

Muslims should not keep silent
in the face of child abuse.

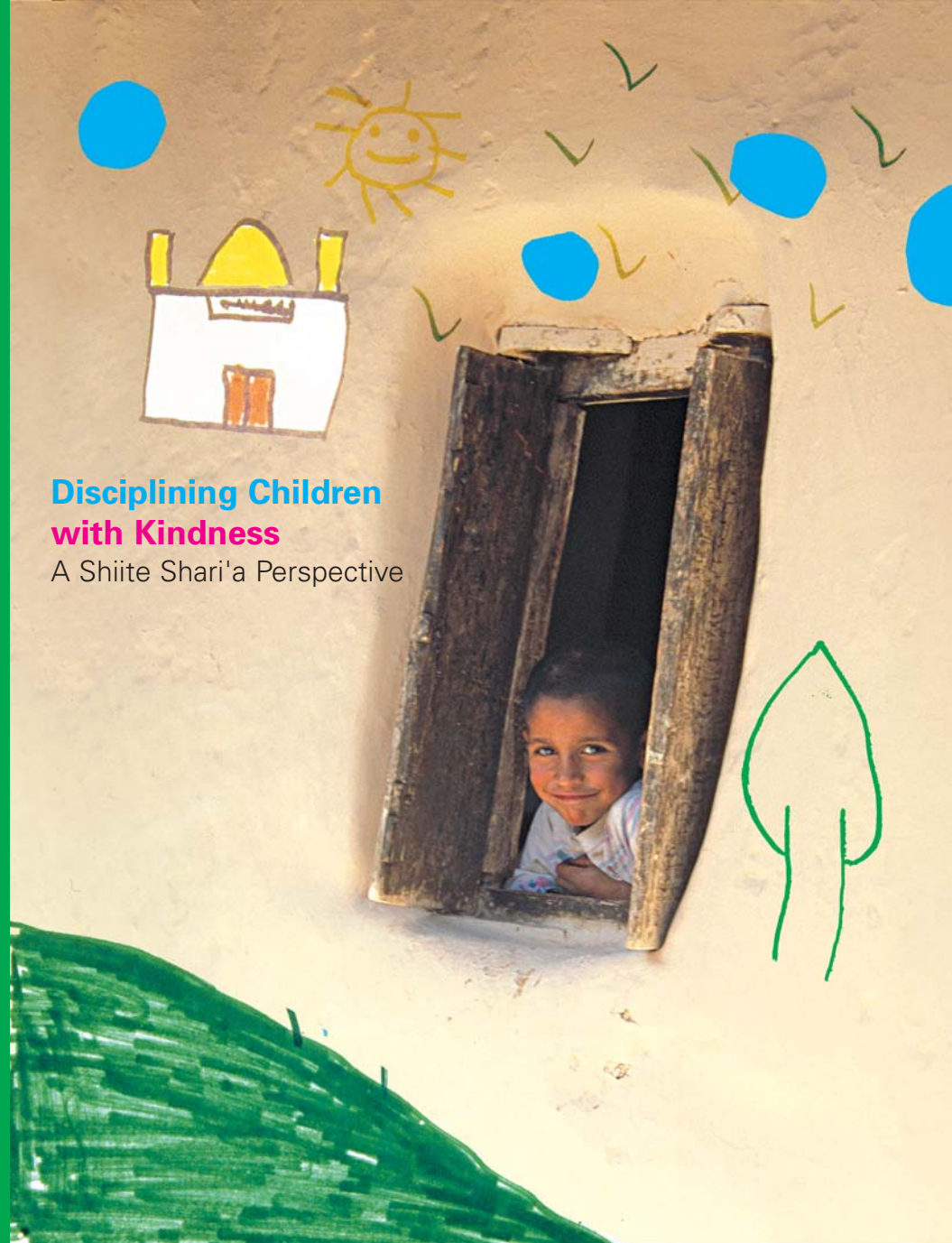
Page 40



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Disciplining Children with Kindness

A Shiite Shari'a Perspective

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with Kindness**

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Disciplining Children with Kindness
A Shiite Shari'a Perspective

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LIST OF CONTENTS

Preface	1
Grand Ayatullah Mousavi Ardebili	6
Grand Ayatullah Sanei	17
Ayatullah Hashemi Rafsanjani	21
Ayatullah Mousavi Bojnourdi	25
Ayatullah Mohaghegh Damad	37
Ayatullah Marashi	39

A WORLD FIT FOR CHILDREN
A WORLD FREE OF VIOLENCE

PREFACE

The recent global study on children and violence has registered physical and sexual abuse as well as neglect and exploitation of children in all societies of the world. It is particularly worrisome when such phenomena happen inside the family - the place where the child should be raised and cared for with love and kindness and be protected against violence. Discipline is important within the family, but can and should be delivered without recourse to physical punishments. There is substantial scientific evidence worldwide that violent discipline contributes to psychological and other developmental problems of the child.


UNICEF is assisting countries all over the world to prevent violence against children. This assistance is based on the mission of UNICEF, the children's organization of the United Nations, to support States and societies in the realization of children's rights.

The right to grow up in an environment free of violence is a fundamental human right of the child as it is of all human beings. The Convention on the Rights of the Child (CRC) in its article 19 states: "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has care of the child."

In Iran, UNICEF has worked with the government since 2005 in addressing child abuse. The cooperation includes technical assistance in legal reform, training of health workers on early detection of child abuse, establishing hotlines for children suffering from violence as well as public information and research on the issue. Many important and innovative initiatives have started since then. But the most important aspect of this cooperation is prevention.

Prevention is a difficult and complex task. The roots of violence against children within the family are many. Often such problems arise as a result of growing stress on parents, in combination with the belief that corporal punishment is an effective way to control and discipline the child. Families themselves may not view corporal punishment as the violence that it is.

Indeed, violent education methods undermine the ability of the child to concentrate in school, they tend to diminish the self-esteem of the child and contribute to anti-social behaviour or self-inflicted harm. Corporal punishment of children also has an ethical dimension expressed in the phrase: "Hitting people is wrong. Children are people too." All in all, any kind of neglect or physical and mental abuse is unacceptable because it negatively impacts on the health and education of children, contributes to negative social behaviour and violates their dignity and rights. We underline that all children have the right to be protected from harsh or cruel punishments, from any type of degradation or threat to their life.



In light of this, it becomes clear that coherent and sustained efforts are needed to prevent any kind of child abuse. Legal measures are necessary to protect the young and to punish the perpetrators of child abuse. Social services must be put in place to support and counsel affected children and their families. In conjunction with this, however, much needs to be done to raise awareness among all levels of society on how to prevent child abuse.

Raising public awareness is not a goal in itself. It needs to be translated into something more concrete: the change of attitudes and behaviours. This is why transferring knowledge and building skills in violence-free discipline and education of parents, teachers and care-takers - in short, everyone who plays a role in the life of a child - is so crucial.

In Iran, clerics and religious scholars are important partners and actors in this endeavour. They have strong influence in society and guide the thinking and action of millions of believers. They possess the moral authority to influence social opinions and social behaviour especially when it comes to marriage, family life and upbringing of children. Therefore UNICEF Iran began to seek the support and collaboration of important religious leaders and scholars of the country in the fight against violence against children.

Each and every cleric or religious scholar opened the doors immediately when we asked for a meeting. All religious leaders we met expressed their concern over the fact that violence seems to govern relations between parents and children in some families - whether in Iran or in other countries. Many agreed to share their wisdom and religious perspectives on violence-free education with UNICEF and a broader audience. Based on their reading of the religious texts and an analysis of the relevant passages, the honourable religious authorities answered seven questions that expound on the correct ways of Islamic education.

We are deeply grateful for the openness and the spirit of collaboration that the religious leaders of Iran have extended to us. We hope the readers of this booklet will find the religious guidance on best ways to raise the child insightful and instructive. It documents the thoughts and guidance of six eminent religious scholars who have a profound insight into the vast archive of Islamic texts and reference material related to the education, guidance and discipline of the child.

Without a doubt, the variety of opinions expressed in this booklet reflect the dynamism of Shiite jurisprudence and prove that the involvement of religious leaders can play an important role in realizing the rights of children in Iran. While there exists an array of opinions related to the question of whether mild forms of corporal punishment are admissible, one strong common principle unites all statements: the best way to educate the child is with kindness and patience.

UNICEF fully agrees with this principle and wishes to underline the importance of education with kindness and enforcement of discipline without violence. We believe that the best way to raise the child is to create a family environment free of violence and we hope that this booklet contributes to promotion of education with kindness in all spheres of a child's social life.

Rights can be established on paper - but they will lead to the realization of human dignity only if social action is taken. Hence, children's rights require: conducive laws; social, economic and judicial policies; services and cultural behaviour to become of practical value for children. Religious leaders, as guardians of human dignity, have always had and will continue to have special responsibility and accountability in the search and practical implementation of legal and social solutions for the problems of children.

Given the long and well-established tradition of Islamic concern and care for children, there is large space for practical partnership between UNICEF and religious leaders in the field of children's rights. For example, in Iran this partnership focuses on four areas:

1. Basic research on child rights and Islam,
2. Promotion of child rights awareness in society,
3. Advocacy for highest legal standards in child rights among judiciary and parliament and
4. Advancement of child-friendly behaviour in society.

This booklet on child abuse is a practical outcome of such partnership in the latter field: it aims to promote child friendly behaviour in society.

Bringing together children's rights and Islam is neither as difficult as it may seem nor is it a small challenge. For this engagement to become successful it is important for religious leaders and partners from other sectors of the society to identify common grounds, learn about differences and address controversial issues step by step.

From a child-rights perspective, the positions of the different religious eminencies in this booklet have important and meaningful commonalities. Their main arguments gravitate around the idea that children have rights and adults have responsibilities. These rights and responsibilities are described through various examples and arguments from the Holy Koran, from different Shiite Imams and Prophets, as well as from Islamic jurisprudence.

All of the authors are deeply committed to protect the dignity of the child against all threats, based on the notion that children are a gift of God. Both concepts - the idea of the dignity of the child as well as the concept of children as rights holders and adults as duty bearers - are also fundamental to the Convention on the Rights of the Child. In addition, some of the theological contributions to this booklet include research finding and reflections on child psychology and child pedagogy.

It is this ability to integrate theological wisdom, religious reasoning and modern science into the theological analysis of a contemporary social problem like child abuse that makes the Islamic texts in this booklet interesting. The triad of religion, reasoning and science constitutes the fruitful basis for the partnership between UNICEF and the Islamic thinkers to protect and realize child rights in the 21st Century.

Finally, allow me to say this: we live in a polarized world. Monologue always carries a high risk of violence while dialogue paves the way to peace. Therefore all forms of dialogue between Islamic and non-Islamic, religious and non-religious thinkers, researchers and practitioners on child rights and women's rights are not only in the best interest of children but are also important contributions to world peace and humanity - and a way to replace the so-called "Clash of Civilizations" with a "Dialogue of Civilizations."

Christian Salazar-Volkman,



Representative, UNICEF Iran



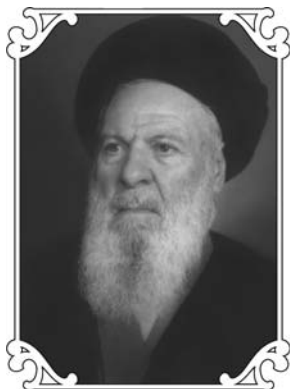
QUESTIONS

The personal texts in this booklet highlight the main Islamic sources and guidance in response to the following seven questions:

1. What is the position of the Holy Quran and religious rules regarding child abuse?
2. What are, according to the Holy Quran and Hadith, the correct ways to educate and discipline children?
3. Considering the social and psychological impacts of child abuse, is a Muslim allowed to be insensitive to child abuse in case of observing any? What is a Muslim's religious responsibility in case of being aware/observing mistreatment or abuse of children?
4. To prevent the increase of child abuse in the society, what are the responsibilities of those involved with children including parents/caretakers, child welfare agencies officials, religious leaders, hospital workers, school teachers, policy makers and elected representatives?
5. What was the practice of the Prophet (Pbuh)¹ and Imams (Pbut)² regarding the child discipline? Have the Prophet (Pbuh) or Imams (Pbut) used violent discipline measures (such as corporal punishment) to discipline children?
6. Is there a possibility to use non-violent methods of discipline for educating the child in Islam? What is the position of religion on use of violence (or corporal punishment) by parents or teachers?
7. According to holy Quran and Hadith, can parents and caretakers be held responsible if they behave violently towards children?

1) *Peace be upon him*

2) *Peace be upon them*



GRAND AYATULLAH ABDOLKARIM MOUSAVI ARDEBILI

BIOGRAPHY

Ayatullah Ardebili was born in Ardebil, northwestern Iran in 1925. At the age of six, he attended a religious school for Quranic lessons. In 1943, he moved to Qom to continue his studies. Later, he lived in the Iraqi city of Najaf for more than two years, where he attended courses taught by senior scholars.

In 1969, he founded the Commander of the Faithful School, a charity with a focus on cultural affairs. The institute has so far built three mosques, a cultural centre, and four universities, as well as middle and high schools, which continue to run today.

Following the victory of the Islamic Revolution in 1979, Ayatullah Mousavi, in co-operation with fellow jurists, revised and rewrote Iranian penal laws and legal regulations for the justice department, ensuring the compatibility of those regulations with Shari'a Law and Islamic jurisprudence.

He has since served in different scientific and executive positions including membership of the Islamic Revolution Council, National Public Prosecutor, the Experts Council and High Council for Cultural Revolution. He was also head of the judiciary.

In September 1989, Grand Ayatullah Mousavi Ardebili moved to Qom. In addition to his own teaching and research, he initiated the opening of the Mofid University.



IN THE NAME OF GOD

Greetings. I would like to wish success to those who make efforts to render a service to humanity, especially to people who cannot stand up for their own rights because of inability or certain weaknesses. In response to the questions raised in the letter by the distinguished representative of UNICEF to the Islamic Republic of Iran, I would like to draw your attention to the following, which is proof of the significance the Muslim faith attaches to children.

WELL-BEHAVED AND MERITORIOUS CHILDREN

Well-behaved and meritorious children are a great gift from God to families. The conduct of such children is a source of honour for their parents. Here are a number of statements by prominent Islamic leaders on the issue. (Vasael ol-Shiite, Chapter 2)¹

Prophet Muhammad, God's peace be upon him and his household, has said: Well-behaved children can be likened to sweet-smelling flowers handed out by God to His creatures.

And also:

There are a number of things that ensure the success and prosperity of a Muslim: a meritorious spouse, a big house, a horse suitable for riding, and a well-behaved, meritorious child. (Behar ol-Anvar, Volume 101)²

Imam Sadegh, the sixth Shiite Imam (Pbuh), said:

What God inherits from a faithful person is a well-behaved child who prays for the consolation of the soul of his/her father and remission of the sins he has committed. (Vasael ol-Shiite, Chapter 2)³

And also:

In the afterlife, the faithful are awarded for three things: their lifetime donations (monetary) whose effects are felt even after their death, their enlightening approaches which are followed even after their departure and meritorious children who pray for them. (Behar ol-Anvar, Volume 101)⁴

This is something else Imam Sadegh (Pbuh), has said:

Prophet Muhammad has stated that Jesus Christ, peace be upon him, once walks past a grave whose occupant is in agony. One year later, Jesus walks past the same grave but finds its occupants calm. "Last year the person in the grave was in agony;

1- Vasael ol-Shiite, Chapter 2 on children, Anecdote 1, Volume 21, Page 358

2- Behar ol-Anvar, Volume 101, Page 98, Anecdote 64

3- Vasael ol-Shiite, the same, Page 359 Anecdote 6,

4- Behar ol-Anvar, the same, Page 100, Anecdote 80

this year, there is no sign of the anguish", Jesus tells God. This is what God reveals to Jesus after his comment: "The well-behaved offspring of this individual came of age, paved the paths people trod, and took an orphan under his wing. That was why I pardoned the father." (Vasael ol-Shiite, Chapter 2)⁵

Islamic teachings draw the attention of parents to the fact that the personality of their children is part of their own personality. In identifying the lofty status of Prophet Abraham (Pbuh), the holy Quran also names his progeny including other prophets and prominent figures. (An'am Chapter, Verses 84 - 86)⁶

THE PHYSICAL AND MENTAL HEALTH OF CHILDREN

Islamic instructions also attach importance to efforts to ensure the physical and mental health of children and stress respect for their character and personality. To secure this important objective, several practical approaches to be implemented at different stages, have been suggested: including before, during and after conception; before, during and after birth; and during the child's infancy, childhood and adolescence. Some of them appear below:

A. Islamic instructions discourage husbands and wives from having sexual intercourse in certain conditions, times and places and reminds them of the consequences intercourse in those conditions would bring about for children. At the same time, they encourage husbands and wives to have sexual intercourse in certain conditions, times and places and remind them of the positive impact intercourse in those conditions would have on children. (Vasael ol-Shiite, Marriage Book)⁷

B. Islamic instructions encourage pregnant women to opt for halal (sanctioned by Islamic law), healthy food with high nutritional value and avoid unhealthy food with detrimental effects. (Behar ol-Anvar, Volume 101)⁸

C. Islamic instructions encourage parents to thank God if their baby is healthy, whisper the first call to prayer in his/her right ear and the second in his/her left ear. Such a measure amounts to introduction of the right ideas to the child immediately after he/she is born. They also encourage parents to choose good names, especially those of great figures. Of course it is much better to choose a name before the birth of the baby; a proper family name should be chosen. The baby should be clothed in a clean, white dress; a party should be thrown to celebrate his/her birth, his/her head should be shaved and gold or silver - equal to the weight of the baby- should be given in alms. (Vasael ol-Shiite, Marriage Book)⁹

D. They encourage mothers to breast-feed their babies for a certain period of time in a certain manner. In case of inability, mothers should hire wet nurses for the task. Such

5. The same, Chapter 2, Anecdote 5, Page 359

6. An'am Chapter, Verses 84 - 86

7. Vasael ol-Shiite, Marriage Book, Chapters 58 - 70, And Prelude to marriage, Volume 20, Page 119 - 140 and Chapters 149 - 156, Pages 251 - 258

8. Behar ol-Anvar, Volume 101, Page 81 - 84, and Vasael ol-Shiite, Marriage Book, Chapters 32 - 34 on children, Volume 21, Pages 402 - 405

9. Vasael ol-Shiite, the same, Chapters 35 - 61, Pages 405 - 446



nurses should not be unattractive, should have no disability, their ability to breast-feed should not come as a result of having an out-of-wedlock affair, they should not be illegitimate themselves, they should not follow corrupt ideas, they should not be sinners, and they should not be unintelligent. (Vasael ol-Shiite, Marriage Book)¹⁰

E. Islamic instructions pay attention to the guardianship of the child and the people, either parents or non-parents, who take up this responsibility. (Vasael ol-Shiite, Marriage Book)¹¹

F. Islamic instructions also attach significance to maintaining the identity of the child. No one is allowed to renounce a child who belongs to him/her under religious law. (Vasael ol-Shiite, Marriage Book)¹²

RESPECT, COMPASSION AND MERCY TOWARDS CHILDREN

In the eyes of Islam, one of the most important factors contributing to the success of children in various areas, as well as their march toward goodness and prosperity, lies with constant respect, compassion and mercy toward them. Maintaining the identity of children is instrumental in fulfilment of their potential. Such a measure keeps them away from bad company. Here are some statements by Islamic leaders on the issue.

Prophet Muhammad (Pbuh) said:

Respect your children and raise them well to secure remission and divine compassion. (Vasael ol-Shiite, Marriage Book)¹³

In another statement, the Prophet (Pbuh) says:

Love your children and show them affection. (Vasael ol-Shiite, Marriage Book)¹⁴

An individual asks Prophet Muhammad (Pbuh):

"Whom should I treat with compassion?" The Prophet (Pbuh) said, "Your parents." "They are not alive" the man replies. "Then your child" says His Eminence. (Vasael ol-Shiite, Marriage Book)¹⁵

Imam Sadegh (Pbuh) said:

Good treatment of children is like good treatment of parents. (Vasael ol-Shiite, Marriage Book)¹⁶

At different points in time, parents too need to use different ways to show their children affection. Kissing and caressing them is one such way. Prophet Muhammad (Pbuh) has said:

God will reward those who kiss their children. On the Day of Judgment, God will make happy those who have made their children happy. (Vasael ol-Shiite, Marriage Book)¹⁷

And:

Kiss your children as much as you can because for every single kiss, God will give

10. The same, Chapters 67-72, Pages 451-458, And Chapters 75-80, Pages 462-470.

11. The same, Chapter 73 and 81, Pages 459, 460, 470 - 473.

12. The same, Chapter 105, Pages 503 - 505, And Chapter 58, Pages 173 - 175.

13. The same, Chapter 83, Page 476 Anecdote 9.

14. The same, Chapter 88, Page 483 Anecdote 3.

15. Konz ol-Amal, Volume 16, Page 584, And Vasael ol-Shiite, the same, Anecdote 2.

16. Vasael ol-Shiite, the same, Page 484. Anecdote 6.

17. The same, Chapter 83, Page 475 Anecdote 3.

18. The same, Chapter 89, Page 485 Anecdote 3.

you a point that would otherwise take 500 years to achieve. (Vasael ol-Shiite, Marriage Book)¹⁸

A man visited Prophet Muhammad (Pbuh), and said that he had never kissed his children. When he leaves, the messenger of God said, "To me, this man is bound for fire (hell)." (Vasael ol-Shiite, Marriage Book)¹⁹

The Prophet (Pbuh) would treat his daughter Fatimah (Pbuh) with so much respect that his behaviour would draw the surprise of people. Despite his position as messenger of God, Prophet Muhammad (Pbuh), would kiss her hands.

However it should be mentioned that Islam advises the faithful towards moderation in showing affection to children. Inordinate affection spoils children and prevents them from developing a sense of independence and self-sufficiency. As a result of inordinate affection, children, who are like young saplings, always remain in the shade of parents, which are like strong trees, and cannot grow on their own. Consequently, the storm of life and the incidents they are likely to deal with bring them to their knees.

The seventh Shiite Imam, Mousa Kazem (Pbuh), advised parents to encourage their children to undertake some difficult responsibilities in their childhood so that they would develop a sense of tolerance and patience when they grow up. (Vasael ol-Shiite, Marriage Book)²⁰

Children will suffer a lot if their parents pamper them. Parents who love their children should teach them judiciousness and piety and avoid anything that pampers them. (Boustan, Chapter 7)²¹

TEACHING CHILDREN RIGHT FROM WRONG

In Islam, one major responsibility of parents is to raise their children properly, teach them to identify good from bad and depending on the situation choose encouragement or warning to urge them to do good things and avoid evil deeds. Prophet Muhammad (Pbuh) said:

Raising your children is more rewarding than handing out 1.5 kilograms of food to the needy on a daily basis. (Vasael ol-Shiite, Marriage Book)²²

The fourth Shiite Imam Sajjad, (Pbuh), in his book on religious law says:

You should know that your children are part of you; whether they do something good or something evil, your children are viewed as yours. You will be held accountable for your responsibility to your children. Some of these responsibilities are: bringing them up properly, instructing them as far as ideological questions are concerned and helping them comply with the instructions of Almighty God. You will be rewarded for a proper upbringing and punished for failure to do so. Make sure your upbringing is good enough to be a source of honour for you in the world and before Almighty God.

19. The same

20. The same, Chapter 85, Page 479 Anecdote 2,

21. Boustan, Chapter 7 on education, Page 164.

22. Vasael ol-Shiite, the same, Chapter 83, Page 476 Anecdote 8,

23. Tohaf ol-Oghool, Page 263

(Tohaf ol-Oghool)²³

Also:

If you wish to be remembered, teach your children judiciousness and wisdom. In case they do not display wisdom, you will be forgotten once you are dead. (Boustan, Chapter 7)²⁴

The first Shiite imam, Imam Ali (Pbuh), once told his son Imam Hassan that the heart of a child is just like a barren land which grows every seed you put in it. Once children grow up, because of preoccupations, they will not be as able as before to grow the seeds. (Vasael ol-Shiite, Marriage Book)²⁵

Prosperity stays away from the children who are not brought up properly. If you wish to straighten a piece of wet wood, you need to use fire. (Golestan, Chapter 7)²⁶

In raising children, modern methods should be taken on board. Children should be brought up in a way that enables them to deal with the problems of the era and play an important role in society when new conditions develop with the passage of time.

Imam Ali (Pbuh), said not to force your children to adopt your own methods because they have been created for a period of time different from yours. (Ibn Abi-Hadid, Explanation of Nahj ol-Balaghah)²⁷ The best approach to education is the one mentioned by Imam Ali, namely before preaching to others, a good educator uses his/her actions to tell others what is best. (Vasael ol-Shiite, Chapter 10)²⁸

If you do not like evil deeds of others, stay away from evil yourself. Only then can you tell others not to commit evil deeds.

Parents who want their children to greet them and others when they meet, should set the stage for it by greeting each other and their children when they get home. The prophet of Islam once said he would stick to five qualities as long as he was alive. One of them was to greet children. He further said: "I am doing this so that it becomes customary after me." (Vasael ol-Shiite, Chapter 35)²⁹

THE TEACHING OF CHILDREN

From an Islamic point of view, parents have the duty to educate their children, teach them religious questions and the Quran, and tell them what is right and what is wrong.

Prophet Muhammad (Pbuh), has said that parents who teach their children the holy Quran are given two decorative dresses on the Day of Judgement. These dresses are so bright that they literally lighten the faces of other people in heaven. (Vasael ol-Shiite, Chapter 83)³⁰ The Prophet (Pbuh) also says: "When a teacher teaches in the name of God

24. Boustan, Chapter 7 on education, Page 164

25. Vasael ol-Shiite, the same, Chapter 84, Anecdote 6, Page 478

26. Golestan, Chapter 7 on education, Anecdote 3, Page 230

27. Ibn Abi-Hadid, Explanation of Nahj ol-Balaghah, Volume 20, Page 267, Instruction 102

28. Vasael ol-Shiite, Chapter 10, Anecdote 6, Volume 16, Page 151

29. The same, Chapter 35, Anecdote 1, Volume 12, Page 62

30. The same, Chapter 83 on children, Anecdote 3, Volume 21, Page 475

31. Mostadrak ol-Vasael, Chapter 60, Anecdote 4, Volume 15, Page 166

to a child, God issues the order to protect the teacher, child and his/her parents from Limbo." (Mostadrak ol-Vasael, Chapter 60)³¹

Imam Ali (Pbuh) says that the responsibilities of parents to children are choosing a good name for them, raising them properly and teaching them the holy Quran (Nahj ol-Balaghah, Wisdom 399)³² and to urge them to learn science and technology. (Konz ol-Amal, Volume 16)³³ Imam Sadegh (Pbuh) says meanwhile, that before perverse people reach your children, teach them religious statements and knowledge (Vasael ol-Shiite, Chapter 84)³⁴.

Some statements encourage parents to teach their children sports. The Prophet (Pbuh) has said: teach your children how to swim and shoot arrows. (Vasael ol-Shiite Chapter 83)³⁵ Many statements say that parents need to pick a good profession for their children and avoid jobs that leave a negative impact on their personality. (Vasael ol-Shiite, Chapter 21)³⁶

Even if you are rich, teach your children how to stand on their own feet and make a living. Do not rely on what you have; your days as a wealthy and powerful person may end one day but your knowledge will never end. (Boustan Chapter 7)³⁷

Parents should show moderation in the process of raising their children. They need to take account of the age and understanding of their children and move ahead one-step at a time. They should not go too far because it will result in frustration and depression of the children. Imam Sadegh (Pbuh) said: "Children play for seven years, learn the Quran for seven years and spend seven more years learning what is good and what is bad." (Vasael ol-Shiite, Chapter 83)³⁸

RELIGIOUS OPINION ON USE OF CORPORAL PUNISHMENTS

Islam advises parents against punishing their children for crying. The Muslim faith urges parents to try to find out the reason behind the crying and show affection to children. The Prophet (Pbuh) has said: "The cry of a baby amounts to praise of God and prayer for his/her parents." (Vasael ol-Shiite, Chapter 63)³⁹

Imam Sadegh (Pbuh) said that the Muslim prophet was saying noon prayers with a group of people. He cut short his prayers. Afterwards, people asked, "What happened?" His Eminence said "Why?" People said, "You ended your prayer rather fast." The Prophet (Pbuh) said, "Did you not hear a baby cry?" (Vasael ol-Shiite, Chapter 83)⁴⁰

Islam urges the faithful to show affection to orphans. It says that when an orphan cries, the Altar of God shakes and the one who pacifies the child earns himself/herself a place in paradise. (Vasael ol-Shiite, Chapter 13)⁴¹

32. Nahj ol-Balaghah, Wisdom 399, Page 433

33. Konz ol-Amal, Volume 16, Page 584

34. Vasael ol-Shiite, the same, Chapter 84, Anecdote 1, Page 477

35. The same, Chapter 83, Anecdote 2, Page 475

36. The same, Chapter 21, Anecdotes 1, 2 and 4, Volume 17, Pages 136 - 137

37. Boustan, Chapter 7, on education, Page 165

38. Vasael ol-Shiite, Chapter 83 on children, Anecdote 1, Volume 21, Page 475

39. The same, Chapter 63, Anecdote 1, Page 447

40. The same, Chapter 86, Anecdote 3, Page 480.

41. The same, Chapter 13, Pages 374 - 375 and Chapter 62, Page 446.



ACCOUNTABILITY FOR PARENTS AND CARERS IN ISLAM

Islam urges adults to encourage children to play and at times get involved in their play. Many statements by religious leaders have urged the faithful to allow children to play for seven years. (Vasael ol-Shiite, Chapter 83)⁴² The Prophet (Pbuh) has said that those looking after children should treat them like children. (Vasael ol-Shiite, Chapter 90)⁴³

When dealing with children, speak their language.

Imam Ali (Pbuh) said: "In dealing with small children, adults should behave in a childlike manner." (Vasael ol-Shiite, Anecdote 1)⁴⁴

Those who are looking after children should behave with childlike excitement.

The Prophet (Pbuh) and Imam Ali (Pbuh) adopted a similar attitude in dealing with children. It is said that the Prophet was once on all fours and had Hassan, the second Shiite imam, and Hussein on his back (Pbut). The Prophet is said to have told them, "It is great to carry you around on my back." (Mostadrak ol-Vasael, Chapter 66)⁴⁵

Another story has it that in his childhood Hussein, the third Shiite imam (Pbuh) was playing with his friends. The Prophet (Pbuh) approached him and opened his arms to embrace him, but he began to run away. The Prophet (Pbuh) then said amusing things prompting Hussein to laugh. Eventually the Prophet (Pbuh) caught up with him and placed one hand under his chin (to tilt his face upwards) and kissed him. (Vasael ol-Shiite, Anecdote 1)⁴⁶

Some books by Sunni scholars say His Eminence Imam Ali (Pbuh) would toss Hassan and Hussein in the air when they were small saying, "Chubby, Chubby; Gee up small-eyed Chubby!" Then they would go up and put their feet on his chest. (Alnahayet fi Gharib al-hadith)⁴⁷

DISCRIMINATION AGAINST CHILDREN

Islam urges the faithful not to discriminate against children when it comes to compassion and affection. Although a parent's stronger love for one child, especially the youngest, may be out of his/her control, parents need to avoid anything that suggests so in the presence of other children of the family. The Prophet (Pbuh) once saw a man who kissed one of his two children but did not kiss the other. "Why don't you observe justice?" he asked. (Vasael ol-Shiite, Chapter 91)⁴⁸

A man called Bashir bin Sa'd went to Prophet Muhammad (Pbuh) along with one of his children and said: "I have given something to my child. I want you to serve as a witness to this gift." The Prophet (Pbuh) asks: "Do you have any other children?" "Yes." the man said. "Have

42. The same, Chapter 83, Anecdotes 1, 4, Page 475.

43. The same, Chapter 90, Anecdote 2, Page 486

44. The same, Anecdote 1

45. Mostadrak ol-Vasael, Chapter 66, Anecdote 2, Volume 15, Pages 171-172

46. The same, Anecdote 1

47. Alnahayet fi Gharib al-hadith by Ibn Asir Majdeddin Abu Sa'adat, Volume 1, Page 378 and Konz al-Amal Volume

16, Page 587. In the Arabic sentences uttered by Imam Ali, there is a word which originally means a person who cannot walk properly as a result of weakness. It also means chubby.

48. Vasael ol-Shiite, the same, Chapter 91, Anecdote 3, Page 487

49. Konz al-Amal, the same, Page 585

you given them anything similar to this?" the Prophet (Pbuh) asks. He said no. The Prophet (Pbuh) then replied: "I won't be a witness to what you want to do." (Konz al-Amal)⁴⁹
Another version of the same story quotes the Prophet (Pbuh) saying: "Be pious and do not discriminate against your children. I will not be a witness to what is based on injustice." (Konz al-Amal)⁵⁰

Islam also urges the faithful not to discriminate against girls. Imam Sadegh (Pbuh) says; Girls are a good deed and boys are a blessing offered by God. On the Day of Judgement people are rewarded for their good deeds and held accountable for the blessings. (Vasael al Shiite, Chapter 91)⁵¹

Before the dawn of Islam, Arab tribes viewed having a baby girl as a source of shame. Anytime an Arab was told that his wife had given birth to a baby girl, he would blush. Islam dealt with this attitude seriously and tried to eliminate it in the ranks of Muslims. There are many statements on the necessity of treating girls with affection. Here are some statements by Islamic leaders on the issue:

Prophet Muhammad (Pbuh):

Girls are nice. They are affectionate, contributing, tender-hearted, clean, and blessed. (Vasael ol-Shiite, Chapter 4)⁵²

And:

The compassion of Almighty God toward girls is stronger than toward boys. (Vasael ol-Shiite Chapter 7)⁵³

Imam Sadegh (Pbuh):

If someone wishes that their daughters were dead and that happened, they would not receive any reward on the Day of Judgement. In fact such people visit God in a state of rebellion and renegade. (Vasael ol-Shiite Chapter 6)⁵⁴

Some books have quoted unidentified Islamic leaders as saying: "When you are giving gifts to your children, start with girls." (Vasael ol-Shiite Chapter 3)⁵⁵

OUR PROMISES TO CHILDREN

The Muslim faith requires us to live up to the promises we make to our children. Imam Sadegh (Pbuh) says:

Make good on the promises you make to your children because they think of you as providers. Glorified God is never as angry as when the rights of women and children are ignored. (Vasael ol-Shiite Chapter 88)⁵⁶

And:

Once a father told his son: "Heed the following advice: Prosperity stays away from those who fail to deliver on their promises."

50. The same

51. Vasael ol-Shiite, Chapter 5 on children, Anecdote 7, Volume 21, Page 365

52. The same, Chapter 4, Anecdote 2, Page 362

53. The same, Chapter 7, Anecdote 1, Page 367

54. The same, Chapter 6, Anecdote 1, Page 366

55. The same, Chapter 3 on alimony, Anecdote 1, Page 514

56. The same, Chapter 88 on children, Anecdote 3, Page 484



ATTENTION TO DUTY

In addition to material questions, Islam attaches special importance to spiritual issues related to children. It requires believers to save their family, of which children are members, from what might result in afterlife agony. This is what Almighty God tells the believers: "O ye who believe! Save yourselves and your families from a fire whose fuel is men and stones." (Tahrim Chapter)⁵⁷

If a parent neglects his/her parental duties, God will hold him accountable. The Prophet (Pbuh) has been quoted as saying: "The parents whose children ask God to harm them will receive the same punishment as children who are cursed by their parents." (Vasael ol-Shiite Chapter 86)⁵⁸

RIGHTS OF THE CHILD

From an Islamic viewpoint, children have certain individual and social rights and no one is allowed to suppress or limit those rights.

CRIMINAL PUNISHMENT FOR ADULTS

Islam says that those who commit physical or honour-related crimes against children will be punished. In various cases their punishment shall be the same punishment as of individuals who have committed a crime against adults.

CORRECTION FOR CHILDREN

Islam suggests children who commit an offence, which is punishable if committed by an adult, be corrected. As I have mentioned in several of my jurisprudential publications, correction is different from punishment.


Unfortunately many people do not draw a distinct line between the two. In fact, delinquent children should be treated in such a way that they learn about the false nature of their actions so that they would not attempt them again. To that end, sometimes children need encouragement and rewards in order to stay away from bad deeds.

According to certain teachings in Islam, if peaceful ways of correction or even threats do not work, and prevention solely lies with corporal punishment, punishment can be meted out to a child in a proportionate way under the supervision of a wise spiritual magistrate. Of course such punishment is meant to correct the child, not abuse him/her.

In light of this however, treatment of a child should be proportionate to their character; it should be accompanied by affection and respect for their personality and meant to keep them on the right track. This is not just limited to parents. All those who deal with children should adopt a similar approach. Application of violent methods is bound to result

57. Tahrim Chapter, Verse 66

58. Vasael ol-Shiite, Chapter 86 on children, Anecdote 5, Volume 21, Page 480

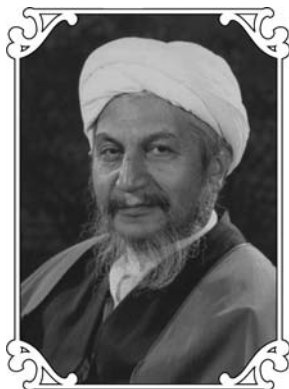


in negative effects. In other words, child abusers have not only committed a sin, they will also be held accountable for the harm they have caused.

In case child abuse is committed either by parents, or a particular institution, or by violent individuals, all those who are conscious of such behaviour need to prevent it: in keeping with the principle of promotion of virtue and prevention of vice. If they are unable to prevent the child abuse themselves, they need to inform the proper authorities so that they can take action.

One way to fight child abuse is to promote a culture of respect for children through scientific gatherings and media outlets, such as the press and radio and TV stations, where experts can highlight the issue through discussions. Besides the establishment of public and state institutions to support child rights, adoption of new laws, revision of rules and regulations and full implementation of the law by executive authorities can prove instrumental in this cause.

All the best to those who serve humanity.



GRAND AYATULLAH YOUSEF SANEI

BIOGRAPHY

Grand Ayatullah Haj Sheikh Yousef Sanei was born to a clerical family in Nikabad, Isfahan, central Iran, in 1937. He enrolled at the Isfahan Seminary School in 1946, and in 1951, after taking preliminary religious courses, he moved to Qom to continue his studies.

As a student, his considerable talent and seriousness drew much attention from senior scholars of the seminary at the time. Accordingly in 1955, he achieved first place in the high-level exams of the seminary school and was praised by Grand Ayatullah Borujerdi. As a result of such continuous and steadfast efforts, Grand Ayatullah Sanei became a senior scholar of the seminary at the age of 22. In 1975, he officially began to teach a jurisprudence book called Zakat at the Haqqani School, in Qom.

After the Islamic Revolution, he served in different scientific and executive positions including the National Public Prosecutor, membership of Guardian Council, and Experts Council, and also as Imam Khomeini's (Pbuh) representative in the High Council for regenerating areas damaged by war.

IN THE NAME OF GOD

ISLAM ON CHILD ABUSE

As child abuse constitutes harm to humans, it is a forbidden, sinful and criminal act. Doing harm to an animate being, who instinctively feels the abuse, will lead child abusers subject to divine wrath and land them in hell.

Child abuse is doubly sinful as it offends against human emotions, conscientiousness and interests and amounts to harming individuals who are incapable of self-defence. In facing up to child abuse, we need to seek sanctuary in Almighty God who is compassionate and avenges injustice. We need to beg Almighty God to stem the scourge of child abuse and revive human emotions.

Education experts and psychologists should determine how children should be educated and brought up. However, compassion, child-friendly language and encouragement accompanied by games and recreation should have their place in such education. Children should be respected and educators should pay heed to the Islamic principle that views children as adults of the future and ties the fate of society and humans to their upbringing and development.

MUSLIMS' RESPONSIBILITY IN CASE OF MISTREATMENT OR ABUSE OF CHILDREN

It is not only the Muslim faith that requires individuals to speak up in the face of child abuse. Human conscience and emotions reject indifference to abuse as well. The Commander of the Faithful, the first Shiite Imam (Pbuh), once said that, as far as piety, education, knowledge and justice are concerned, everyone has a responsibility to fellow humans. He said all humans have had and will continue to have a duty to respect the rights of others and make sure they are not harmed. They will be held accountable as far as fulfilment of this responsibility is concerned.

These words identify all humans as having a responsibility to fulfil. Acting responsibly means humans should not keep silent in the face of child abuse; rather, they should do whatever they can to set the abuser straight and or fulfil their legal duty by informing officials. Otherwise, they will be held accountable by Almighty God and by fellow humans.

Everyone needs to act in keeping with his or her responsibility whether it is guidance, lawmaking or punishment to prevent child abuse. Shari'a law holds everyone accountable on the basis of his or her capability. They are duty-bound to the best of their abilities and within reason to discourage others from committing sins, particularly child abuse. After all, prevention of vice is a major Islamic and indeed religious requirement.

THE EXAMPLE OF THE PROPHET (PBUH) OR IMAMS (PBUT) ON CHILD DISCIPLINE

With regard to the use of violent measures of discipline, such as corporal punishment, one should say that the approach adopted by the Prophet (Pbuh) and Imams (Pbut) was an epitome of generosity. Not only was child abuse non-existent and impossible among the infallible household of the Prophet (Pbuh), it never found its way to their minds. How can one attribute even the sheer thought of child abuse to a Prophet (Pbuh) who would kiss his daughters again and again.

On one occasion, a man told the Prophet (Pbuh): "I have ten sons and have never kissed them. How is that you keep kissing your daughters?" In response the Muslim Prophet (Pbuh) said: "Our cases are totally different. Humanitarian emotions have withered in your heart. In essence, your wickedness has driven you away from humanity. The more humane a person is, then the stronger their love for children and the defenceless."


Divine Prophets (Pbut) and the Imams (Pbut) who followed them were perfect humans. How can one say that Prophets (Pbut) such as Abraham, Moses and Jesus who led humanity let child abuse find its way to their mindset let alone their deeds? Can one say that the first Shiite Imam (Pbuh) who would treat the orphans with compassion would let such ideas cross his mind?

He was so kind to orphans that great figures and friends of the Shiite Imam Ali (Pbuh) wished they were orphans to have the chance to be treated so nicely by him. Although he held a senior position and had many obligations, he would sit the orphans on his lap and offer them honey. Then, he would use a child-friendly language and manner to encourage the orphans to take it.

PARENTS AND TEACHERS RESPONSIBILITY FOR VIOLENCE-FREE CHILD DISCIPLINE

Even when education becomes impossible in the absence of harsh methods, Islam does not sanction the application of violent methods in bringing up children because it is sinful and illegal. One cannot resort to sins to educate another. In other words, lighting a fire can never lead to the emergence of water and darkness cannot result in light.

All Islamic instructions build on wisdom, the holy Quran and the traditions of the Prophet (Pbuh) to suggest that sinful measures cannot be part of education. Islam, which is a generous faith, cannot base education on violence and abuse, which run counter to its generosity and to the splendour of children and humans at large.



It should be mentioned, however, that minimal application of harsh methods to prevent children from plunging into immorality, to prevent the disappearance of their human spirit, to prevent their death and to stop bad behaviour from becoming worse is not forbidden, but determining such borderline cases is a delicate issue.

Parents and carers of children should be held accountable. Their mistreatment of children is the same as mistreatment of fellow adults. Thus such actions are subject to similar accountability and punishment.



AYATULLAH ALI AKBAR HASHEMI RAFSANJANI

BIOGRAPHY

Ayatullah Ali Akbar Hashemi Rafsanjani was born in the village of Bahraman, on the outskirts of Rafsanjan, south-central Iran, in 1934. He joined the religious school of his village at the age of five. Afterwards, he moved to Qom to continue his religious studies and in 1959, he and his friends launched a publication called School of Shiism.

As a political activist he was opposed to the Pahlavi monarchy. In 1978, with his associates, he formed the nucleus of what is now known as the Rohaniat-e Mobarres (The Society of the Combatant Clergy).

Ayatullah Rafsanjani is one of the highest-level authorities in Iran and has served in several different positions since the Islamic Revolution. He acted as temporary Minister of the Interior, the Tehran Friday Prayers Leader, the head of military forces in the war with Iraq, Imam Khomeini's (Pbuh) representative in high defending council, the Parliamentary spokesman for eight years, and as the President of I.R. Iran from 1989 to 1997.

He currently leads the Expediency Council and is simultaneously deputy of the Experts' Council.

IN THE NAME OF GOD

ISLAMIC IRAN ON CHILD ABUSE

Not only Islam and its holy book, the Quran, but also every religion which cares about human perfection, is loath to human abuse, especially when the interests of children are at stake. Social regulations of Islam, which are based on human compassion, urge Muslims, followers of other faiths and humans at large to be kind to one another. The fact that children are very vulnerable and they build the future of every society has made religions and the international community more sensitive as to how they should be treated.

Islamic Iran, whose rules and regulations have been drawn up on the basis of Islamic teachings, pays special attention to this issue. For instance, article 633 of the Islamic Punishment Law stipulates a jail term for those who leave a child alone in an uninhabited area. Nor does the Child and Adolescent Support Law limit its definition of child abuse to physical abuse; rather it views mental abuse and even any measure which prevents child education as a punishable offence.

The fact that child mortality rates have fallen in Iran is another example of the attention the Islamic Republic pays to children. Comparing certain statistics in Iran, the mortality rate among children under one year stood at 44 per 1,000 live births in 1989. Eight years later the figure fell to 26 per 1,000, which is a tremendous improvement.

The holy Quran and statements by the infallible household of Prophet Muhammad (Pbuh), which are the most important source of Islamic guidance, use different methods, direct and indirect, to promote education. Islam has repeatedly stressed the necessity of respect for the dignity of humans, including children. Through his conduct, the Prophet of Islam (Pbuh) has shown the need to respect the rights of children, including the responsibility of parents to children. Building closer relations, using encouragement, not exaggerating with affection, being compassionate, not being too harsh, administering justice and equality and engaging with children are among Islamic prescriptions for the treatment of children.

ACCOUNTABILITY FOR CHILD ABUSE

The Child and Adolescent Support Law requires all individuals as well as institutions and centres which look after or serve as guardians of children, one way or another, to report any case of child abuse to competent judicial officials for prosecution. And in keeping with legislation passed by the Islamic Consultative Assembly, the judiciary is required to deal seriously with cases of child abuse.

Promotion of social culture is the most important factor in prevention of child abuse. However, when child abuse is committed and human feelings are hurt, serious legal action is required. Islam offers detailed rules and regulations for families, as well as child centres and institutions in order to protect the rights of the child.

THE EXAMPLE OF THE PROPHET (PBUH) AND IMAMS (PBUS)

The infallible household of the Prophet (Pbut) has not only emphasized the importance of showing affection to children, but also strongly forbidden corporal punishment. Many statements by Islamic leaders refer to ways of promoting child dignity and nobility.

1. CHOOSING A GOOD NAME

Prophet Muhammad (Pbuh) has said:

"Ali, choosing a good name and politeness are the responsibilities of every father to his child." (Vasaal ol-Shiite, Volume 5, Page 115)

2. RESPECTING CHILDREN

On Page 124 of Jame ol-Akhbar it says:

Ender your children when you utter their names, offer them some room to sit and do not treat them with bad temper.

In this statement, the Muslim Prophet (Pbuh) urges parents to respect their children because children who are subjected to disrespect and insult develop an inferiority complex.

Humans love to be respected: in cases where no importance is attached to people, they suffer mental conditions such as inferiority complex; this would be more evident in children who are more emotional and sensitive. The approach that the first Shiite imam, Imam Ali (Pbuh) adopted was a perfect example of how children should be treated. He would go to houses where there was no breadwinner to look after the children and he would sympathize with the children who were distressed and without hope.

3. SHOWING AFFECTION TO CHILDREN

Being loved is a mental need of children. Being loved amounts to recognition by parents that children are valuable beings; such recognition elevates their dignity and esteem. Kissing children is one such measure. Having mercy on children and living up to promises made to them builds their moral fibre. Through these measures, adults attach importance to children and to the promises made to them, something that is instrumental in strengthening their character.

4. NOT IMPOSING UNDUE BURDENS ON CHILDREN

If the expectations of parents go beyond children's ability and are imposed on them, children lose their dignity. Attempting something that is beyond their ability results in a sense of defeat, which in turn overwhelms their self-esteem. Children should be viewed in the context of childhood and their capabilities should be appreciated; what is beyond their ability should be avoided so that they are spared the rebellion, lies, etc which are the consequence.

5. AVOIDING PUNISHMENT, ESPECIALLY CORPORAL PUNISHMENT

To err is human. Children make mistakes more as a result of insufficient intellectual development, lack of experience and limited knowledge. By forbidding punishment, particularly corporal punishment, Islam closes the door to an inferiority complex. Imam Ali (Pbuh) stated:

Do not beat your children. To correct them, speak to them for a while, but make sure that it does not last long. (Behar ol-Anvar, Volume 23, Page 114)

Instead, encouragement is advised again and again. It has been given priority over all other educational strategies, something that helps children develop their talents and sustain their development.

6. OPTING FOR EQUALITY AND AVOIDING DISCRIMINATION

Conveying any message other than that of equality to children results in jealousy and grudges on one hand and humiliation on the other. Prophet Muhammad (Pbuh) says:

Treat your children with justice as you wish to be treated with equality in your midst. (Mahjah al-Bayza, Volume 2, Page 64)

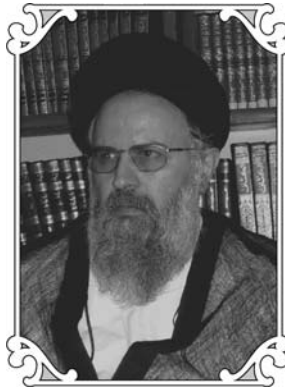
7. GREETING CHILDREN

Prophet Muhammad (Pbuh) would always say hello to children because he viewed greeting as a means of valuing children and promoting their dignity.

REPRIMAND OF PARENTS OR TEACHERS

Islam does not allow anyone to abuse fellow humans, particularly children. However, there are some punishments designed to awaken children to what is right and what is not. Such punishments mostly centre on warnings and cautions.

All parents have a duty to protect their children. Similarly, the institutions that look after children, should comply with their responsibility to prevent children in their care from becoming sad or oppressed.



AYATULLAH MOHAMMAD MOUSAVI BOJNOURDI PHD

BIOGRAPHY

Ayatullah Seyed Mohammad Mousavi Bojnourdi was born in Najaf, Iraq, in 1943. He completed part of his seminary school studies in Iran and the remaining part in Najaf whilst completing his university studies.

He was an ever-present student of Imam Khomeini (Pbuh) during the latter's 14-year exile in Najaf. During the same period, he taught three different courses in Arabic at the grand mosque of Najaf, which Shiites from several Arab countries would attend.

In 1980, on orders of the late Imam Khomeini (Pbuh) Ayatullah Mousavi Bojnourdi established the High Court of Judges. He served two four-year terms on the Supreme Judicial Council until 1989. As a member of the council, he was in charge of drawing up an important part of the regulations and amending the civil code, as well as the penal and Islamic punishment laws.

Ayatullah Bojnourdi now teaches at selected universities across the nation.

IN THE NAME OF GOD

DEFINITIONS OF CHILD ABUSE

The World Health Organization defines child abuse as:

Child abuse or maltreatment constitutes all forms of physical and/or emotional ill treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. (WHO, 1999).

However experts view any physical or mental damage, sexual abuse, exploitation and or failure to meet the basic needs of individuals under 18 as child abuse. Although this definition is meant to include all aspects of child abuse, the concepts included in the definition might divide the experts.

In fact different definitions of abuse and violence have been put forth depending on the application and the context they are looked at. For instance, the American Psychological Association's fourth diagnostic and Statistical Manual of Mental Disorders (1994) included a chapter entitled "Other conditions which may need clinical attention". That chapter defined physical, sexual and emotional abuse as well as failure to pay attention to children as child abuse. (Madani's book 2004, page 20).

Child abuse covers a wide range of harmful behaviours including failure to meet the basic needs of children, failure to provide healthcare, lack of growth, corporal punishment and mistreatment, sexual exploitation, emotional mistreatment and mental abuse.

TYPES OF CHILD ABUSE

A. PHYSICAL CHILD ABUSE

Physical abuse of children refers to any physical attack that may result in pain, cuts and bruises, broken bones, other injuries and even death.

Whipping, tying up, hitting a child against the wall, burning their skin with scalding hot water or other hot liquids and shaking them violently are various forms of physical abuse.

Just like child abuse itself, there is no consensus about the definition of physical child abuse. In fact, definitions of physical child abuse are mostly affected by factors such as:

- A. Legal regulations governing child abuse
- B. Cultural values especially when it comes to children's upbringing and punishment as well as biological talents. (Madani, 2004, P 21.)

When it comes to physical child abuse, a certain extent of harsh measures is considered natural in families. That is why some believe that in identifying physical child abuse accepted social norms should be taken into consideration.

B. SEXUAL CHILD ABUSE

Involving children in activities which result in sexual gratification of adults is sexual child abuse. The National Centre on Child Abuse says contacts or interaction between a child and an adult in which the former is used as a means of arousal is sexual exploitation.

C. EMOTIONAL CHILD ABUSE

Emotional child abuse refers to any inappropriate act that leaves a mark on the behavioural, cognitive, emotional and physical performance of a child. This includes a wide range of abuses including but not limited to:

- subjecting children to verbal and nonverbal abuse,
- reproach or humiliation,
- swearing abuse at them,
- poking fun at children and playing jokes on them,
- enforcing unreasonably tough restrictions,
- inducing fear of corporal punishment,
- expectations and treatment which do not suit their age,
- using children to meet one's own emotional needs,
- and unpredictable behavioural responses by parents which lead to instability and cognitive problems in children.

D. CHILD ABUSE STEMMING FROM NEGLECT AND FAILURE TO ACT RESPONSIBLY

Neglect, which is often found in low-income families, is one of the most common forms of child abuse:

Failure to provide nutrition, clothing, housing, healthcare, schooling and medical care by parents or caregivers constitutes neglect. (Jalili, 1995)

In general, parental inability or failure to meet the emotional needs of children is called emotional neglect.

CAUSES OF CHILD ABUSE

According to Agha-Beigluei, 2001, child abuse cases have common factors that fall into three major categories: mental, familial and cultural.

A. MENTAL CAUSES

Although several children of a family may be subject to abuse, it is usually one child who is particularly affected. There are many families in which only one child is mistreated and his/her siblings are more or less supported and protected. It seems that certain psychological features of the abused child increase the likelihood of abuse.

Studies suggest three groups of children are subjected to abuse more than others: "...retarded children, difficult children and outcast children." (Madani, 2004, P87)

- SPECIAL NEEDS CHILDREN

Children who, due to obvious physical or mental problems, need special care from the time they are born are in this category. Due to their special needs, these children are more likely to be abused. Their health problems may include premature birth, very low birth weight, congenital abnormalities, emotional disorders, speech disturbance, delayed growth, visual and hearing impairment, cerebral palsy or chronic disease.

- DIFFICULT CHILDREN

Difficult children are physically healthy but are hard to deal with in certain circumstances so that their parents find them difficult to manage through normal methods. Ill-temperedness, hyperactivity, uncontrollable bowels, inappropriate eating habits, development of recurrent illnesses, susceptibility to obduracy, and at times unsightly physique are among the features of these children which increase the likelihood of child abuse.

So far as hyperactive children are concerned, parents think disciplinary action is needed to keep their abnormal behaviour under control. (Jalili, 1995)

- UNPLANNED AND EXTRA-FAMILIAL CHILDREN

Children born out-of-wedlock and unplanned pregnancies as well as adopted children are in this category. Sometimes the expectations of the parents are not fulfilled, for instance if a baby girl is born to a family who wants a boy. As a result, the parents' may experience difficulty in bonding to the baby, something that may pave the way for child abuse.

B. FAMILIAL CAUSES

Families play an important role in the emergence of child abuse. Most abuses within families, are committed by parents. That is why studying family-related factors is important in pinpointing the underlying causes of abuse. The most important such factors are:

- absence of parenting skills
- the occupation of parents
- the education of parents
- prior convictions or criminal record within a family
- disturbed relationships or conflict in families
- addiction in families
- mental or physical disorders in families
- divorce, estranged and single parent families
- social isolation of families
- number of people in families

C. CULTURAL CAUSES

The background setting is a major factor in the incidence of child abuse. Parents who mistreat their children are not limited to a certain race, ethnic group or geographical location. They come from various religious, educational, professional and social backgrounds. Child abuse can be seen in all social classes.

CHILD ABUSE FROM AN ISLAMIC PERSPECTIVE

Islam forbids violence, abuse, and application of methods that may inflict physical and financial losses on others, as well as violent methods in education and in dealing with individuals to whom God has granted nobility. The only exceptions to this are those cases where Almighty God and Shari'a Law prescribe the use of force to counter paganism and polytheism and to protect the oppressed in the face of injustice.

Force should only be used for the sake of God and for His appeasement. Shari'a Law urges the public to administer justice in all individual and social fields. "God commands justice and the doing of good." (Al-Nahl Chapter, Verse 90). So justice should prevail in words and judgement, in family, in economy and so on.

Subjecting others to injustice and abuse stems from poor education and is usually based on concepts such as ignorance, fear, need, deficiency, and meanness of individuals. The holy Quran condemns oppression, injustice and abuse, so every means should be used to prevent them.

The holy book says: "And God means no injustice to any of His creatures." (Al-Imran Chapter, Verse 108). According to noble Islamic principles, those who violate the rights of others as far as their money, life, honour and property are concerned are criminals and divine retribution awaits them.

Verily from those who transgress we shall exact retribution. (Al-Sajda Chapter, Verse 22).

Islam orders the faithful retaliate in the face of oppression, aggression and injustice:

If then anyone transgresses the prohibition against you, transgress ye likewise against him. But fear God and know that God is with those who restrain themselves. (Baqara Chapter, Verse 194)

In many stories and traditions attributed to prominent Islamic figures, there are warnings against torture and abuse and of the divine retribution that awaits the perpetrators. Imam Sadeq, the sixth Shiite imam, (Pbuh) states:

If someone whips another person, God will flog them with a fire whip. (Hor Ameli, Volume 19, Page 12)

CHILD ABUSE FROM THE PERSPECTIVE OF THE QURAN

No mother shall be treated unfairly on account of her child. Nor father on account of his child. (Baqara Chapter, Verse 233)

That means mothers should not deprive their babies of their milk because of their anger at their husbands. Since the compassion of a mother for her baby is stronger than that of a stranger, so newborn babies should be left to the care of an outsider. Likewise, fathers should not take the sole custody of their babies just to vent their anger at their wives because such an act harms the baby.

Overall, this holy verse says that parents should not harm their children. It also indicates that the holy Quran forbids child abuse and advises parents against harming their children and each other.

B. ISLAMIC TRADITIONS

There are many traditions attributed to prominent Islamic figures that advise against child abuse and describe it as forbidden by religion. Here are just a few such stories. Prophet Muhammad (Pbuh) once told the Commander of the Faithful, the first Shiite Imam (Pbuh):

God's damnation be upon parents who prompt their children to rebel, commit abuse and terminate their good relations. (Hor Ameli's book Volume 5, Page115)

The Muslim Prophet (Pbuh) has also said:

Respect your children and treat them politely (Tabarsi's book, Volume 2, Page 625)

The question that arises here is: does it suffice to solely focus on parental authority and the fact that children are brought up well? In response to this question, one can say there are two distinct issues when it comes to child education: the power and potential of parents and even society and the potential of children themselves.

In adopting these sayings lawmakers generally seek to define the obligations of parents and not the potential of children. Without a doubt, fulfilment of an obligation depends on the capabilities of the person under that obligation.

It would certainly be useful if lawmakers pay attention to children's potential as well; particularly children who are viewed as special for one reason or another; either because they have higher-than average IQ or because they are physically disabled.

A JURISPRUDENT LOOK AT EDUCATION

Looking at the Quranic verses and statements by religious leaders one can say that the Muslim faith attaches special importance to education so much so that the holy Quran



identifies education (edification) of people as the most important responsibility of Prophets (Pbut). The Holy Book says:

It is he who has raised among the unlettered, a messenger from themselves, to recite to them his verses, to purify them, and to teach them the book and the wisdom. (Jumu'a Chapter, Verse 2)

And the exalted Prophet of Islam, (Pbuh), describes fulfilment of moral generosity as his most important duty. (Ghomi's book, 1995, Page 410)

Without a doubt, morality is meant to result in growth and development of all members of an Islamic society.

In Arabic, Zaki, which means growth and development, is the root of Tazkiyah. However the latter is widely used to mean purification and refinement. That is mainly because refinement leads to spiritual growth and development in humans.

Also in Arabic, Raba, which means growth, is the root of Tarbiyat (education). (The Arabic word Reba, which is widely used in economics and means illegal interest, shares the same root. It is used to describe a transaction that produces an illegal increase of one's wealth. So Tazkiyah (purification) and Tarbiyat (education) are close in meaning. The holy Quran mostly uses Tazkiyah (purification), which refers to spiritual education.⁵⁹ Tarbiyat (education) is used in both a physical and spiritual sense.⁶⁰

When it comes to child education the holy book tells the story of Luqman⁶¹ (Luqman Chapter, Verse 13), and says that the sage offered his child a piece of advice. Although it appears in the form of a story, the holy Quran is using the words of Luqman to convey a message that the upbringing of children is a very significant aspect of the holy book. Elsewhere it urges the faithful to safeguard their families. (Tahrim Chapter, Verse 6)⁶²

Furthermore, it is important that children pay attention to their parents. The holy book says: "And say: My Lord! Bestow on them Thy mercy as they cherished me in childhood" (Osra Chapter, Verse 24). Another verse suggests that children should pray for their parents and says: "O Lord, bless my parents as they cared for me when I was a child." It is clear that the reason why God orders children to pray for their parents is that parents strive for the upbringing of their children. The Commander of the Faithful says:

The best thing fathers could bequeath to their children is politeness (Al-Amadi, Volume 1, P:393)

ISLAM'S DISCIPLINING APPROACH

Distinguished Muslim leaders would, depending on the situation, use different methods to educate and guide people. Sometimes they would use force and sometimes forbearance to direct their friends and disciples and to lead the miscreant back to the straight

59. These are some examples: 'But those will prosper who purify themselves.' (A'la Chapter, Verse 14) and 'Truly he succeeds that purifies it, and he fails that corrupts it.' (Shams Chapter, Verses 9-10)

60. When Moses confronts Pharaoh after his return, the Quran quotes Pharaoh as telling Moses, peace be upon him: 'Did we not cherish thee as a child among us?' (Shu'araa Chapter, Verse 18)

61. 'Behold, Luqman said to his son by way of instruction.'

62. 'Save yourselves and your families.'

path. Their approach, in fact, provided the faithful with a practical example as far as education was concerned.

Undoubtedly, Islamic education is based on freedom of thought; and respect for humans, children in particular, is the mainstay of its educational approach. Parents who wish to bring up children with a distinctive personality need to pay attention to their children from childhood and promote respect for other people from an early age.

Independence and self-reliance as well as a lack of self-confidence and a sense of helplessness can develop in childhood. That is why parental respect for children and good behaviour are crucial in shaping the personality of children.

If in a certain situation, a parent finds it necessary to punish their child, the type of punishment (caution, grounding, corporal punishment, etc.) should fit the child's personality to prevent him/her from repeating the same behaviour.

Article 1178 of the Civil Code in Iran stipulates:

Parents have a duty to use their full capacity to appropriately educate their children; they should not leave children on their own to become useless.

As article 1178 says, parents have a duty to bring up their children. Although they are entitled to a certain approach to upbringing; they have to make sure their children are not idle and their talents do not go to waste. It is not easy to bring these two principles together, because sometimes the approach of the parents results in idleness of their children. Of course there are different interpretations of the word idle. The Civil Code has not gone far enough to determine these limits. However it suggests that, depending on time and location, education and upbringing should be effective enough so as not to leave the children idle.

So when it comes to comparing parental obligations and rights, the best interest of the child is the first priority. Parents must fulfil their obligations first. The responsibilities of parents though are linked to their financial and mental capabilities.

CHILD PUNISHMENT FROM AN ISLAMIC PERSPECTIVE

Some education experts are said to believe that punishment is an effective tool used in conjunction with encouragement to improve and reform children. It is designed to instruct and educate them.

Punishment is meant to serve as a 'wake-up' call. It either takes on the form of warning and notice, or corporal punishment in case the former fails. Of course, in case of corporal punishment, certain limits should be respected as the principle of justness is observed.



A quick look at the Islamic sources shows that in order to lead people back onto the right path, the Muslim faith does not limit itself to advice and encouragement. Rather, in addition to incentives and educational punishment (as for most cases), corporal punishment is also available. In other words, if advice fails to have any effect, corporal punishment could be used to prevent transgression.

In Islamic teachings, punishment has been accepted as a necessary principle of education. However each offence, deviation and inhuman behaviour requires a kind of punishment that fits it. Punishment for murder is death, punishment for theft is cutting off a hand from the thief and punishment for drinking alcohol is whipping. (Shokouhi Yekta, 1984, P:165)

However one can conclude that Islamic teachings suggest that in all cases, without exception, caution and verbal punishment take precedence over corporal punishment. In other words, Islam supports punishment if is meant to alert an individual to their mistakes and transgressions so that it is not repeated.

However the kind of punishment that amounts to inordinate brutality and suppresses the personality of an individual is non-existent in Islamic education. Imam Ali (Pbuh) says: "The wise are educated through advice whereas animals are not tamed except through beating."

In Islamic punishment, guidance and alerting children and not beating or whipping them are of the essence. In Islamic education, corporal punishment is not inevitable; rather it is a supplementary second-priority tool that becomes advisable when other educational methods such as advice and guidance fail to lead the child back to goodness. (Ghaemi, P:260)

Thus Islam does not rule out corporal punishment and even at times does mention meting out corporal punishment - provided that certain limits are respected - especially when it comes to omission of prayers, to sins whose wrongful nature is known to the child yet s/he commits them again, to greater sins and to criminal offences. It is true that a person who has not come of age should not be subjected to punishment; but there are discretionary punishments that have maximum or minimum limits. The exalted Prophet of Islam (Pbuh), says:

Urge your children to start saying prayers at the age of six; if urging fails to produce any result, you can resort to corporal punishment at the age of seven to make them say prayers (Tabarsi's book, Volume 1, Page 171)

Also when it comes to deliberate theft, beating and some other forbidden acts, Islam does prescribe punishment for children who can distinguish between good and bad. For instance article 113 of Iran's Civil Code that deals with sodomy and was adopted in 1991 reads:

'When a legally immature individual sodomises another, his act is punishable by up to 74 whips.' And article 147 of the same law continues: 'When a legally immature child who can distinguish between good and bad uses another person

as a means to reach ejaculation (orgasm), the magistrate should decide as to what punishment that child should receive.'

It is quite natural that no matter how punishment is meted out, it leaves an impact on the child either pleasant or unpleasant. The pleasant impact comes when it is free of violence and brutality and satisfies the child's sense of justice. It becomes unpleasant when it is associated with violence and prior resentment; in other words when it is unjust and disproportionate and goes beyond conventional limits. In such cases parents themselves may act mistakenly or even a commit crime by carrying out the punishment.

Sometimes punishment is looked at from an educational and moral perspective and sometimes from a penal perspective.

- PUNISHMENT FROM EDUCATIONAL PERSPECTIVE

Islam attaches significance to child education. Similarly, traditions attributed to prominent Islamic figures pay special attention to education. Islam says that people are born with a clean slate: "Each baby is born with a clean slate and if s/he is exposed to Islamic education since childhood, s/he steers clear of sins and will definitely remain immune in the future."

There are useful instructions by the holy Quran, infallible imams, peace be upon them, and other prominent religious leaders when it comes to picking a spouse, taking care of an unborn baby, and educating children especially when they are quite young." (Shokouhi Yekta, 1984, P.17)

Islam pays attention to all aspects of child education and offers positive approaches to children's physical and mental education. When children make a mistake and commit wrongful acts, there are certain procedures - in four stages - to be followed:

Stage one: At this stage advice and verbal instructions are used. If this stage is carried out correctly and in keeping with Islamic education regulations, it works in most of the cases and produces a positive result as far as reforming the child is concerned.

Stage two: This stage uses warnings. At this stage children should be dealt with more seriously and warned of the consequences of their action. In the face of warnings, children usually behave reactively and understand the message.

Stage three: Reproach and grounding come next. At this stage children face the consequence of their wrongful acts by being deprived of some advantages. At this stage they should understand the nature of their action and the link between what they do and the subsequent consequence.

Stage four: Punishment. There are times when none of the stages mentioned above work and parents have no choice but mete out punishment. Families are a centre for promoting compliance with rules and regulations.

Within some families, parents do not provide enough discipline and their children feel at liberty to do whatever they wish and express their feelings in whatever fashion they deem suitable. Children benefit from rules and regulations, which are clearly understood, and it is the responsibility of parents to provide these. To ensure compliance with their rules and regulations, parents need to assert their authority consistently and justly and this should be easy for the children to understand.

Punishment is a difficult task. In order for punishment to produce positive results, it should be in keeping with rules and regulations. In our country, punishment of children is common. However the intended result is not produced in practice. The reason behind this failure is that punishment does not come at the right time and children are punished without going through initial stages (as described above).

The fact that in punishment one should not go too far and remain set on reformation makes punishment difficult. That is why parents need to abide by regulations as far as meting out punishment is concerned. (Ghaemi, 1989)

Islam prohibits the kind of punishment that requires blood money (compensation). Shiite jurists believe blood money should be prescribed even when a red mark is left on someone's skin.

If parents or caregivers punish the child in a way that it leaves his/her cheek flushed, they need to pay one and a half mesqal (a unit of measuring weight equal to 5 grams) of gold in blood money. That amount rises to three if punishment leaves a brown mark on the face and to six if the mark is black. If similar marks are left on the skin of any other part of body, the amount to be paid is halved. This jurisprudential decree applies to adults as well. (Hor Ameli, Volume 19)

That is what makes compliance with punishment regulations difficult.

Neglect in education and refinement of children and young adults encourages continued delinquency. This poses a big threat particularly when children are not stopped when they are young; there is nothing parents can do when they become adults.

In today's world, some crimes are committed by children. If they realize that they are not held criminally accountable for what they do and there is no legal punishment for their acts, nothing can stop them from remaining on the wrong path. That is why the best way to treat them is to subject them to Islamic punishments, which have maximum and minimum limits. (Faiz, Volume 1, P.261)

- SCALE OF PUNISHMENT

Punishment of children in Islam should be proportionate to the level of their accountability. Full accountability comes with puberty. That is why children who are not mature are exempt from full accountability and subsequent punishment.

There are several stories and traditions that focus on children's accountability and exempt them from the kind of punishment adults deserve. In *Vasael-ol Shiite*, Hamzat-ibn Hemran is quoted as asking Imam Sadeq the sixth Shiite imam, (Pbuh):

"When do children qualify for full penal punishment?" In response the Imam, (Pbuh) said: "When they are no longer children and understand the consequence of what they do." Hemran asked: "When does that come?" The Imam (Pbuh) said: "When they have their first wet dream or when they are 15 or when they grow pubic hair, they become eligible for penal punishment, be it to their benefit or to their detriment."

Thanks be to Allah who is the God of both worlds

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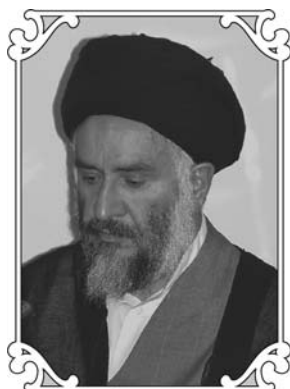
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AYATULLAH SEYYED MOSTAFA MOHAGHEGH DAMAD

BIOGRAPHY

Ayatullah Seyyed Mostafa Mohaghegh Damad (Ahmadabadi) was born in Qom in 1945. He took courses on Islamic sciences at the Fayzieh School at Qum and became an Ayatollah in 1970. At the same time he pursued a modern academic education at Tehran University. There he achieved a BA in Islamic philosophy and an MA in Islamic jurisprudence (1980). Afterwards, he completed a PhD in Law at Belgium's Catholic University of Louvain-la-Neuve in 1996.

He is the Professor of Jurisprudence and Law at Shahid Beheshti University in Tehran, with additional academic responsibilities in other Universities in Iran, including the Iranian Institute of Philosophy, Mofid University in Qum and Qum Seminary.

The Ayatullah, amongst other posts, has been a Judge of the 11th Judicial Rank since 1980; the Head of the Commission of Compiling Judicial Acts since 1982; a fellow of the Academy of Sciences of IR Iran since 1990; Head of the Department of Law at Tarbiat Modarres University, Tehran since 1986.

The Ayatollah has a distinguished academic career. He has published many books and articles in Persian and English and has given lectures on wide-ranging subjects at national and international conferences for 20 years.

IN THE NAME OF GOD

ISLAMIC GUIDANCE ON CHILD ABUSE

Islamic laws place an outright ban on abuse, which could be physical (subjecting someone to assault and battery) or moral (insulting someone and damaging their reputation). Any measure that runs counter to principles of human dignity is unacceptable and child abuse is a jarring example of such measures.

Since children do not have the power to defend themselves, subjecting them to abuse is a big sin. Verses from the Holy Quran and statements attributed to the household of Prophet Muhammad (Pbuh) explicitly indicate that child abuse is forbidden.

On advice and guidance: the holy Quran quotes Luqman as saying the following to his son:
O my son! Join not in worship (others) with God; for false worship is indeed the highest wrong-doing. (Luqman Chapter, Verse 13)

Good wishes for children: Furqan, a Quranic chapter says:
Our Lord! Grant unto us wives and offspring who will be the comfort of our eyes, and give us (the grace) to lead the righteous. (Furqan Chapter, Verse 74)

And on education: keeping children away from corrupt places and settling them in healthy environments (Nisaa Chapter, Verse 97) requires those who are in an unhealthy environment to leave that environment:

Was not the earth of God spacious enough for you to move yourselves away (from evil)?

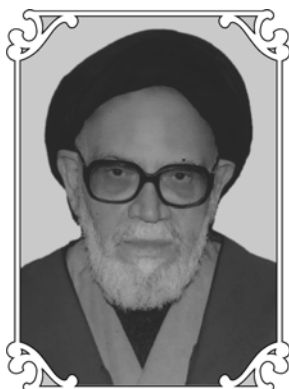
The principle of promoting virtue and preventing vice requires Muslims to firstly seek advice to prevent such abuse. If advice does not work, they should try legal channels.

Although everyone has a duty to prevent child abuse, not everyone has the same level of responsibility. Shari'a Law requires everyone to protect the lives of others, though the responsibility of statesmen and executive officials falls within the framework of public law.

THE TREATMENT OF CHILDREN

The household of the Prophet (Pbut) would never use corporal punishment. They would use the methods outlined above to discipline children. Indeed when peaceful methods are applicable, violent methods are religiously forbidden.

If violent methods are the only option to correct children, they should not cause any physical harm to them. If corporal punishment at the hands of parents results in bruising or any other mark, parents have actually committed a sin and should pay blood money for what they have done.



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BIOGRAPHY

Ayatullah Seyed Mohammad Hassan Marashi Shoushtari was born in Shoushtar, Khuzestan province in 1937. He completed primary school in his birthplace before taking courses on syntax and semantics of the Arabic language among others at the seminary.

Whilst teaching elementary and advanced courses, he began jurisprudence courses at the seminary and after the Islamic Revolution; he was invited by the Supreme Judicial Council to cooperate with the judiciary.

He began his judicial career in Ahvaz before taking up positions on the Supreme Court and the Supreme Judicial Council. He has continued with his teaching career, and has lectured at several universities and seminary schools in the country.

He gained a seat on the Assembly of Experts in 2006 and serves as an assistant professor at Martyr Motahari School.

IN THE NAME OF GOD

CHILD ABUSE FROM AN ISLAMIC PERSPECTIVE

From an Islamic perspective, child abuse is both religiously and morally forbidden. That means that physical, sexual and mental abuse as well as degradation of children at the hands of parents who are responsible for their upbringing is forbidden.

Throughout different stages of a child's life, parents should ensure his/her physical and mental health and pay parallel attention to both. Child abuse amounts to a crime for which punishment is meted out under religious and conventional law. Legislation is needed in this regard to punish those who commit child abuse. Religious leaders have repeatedly urged parents to be loving toward their children and not to abuse them.

CARERS OF CHILDREN

Those caring for children, have certain responsibilities such as:

- familiarizing children with religious beliefs,
- encouraging them to comply with religious rules and obligations,
- promoting a culture of truthfulness,
- respecting children,
- greeting them,
- responding to their greetings,
- playing with them,
- making them happy,
- developing an understanding of their way of thinking,
- as well as sympathizing with parentless children.

In addition, Muslims should not keep silent in the face of child abuse. In line with the principle of Prevention of Vice, they are obliged to prevent child abuse one way or another even if prevention involves reporting the abuse to the justice system.

In fact, more awareness raising is needed to prevent the spread of child abuse. Such an approach should also promote compassion in dealing with children.

For the Muslim Prophet (Pbuh) treated children very well. In fact the messenger of God was so nice to children that many children wished they were among the Prophet's children (Pbuh). This is evidenced in several stories found in the traditional books.



