### CHILDREN'S RIGHTS TO EDUCATION: ISLAMIC PERSPECTIVES

### GHULAM MOHAMMAD QANET MOHAMMAD NAQIB ISHAN JAN MOHAMMAD TAHIR SABIT HAJI MOHAMMAD MUHAMAD HASSAN AHMAD RAHMATULLAH HASANP

This paper focuses on the children's rights to education in Islam and evaluates its impact on their rights to education. Research findings specify that education in Islam is thought compulsory for all children in their childhood. Islamic sources distinguish among fardhu 'ain and fardhu kifayyah sciences. The former is obligatory for all, while the latter is compulsory on some members of the Muslim community. Regrettably, this model is not given attention well for reasons ranging from plain ignorance and misinterpretations of the educations of Islam to the confusion of ethnic and cultural norms with the clear principles of Islam, among others.

#### INTRODUCTION

Even though the exposition of the human rights in general and the rights of children in particular, is wider in the Islamic sources and academics writings, there are some disturbing discrepancies in the implementation of it within current legal framework of a

<sup>1</sup> Senior Teaching Assistant, Public Law Department, Faculty of Law and Political Science, Herat University, Heart, Afghanistan, Email: ghulammohammadqanet@gmail.com

<sup>2</sup> Professor, Civil Law Department, Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia, Kuala Lumpur, Malaysia, Email: naqib@iium.edu.my

<sup>3</sup> Associate Professor, Civil Law Department, Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia, Kuala Lumpur, Malaysia, Email: tahiriiumedum@iium.edu.my

<sup>4</sup> Assistant Professor, Civil Law Department, Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia, Kuala Lumpur, Malaysia, Email: mdhassan@iium.edu.my

<sup>5</sup> Teaching Assistant, Public Law Department, Faculty of Law and Political Science, Heart University, Heart, Afghanistan, Email: hasanisuhaib@yahoo.com

variety of Muslim nations. These discrepancies are specifically noticeable with regard to the right to education whereby, when coupled with discriminatory ill treatment of female children. This goes against the Islamic principles. Education, in Islam, is deemed obligatory for all children and youths. Islamic sources differentiate between *fardhu 'ain* and *fardhu kifayyah* sciences. The former is compulsory for all, while the latter is incumbent on some members of the Muslim community. Bearing these in mind, it is imperative that parents, and if they are not able to, the State has to ensure all children and youths acquire at least *fardhu 'ain* education, and some of them as Muslim educationists deem fit, ought to get *fardhu kifayyah* education without discrimination.

Notwithstanding the explicit guidance and rules regarding the compulsory nature of the rights of children in Islam, particularly the right to education, there are numerous violations and instances of abuses. In other words, there are yawning gaps between the ideals and realities. There have been many instances of discrimination and abuses perpetrated by some States, parents, educational institutes and even educators. These gaps are further complicated by the recommendations, reports and 'roadmaps' of the official and semi-official international children protection bodies aimed at addressing and assessing the rights of children in Muslim countries today. This research paper attempts to present the position of Islam on the educational rights of children and the implementation of these by the select number of Muslim governments. It also includes a summery with recommendations for concrete steps towards practical enhancement of the educational rights of children in Muslim countries. The details human rights in general and the rights of children in particular in the Islamic sources will be elaborated in the following sections of this study.

# RIGHTS OF CHILDREN IN ISLAM AND IN THE ISLAMIC LITERATURE

Islamic sources, both primary and secondary, treat the topic of the rights of children carefully and with a great deal of elaboration including the unborn.<sup>1</sup> The rights of unborn, new-borns, and

infants are prescribed in a number of verses of the Quran and the *ahadith* of the Prophet Muhammad (*s.a.w.*). These rights in addition to the physical development, emotional and spiritual wellbeing cover their legal rights.<sup>2</sup> It is presumed that children's education commence when they are seven on the basic of the following *hadith* which says: "Command your children to pray when they become seven years old, and beat them for it (prayer) when they become ten years old; and arrange their beds (to sleep) separately".<sup>3</sup>

In another account, it says: "That is when the parents should really teach the children both boys and girls to pray, and then after they are ten, they should do the prayers on their own, and if they do not, the parent can make them, compel them to do the prayers. But my own children, when they see me doing the prayers, they imitate me, and learn to do the same motions, at a much earlier age than seven, when they are just little. It is the parents' job to be a good model for their children, because then the children will learn by seeing with their eyes and doing the same thing".4 Hence, it is compulsory upon the parents to educate the child to achieve daily prayers, to school him the instructions of prayers when the child has completed seven lunar years.<sup>5</sup> Moreover, it is their duty to ensure that the children grasp and practice the fundamental Islamic faith, social and economic teachings.<sup>6</sup> Further details of children rights in Islam will be presented in the following discourses.

### Brief Overview of Rights of Children in Primary Sources (Quran and Hadith)

In Islam, children are entitled to a variety of rights. Some of these rights are due even before their birth. The first right of the child over the father is to choose a righteous wife in order to be a righteous mother who can educate her children in the right manner. Omar bin Al-Khattab (*r.a.*), one of the closest companions to the Prophet Muhammad (*s.a.w.*) and the second Caliph, is reported to have said: "Do not marry a close relative lest the child is born scrawny".<sup>7</sup> This saying points to the care Muslim parents ought to observe in

order to prevent any hereditary physical and mental disorders of their future children. This saying is also in line with findings from the field of contemporary genetics and medical studies, which has also shown that some that some hereditary diseases may afflict a new-born child when close relatives marry.<sup>8</sup> Other rights include the child rights to proper breastfeeding, nutrition and care in infancy and early childhood.<sup>9</sup> The rights also cover the protection against diseases, immunisation and other measures towards their physical wellbeing. From the most basic rights of feeding and nutrition, primary sources also provide guidance about economic wellbeing and inheritance in a direct and succinct manner.<sup>10</sup>

By drawing on the available references to the rights of children in the primary sources, contemporary Muslim scholars have focused on some aspects of the children rights particularly relevant to the present day challenges.<sup>11</sup> These scholars have listed the following rights of children: "A child's right to health and life. A child's right to a family, kindred, name, property and inheritance. A child's right to healthcare and proper nutrition. A child's right to education and the acquisition of talents. A child's right to live in security and peace, and enjoy human dignity and protection under the responsibility of the parents. The caring role of society and the State to support all these rights and support families incapable of providing appropriate conditions for their children".<sup>12</sup> It can be observed that contemporary Muslim scholars have selected these six rights as being the core of children rights in Islam. Children right to 'education and the acquisition of talents', as it is dubbed by Al-Azhar scholars, is one of the most prominent and essential rights of children in Islam,<sup>13</sup> and covers several forms of knowledge and disciplines that should be conveyed to children.<sup>14</sup>

The primary sources of Islam are replete with explicit injunctions to seek knowledge and to spread to whoever is desirous of it.<sup>15</sup> It can be seen in the following verses of the Quran which says: "Read in the name of thy Lord who created;"<sup>16</sup> "Read in the name of thy Lord who taught by the pen;"<sup>17</sup> and "taught the human being what he did not know;"<sup>18</sup> "He bestows wisdom upon anyone He wills, and he who is given wisdom is in fact given great

wealth, but only those who have common sense learn lessons from these things;"<sup>19</sup> "Are those who have knowledge equal to those who do not have knowledge? It is those who are endued with understanding that receive admonition;"<sup>20</sup> and "Those truly fear God, among His Servants, who have knowledge: for God is Exalted in Might, Oft-Forgiving".<sup>21</sup> These injunctions and commands are directed towards all Muslims regardless of gender and age. The only question or issue which is the matter of discussion is the proper age of children to commence formal education process and what is the proper manner to instil knowledge and discipline in them.<sup>22</sup>

In another account, it says: "If anyone travels on a road in search of knowledge, Allah will cause him to travel on one of the roads of Paradise. The angels will lower their wings in their great pleasure with one who seeks knowledge, the inhabitants of the heavens and the Earth and the fish in the deep waters will ask forgiveness for the learned man. The superiority of the learned man over the devout is like that of the moon, on the night when it is full, over the rest of the stars. The learned are the heirs of the Prophets, and the Prophets leave neither dinar nor dirham, leaving only knowledge, and he who takes it takes an abundant portion".<sup>23</sup> The right of the child to education, at elementary level is also mentioned in the primary sources, and covers several forms of knowledge and disciplines that should be conveyed to children.<sup>24</sup>

#### Right to Education in Islam

Islam places great emphasis on education in general, and the education of the youths and children in particular.<sup>25</sup> The right to education in Islam, therefore, does not only refer to adults, but includes children and adolescents. This right, thus, falls on the shoulders of parents, and State authorities where Islamic principles are taken as references for national legal documents. Parents and State authorities are obliged to provide conducive conditions for proper elementary and secondary education of children and adolescents.<sup>26</sup> Education as *Fardhu al Ain* and *Fardhu kifayyah*. Perhaps, the most elaborate and succinct exposition of the

obligatory nature of education, as an unambiguous right of Muslim children, is in the classical Islamic scholarship done by Abu Hamid al-Ghazali in his *Kitab al-'Ilm* (the Book of Knowledge). Al-Ghazali stated that many sciences, though Muslim scholars have some disagreement about the exact list of subjects to be taught, have to be instilled in children by parents and teachers. These binding fields of knowledge pertain to the basics of *akhlaq*, *fiqh* or *fiqh alibadat*, *tawhid* so that the child can start performing the obligatory acts of worship from an early age. These fields of knowledge presuppose the knowledge of reading and writing as well as basics in using numbers, in other words, the fundamental elements of literacy and numeracy.<sup>27</sup>

All the above sciences and skills are deemed to be binding on all Muslims, and they constitute a duty of parents to successfully teach these and instil them in their children. Similar to the fields of knowledge that are considered obligatory for all able Muslims and their children without exception, there are certain sciences that are binding on the Muslim community as a whole, and if the acquisition of these is performed by some Muslims, then the obligatory nature is considered fulfilled. In other words, certain fields of knowledge are binding on some Muslims. It is the responsibility of the leaders of the State or community to determine who has to study in these fields and in which manner.<sup>28</sup> The rights to education cover several forms of knowledge and disciplines that should be conveyed to children.

#### Method of Education and Discipline

Children's education and discipline have been highly concerned by a great number of Muslim scholars throughout Islamic intellectual history. Some of these expositions are summed up by a contemporary Muslim scholar as: "It is due largely to the Quran's sustained emphasis on learning (*'ilm*) that Muslim scholars explored the subjects of child education and discipline at an early stage and made significant contributions to the subject. They also placed a great deal of emphasis on virtuous conduct (*'amal saalih*), which can be seen as a concomitant aspect of Islam's outlook on education.

Leading Muslim scholars have in principle permitted light physical punishment as part of the discipline of the child, but have stressed that it should only be for a beneficial purpose, and that the parents should also be involved in any decision to apply it. When both parent and teacher agree that physical punishment is the only option they are left with, they may proceed to take that step. They are reminded, however, that the approach so taken should be disciplinary rather than punitive. Before making such a decision, teachers and parents should reflect on the purpose of punishment first. If they resort, for example, to caning, let them also make it as their last resort".<sup>29</sup>

Adab al-Mu'allimin (the Etiquette of Teachers), Ibn Sahnun al-Tanukhi, took the view that beating should be limited to three strokes. Beating the juvenile have to also be with the agreement of parents and should, in any case, be moderate. Exceeding that number should be limited to particular examples of mischief, and light strokes should in all cases concern just to harmless portions of the body, such as the feet, and should in no case surpass ten strokes. Maternal involvement in juvenile discipline does not mean to impose pain but to control unacceptable behaviour.<sup>30</sup>

Moreover, Abu'l Hasan al-Qabisi who authored a book on pupil-teacher families, inscribed that the finest method to discipline is to communicate with the juvenile with helpfulness and worry, in an effort to recognise the reasons of the issue and attempt to plea to the child's consideration. For the juvenile, despite his immaturity, is a human being who is brilliant with the skill of reasoning and the talent to recognise the reasons of things. One should not permit anger and emotion to arrive into a choice to rebuke a child.<sup>31</sup> Abu 'Uthman Al-Jahiz, a well-known researcher, reports that after the expert Uqbah Ibn Abi Sufyan appropriated his kid to the school teacher, he said to the teacher: "Before you start teaching my son, refurbish yourself first. This is because the students' eyes are tied to your vision. Good to them will be what you see as good, and bad to them will be what you see as bad. And be for them like a physician who does not rush in medication before diagnosing the sickness".<sup>32</sup>

Abu Hamid al-Ghazali opined that parents and educators should not reproach kids regularly, for recurrent rebuke may unpleasantly affect a child's ability to reply to "gentle advice and normal communication". The rudimentary determination of sentence is to discourage repetition and make fear through infliction of some pain.<sup>33</sup> Ibn Khaldun endorsed this view and warned of the harmful consequences of severity in child discipline by saying that: "severity suppresses the child and robs him of the joy of childhood, just as it is likely to encourage laziness, recourse to lying and making excuses".<sup>34</sup>

Thus, both al-Ghazali and Ibn Khaldun advise the parents and teachers to take "a minimalist approach to punishment. If the persuasive methods fail, the teacher and parent of young children ought to limit physical punishment to three strokes".<sup>35</sup> Even if all the efforts at instilling discipline and learning fail, and there is still a need for corporeal punishment, this has to be done with precaution in order not to cause any negative psychological effects in the child's ability to pursue learning and getting the right habits and discipline.<sup>36</sup>

#### Responsibility of Parents for Children's Education

In early childhood, it is the responsibility of parents to instil mostly basics of the proper conduct and learning in their children. This process needs to be carefully planned and executes so as not to invite aversion in children towards learning and acquisition of discipline. As elaborated by Hashim Kamali: "Parents and teachers should not overwhelm children with education such that they are deprived of time and opportunity to play games that relax them and relieve them of the fatigue of schooling".<sup>37</sup> The best gift from a father to his child is education and upbringing.

In this aspect, Sa'id Ibn Al-'as narrated that: "One day a man came to Umar ibn al-Khattab to complain of a disobedient son. So Umar had brought the boy to him and he blamed him for his disobedience. Then, the boy addressed Umar by saying 'O Commander of the faithful: Are there no rights for a boy against his father?' Umar said: 'Yes'. Then the boy said 'What are these

rights O Commander of the Faithful?' Umar said: 'To choose a good mother for him, to select a good name to him and to teach him the Quran'. Then, the boy said: 'O Commander of the faithful; my father has not accomplished any of these rights. As for my mother, she was a black slave for a Magian; As for my name, he has named me Jual (beetle); and he has not taught me even one letter from the Quran'. Then, Umar turned round to the man and said: 'You came to me complaining disobedience on the part of your son, whereas you have not given him his rights. So you have made mistakes against him before he has made mistakes against you'".<sup>38</sup> *Thus, a* father can give his child toys, wealth, women/men, and so on but still that child will have a terrible future ahead without an education and an Islamic upbringing together.<sup>39</sup>

#### Responsibility of State for Children's Education

It is the responsibility of a Muslim nation as well as parents (in early childhood) to ensure all children receive proper education. This responsibility of the State as well as the right of children is well-documented by Islamic sources. As mentioned by Hashim Kamali: "Given such veneration for knowledge, it is only natural that Islam makes the pursuit of knowledge an obligation. The Prophet Muhammad (*s.a.w.*), thus declared that "the pursuit of knowledge is an obligation upon every Muslim". A variant report of this *%adîth* also adds at its very end the phrase "man and woman". The question remains whether this means that the individual has a right to education. Some commentators have noted that the Islamic polity is under an obligation to provide free universal education to the extent of its capability for all citizens. When there is a duty, there is a corresponding right of every citizen *vis-à-vis* the State to be provided with basic education.

It should be noted further that learning in Islam is not confined only to schools or educational institutions. Reports indicate that the Prophet Muhammad (*s.a.w.*) employed women teachers to teach basic literacy to his wives. It is most likely that he did so in his Prophetic capacity which would confirm that education is both a right and an obligation of every Muslim, but if some of what he

did was in his capacity as head of State, then that would further support the conclusion that education is one of the basic functions of the State in Islam".<sup>40</sup> Hence, if education of the children and adolescents cannot be fulfilled by parents, then State authorities need to provide all their available means and assistance to them to require education.<sup>41</sup>

# ABUSE AND DISCRIMINATION OF THE RIGHTS OF CHILDREN

The contemporary challenges to the rights of children in Islam pertain to the implementation of the principles rather than the lack of understanding of those principles. Nevertheless, the clarity and directness of the Islamic principles about the rights of children, there are many instances of discrimination and abuses perpetrated, sometimes, by parents, State, educational institutions and even teachers. The reasons and causes underlying these violations of children rights are numerous ranging from the ignorance and misunderstanding of the Islamic teaching as well as confusion pertaining of ethnic and cultural norms with the principles of Islam.<sup>42</sup> Moreover, in a number of Muslim countries whose national laws are either based on an explication of Shari'ah by one of the four major founders of *madhahib*, or heavily refer to it, there are challenges of ethno-centric and cultural (customary) norms being seen and promulgated as the Islamic principles. With regard to this there are cases and instances of violating the rights of children and discrimination against female children, and sadly so, this happens frequently in connection with the rights of Muslim female children to education.43

In many Muslim countries, there are clear instances of discrimination on the basis of gender, particularly directed against female children. This violation of children rights, at least in some cultures, has had a long history and may be even connected to pre-Islamic *jahili* practice of female infanticide.<sup>44</sup> The vast number of Quranic verses and *ahadith* of the Prophet Muhammad (*s.a.w.*) with regard to the clear prohibition of this abhorrent practices and stern warnings of the punishment of the perpetrators are all

well-documented and referred to in the works of many Muslim scholars.<sup>45</sup> Although this practice is no longer committed in contemporary times, the aspects of discrimination against female children and the instances of these persist and are recorded in many contemporary Muslim societies. In these modern day societies, there are tendencies to direct the mistreatment of female children towards denying their right to education on various pretexts and quasi-pretexts. These instances seem to abound many Muslim countries particularly in South Asia and some of the Middle Eastern countries.<sup>46</sup>

### CONCLUSION

Having briefly discussed the educational rights of children in Islam and some of the problems in the implementation, there is no doubt that the sources of Islam (both primary and secondary) deal with the topic of the rights of children with great details. Those rights are the obligation of all Muslim parents and community to ensure towards the children and must not be violated on any pretexts. This ideal is regrettably trumped on for a variety of reasons ranging from plain ignorance and misunderstandings of the teachings of Islam to the confusion of ethnic and cultural norms with the clear principles of Islam. As far as the educational rights to children are concerned, parents ought to play their primary role first to ensure such rights. Then, the State should also ensure a national education system where children can have access to education without any discrimination. This may be made easier bearing in mind that many international conventions on the rights of children contain similar principles to that of the Islamic one, and State should implement their obligations under respective international law.

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