

82440 - The doctors aborted the foetus without her knowledge, out of fear for her life

the question

Five years ago my mother got pregnant and in the fifth month of pregnancy the amniotic fluid leaked and she became ill. When she went to the doctor they decided to abort the foetus because it was weak, and he said that if it was left inside it would die and decompose which would poison my mother and put her in danger. My mother refused vehemently because she knows that that is haraam, and she asked for a different doctor, but the second doctor's view was the same as the first doctor's. When she refused they forced her to stay in the hospital and they did not let her leave. She was examined by a committee of doctors and they insisted on doing the abortion surgery, and they say that they would bear responsibility with regard to the child. One day, because my mother had so vehemently refused to have this operation, they took her to the operating theatre, saying that they were going to do an ultrasound to check on the foetus, but they did the operation and aborted the foetus. Until now she says that she does not know whether the foetus was alive or dead at the time of the surgery, because they did the operation on her without examining her or checking the heartbeat the foetus. My mother's question is: Is there any sin on her for what happened when she had an abortion in the fifth month of pregnancy, without her consent? If that is the case, what expiation should she offer?.

Detailed answer

Firstly:

If the matter is as described, there is no sin on your mother

- if we assume that there is any sin involved - because she did not consent and the operation was done without her knowledge.

Secondly:

If trustworthy doctors determined that leaving the foetus inside poses a danger to the mother's life, it is permissible to abort it, even if that is after the soul has been breathed into it.

It says in Ahkaam al-Janeen fi'l-Fiqh al-Islamiyyah by 'Umar ibn Muhammad ibn Ibraaheem 'Aamir:

The fuqaha' of the Sunni madhhabs are unanimously agreed that it is haraam to kill the foetus after the soul has been breathed into it – i.e., after 120 days since conception – and it is not permissible to kill it under any circumstances, unless continuation of the pregnancy will lead to the mother's death.

Thus it is clear to you that abortion after the soul has been breathed into the foetus is a crime and it is not permissible to do that except in cases of extreme and definite necessity, not assumed or imagined necessity, if it is proven that there is such a necessity, i.e., if leaving the foetus will pose a danger to the mother's life. However it should be noted that with the advances in modern medicine and the means available nowadays, abortion to save the mother's life has become something very rare indeed. End quote.

The Islamic Fiqh Council stated that if the pregnancy has reached 120 days, it is not permissible to abort it, even if medical examinations show that the foetus is deformed, unless it is proven by a council of trustworthy, specialist doctors that continuation of the pregnancy will pose a danger to the life of the mother. In that case it is permissible to abort it, whether it is deformed or not, so as to ward off the greater of the two harms. End quote.

The Council of Senior Scholars in the Land of the Two Holy Sanctuaries issued a statement in which it says:

After the end of four months it is not permissible to abort the foetus unless a number of trustworthy specialist doctors decide that leaving the foetus in his mother's womb will cause her death. That is after exhausting all means of trying to preserve his life. The concession allowing abortion in this case is only allowed in order to ward off the greater of the two harms and serve the greater of the two interests. End quote from al-Fataawa al-Jaami'ah (3/1055).

See also the answer to question no. [42321](#).

And Allaah knows best.