

Understanding the Issue of Elder Abuse from Islamic Perspective

Asiah Bidin, Zulkifli Mohd, Noraida Harun, Kamaliah Salleh and Noor 'Ashikin Hamid

Universiti Sultan Zainal Abidin, Malaysia

Abstract: Elder abuse is not a new phenomenon. Even though it has been recognised as a social problem, a violation of human rights and a crime, in reality it is still a hidden issue. Despite the increasing number of research, the discussion on elder abuse from an Islamic point of view is still lacking. Most researchers are still guided by western principles and theories. Very little attempt has been taken to discuss the Islamic views on elder abuse. This article aims to discuss the issue of elder abuse from an Islamic perspective. The discussions include the status and rights of the elderly especially elderly parents in Islam with special reference to rights to be respected, rights for kind treatment and rights of care and maintenance. The analysis was done on some verses of the Quran, Hadith of the Prophet (PBUH), method of qiyas (analogy) and Islamic legal maxims "al-Darar yuzalu (harm should be eliminated) in order to identify the legal rulings on abuse of the elderly. The study found that there are some Qur'anic texts and Hadiths specifically explaining the obligations to obey and prohibitions from disobeying the elderly. The study concludes those authorities have formed a basis of ruling relating to elder abuse in Islam.

Key words: Abuse · Elderly · *al-Quran* · *Hadith*

INTRODUCTION

Population ageing is a global phenomenon. Many countries regardless of whether the developed countries or developing countries are facing with the major implications of this phenomenon. The United Nations through its resolution at the World Assembly on Ageing in Vienna in 1982 has set 60 years old as the cutoff age of the elderly. Apart from the "elderly", the terms senior citizen and older person are among the terms used to refer to those aged 60 years and above. The aim of this article is to discuss the views of Islam on the act of abusing the elderly particularly the elderly parents. The discussions include the problem with understanding the issue of elder abuse, types of abuse and the status and rights of elderly parents in Islam. In discussing these rights, reference was made to the authentic authorities from the *al-Quran* and the *Hadith* of the Prophet (PBUH). The study conclude that the legal rulings on elder abuse can be made based on the provisions in *al-Quran*, *Hadith* of the Prophet (PBUH), *Qiyas*, (method of analogy) as well as the Islamic legal maxim of *al-darar yuzalu*, which states that harm should be eliminated.

Problems of Elderly: Elderly belongs to a vulnerable group. Due to their vulnerability, they have become victims in many aspects. Researches indicate that older people are facing various problems such poverty, discrimination, victimisation and crimes. In a contemporary society, older people are at risk of becoming victims of crime, financial fraud and exploitation in transactions. At workplace, they have been victimised and discriminated. In domestic settings, the elderly parents with chronic illnesses, physical or mental disability who need special care and attention from family members have become victims of neglect and abandonment. Nowadays, with the erosion of filial piety, elderly parents are no longer respected. Their welfares were not taken care of, were neglected and denied of their rights.

Concept and Definition of Elder Abuse: There is no single concept or definition that has been agreed upon by researchers concerning the term 'elder abuse'. Western researchers usually used the term 'elder abuse', 'elder mistreatment' and 'elder neglect' to refer to abuse of elderly people [1]. Some researchers have differentiated

the meaning of these terms [2], narrowed the concept of abuse by attaching specific elements or broadened the concept and the meaning of abuse to include whatever action that has an effect on elderly in whatever form or manner, whether occurring at home, in the care centre or hospital [3]. Wolf [4] divided elder abuse into two; namely abuse and neglect. Abuse can be categorised into physical, psychological, emotional and financial exploitation. Neglect means the reluctance or failure to carry out the obligations of care. Elder abuse could occur within the family circle (domestic elder abuse) or in an institution (institutional elder abuse). In domestic abuse, the perpetrator is usually a family member such as the children, son or daughter-in-laws, own siblings and caregivers who have a family relations with the victim. The elderly, who live in institutions or care centres, can also become victims of abuse by the caregiver at the centre or among the inmates at the institution.

Just as in the concept of abuse, researchers have yet conclusively given a definition for elder abuse. These differences exist because elder abuse is a complex issue. It could be studied from different perspectives of a society. Norms, culture, customs and ethnicity of the people might influence the findings of the study. The effect of this would be the emergence of several definitions that are used based on the understandings of the researchers, with reference to their cultures or disciplines concerning knowledge. Besides, the interpretation of the meaning of abuse could also vary according to the category in which it occurred, be it at home or in an institution. Mistreatment on the elderly means “(a) intentional actions that cause harm or create a serious risk of harm, whether or not intended, to a vulnerable elder by a caregiver or other person who stands in a trust relationship to the elder; or (b) failure by a caregiver to satisfy the elder’s basic needs or to protect the elder from harm” [5]. Action on Elder Abuse [6] on the other hand, defines elder abuse as “a single or repeated act or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person”. This definition has been widely used, including the World Health Organization (WHO) and the International Network for the Prevention of Elder Abuse [7].

American Psychological Association have divided elder abuse into five types, which are physical abuse, psychological or emotional abuse, financial abuse or exploitation, sexual abuse and caregiver neglect [8]

meanwhile the National Center on Elder Abuse [9] and some experts [10] have included abandonment as another form of elder abuse.

Physical abuse happens when there is an inflicting, or threatening to inflict, physical pain or injury on a vulnerable elderly, while emotional or psychological abuse is the infliction of mental pain, anguish, or distress on an elderly person through verbal or nonverbal acts. Sexual Abuse is committed when there is a non-consensual sexual contact of any kind or coercing an elderly to witness sexual behaviours. The elderly can also be subject to financial abuse when there is an exploitation, illegal taking, misuse, or concealment of their funds, property or assets. The caregiver who refuses or fails to provide food, shelter, health care or protection for a vulnerable elderly is the example of neglect. Abandonment happens when there is a desertion of an elderly by anyone who has the responsibility for care or custody of them.

Some researchers had also included self-neglect as a form of elder abuse [11, 12]. Self-neglect is neglect by the elderly on their basic needs. This situation occurs when they are not bothered about their self-cleanliness, medications as prescribed by the doctor. Eventhough no perpetrator is involved in elder self-neglect, it is still considered as a form of elder abuse.

Rights of Elderly in Islam: Islam is a religion and a way of life. The principle of its teachings emphasises on perfect morals and forbids bad conducts. The status of elderly is very special in Islam. The elderly are given a high status before Allah, rights to be honoured and respected. As reported by At-Tirmidhi, Anas ibn Malik narrated that the Prophet (PBUH) said, “If a young man honours an elderly on account of his age, Allah appoints someone to honour him in his old age.” The Prophet (PBUH) also used to say “He is not one of us who does not show tenderness to the young and who does not show respect to the elder.” In another *hadith*, Muslims are told to be merciful to all people whether they are Muslim or non-Muslim. Anas ibn Malik narrated that the Prophet (PBUH) said, “By Him in Whose Power my soul is, Allah does not bestow His mercy except on a merciful one.” They (the Companions) said, “All of us are merciful.” The Prophet (PBUH) replied, “Not only that each of you has mercy upon the other, but to have mercy also upon all people.”

It is clearly mentioned in the above *hadith* which require honouring the elderly regardless of their colour or religion.

Apart from providing guidelines on treating and honouring the elderly, Islam also provides the manner in dealing with the them. In prayer, the elderly are given priority to lead. If the younger people walk with the elderly, they are encouraged to walk after him or to his right. In having meals, the elderly are given priority to be served first and the younger people are taught not to take the food before the elderly do so.

The above authentic authorities from the *hadith* of the Prophet (PBUH) show that Islam gives a special position and right to the elderly, especially the right to honoured, respected, and dignified.

Respect and Kind Treatment to Elderly Parents: In Islam, children have a special responsibility towards their parents especially elderly parents. Islam requires the children to respect, honour and give kind treatment to their parents, regardless of their age. The parents have rights to be respected even though they are non-Muslim. Islam also requires the children to obey the parents.

Allah says: “And We have enjoined on man goodness to his parents, and if they contend with you that you should associate (others) with Me, of which you have no knowledge, do not obey them, to Me is your return, so I will inform you of what you did” [13].

In another verse, Allah clearly mentions on the obligation of the children to respect and give a kind treatment to the elderly parents. He says “And your Lord has commanded that you shall not serve (any) but Him, and goodness to your parents. If either or both of them reach old age with you, say not to them (so much as) “Uff” nor chide them, and speak to them a generous word” [14].

In the above verses, kindness towards parents is mentioned along with belief in One God. These verses reflect the compassion, respect and sense of responsibility that Islam requires the believers to have towards their parents. The above verse then forbids the utterance of harsh words, admonish rudely or curse parents. According to Islamic jurisprudence, the forbiddance of uttering harsh words that hurt the feelings of parents, specifically the utterance “uff” (the word of contempt), as mentioned in the above verse, is looked at from a general aspect. According to the *qiyas* (method of analogy), the forbiddance encompasses all words and actions that could either physically hurt or emotionally abuse the parents. The point of similarity between words and actions is the reason or ‘illah of the related rulings, which is to hurt the parents. Since words such as “uff” is

seen as a minor inference but the verdict is, it is prohibited, hence, more severe acts such as cursing, admonishing rudely, using physical force no doubt has a greater effect [15].

In other verse Allah says: “And We have enjoined upon man, to his parents, good treatment” [16].

Allah also says “Worship Allah and associate nothing with Him, and to parents do good, and to relatives, orphans, the needy, the near neighbour, the neighbour farther away, the companion at your side, the traveller, and those whom your right hands possess. Indeed, Allah does not like those who are self-deluding (proudly) and boastful” [17].

The above verses clearly indicate the command from Allah for children to treat parents with a kind treatment.

Rights of Maintenance and Care: Islam requires children to provide for their parent’s maintenance and sustenance in their old age. Maintenance to parents includes food and care. Allah says in al-Quran [18]: “They ask you as to what they should spend. Say: Whatever wealth you spend, it is for the parents and the near of kin and the orphans and the needy and the wayfarer, and whatever good you do, Allah surely knows it.”

In another verse Allah commands “And give to the near of kin his due and (to) the needy and the wayfarer and do not squander wastefully” [19]. Near kin in this verse refers to parents. The duty of children to maintain parents can also be seen in the *hadith* narrated from Amr bin Shuaib from his father that his grandfather said: ‘A man came to the Prophet and said: My father is taking all my wealth. He said: “You and your wealth belong to your father”. And the Prophet said: “Your children are among the best of your earnings, so eat from your wealth.” From this hadith, it is clear that parents are allowed to take a portion of their children’s property to maintain themselves or as much as what is a necessity for them.

The above provisions explain on the rights of the parents for maintenance from the children.

Islamic Rulings on Elder Abuse: No doubt, there are clear provisions on the rights of the elderly in general, rights of parents to be treated with kind treatment, rights for maintenance in *al-Quran* as well as in various *hadiths*. On the other hand, as far as the definition of elder abuse is concerned, neither *al-Quran* nor *hadith* has clearly explains it [20]. It is however by using those provisions the *Quran*, *hadith*, method of *qiyas* and legal maxim *al-*

Darar yuzalu, which means harm should be eliminated or removed, the legal rulings on elder abuse can be determined.

Physical and Emotional Abuse: Neither the *Quran* nor the *hadith* spells out the prohibition to abuse the elderly. However, the provisions clearly portray that Islam commands its followers to treat the elderly with respect and kindness, thus prohibit any kind of bad treatment, abuse and neglect on elderly needs, especially on their food and care. The nature of the verses is either in the form of obligation or forbiddance. When Islam teaches its followers to do good deeds, it is understood that Islam also forbids the commission of a wrongful act in which its commission is considered as sinful. Any form of bad treatment like abuse on elderly parents is considered as a great sin in Islam. The examples of various *hadith* of the prophet (PBUH) can conclude that causing physical or emotional distress on the parents is sinful in the eyes of Allah. The *hadith* narrated by al-Bukhari, that the Prophet used to say on making the parents sad; “Whoever has caused the parent to be sad has thus committed sin”.

In one of His *hadith*, the Prophet (PBUH) also had highlighted the act of cursing and demeaning the parents. It is narrated by al-Bukhari, Muslim, al-Tirmizi, Abu Daud and Ahmad from Abdullah bin Umar that the prophet (PBUH) said “Among the major sins are to curse your parents. Someone asked: Has he cursed his parents? The Prophet (PBUH) replied: Yes. When someone curses the father of another, hence that person would curse his father in return, and when someone curses someone else mother, that person would in turn curse that person’s mother.”

According to the method of *qiyas* based on the *al-Qur’an* [21], physical abuse in the form of beating or other actions that could physically harm the parents are prohibited by Islam because the effects are more evident than the word “uff”, which is directed at them. The word “uff” uttered by children may cause emotional abuse to parents. Even such word is prohibited and considered as a great sin, thus, causing physical injury no doubt will give heavier implication in Islam.

Neglect and Abandonment: As Islam makes it mandatory for children who can financially afford to bear their parent’s sustenance either in the form of accommodation, clothing, food and health, hence, neglecting this obligation is considered as a sin. Allah says: “Let him

who has abundance spend out of his abundance and whoever has his means of subsistence straitened to him, let him spend out of that which Allah has given him; Allah does not lay on any soul a burden except to the extent to which He has granted it; Allah brings about ease after difficulty” [22].

Literally, the above provision does not specifically mention the compulsory obligation of children to bear the sustenance of their parents who cannot afford for themselves. Hence, by looking at the context of the provision in the form of a general statement, it looks more like a command to anyone who is capable of bearing the sustenance of people under their responsibility. Moreover, providing the maintenance to parents would be one form of good deed to them.

Again in another *surah* [23] Allah says: “Say: Come, I will recite unto you that which your Lord hath made a sacred duty for you: That ye ascribe no thing as partner unto Him and that ye do good to parents, and that ye slay not your children because of penury - We provide for you and for them - and that ye draw not nigh to lewd things whether open or concealed. And that ye slay not the life which Allah hath made sacred, save in the course of justice. This He hath commanded you, in order that ye may discern”.

Children who neglect the responsibility to bear the maintenance of their parents who cannot afford by themselves would then be deemed as a sin. The actions listed above are just some of the forms of ill-treatment against parents. As the nature of the commands and prohibitions in *al-Quran* are sometimes in a general form, which do not state the specific act, Islam however, has laid down the principle to assess each action or word that is deemed as hurtful or cruel towards parents, and thus categorised them as a prohibited act. It is based on the legal maxim known as “*al-Dharar Yuzalu*” or “all forms of bad acts have to be avoided”. This maxim puts forth that all actions that can cause harm to one’s self or to others is sinful and is mandatory to stop or end it” [24, 25]. Hence, in the context of this discussion, any form of abuse or neglect towards parents, either physically or emotionally is sinful from an Islamic viewpoint because abuse and neglect is a form of maltreatment that is forbidden in Islam.

Based on the above discussion, it can be said that Islam seriously views abuse of parents. Any form of abuse, ill treatment, in the form of verbal or physical acts, is strictly forbidden in Islam. Children who abuse their

parents physically, mentally or emotionally have committed a major sin. This action has an effect on the perpetrator if there is no repentance to Allah and the forgiveness from the parents. Neglect of elderly not only means that a child has lost the endearing relationship with his parents but has also the transgressed the trust bestowed by Allah [26]. Analysis of the verses of the *al-Quran* and the Prophet's (PBUH) various *hadith* is an evident that ruling for elder abuse indeed exist in Islam. The concept of elder abuse in Islam is very wide and could be summed up as any act, in the form of an action, words spoken, sign language or its equivalent, if hurts the parents especially elderly parents or offends them, is considered as a major sin. Thus abusing, neglecting or abandoning them is clearly a sinful act and prohibited in Islam.

CONCLUSION

Elder abuse is a social issue that occurs in a contemporary society. Islam seriously views the issue of abuse and neglect of the elderly. Islam does not provide a specific definition for the meaning of elder abuse but an analysis of the verses of the *al-Quran* and the *hadiths* of the Prophet (PBUH), shows that the term abuse and neglect of the elderly (specifically towards parents) in Islam is similar to ill-treatment towards parents. The act is categorised as one of the major sins. In *al-Quran*, some verses asking the children to do good to parents come after the prohibition of associating (syirk) Allah with someone else. This shows the seriousness of the act of abuse or neglect of elderly perpetrated by their children. Based on the verses of the *al-Quran*, the *hadiths* of the prophet (PBUH), *qiyas*, it could be concluded that elder abuse according to an Islamic viewpoint is a major sin or a serious offence. This is because the said act is a form of a harmful act. According to Islam, any form of harm, whether it is an act that physically injures, or utterance of words which mentally and emotionally hurt the parents is prohibited. This is in line with the legal maxim *al-dharar yuzalu*.

REFERENCES

1. Harbison J., et. al. 2012. Understanding "Elder Abuse and Neglect": A Critique of Assumptions Underpinning Responses to the Mistreatment and Neglect of Older People. *Journal of Elder Abuse & Neglect.*, 24(2): 88-103.
2. Hudson, M.F., 1988. A Delphi Study of Elder Mistreatment: Theoretical Definitions, Empirical Referents and Taxonomy. PhD Theses. The University of Texas.
3. Fallon, P., 2006. Elder Abuse and/ or Neglect – Literature Review. <https://www.msd.govt.nz/.../elder-abuse.../elder-abuse-neglect-report.doc>.
4. Wolf, R., 2004. Elders as Victims of Crime, Abuse, Neglect and Exploitation. New York, USA: Springer Publishing Company.
5. Bonnie, R.J. and R.B. Wallace, 2002. Elder Mistreatment: Abuse, Neglect and Exploitation in an Aging America. Washington: The National Academy Press.
6. Action on Elder Abuse, 2007. Briefing Paper: The UK Study of Abuse and Neglect of Older People 2007. London Road, London: Action on Elder Abuse.
7. World Health Organization, 2002. Missing Voices – Views of Older Persons on Elder Abuse, Geneva: WHO. <http://www.who.int/healthinfo/survey/ageingdefolder/en/>
8. American Psychological Association. (2012). Elder Abuse and Neglect – In Search of Solutions. Washington DC: American Psychological Association.
9. National Center on Elder Abuse (NCEA), Types of Elder Abuse. http://ncea.aoa.gov/FAQ/Type_Abuse/
10. Brian, K. and R.G. Randy, 2005. Differentiating Self-Neglect as a Type of Elder Mistreatment: How Do These Cases Compare to Traditional Types of Elder Mistreatment? *Journal of Elder Abuse & Neglect*, 17(1): 21-36.
11. Gorbien, M.J. and A.R. Eisentein, 2005. Elder Abuse and Neglect: An Overview. *Clin Geriatr Med.*, 21: 279-292.
12. Mosqueda, L. and X.Q. Dong, 2011. *JAMA*, 306(5): 532-540.
13. Al-Quran, 29: 8.
14. Al-Quran, 17: 23.
15. Abdul Karim Zaydan, 2014. *Al-Wajiz fi Usul al-Fiqh*, Beirut: Muassasah al-Risalah Nashirun.
16. Al-Quran, 46: 15.
17. Al-Quran, 4: 36.
18. Al-Quran, 2: 215.
19. Al-Quran, 17: 26.
20. Muhammad Ibrahim al-Hamd (n.d.), 'Uquq al-Walidayn: Asbabuhu, Mazahiruhu, Subulu 'Ilajih, http://d1.islamhouse.com/data/ar/ih_books/single/ar_aqooq_parents.pdf.

21. Al-Quran, 17: 23-24 .
22. Al-Quran, 65: 7.
23. Al-Quran, 6: 151.
24. Muhammad Sidqi bin Ahmad bin Muhammad Al-Burnu, 1996. *Al-Wajiz fi Idhah Qawa'id al-Fiqh al-Kulliyah*. Beirut: Muassasah al-Risalah.
25. Muhammad Mustafa al-Zuhayli, 2009. *Al-Qawa'id al-Fiqhiyyah wa Tatbiqatuha fi al-Madhahib al-Arba'*. Damsyiq: Dar al-Fikr, Juzu' I, cet. 3.
26. Che Kasim, A. and S. Che Kasim, 2001. *Tanggungjawab Anak terhadap Warga Tua Menurut Perspektif Islam*. in Abdul Aziz Jemain, Lukman Z. Mohamad dan Wan Norsiah Mohamed (ed). *Jaminan Sosial Warga Tua*, Petaling Jaya: Prentice Hall.