

12475 - Rulings to do with abortion

the question

I would like to know the rulings that have to do with abortion of the foetus at various stages.

Detailed answer

Firstly:

We have already stated in the answer to question no. [42321](#) the ruling on abortion. Please refer to this information.

Secondly:

With regard to the rulings following an abortion, they vary according to the time of the abortion, and fall into four categories, as follows:

1 - If the pregnancy is aborted within the first two stages (the nutfah (drop) stage which results from the mixing of the "two waters" which is the first forty days after the embryo attaches itself in the womb, and the 'alaqah (clot) stage where it turns into solid blood during the second forty days), which add up to a total of eighty days, then in this case if it is aborted as a nutfah or 'alaqah, there are no rulings to be followed, and there is no scholarly dispute on this point. The woman should continue to fast and pray as if she had not had an abortion, but she has to do wudoo' for each prayer if she has any bleeding, as in the case of a woman suffering from istihaadah (non-menstrual vaginal bleeding).

2 - If the pregnancy is aborted in the third stage, the mudghah (chewed piece of flesh) stage, when the embryo looks like a piece of meat with the limbs and features beginning to appear, which lasts for forty days from the eighty-first to the one hundred and twentieth day, then there are two scenarios:

(i) This embryo does not have any human features and the midwives or other attendants did not testify that this was the beginning of a human being. In this case the ruling on abortion of this mudghah is the same as the ruling on abortion in the first two stages, and there are no rulings to be followed.

(ii) The embryo has complete human features or some human features such as a hand or foot, etc, or there are features but they are indistinct, or the midwives or other attendants testified that this was the beginning of a human being. In this case the rulings on nifaas are to be followed, and this signals the end of 'iddah (waiting period following divorce or death of the husband, if applicable).

3 - If the pregnancy is aborted in the fourth stage, i.e., after the soul has been breathed into the foetus, which is after the beginning of the fifth month or after one hundred and twenty days of pregnancy have passed. Here there are two scenarios:

(i) If the foetus did not cry after birth, then the rulings mentioned with regard to the second stage of the mudghah are to be followed, but in addition the foetus should be washed, shrouded and the funeral prayer offered for him; he should be given a name and the 'aqeeqah offered for him.

(ii) If the foetus cried after birth, then the rulings concerning a full-term baby apply, as mentioned above; in addition the child may take possession of wealth bequeathed or inherited; he may inherit or be inherited from, etc.

Fataawa al-Lajnah al-Daa'imah, 21/434-438.