

165492 - What is the ruling on one who was born to Muslim parents then apostatised before or after reaching puberty?

the question

I hope that you can answer my question clearly and in detail, because it is of particular importance to me. This question comes from another person, who says: “I believe in Allah, may He be glorified and exalted, and I am a Muslim; I know that Islam is the best of religions. Islam is not a belief like that of the Jews, who think that they are God’s chosen people. If they really are God’s chosen people, then why did God create five billion people who are not Jews?! Whatever the case, Islam is the best of religions. But with regard to compulsion in religion, didn’t Allah, may He be glorified and exalted, say: “There is no compulsion in religion” [al-Baqarah 2:256]? It may be that a non-Muslim enters Islam, so why is it not permissible for a Muslim to change to another religion, especially if he is born in Islam and does not have the choice to choose another religion? I do not see anything in the Qur’an to indicate the hadd punishment for apostasy; rather the idea of this hadd punishment developed at the hands of ignorant Muslims who did not know the true religion of Islam. Is that not so?” Please advise me, may Allah reward you with good.

Detailed answer

Firstly:

Apostasy (riddah) means turning away from Islam in word, deed or belief. If a person dies in that state, all his good deeds are rendered invalid and his punishment will be Hell, to abide therein for eternity. Allah, may He be exalted, says (interpretation of the meaning):

“And whosoever of you turns back from his religion and dies as a disbeliever, then his deeds will be lost in this life and in the Hereafter, and they will be the dwellers of the Fire. They will abide therein forever”

[al-Baqarah 2:217].

The apostate should be asked to repent; if he does so, all well and good, but if he does not he is to be executed as a kaafir. The ruling on the apostate is agreed upon, with no difference of opinion among the scholars concerning it, apart from the view of the Hanafis who say that this does not apply to women, but this is a da'eef (weak) opinion.

For evidence on the hadd punishment for apostasy, please see the answer to question no. [20060](#)

With regard to hadd punishments, it is not stipulated that they should be mentioned in the Qur'an. Rather it is sufficient for them to be proven by a text of the Revelation (wahy), with no differentiation between a Qur'anic text and a hadeeth text. We are surprised at the audacity of the man whose words you quoted, when he claims that the hadd punishment for apostasy developed at the hands of ignorant Muslims. Whatever the case, it seems that the one who said these things is ignorant of sharee'ah, and we ask Allah to forgive him.

Secondly:

Once it is proven that the ruling on the apostate is that he is to be executed as a kaafir, if he does not come back to Islam, after that we have to explain that this ruling does not contradict the prohibition on compelling people to enter Islam, because this prohibition does not include the one who has apostatised from Islam. The scholars of Islam are unanimously agreed that the verse "There is no compulsion in religion" [al-Baqarah 2:256] is not general in application and it does not include the apostate, according to scholarly consensus.

Ibn Hazm (may Allah have mercy on him) said: With regard to the words of Allah, may He be exalted, "There is no compulsion in religion" [al-Baqarah 2:256], that does not constitute evidence for them, because the entire ummah is agreed that this verse is not to be understood as it appears to mean; the ummah is unanimously agreed that the apostate who has turned away from his religion is to be compelled (to come back).

End quote from al-Muhalla, 1/188

Thirdly:

With regard to the Muslim who was born to Muslim parents turning away from the religion of Islam when he grows up, this is an important matter, the discussion of which will be addressed in the following points:

1.

Muslim children follow their Muslim parents. Hence the one who has two Muslim parents is deemed to be a Muslim, so he may inherit or be inherited from, and if he dies he is to be washed and buried, the funeral prayer is to be offered for him and he is to be buried in the Muslim graveyard. And in the Hereafter he will be one of the people of Paradise, according to scholarly consensus.

The Shaafa'i scholar an-Nawawi (may Allah have mercy on him) said: The one whose parents, or one of them, are Muslim is also regarded as a Muslim with regard to rulings concerning the hereafter and worldly matters. End quote from Sharh Muslim, 16/208

The Hanbali scholar Ibn Qudaamah (may Allah have mercy on him) said: The child follows his parents in both realms (i.e., this world and the hereafter). If the parents are of different religions, then he must follow the one who is Muslim, such as the child of a Muslim man from a kitaabi (i.e., Jewish or Christian) woman. End quote from al-Mughni, 10/91.

See also the answers to questions no. [14392](#) and [6496](#)

2.

It is not necessary for the child to reach puberty for his Islam to be valid; rather Islam is valid from the age of discernment. This is the view of the majority of scholars apart from ash-Shaafa'i and Zufar who was one of the Hanafis.

The Hanbali scholar Ibn Qudaamah (may Allah have mercy on him) said: Generally speaking, a child's Islam is valid. This is the view of Abu Haneefah and his two companions, and also of Ishaq, Ibn Abi Shaybah and Abu Ayyoob.

Ash-Shaafa'i and Zufar said: His Islam does not become valid until he reaches puberty. End quote from al-Mughni, 10/85. There is also a good argument to show that those few who differed were wrong. See also: Baadaa'i' as-Sanaa'i' by al-Kaasaani, 7/104.

The correct view is that of the majority, for the following reasons:

(a)The hadeeth of Abu Hurayrah who said: The Messenger of Allah (blessings and peace of Allah be upon him) said: "There is no child who is not born in a state of fitrah, then his parents make him a Jew or a Christian or a Magian." Narrated by al-Bukhaari, 1292 and Muslim, 2658.

(b)The fact that Sayyiduna 'Ali (may Allah be pleased with him) and other Sahaabah became Muslim when they were minors, before they reached the age of puberty.

(c)It was narrated that Anas (may Allah be pleased with him) said: There was a Jewish boy who used to serve the Prophet (blessings and peace of Allah be upon him). He fell sick, and the Prophet (blessings and peace of Allah be upon him) came to visit him. He sat by his head and said to him: "Become Muslim." (The boy) looked at his father, who was with him, and he said to him: Obey Abu'l-Qaasim (blessings and peace of Allah be upon him). So he became Muslim, and the Prophet (blessings and peace of Allah be upon him) left, saying: "Praise be to Allah Who has saved him from the Fire." Narrated by al-Bukhaari, 1290

3.

The apostasy of a child who has reached the age of discernment counts as such according to the majority of scholars, whether he is Muslim because his parents are Muslim or he became Muslim by himself. This is different from the view of ash-Shaafa'i and Abu Yoosuf, because they do not think that his becoming Islam before the age of puberty does not count in the first place.

Ibn Qudaamah (may Allah have mercy on him) said: If a person utters the words of Islam or says that he is a Muslim, then denies any knowledge of what he said, his denial is not to be accepted and he is an apostate. This was stated by Ahmad in several places.

If that is proven, then if he – i.e., the child – apostatises, his apostasy counts as such. This is the view of Abu Haneefah and it is the view of the madhhab of Maalik.

According to ash-Shaafa'i, neither his becoming Muslim nor his apostasy counts as such. It was narrated from Ahmad that his becoming Muslim counts as such but his apostasy does not. End quote from al-Mughni, 10/88

The Hanafi scholar Ibn 'Aabideen (may Allah have mercy on him) said: The words "If a child who has reached the age of discernment apostatises, it counts as such" are applicable whether he became Muslim by himself or was Muslims because his parents were Muslim, then he apostatised before reaching the age of puberty. So his wife becomes haraam to him, and he can no longer inherit from a Muslim relative. But he is not to be executed, because execution is a punishment and he is not one of those who can be punished in this world (because he is a minor). End quote from Haashiyat Ibn 'Aabideen, 4/257

The more correct view – and Allah knows best – is that in the case of a child who has reached the age of discernment, his becoming Muslim counts as such but his apostasy does not.

Shaykh Muhammad ibn Saalih al-'Uthaymeen (may Allah have mercy on him) said: The one who has passed puberty is the opposite of the minor. If he apostatises when he is a minor, then the apparent meaning of the words of the author – i.e., al-Hajaawi – is that he does not become a kaafir, because he is not accountable for his deeds and the Pen has been lifted from him. So if he were to commit shirk by prostrating to an idol and the like, we do not describe him as a kaafir; similarly, if he does not pray, we do not describe him as a kaafir. Based on that, the apostasy of one who has not reached puberty does not count as such. This is the apparent meaning of the author's words, and it is the correct view.

But our view is that the apostasy of a child who has reached the age of discernment does count as such, but he is not to be called to Islam until after he reaches puberty, when he should be asked to repent. If he repents, all well and good; otherwise he is to be executed.

There is a third opinion regarding the case of the minor, which is that his apostasy counts as such and he is to be called to Islam. If he repents, all well and good; otherwise he is to be executed.

So there are three opinions, but the correct view is that his apostasy does not count as such, because of the general meaning of the evidence which indicates that the minor is not accountable. End quote from ash-Sharh al-Mumti‘ ‘ala Zaad al-Mustaqni‘, 14/445, 446

4.

Those who say that his apostasy does count as such do not say that he is to be executed when he is still a child, apart from an odd opinion which says that he should be asked to repent and if he repents all well and good, otherwise he is to be executed.

Ibn Qudaamah (may Allah have mercy on him) said: The child is not to be executed, regardless of whether we say that his apostasy counts as such or not, because punishment is not to be carried out on a child. That is based on the fact that the rulings on zina, stealing and any other actions that are subject to hadd punishments do not apply in his case, and he cannot be killed in legal retaliation (qisaas). End quote from al-Mughni, 10/62

In al-Mawsoo‘ah al-Fiqhiyyah, 22/181 it says: Those who say that the apostasy of a child counts as such are of the view that he is not to be executed before he reaches puberty. End quote.

With regard to the odd view that the apostate child who has reached the age of discernment is to be executed, the Hanbali scholar al-Mirdaawi (may Allah have mercy on him) said: And it says in ar-Rawdah: The apostasy of one who has reached the age of discernment counts as such, so he should be asked to repent. If he repents all well and good, otherwise he is to be executed and the rulings on one who has reached puberty also apply to him. In the case of one who has not reached the age of discernment, we should wait until he reaches puberty. If he reaches puberty and is still an apostate, he is to be executed after asking him to repent.

And it was said that he should not be executed until he reaches the age of puberty and becomes accountable. End quote from al-Insaaf fi Ma‘rifat ar-Raajih min al-Khilaaf, 10/249

5.

According to the Hanafis, he should be left until he reaches puberty, then he should be forced to return to Islam with beatings and threats.

According to the Hanafis, he should be left until he reaches puberty, then he should be asked to repent; if he repents all well and good, otherwise he is to be executed.

Ibn ‘Aabideen al-Hanafi (may Allah have mercy on him) said: The words “he should be forced... with beatings” means i.e., he should be detained.

I say: The apparent meaning is that this should come after he reaches puberty because, as we have seen above, the child is not subject to punishments. Moreover, in Kaafi al-Haakim it says: If a prepubescent child apostatises from Islam, he is not to be executed. If he reaches puberty as a kaafir, he is to be detained and not executed. End quote from Haashiyat Ibn ‘Aabideen, 4/257

The Hanbali scholar Abu ‘Abdullah az-Zarkashi (may Allah have mercy on him) said: If the child persists in his rejection of Islam, he becomes an apostate, but he is not to be executed until he reaches puberty. End quote from Sharh az-Zarkashi ‘ala Mukhtasar al-Khiraqi, 3/93

The Hanbali scholar Abu’l-Hasan al-Mirdaawi (may Allah have mercy on him) said: With regard to the words “he is not to be executed until he reaches puberty and three days have passed since the time he reached puberty”, this is our opinion and it is the opinion of most of our companions; it was stated definitively by the majority of them. End quote from al-Insaaf fi Ma’rifat ar-Raajih min al-Khilaaf, 10/249

In al-Mawsoo‘ah al-Fiqhiyyah, 13/229, it says: The Hanafis and Hanbalis are of the view that it is valid to describe a child who has reached the age of discernment a kaafir if he says or does that which implies kufr.

From the words of the Maalikis, it may be understood that this is to be limited only to the prepubescent child who has reached the level of discernment.

However, they are unanimously agreed that he should not be executed; rather he should be forced to return to Islam by means of beatings, threats and detention.

According to the Hanbalis, he should be left until after he has reached the age of puberty and has been asked to repent, then if he persists he should be executed, because of the hadeeth, “The

Pen has been lifted from three: from the one who is asleep until he wakes up, from the one who is insane until he recovers, and from the child until he grows up.” End quote.

6.

If the child reaches puberty and affirms Islam or continues to be regarded as a Muslim, then he apostatises, in this case he is an apostate according to scholarly consensus.

Al-Kaasaani (may Allah have mercy on him) said: If he affirmed Islam then apostatised, he is to be executed because of his apostasy. End quote from Badaa’i‘ as-Sanaa’i‘, 7/135

7.

If the child reaches puberty as an apostate and nothing is heard from him to suggest that he accepts Islam, then he is an apostate according to the Hanbalis. He should be asked to repent (and if he does so, all well and good), otherwise he is to be executed.

Ibn Qudaamah (may Allah have mercy on him) said: If he reaches puberty and remains steadfast in his apostasy, then the ruling of apostasy applies in this case. So he should be asked to repent three times; if he repents all well and good, otherwise he is to be executed, whether or not we said that he was an apostate before he reached puberty, and regardless of whether he was originally a Muslim then apostatised, or he was a kaafir who became Muslim when he was a child then apostatised. End quote from al-Mughni, 10/62

Shaykh Muhammad ibn Saalih al-‘Uthaymeen (may Allah have mercy on him) said: But what is the original status of the person; is it kufr or Islam?

The answer is that if his parents or one of them were Muslim, then he is a Muslim. Then if he chose something other than Islam, he is an apostate. End quote from ash-Sharh al-Mumti‘ ‘ala Zaad al-Mustaqni‘, 14/452

He also said: Our view – i.e., the Hanbali view – is that the apostasy of a minor who has reached the age of discernment counts as such, but he is not to be called to Islam until after he reaches

puberty. Then he is to be asked to repent; if he repents, all well and good, otherwise he is to be executed. End quote from ash-Sharh al-Mumti‘ ‘ala Zaad al-Mustaqni‘, 14/446.

He is not an apostate according to the Hanafis and Shaafa‘is. Based on that, he is not to be executed, but he is to be forced to return to Islam by means of detention and beatings according to the Hanafis; and efforts should be made with him according to the Shaafa‘is.

Ash-Shaafa‘i (may Allah have mercy on him) said: If a person affirms faith before reaching puberty, if he was of sound mind, then he apostatises before or after reaching puberty, then does not repent after reaching puberty, he is not to be executed because he did not believe when he was an adult. But he should be instructed to believe and efforts should be made with him, but he is not to be executed, if he does not come back to Islam. End quote from al-Umm, 6/649

Al-Kaasaani (may Allah have mercy on him) said: If a child’s parents are Muslim and he is deemed to be a Muslim on that basis, then when he reached puberty he was already a kaafir and nothing was heard from him after reaching the age of puberty to indicate that he was a Muslim, he is not to be executed, because there is no apostasy on his part. That is because apostasy means disbelieving after having believed, but there was no belief in the first place after he reached puberty, because there is no evidence to indicate that.

Therefore he is not to be executed. However he should be detained, because he was regarded as a Muslim before he reached puberty. End quote from Badaa‘i’ as-Sanaa‘i’, 7/135

Ibn Qudaamah al-Maqdisi (may Allah have mercy on him) said: Ashaab ar-ra’y said: If one or both of his parents became Muslim, and he reached the age of understanding but rejected Islam, he is to be forced to be a Muslim and is not to be executed. End quote from al-Mughni, 10/91

The words of the Hanafis and Shaafa‘is are limited to cases when the child, upon reaching puberty, did not remain Muslim either by affirmation or by doing the rituals of Islam, because in such a case, if he committed an act of apostasy after that, then he is an apostate. Rather what they meant by saying that was that when the child reached puberty he was following something other than Islam and he was not Muslim in either word or deed.

Fourthly:

As the issue of apostasy is controversial and there is a difference of opinion concerning it among the scholars, the matter should be referred to the judge; whatever the shar‘i judge decides is what should be applied in the case of one who reaches puberty as an apostate.

Whatever the case, we should not focus too much on a matter concerning which there is a difference of scholarly opinion – which is the question of whether he should be asked to repent or not – or ignore that on which there is scholarly agreement, which is that he is a kaafir whose destiny is the Fire of Hell, to abide therein for eternity. It is very strange to see those who defend such a person saying that he is not an apostate and that he should not be forced to become Muslim, and that he does not come under the heading of an apostate. It is as if those say this want to be compassionate and kind to him, but how do they know that they are not harming him thereby. Those scholars who say that the hadd punishment for apostasy should not be carried out on him did not suggest that he should be left to his own devices; rather some of them said that efforts should be made until he comes back to Islam; others said that he should be detained, threatened and beaten until he becomes Muslim; others said that he should be asked to repent, and if he repents all well and good, otherwise he is to be executed for apostasy. Although this punishment may appear to be tough and harsh, in fact it is true compassion and mercy towards him, because it may save him from dying in a state of kufr, which if he dies in that state he will deserve to spend eternity in the Fire of Hell.

What is amazing is that it may take some people a lifetime to come to Islam, and they may give up all that is precious to them in the process, whilst this man has been granted an immense blessing by Allah, may He be exalted, which is that He has caused him to be born to Muslim parents, then he is ungrateful for this blessing and disbelieves in the One Who bestowed it upon him, and he chooses to worship a human being or to venerate a rock or an animal. One should not respond in such a manner to the smallest of blessings, so how about for the greatest of them?

For more information on the ruling concerning this hadd punishment for the apostate, please see the answer to question no. [12406](#).

See also the answer to question no. [20327](#)

And Allah knows best.