

Q: 129 ? Title: Our eldest brother left Islam and became a Jehovahs witness. He then reverted back to Islam. Can you please clarify the following...

Question

Our eldest?brother left Islam and became a Jehovahs witness.? He then reverted back to Islam.? Can you please clarify the following:

- a) Can he be relied on as a witness or act in such capacity.
- b) He states that he should be the executor of the will for our late fathers inheritance being the eldest brother.? What is the Islamic stance on this position.
- c) Does he have a right to any inheritance.
- d) What is he not permitted to do in all other respects.

Answer

In the name of Allah, Most Gracious, Most Merciful

Assalaamu `alaykum waRahmatullahi Wabarakatuh

You have mentioned in the query that your brother left the religion of Islam to become a Jehovah?s Witness. The beliefs of the Jehovah?s Witnesses are against the beliefs of Islam, hence; by becoming a Jehovah?s Witness, he became a *murtad* (renegade). The laws related to a *murtad*, mentioned in the books of *fiqh*, will apply on your brother for the period of time he was a Jehovah?s Witness.

However, Islam does not restrict a *murtad* from coming back into the fold of Islam, but rather

advices the Muslims to encourage him to come back into the fold of Islam. Therefore, if a *murtad*

regrets leaving the fold of Islam, repents sincerely and comes into the fold of Islam by reciting the Kalimah and exempting himself from all religions besides Islam, he will be treated as a normal Muslim and will enjoy all the rights that a common Muslim enjoys. It will not be permissible to treat him as a renegade or a non-Muslim after coming back into the fold of Islam.

(Kifayat al-Mufti Vol.1 Pgs.40, 46, 55 ? Maktabah Haqqaniyyah)

1) Being a *murtad* is one of the reasons for not accepting a person as a witness. However, once the person comes into the fold of Islam, the rulings related to a *murtad* will not apply. Therefore, it will be incorrect not to rely on your brother as a witness because he had left the fold of Islam before. He will be treated as a common Muslim, and will be relied as a witness, if the other conditions related to a witness are found.

2) Firstly, since your brother has come back into Islam, he cannot be deprived of being the executor of the estate just because he had left the fold of Islam. Hence, if he qualifies to be the executor of the will according to the principles laid out hereunder, it will be permissible for him to be the executor of your father's will.

Secondly, the deceased holds the right to stipulate the executor of his will before he passes away. Once an executor has been stipulated by the deceased, the heirs to the estate do not hold the right to stipulate someone else as the executor. However, if the deceased had not stipulated anyone as the executor, or had stipulated someone who is not reliable or does not possess the qualities of an executor, the Qaadhi (judge of an Islamic Court) holds the right to stipulate the executor of the estate.

In the light of the abovementioned, the person stipulated by your father will be appointed as the executor of the estate. If he has not stipulated anyone as the executor, you should request a group of reliable local Aalims to stipulate an executor for the estate. However, if all the heirs to your father's estate are unanimous in stipulating your brother or any other person as the executor, it will be permissible for them to do so.

3) If your brother had come back into the fold of Islam before the demise of your father, he will

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inherit from the estate of your father. If he was a Jehovah's Witness at the time of demise of your father, he will not inherit from the estate of your father.

4) This has been clarified above.

And Allah knows best

Wassalam

Darul Iftaa, Madrassah In'aamiyyah

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