sup>

*"My Lord, grant me from yourself a good offspring. Indeed, you are the Hearer of supplication."*

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Similarly, many prayers of Hazrat Ibrahim (AS) have been described in the Holy Quran for making them righteous, pious and just. In the present day situation, people are celebrating on the birth of children, but generally, they ignore the significance of their proper upbringing. The parents should do their level best to provide every kind of training for their children upbringing in the right way and avoid all such things which are harm to their children's future. On the other hand, it is the responsibility of the teachers to nurture their students, enabling them to lead a righteous and virtuous life. This is very important because we believe that we shall be awarded according to our deeds by the Almighty Allah who wishes a successful and prosperous life for His fellow beings. The Holy Quran describes as:

"مَا يَفْعَلُ اللَّهُ بِعَذَابِكُمْ إِنْ شَكَرْتُمْ وَآمَنْتُمْ وَكَانَ اللَّهُ شَاكِرًا عَلِيمًا"<sup>1</sup>

*"What would Allah do with your punishment if you are grateful and believe?*

*And ever is Allah Appreciative and Knowing."*

The Almighty Allah sent prophets for the guidance and welfare of the humanity in order to save them from punishment as Almighty Allah does not like punishment, principally. However, if someone insists on avoiding His commandments and acts upon His prohibitions, then this person deserves to face penalties.

Proper upbringing and training of children is considered a significant job and punitive method is used for the reform and guidance of the children. However, there are two points of view regarding this theory. The first group is related to the followers of Semitic religions (Islam, Christianity and Judaism) and the second group belongs to the liberals who are known as followers of modernism, humanism and individualism. We will discuss upbringing of children from Islamic points of view.

### **Islam and Training of Children**

Principally, the religion of Islam considers the parents responsible for the training and education of the children. Resultantly, Islam provides the necessary guidelines for their education and training with love, affection and self-exemplification in order to save them from great loss in the world as well as in hereinafter. The Almighty Allah says:

"يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ"<sup>2</sup>

*"O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones."*

Hazrat Abdullah bin Umar (RA) narrates that I asked the messenger of Allah (PBUH) after the revelation of this verse;

*“We protect ourselves (from Hell) but how should we protect our families?”*

The Holy prophet (PBUH) replied:

*“Forbid them from the deeds from which you have been forbidden and bid them to do the deeds to which you directed, this will be protection between them and the Hell.”<sup>3</sup>*

*Hazrat Ali (RA)* has said in the commentary and explanation of this verse as:

*“وعلموا أنفسكم وأهليكم الخير وأدبهم”*

*“Educate with good, yourself and your families, and teach them good etiquettes.”*

The Almighty Allah has not only obligated his fellow men to do good deeds in order to save themselves from the fire of the Hell but also directed them to convince and educate their offspring to do good deeds for protection from the Hellfire. The famous commentator of the Holy Quran, *Allama Alusi* has described in his commentary that the term “*Ahl*” “الاهل” amounts to the person’s wife, children and slaves<sup>4</sup>.

Especially the children need more attention and parents are more responsible for them than wife and slaves. They need to be educated, taught and directed from time to time according to the situations in order to gain success in this world and here in after. *Hazrat Abdullah bin Masood (RA)* reports:

*“وعودوهم الخير، فإن الخير عادة”*

*“Make your children habitual to good because doing well is a habit, primarily.”<sup>5</sup>*

The Holy prophet (PBUH) has said;

*“إن أشد الناس عذاباً يوم القيامة من جهل أهله”*

*“The person facing the most wrath in the Day of Judgment will be that one who exercised carelessness in the education of his family.”<sup>6</sup>*

Likewise, a hadith of the Holy prophet (PBUH) is described in the eminent book “*Tareekh Al-Kabeer* by *Imam Bukhari*” that any father has not given the best gift to his child except than good training.<sup>7</sup>

Another distinction of Islam is that it does not discriminate between the educations and training of boys and girls, hence it encourages educating both of them. The Holy prophet (PBUH) has been reported that he said;

*من عال حاريتين بنتين حتى تبلغا جاء يوم القيامة أنا وهو كهاتين وضم أصابعه*

*“the man who nurtured two girls (daughters or sisters) with the provision of good education, will come very close to me in the day of judgment and the prophet (PBUH) pointed to the two fingers.”<sup>8</sup>*

The directions which have been given regarding the education and training in the Islamic literature prove that Islam has considered, this is a prime issue making the parents answerable for it and set great significance over it

being an issue of reformation and destruction of the society. The bad state of the children is not only harmful to their selves, but also to their parents, hence it occupies vital important that children should be educated in a good manner being useful to him self, parents and society at one hand and earn eternal success in the life hereinafter, on the other hand.

The Holy prophet (PBUH) narrated that:

كُلُّكُمْ رَاعٍ فَمَسْئُولٌ عَنْ رَعِيَّتِهِ فَأَلَامِيرُ الَّذِي عَلَى النَّاسِ رَاعٍ وَهُوَ مَسْئُولٌ عَنْهُمْ وَالرَّجُلُ رَاعٍ عَلَى أَهْلِ بَيْتِهِ وَهُوَ مَسْئُولٌ عَنْهُمْ وَالْمَرْأَةُ رَاعِيَةٌ عَلَى بَيْتِ بَعْلِهَا وَوَلَدِهِ وَهِيَ مَسْئُولَةٌ عَنْهُمْ وَالْعَبْدُ رَاعٍ عَلَى مَالِ سَيِّدِهِ وَهُوَ مَسْئُولٌ عَنْهُ أَلَا فَكُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ

*“Every one of you is a guardian and is responsible for his charges. The ruler who has authority over people, is a guardian and is responsible for them, a man is a guardian of his family and is responsible for them; a woman is a guardian of her husband's house and children and is responsible for them; a slave (Abu) is a guardian of his master's property and is responsible for it; so all of you are guardians and are responsible for your charges.”<sup>9</sup>*

Whereas the case of children’s training and education is concerned, it is an undeniable fact that parents’ own etiquettes, character, emotions, ideals and character directly inspire their children. Therefore, those parents wishing their children to be honest, righteous, just and prudent should inculcate these characteristics in them, firstly. This strategy will pave the path to smooth, positive change in their children, which will, consequently, lead to the formation of a peaceful environment in the society.

### **Reformation and refinement of the children**

In order to make children habitual to perform daily prayers, the Holy prophet (PBUH) has described a special technique based on the psychology of children, which gives us guidance to educate and train children, the messenger of Allah says:

مُرُوا أَوْلَادَكُمْ بِالصَّلَاةِ وَهُمْ أَبْنَاءُ سَبْعِ سِنِينَ وَاضْرِبُوهُمْ عَلَيْهَا وَهُمْ أَبْنَاءُ عَشْرِ وَفَرَّقُوا بَيْنَهُمْ فِي الْمَضَاجِعِ

*“Bid your children perform prayers when they reach to the age of seven years, and punish them (over negligence in offering prayers) when they reach the age of ten, and separate their beds”<sup>10</sup>*

Performing the daily prayer for every Muslim is mandatory, when a child reaches to the age of puberty, this obligation cannot be escaped in any case except in the case of sleep, senselessness or madness. Therefore, parents are directed at the very beginning to inculcate the habit of performing prayers in them. The child sees his parents performing prayer in the home and gets acquainted with it, then the father should take him to the mosque when he

becomes seven years old, while his mother should constitute a conducive environment by performing prayer in the home herself, and, when the child reaches to the age of 10 years, and shows negligence or carelessness in the prayer, the parents can take punitive action against his good faith. A lesson can be learnt from this tradition of the prophet (PBUH) which is to treat children with love and affection in education and teaching. Hence, parents and teachers should take care in educating the children and unnecessary stress on children should be avoided.

### **Concept of Punishment over Negligence in prayer**

If a child who reaches to the age of 10 years, shows carelessness in the observing the daily prayers, then he can be reprimanded suitably according to the situation. It is a fact that the messenger of Allah (PBUH) principally allowed the admonishment of such child; however, he did not punish any child throughout his life. He used to inspire people, including children around him through politeness and his charming etiquettes. Moreover, he used to advise his followers to take care of their subordinates and use suitable methods of rebuke where needed. He advised to the *Hazrat Maaz (RA)*;

"علق سوطك حيث يراه أهلك"

"Hang a stick (in your home) in order to be noticed by your family<sup>11</sup>."

Hazrat Muhammad (PBUH) was even kind to animals. Once he noticed that a man was beating his camels for moving with a speed that could not do so due to extra burden, then, he forbade them from beating. Furthermore, *Hazrat Anas (RA)* spent 10 years with him, but he did not reprimand him for a single time. These all examples show the high extent of his kindness and politeness.<sup>12</sup> By giving the approval of admonishment in case of negligence in performing the prayers, the religion of Islam has pointed to a significant rule in the training and education of a child, i.e. the parents, guardian and teacher have the right to use all possible means in the education and reformation of the children but they should start from the verbal instructions, encouragement and use of various simulative techniques, gradually. However, if there is no escape from corporal punishment, then they apply this option as well in a suitable manner.

### **Regulations for Corporal Punishment**

The corporal punishment affects the nature of the child as the creator of the universe has used this for the advice and instruction of His fellow men. Similarly, the Belief in Hereinafter also inspires the actions of the human beings. The Holy prophet (PBUH) pointed to the significance of the daily

prayers by advising admonishment for the defaulters of the daily prayers. On the other hand, the Almighty Allah has not administered or advised punishment as an elixir for all evils. He has sent more than one hundred thousand messengers to advise, instruct and educate people to reform their selves. Hence, He preferred the advice and instruction over the punishment in calling His fellow men to the righteous path. This can be more elaborated by the example of stating clash between wife and husband in the Holy Quran. The Holy Quran suggests the method of advice for wives in case of clash, if this is not proved effective, then separate your beds from them and even if they do not reform their selves, then the option of corporal punishment can be used with specified conditions<sup>13</sup> i.e. This punishment should not be applied to the soft organs of the body and it should not injury making<sup>14</sup> *ضربا غير مبرح*.

By allowing parents and teachers to use the option of corporal punishment, Islam has not given them right to use it freely and generously which can lead to inhuman torture like enemies. They should take individual differences in mind while dealing with defaulted student and educate them according to their IQ level. Some students bring domestic problems with them to the schools and remain disturbed during school time; the teachers should pay attention to such students. However, after applying all pre-cautionary techniques, teachers can give corporal punishment like a surgeon who considers surgery for a patient as lifesaving skill. The corporal punishment should be given in the state of anger in any way. The teacher should be affectionate enough like before while punishing students and avoid soft organs and face in punishment.

In our society, it has been noticed frequently that teachers and parents punish children rigorously. They consider the corporal punishment as a single remedy for all harms and they do not take restrictions in mind while punishing, which lead to endangering the lives of children in some cases. This practice cannot be regarded as appropriate to the etiquettes of a Muslim parent or teacher.

### **Corporal Punishment from the Liberals' Point of View**

Regarding the instruction and corporal punishment of children another important stakeholder is the group of liberals which are known as non-religious who follow the schools of humanism and individualism. They are of the view that all people have the equal right to lead a free life and laws should be made according to the wishes of the people, hence the people are not subjected to eternal laws and laws made by them can be changed as per requirement of time

and situation. Furthermore, the “code of conduct” is constituted according to their own interpretation of laws. This viewpoint has been adopted in many developed countries, consciously or unconsciously.

In these countries, people prefer to live a life free from the religious restrictions, however; they care for humanistic norms and rights, profoundly. Especially, the gender equality is stressed on one hand, and child rights are given extra ordinary attention, on the other. Therefore, corporal punishment in houses or in schools is condemned there, generally. Poland is very first country which banned the corporal punishment in schools in 1783 inspired by the renowned philosopher John Locke.

*"The English philosopher John Locke who's Some Thoughts Concerning Education explicitly criticized the central role of corporal punishment in education. Locke's work was highly influential, and may have helped influence Polish legislators to ban corporal punishment from Poland's schools in 1783, the first country in the world to do so<sup>15</sup>."*

Similarly, another European country Sweden made legislation against child corporal punishment and presented an example for other countries. Consequently, 41 other countries approved this law in their respective countries<sup>16</sup>.

*"The new Swedish Parental Code reads: "Children are entitled to care, security and a good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment<sup>17</sup>."*

The fundamental reason behind all this legislation is accidental incidents in which bones of some students were fractured and some even died.

In some countries this was encouraged by scandals involving individuals seriously hurt during acts of corporal punishment. For instance, in Britain, popular opposition to punishment was encouraged by two significant cases, the death of Private Frederick John White, who died after a military flogging in 1846.<sup>18</sup> And the death of Reginald Chancellor, killed by his schoolmaster in 1860<sup>19</sup>.

On the other side, the developed countries have provided all kinds of teaching and learning facilities due to technological advancement and made the teaching learning process easy, charming and interesting. However, it is a fact that science has been failed in instructing its followers to distinguish between good and bad. The above mentioned legislation is also a byproduct of this dilemma. This restriction has resulted in the bringing of physically smart, but morally and ethically dead students. Whatever the case may be, the holders of this opinion suggest that each human being is naturally free and he can decide in a better way about his own self than anyone else. After this opinion has been

applauded by educated and trained people to some extent, it has been started to adopt by other folks.

These people live in a way different from the traditional one which is living outside the historical family structure. They do not pay heed to the training and education of their children inside houses nor do they stress them for accepting a specific opinion or suggestion. The children have the right to seek legal assistance against the unsuitable behavior of their parents & teachers. However, if children practice a socially unacceptable action, the parents & teachers have no right of objection over them, which ultimately create problems and making their lives miserable. The solution to this situation is to empower parents once again for the reformation, education and training of their children as they are the segment of society which is the sincerest one towards them. They have to do their traditional job of bidding and forbidding through the use of various techniques of award, reward, encourage and rebuke as per the situation and psychological requirements.

### **Summary**

The above mentioned discussion shows that there are three kinds of opinions regarding the corporal punishment of children in the people. One group is of the opinion that it has the complete right of punishing the children for their faults. They rigorously treat their children inside and outside the house for negligible mistakes which sometimes result in the physical damage to their bodies. They practice this due to their ignorance from religious teachings or their unfamiliarity from modern teaching techniques. This situation creates an extreme level which consequently results in the shape of legislation against this practice.

The second group is of the view that corporal punishment is totally inhuman and brutal. However, it is a fact that children are insane and foolish by nature and they cannot distinct between good and bad, therefore they need to be educated and instructed and even punished consistent with situational requirements.

The third group is a moderate one which is of the view that teachers and parents have the right of punishing children corporeally but they will exercise this right very rarely with care and cautions. They have to know individual differences, domestic problems, IQ level and psychological problems of the children, firstly. The teachers and parents should present an example before children by doing well and refraining from the evils. The option of verbal instruction and advice should be used in the first mistake and corporal punishment should be avoided to the possible extent. However, if

corporal punishment is inevitable, then it should be administered when the teacher or father is of cool mind being free from anger. This notion of punishment is supported by the teachings of Islam and other religions also buttress this theory.

### References

- 1 *Surah Al-Nisa 04:147*
- 2 *Surah Tahreem 66:06*
- 3 *Al-Alusi, Shahabuddin Mahmud bin Abdullah Al-Hussain, Roohul Maani fi Tafsir, under the verse No. 66:06, Darul Kutub Al- Ilmi, Beirut,1422 h*
- 4 *Ibid 66:06*
- 5 *Al sauti ,Abdurrahman bin Bakar Jalal u Din, Al Durr ul mathor, 2: 216, Darulfikar, Beirut,1993*
- 6 *Al-Zamahshari, Mahmud bin Amar bin Ahmad, TafsirKashaf, under verse No. 66:06 DarulFikr, Beirut, 1987*
- 7 *Bukhari, Muhammad bin Ismail, Tareekh Al-Kabeer, Hadith No.1356, DarulFikr, Beirut ,1422h*
- 8 *Muslim, Imam Muslim Bin Hajjaj, Sahih Muslim, Hadith No. 2631, Dar Ahya Al-Turath Al-Arabi, Beirut, 1421h*
- 9 *Sahih Bukhari, Hadith No. 893*
- 10 *Abu Daud, Ash'ath bin Sulaiman, Sunan Abu Daud, Hadith No.495, DarulFikr, Beirut*
- 11 *Tibrani, Abu Qasim Suliman bin Ahmad, Mojam Al-Kabeer, Hadith No. 10672, Maktaba Ibne Teemiya, Qahir*
- 12 *Al Baghavi, Husain bin Masood, Sharhee al suna, Hadith no 3635 al maktab Islami, Beirut 1403H.*
- 13 *Surah Al-Nisa 04:34*
- 14 *Sahih Muslim, Hadith No. 1218*
- 15 *Jump up, Newell, Peter ‘A last Resort Corporal Punishment in Schools, ppg. 9 Penguin, London, ISBN 0-14-080698-9, 1972*
- 16 *www.endcorporalpunishment.org/pages/progress/prohib\_states.html*
- 17 *Jump up, Council of Europe Abolishing, corporal, punishment of children, 2007*
- 18 *Jump up Barrett’s, C.R.B. The History of the 7th Queen's Own Hussars Vol. II.*
- 19 *Jump up Middleton, Jacob "Thomas Haply and mid-Victorian attitudes to corporal punishment” History of Education, 2005*