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Unwed Muslims Rearing Children Outside of Marriage:

Navigating the Typical Conflicts

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Disclaimer: Babies born out of wedlock but that have been adopted or are in foster care are not addressed in this short paper. Although some of the information may still be relevant to them, Muslim parents/guardians of children in such situations require some different analyses and suggestions. This paper focuses on children born out of wedlock from two consenting parents.

Objective: To give Muslims some beneficial and actionable information that will assist them in navigating typical conflicts that pertain to parenting or co-parenting outside of an Islamic marriage.

Primary target audience: Muslims that are about to have a child outside of marriage from a current pregnancy, and Muslims who've already had a child outside of marriage, and the child (or children) is still under 18.

Sexually intimate relations between people, whether Muslim or not, is inevitable. The need for emotional and physical contact is essential for all human beings. Islam restricts such intimacy between the two genders to a marital bond. A sincere marriage is the best institution to support and develop a child and practice sexual intimacy. In fact, everytime a husband and wife have *halal* (permissible) sexual relations, they get rewarded. But the two who have sexual relations and are not married, gain sins. Further, there's no other institution that is as vital in our society than marriage. Once individuals marry, they have a family, and that provides the support system for a child, and families make up neighborhoods, neighborhoods make up towns and cities, and so on until you have a society. The alternative to marriage can be marked with on-going conflict between the parents, and morally confused children. As their ethical standards have not been clearly defined. This is not always the case, but it is not unusual. We also know that unhealthy and toxic marriages can be damaging for children as well. But being in an intimate relationship with your baby's mother or father, without being bound by a religious and societal commitment (marriage), is fraught with problems that marital relations don't necessarily pose. Of course, people may cite divorce rates to justify their apprehension or fear of getting married. But they never cite, or quote an estimation, of the break-up rate between boyfriends and girlfriends. Nor is mentioned the economic, physical, and emotional well-being of children in a married household vs cohabiting couples.[1]

Islam provides us with the ideal way to nurture children spiritually, emotionally, and economically, if able. However, the ideal of the marital institution is obviously not always met. Yet still, in Islam, Muslims need to be aware of the rights that are due, guidelines, and principles that help us navigate non-ideal situations to the best of our ability. The following advice details such information.

[1] https://acpeds.org/marriage-divorce-and-family-relations-effect-on-children/

1. Repent (make *tawbah*) to Allah (ﷻ) privately.[2] Be regretful of your acts, but not the child. The child is blameless and sinless. And they deserve honor, respect, and love, despite their parents' mistake, like every other child. Part of repentance is removing yourself from the relationship immediately. Continuing to be in an intimate relationship is putting bad on top of bad. Therefore, compounding sins should be avoided at all costs.

2. Sincerely attempt to make better decisions, especially all the actions that lead to sexually intimate relations (e.g., exchanging phone numbers; inviting someone over your house, or going over someone else's house, being secluded, music, etc.).

3. Prophet Muhammad (ﷺ) is reported to have said: *All of my ummah will be forgiven their sins, except the mujaahireen* (those who either commit sins openly or publicly disclose their private sins). The Muslims that have been involved in premarital sexual intimacy should avoid any display of trivializing the Islamic guidelines of intimate relations, via parties, gift giving events, etc. The rightful parents have an obligation to support the unborn or born child, and if those who know want to help, *inshaaAllah* they'll get a reward for helping. However, it's the trivialization and dismissive attitude towards the Islamic ideals of the appropriate structure (marriage) to bring a child into the world, that should be avoided.

4. Avoid argumentation with the baby's mother or father and their family/friends. Maintain a positive and productive relationship with those involved, staying within Islamic boundaries.

5. Both parties should be involved in a biological paternity test, if applicable.[3] This isn't to assume someone is lying, but a level of biological closure is necessary. We are aware that paternity in Islam from *haram* (prohibited) relations, has some challenging opinions. But we take the position that if it's clear that a man self acknowledges that he's the father, a paternity test confirms such, and the pregnant (or recently delivered) woman attest to the same, then the child will be raised as theirs, with no ambiguity. If a woman was married, got pregnant, and there's questions about who's the father, the people involved should seek a local Islamic scholar to obtain spiritual and Islamic legal direction.

6. Both parents need to immediately sit down and make decisions about how money/support will be allocated for the child and the extent of physical custody and visitation. In the early years, fathers generally are expected to provide and protect, while mothers nurture and educate them on etiquettes and so forth. The need for a child support agreement which is approved by a court of competent jurisdiction, which is then enforceable, is paramount. This is more applicable and pressing if the couple is no longer together and decides not to get married. Also, the child's medical insurance needs to be figured-out.

7. In your child's early years it's imperative that both parties understand that the child should be raised Muslim (believing in Allah and His Messenger, eating only halal, not celebrating Christmas, Easter, etc.), not just in name. The child should not be going to church or any other religious institution and performing idiosyncratic acts associated with such religion, outside of Islam. If either of the parents are Muslim, the child is Muslim and should be raised and identified

[2] *Tawbah* has four components, two are not always applicable: a. If you are committing the sinful act, stop b. Intend to not do it again c. ask Allah () for forgiveness d. offset the harm you've done to someone
[3] https://my.clevelandclinic.org/health/diagnostics/10119-dna-paternity-test

as such. If there's ongoing disagreement about the child's religion, they will be asked at puberty, with accurate and clear information, which way of life they'll be attached to and sincerely practice.
Keep in mind, all humans need a moral compass that will help them discern good from bad. And for Muslims, it's the Quran and Sunnah. No one should think they can formulate their own set of morals, and that it will be better than Allah (ﷻ) and His Messenger's (ﷺ).

8. Fathers and mothers, keep a clear and detailed record of money spent on the child for future reference. This is specifically relevant when there's an informal agreement (not approved by a judge). As formal agreements, in most cases in PA or NJ for example, the monies are withheld from the payor's (non custodial parent) pay by a government and employer agreement, and then forwarded to the primary custodial parent (the parent mainly raising the child). With informal agreements, the non-caretaker parent can also give clothes, food, toys, etc., in lieu of money, if the spending habits of the other parent is in question. Just document everything.

9. Especially for Muslim fathers, make sure to see your child as often as possible, spending quality time with them. As they get older and older, constantly remind them of Allah (ﷻ). One way is when they ask for something, whether it's a lollipop, some ice cream, or a book, tell them to ask Allah (ﷻ) for it. After they sincerely ask for it (*du'aa*), then attempt to give it to them (if it's appropriate). That way they'll have positive thoughts associated with turning to Allah (ﷻ).

10. Especially for Muslim mothers, make sure that you don't have unrelated men around your young children, where they could possibly do them harm. In most cases, avoid unrelated male babysitters and untrustworthy female babysitters. In addition, be thoughtful of older children being around your child, for short or long periods of time, unsupervised.

11. If there's a dispute over money, custody, or religious upbringing, don't hesitate to seek American legal advice and Islamically legal advice from those who care about our *deen* (way of life).

12. How to transmit Islam to your child? Your behavior (following the Prophetic practice) and the child's environment are key. Even if the child is not being raised Muslim, it's important to inculcate well known universal good habits in them. Good habits like: not stealing, being truthful, being optimistic about life, cleanliness, respect for parents, respect for elders, knowing their private parts and what is an inappropriate touch from people, etc. Some Islamic specific good habits are: reading the Quran often with contemplation, giving financial *sadaqah* (charity), praying *tahajjud* (prayer at night, after waking up), extra fasting on Mondays and Thursdays, making Umrah, etc.

13. Ensure that the baby's first name is good (Arabic or any other language) and that the last name is attributed to the father (if applicable), whether he is religious or not. As Islam puts a high emphasis on *nasab* (lineage). Children have a right to know their biological parents (if applicable).

14. As the child learns to go to the bathroom themselves, teach them to use water (*istinjaa*) in addition to toilet tissue, after relieving themselves of urine and/or defecation.

15. Always seek more specific advice from those who truly care about Islam and are knowledgeable in the matters you're seeking advice in. Never allow serious problems to go unaddressed, especially for a long time.

16. The rights (*huqooq*) that a Muslim child has, and its parents have a responsibility (*amaanah*) to fulfill are before and after they're born: that both eventual parents select a potentially good mate, via marriage; that the child is fed, clothed, and housed appropriately; that the child is given a wholesome name; that the child is protected (physically, emotionally, verbally, financially, sexually, etc.); that the child is given Islamic instruction (linked to their development) (e.g., faith, prayer, cleanliness, etiquettes, etc.); and that their wealth is protected. Unfortunately, in many cases, children are coming into the world with their parents already having wronged them by not selecting a worthy parent for them via marriage. This can be ameliorated with *tawbah* and the proper behavior moving forward, *inshaaAllah*. But ignoring an unborn's rights is a type of injustice.

17. If you are getting married to someone outside of the person you've had a child with (out of wedlock or within), your biological children should not be a secret. Your potential Islamic spouse needs to know of your biological children in order to make an informed decision, prior to engagement (*khitbah*) and worse case, before the marital contract/wedding (*nikaah*).

18. Avoid hitting your children at all costs. Of course there are exceptions. Nevertheless, the default position and understanding is that Prophet Muhammad (ﷺ) never hit a woman or child; thus, that's the standard. And anything beyond that should be warranted by a pressing situation.

19. Avoid talking negatively about your baby's mother or father. As it could be considered backbiting or slander (*gheebah* or *qadhf*). Especially not around your child. If not, they can grow up with ill feelings towards their other parent. Moreover, as the child grows they'll start to use one parent against the other to get what they desire.

20. Avoid the typical conflict with regards to claiming a child for tax purposes. Only one parent can claim the same child with the Internal Revenue Service (IRS). Normally the custodial parent claims the child, but that's not always the case. Sitting down cordially with an accountant and combing through the best course of actions is required. Non-transparent (i.e., sneaky) moves usually create uneasiness and distrust.

21. Marrying the person who you conceived your child with isn't obligatory, nor is not marrying them. One should keep away from getting married simply to cover up the sin. However, if the two sincerely and individually have made *tawbah*, authentically want to get married Islamically, and they are compatible from an Islamic standpoint, that's a good thing.

22. For both Muslim fathers and mothers, adjust to your new reality that you're a parent (or will be, *inshaaAllah*). Sincerely turn to Allah (جل جلاله) often for guidance, regularly make *du'aa* (supplication) that your child will be a righteous Muslim, fulfill your religious duties (e.g., prayer, fasting, eating halal, etc.), never lose hope of Allah's mercy, and remove any excuses or barriers that inhibits you from being with your children.

Allah (جل جلاله) knows best