# 50106 - The foetus died in the fourth month; should he be named and the ‘aqeeqah be done for him, and should he be washed and shrouded?

**the question**

My wife was pregnant, and at four months and three weeks of pregnancy the foetus died in his mother’s womb. What should we do? Should he be named and the ‘aqeeqah sacrificed for him? If anything else needs to be done, I hope that you can help us with that. May Allaah reward you with good.

**Detailed answer**

Praise be to Allah.

Firstly:

There is a difference of opinion among the scholars regarding a miscarriage that happens after four months. That which is stated in the fatwas of our shaykhs is that the foetus should be named, washed and shrouded, and the funeral prayer offered for him, and he should be buried with the Muslims, and the ‘aqeeqah should be done for him.

The scholars of the Standing Committee were asked:

Please advise me concerning my wife; before she died she miscarried a foetus, at four months of pregnancy. She took him and buried him without offering the funeral prayer. Please advise me as to whether I should have done anything.

They replied:

He should have been washed and shrouded, and the funeral prayer offered for him, according to the correct scholarly opinion, so long as the age of four months had been reached, because of the

general meaning of the report narrated by Abu Dawood and al-Tirmidhi from al-Mugheerah ibn Shu’bah (may Allaah be pleased with him), that the Prophet (peace and blessings of Allaah be upon him) said: “The funeral prayer should be offered for the miscarried foetus.” But this was not done, and you do not have to do anything now.

Fataawa al-Lajnah al-Daa’imah, 8/406.

And they said:

If the age of four months has not been reached, then the funeral prayer should not be offered, and he should not be named or the ‘aqeeqah offered, because the soul had not been breathed into him.

Fataawa al-Lajnah al-Daa’imah, 8/408.

Shaykh Muhammad ibn Saalih al-‘Uthaymeen (may Allaah have mercy on him) was asked:

If a foetus is miscarried before four months should the ‘aqeeqah be done for him or not?

He replied:

If the foetus is miscarried before four months of pregnancy, then no ‘aqeeqah should be done, and he should not be named or the funeral prayer offered for him, and he may be buried anywhere.

But after four months the soul has been breathed into him, so he should be named and shrouded and the funeral prayer should be offered for him, and he should be buried with the Muslims, and the ‘aqeeqah should be done for him in our view. Some of the scholars said that the ‘aqeeqah should not be done unless he lived for seven days, but the correct view is that the ‘aqeeqah should be offered for him because he will be resurrected on the Day of Resurrection, and he will intercede for his parents.

As’ilat al-Baab il-Maftooh, Q. 653.

Secondly:

The blood which comes out when the foetus is miscarried at this stage is nifaas, so the woman should not pray or fast, and it is haraam for her husband to have intercourse with her. This blood is regarded as nifaas if the woman miscarries a foetus in which human features can be seen.

Shaykh Ibn ‘Uthaymeen said:

The scholars said: If the foetus comes out and human features can be seen in it, then the blood that comes after that is nifaas, so she should stop praying and fasting, and her husband should avoid intercourse with her until she becomes pure. If the embryo comes out unformed, then the bleeding is not regarded as nifaas, rather it is irregular bleeding which does not prevent her from praying, fasting etc.

The scholars said: The minimum period after which features appears is eighty-one days.

Fataawa al-Mar’ah al-Muslimah, 1/304, 305.

See also question no. 37784

And Allaah knows best.