13464 - What is the maximum extent of the obligation to spend on one’s children?

the question

What is the ruling on spending on one’s children? What is the maximum extent of spending?

Detailed answer

Praise be to Allah.

The scholars are agreed that the father is obliged to spend on his small children who have no money of their own until they reach adulthood.

Ibn al-Mundhir (may Allaah have mercy on him) said: “All of the scholars from whom we learned are agreed that a person is obliged to spend on his young children who have no money of their own, because a man’s child is part of him, and the child is part of the father. Just as he is obliged to spend on himself and his wife, he is also obliged to spend on his descendants and ascendants.” (al-Mughni, 8/171).

The obligation of spending on one’s child is based on the Qur’aan, the Sunnah and scholarly consensus (ijmaa’).

In the Qur’aan, Allaah says (interpretation of the meaning):

“Then if they give suck to the children for you, give them their due payment”[al-Talaaq 65:6]

The obligation of paying for breastfeeding is given to the father. And Allaah says (interpretation of the meaning):

“but the father of the child shall bear the cost of the mother’s food and clothing on a reasonable basis”[al-Baqarah 2:233]

From the Sunnah: the Prophet (peace and blessings of Allaah be upon him) said to Hind: “Take what is sufficient for you and your child, on a reasonable basis.” (al-Bukhaari, 5364; Muslim, 1714)

With regard to ijmaa’, we have quoted it above.

They (the scholars) are agreed that the father has to spend on his incapable children, male and female alike, until they become independent, whether they are old or young.

They agreed that the father does not have to spend on a child who has wealth and is of independent means, even if that child is small.

They agreed that a father does not have to spend on a son who has reached adulthood and is able to earn a living.

They differed as to whether a father has to spend on an adult son who is poor but is able to earn a living. Most of the scholars think that he does not have to spend on him, because he is able to work.

Some of them said that the father does have to spend on his adult son who is poor, even if he is able to earn a living, basing that on the words of the Prophet (peace and blessings of Allaah be upon him) to Hind: “Take what is sufficient for you and your child, on a reasonable basis.” He did not make any exception for one who has reached adulthood or is physically sound.

And because he is a poor child, he deserves to be spent on by his rich father, as is also the case if a child is chronically sick or blind.

Shaykh al-Islam Ibn Taymiyah (may Allaah have mercy on him) was asked about a rich father who has a son who is poor: does the rich father have to spend on his poor son?

He answered: “Yes, he has to spend on his son on a reasonable basis, if the son is poor and is unable to earn a living and the father is well off.” (Summarized from al-Fataawa al-Kubraa, 3/363; Majmoo’ al-Fataawa, 34/105).

They also differed concerning a daughter who reaches adulthood – does the father have to spend

on her or not?

Most of the scholars said that he does have to spend on her until she gets married. This is more likely to be correct, and Allaah knows best, because she is unable to earn a living.

This is a summary of what the scholars have said. You will find some of the texts and the evidence which they quoted in the following books:

Hanafi: al-Mabsoot, 5/223

Maaliki: al-Mudawwanah, 2/263. See also Tabyeen al-Masaalik Sharh Tadreeb al-Saalik, 3/244

Shaafa'i: al-Umm, 8/340

Hanbali: al-Mughni, 8/171.