12590 - Divorce during Pregnancy in Islam

the question

Is it permissible to divorce one`s wife when she is pregnant?

Summary of answer

Divorcing a pregnant wife is in accordance with the Sunnah. There is a widespread notion among the common people that divorce during pregnancy is contrary to the Sunnah, but there is no basis or evidence for this view.

Detailed answer

Praise be to Allah.

Divorcing a pregnant wife is in accordance with the Sunnah . There is a widespread notion among the common people that divorce during pregnancy is contrary to the Sunnah, but there is no basis or evidence for this view.

Muslim (1471) narrated the story of how Ibn `Umar (may Allah be pleased with him) divorced his wife, in which it is narrated that the Prophet (peace and blessings of Allah be upon him) said: “Tell him to take her back then divorce her when she is pure (i.e., not menstruating) or is pregnant .”

An-Nawawi (may Allah have mercy on him) said in Sharh Muslim:

“This indicates that it is permissible to divorce a pregnant woman whose pregnancy is established. This is the view of Ash-Shafa`i. Ibn Al-Mundhir said: This is also the view of most of the scholars, including Tawus, Al-Hasan, Ibn Sirin, Rabi`ah, Hammad ibn Abu Sulayman, Malik, Ahmad, Is-haq, Abu Thawr, and Abu `Ubayd. Ibn Al-Mundhir said: This is also my opinion, and that of some of the Malikis, but some of them said: It is prohibited. Ibn Al-Mundhir narrated another report from Al-Hasan in which he said that divorcing a pregnant woman is disliked.”

Ibn Al-Qayyim (may Allah have mercy on him) said in Tahdhib As-Sunan:

“The words “then divorce her when she is pure (i.e., not menstruating) or is pregnant” indicate that divorcing a pregnant woman is in accordance with the Sunnah .”

And Allah knows best.