



The duration of orphanhood

The first question of Fatwa no. 4992

Q1: What is the legal duration during which an orphaned child is regarded as an orphan; meaning, until which age should he be treated as an orphan?

A: An orphaned child is treated as an orphan till he reaches the age of puberty. The age of puberty has certain signs such as ejaculation of seminal fluid during sleep and wakefulness with sexual desire, having pubic hair for both males and females, and menstruation for females only. If the orphaned child does not show any of these signs, he is treated as an adult once he reaches the age of 15. This is according to the soundest of the two scholarly opinions on this issue. It is authentically reported from Ibn `Umar (may Allah be pleased with them) that he (was presented to the Prophet (peace be upon him) on the day of Uhud when he was fourteen years old, and he (the Prophet) did not allow him to take part in the battle. He (Ibn `Umar) was again presented to the Prophet (peace be upon him) on the day of Al-Khandaq (battle of the Trench) when he was fifteen years old, and the Prophet (peace be upon him) allowed him to take part in the battle.) This means that he and other

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young Companions were introduced to the Prophet (peace be upon him) to see who had reached the legal age so as to be allowed to take part in the battle. Whoever had not reached the age of adulthood, was not allowed to take part. The fact that the Prophet (peace be upon him) did not allow Ibn `Umar at the age of fourteen to take part in the battle but later allowed him at the age of fifteen, indicates that the age of puberty starts at fifteen. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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