

Answer to Question

The Provisions of the Apostates, the Children of the Apostates, and the Young Children of the Infidels (Kuffar)

(Translated)

Question:

Assalamu Alaikum wa Rahmatullah wa Barakatahu,

Dear Sheikh, I have a question that I hope you can answer:

Isn't there a contradiction between what the Messenger (saw) said when he was asked about the sons of the apostate... He said, "They are in fire." In another narration, he said (saw), they and their family are in the fire or as he (saw) said. Does it not contradict with what he (saw) said: «رَفَعَ الْقَلَمُ عَنْ...» «...ثَلَاثٍ...» **"There are three people whose actions are not recorded..."** of which he mentioned «وَعَنْ...» «...ثَلَاثٍ...» **"a child till he is a grown up..."**. Or as he (saw) said?

Answer:

Wa Alaikum Assalam wa Rahmatullah wa Barakatahu,

1- It was stated in the *Draft Constitution* - Article 7: [As for paragraph (c) of this article, Islam has laid down provisions for the apostate, including that he shall be killed if he does not return to Islam, as the Messenger of Allah (saw) said: «مَنْ بَدَّلَ دِينَهُ فَاقْتُلُوهُ» **"Whoever changes his religion, kill him."** Al-Bukhari narrated it on the authority of Ibn Abbas]

This is with regard to the apostate himself, as for his children who were born non-Muslims, i.e. if a Muslim changes his religion and was not killed and remained on the religion to which he apostatized, for example, he became a Christian or a Jew or a polytheist and remained as such, and he had children while he was in this state, they were born Christians or Jews or polytheists. Are his children considered apostates and are treated as apostates, or are they considered as the people of the religion upon which they were born? The answer to that is that the children of the apostate who were born before his apostasy are definitely considered Muslims, if they follow their father by apostasy, they are treated as apostates. But if they were born after his apostasy from an infidel (kaffir) wife or an apostate wife, then they are considered infidels and they are not considered apostates, so they are treated as the people of the religion on which they were born. Everyone who was born to an apostate after his kufr from an infidel or apostate wife is condemned as an apostate because he was born from infidel parents. If the parents became Jews or Christians, i.e. from the People of the Book, they will be treated like the People of the Book and if they became polytheists, they will be treated as polytheists as what was narrated on the authority of Ibn Masoud: «أَنَّ النَّبِيَّ ﷺ لَمَّا أَرَادَ قَتْلَ أَبِيكَ (عَقِبَةَ بْنِ أَبِي مَعْيطٍ) قَالَ مَنْ لِلصَّبِيِّ قَالَ النَّارُ» **"When the Prophet (saw) intended to kill 'Uqba b. Abu Mu'ait he asked who would look after the children, and he replied that hell would."** [Narrated by Abu Dawood and Al-Hakim and authenticated and approved by Al-Dhahabi]. And in the narration of al-Daraqutni: «النَّارُ لَهُمْ وَلِأَبِيهِمْ» **"Fire is for them and for their father."** And it was mentioned in Sahih al-Bukhari in the chapter on the people of the house from the Book of Jihad: on the authority of Ibn Abbas, on the authority of al-Saab bin Jathama, he said: «مَرَّ بِي النَّبِيُّ ﷺ بِالْأَبْوَاءِ» **"The Prophet (saw) passed by me at a place called Al-Abwa or Waddan, and was asked whether it was permissible to attack the pagan warriors at night with the probability of exposing their women and children to danger."** The Prophet (saw) replied, **"They (i.e. women and children) are from them (i.e. pagans)."** Anyone born to infidel parents is considered an infidel, and he will be judged as infidels. Therefore, those who apostatized from Islam and became non-Islamic sects, such as the Druze, Baha'is, and the Qadianis, are not treated as apostates, because they are not the ones who apostatized in order to be treated as apostates, rather their forefathers are the ones who apostatized, and these were born from infidel parents, so they are judged to be infidels, and they are treated as infidels. And since these people did not convert to one of the religions of the People of the Book, i.e. they did not convert to Christianity or Judaism, then they are treated as polytheists, so their sacrifices are neither eaten nor their women are married, because non-Muslims are either considered to be among the People of the Book or as non-People of the Book - i.e. from the polytheists - there is no third option. That is why the Prophet (saw)

said about the Magus of Hajar from the narration of Al-Hasan bin Muhammad bin Al-Hanafiya: «فَمَنْ أَسْلَمَ» **“Whoever converted to Islam, it will be accepted from him. And whoever did not convert to Islam, the jizya is imposed on him. Their women are not married nor their sacrifices are eaten.”** Al-Hafiz said in Ad-Daraa that it was included by Abd al-Razzaq and Ibn Abi Shaybah, and it is a well-established *mursal*. As for the offspring of those who apostatized from Islam and became Christians, as in the case in Lebanon, the Shehab family, their parents were Muslims who converted to Christianity, and their offspring adopted the Christian religion.] End

It is clear from it that judgment on the children who were born from unbelieving (kafir) parents are treated the same as the religion of their fathers, unless they embrace Islam...

2- I have previously answered this question on July 22, 2011, and the answer was as follows:

[There is no contradiction, for the first is in the young children of the infidels if they die on their disbelief, everyone who was born to infidel parents is considered an infidel, and his judgment is the judgment of the infidels as in the hadiths of Ibn Masoud and Ibn Abbas that I mentioned in the question, and of course this is if they die on their disbelief before they reach puberty and convert to Islam...

As for the hadith of Abi Dawood, it is specific to Muslims, a young Muslim is charged with the Shariah rulings when he reaches puberty, and the same applies to the sleeper until he wakes up and to the insane until he regains his sanity....] **End.**

Thus, there is no contradiction between the two cases, and Allah is All-Knowing and Most Wise.

3- For the information, there are some opinions that limit this ruling in this world, but in the Hereafter, their ruling is up to Allah. Among these opinions are:

a. Al-Nawawi says in Sharh Sahih Muslim, Vol.12, p.55: [The judgment on the children of the infidels in this world is the same as of their fathers, but in the Hereafter there are three schools of thought, if they die before puberty. The true is that they are in Heaven, the second is that they are in fire, and the third does not say anything about them. See: Al-Khatib on the Board of Abu Shuja, Vol.2, p.256]

b. Nayl Al-Awtar (11/465)

[The chapter on the following of the child to his parents in unbelief and for the one who embraced Islam and the validity of the discerning Islam 3224 - (On the authority of Abu Hurayrah that the Messenger of Allah (saw), said: «مَا مِنْ مَوْلُودٍ إِلَّا يُولَدُ عَلَى الْفِطْرَةِ، فَأَبَوَاهُ يُهَوِّدَانِهِ وَيُنَصِّرَانِهِ أَوْ يُمَجْسِنَانِهِ، كَمَا تَنْتَجُ الْبَيْهِيمَةُ جَمْعَاءَ» **“Everyone is born a Muslim, but his parents make him a Jew, a Christian, or a Magian; just as a beast is born whole. Do you find some among them [born] maimed?”** Then Abu Hurayrah says, the verse: «فِطْرَةَ اللَّهِ الَّتِي فَطَرَ النَّاسَ عَلَيْهَا» **“Allah’s pattern on which He formed mankind.”** Agreed upon, and in a narration that was also agreed upon, they said: O Messenger of Allah, have you seen any of them die young? He said: «اللَّهُ أَعْلَمُ بِمَا كَانُوا عَامِلِينَ» **“Allah knows best about what they were doing.”**), And in the hadith of Abu Hurayrah there is evidence that the children of infidels are judged by Islam when they are born, and that if a boy is found in Dar al-Islam without his parents, he was a Muslim, because he only became a Jew, a Christian, or a Magian because of his parents, if they were not there then he would remain on what he was born with, and that is Islam.

His saying: «اللَّهُ أَعْلَمُ بِمَا كَانُوا عَامِلِينَ» **“Allah knows best about what they were doing.”** Is evidence that the provisions of the infidels with Allah, if they die young, are not specified, but dependent on their actions.] End

In any case, our opinion is what is mentioned in point 1 and 2. Allah is All-Knowing and Most Wise.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

14 Rabii' al-Akhir 1444 AH

Corresponding to November 08, 2022 CE

The link to the answer from the Ameer’s Facebook page:

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/679129747107731>