40269 - Husband forcing his wife to abort a pregnancy

the question

What is the ruling on a husband who tries to make his wife abort against her wishes in the second month of pregnancy because he wants to divorce her, by giving her medicine that will cause that to happen, even though he did not manage to bring about an abortion? Is that halaal or haraam? What is the expiation for doing that?.

Detailed answer

Praise be to Allah.

Aborting a pregnancy is not permissible, whether the soul has been breathed into the embryo or not, but if that is after the soul has been breathed in, the prohibition is more emphatic.

If a husband tells his wife to abort a pregnancy, it is not permissible for her to obey him.

Shaykh Muhammad ibn Ibraaheem (may Allah have mercy on him) said:

Trying to abort a pregnancy is not permissible if it is not proven that the foetus has died; if that is proven then it is permissible.

Majmoo' Fataawa al-Shaykh Ibn Ibraaheem, 11/151

Shaykh Saalih al-Fawzaan (may Allah preserve him) said:

Firstly:

It is not permissible to abort a pregnancy. Once pregnancy is discovered, it must be protected and it is haraam for the mother to harm the pregnancy or disturb it in any way, because it is a trust that Allah has placed in her womb and it has rights, so it is not permissible to mistreat it, harm it or destroy it.

The shar'i evidence indicates that it is haraam to abort a pregnancy.

The fact that a baby cannot be born without an operation is no excuse for abortion; many women only give birth by means of an operation (i.e., caesarian), so this is no excuse for aborting the pregnancy.

Secondly:

If the soul has been breathed into the foetus and it has started to move, then it is aborted after that and it dies, then (the woman) is regarded as having killed a soul and she is obliged to offer expiation by freeing a slave; if that is not possible, then she must fast for two consecutive months in repentance to Allah. That is if four months of pregnancy have passed, because in that case the soul has been breathed into the foetus. If it is aborted after that, then kafaarah (expiation) as described must be offered. This is a serious matter which cannot be taken lightly. If a woman cannot bear a pregnancy for reasons of sickness, then she has to take medication to prevent getting pregnant in the first place; she may take contraceptive pills to delay getting pregnant for a while, until she regains her health and strength.

Al-Muntaqa, 5/301-302

Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him) was asked about a man who said to his wife: "Abort what is in your womb and the sin will be on me." If she does that and listens to him, what expiation will they have to offer?

He replied:

If she does that, then they both have to offer expiation by freeing a believing slave; if that is not possible then they have to fast for two consecutive months and they have to give a male or female slave to the heir that did not take part in the killing, and not to the father, because the father is the one who ordered that he be killed, so he does not deserve anything.

"A male or female slave" is the diyah (blood money) for the foetus, i.e., the value of a male or female slave, which the scholars stated is equivalent to one-tenth of the diyah for his mother.

We have already discussed the ruling on abortion in more than one answer. Please see questions no. 13317, 42321, 12733.

With regard to the expiation for that, because the pregnancy was in the second month or before the soul had been breathed into the foetus, and the abortion did not take place, then no expiation is required. But what is required is repentance to Allah from this haraam action.

And Allah knows best.