

4038 - Ruling on aborting or caring for a child whose mother has AIDS

the question

Is it permissible for a mother who has AIDS to have an abortion if she gets pregnant? Does she have the right to take care of the child? Is it permissible for either spouse to nullify the nikaah (marriage contract) if it is discovered that the other has AIDS?

Detailed answer

Firstly: abortion in the case of a mother who has AIDS:

Because AIDS is not usually transmitted by a mother to the foetus until the later stages of pregnancy – after the soul has been breathed into the child – or during delivery, it is not permissible according to sharee'ah for her to abort the foetus.

Secondly: a mother with AIDS taking care of her healthy child and breastfeeding him:

Because current medical knowledge indicates that there is no definite risk to the child from a mother who has AIDS, because the way she deals with him is the ordinary way of mixing with people, from the point of view of sharee'ah, there is no reason why the mother should not take care of her child and breastfeed him, so long as there is no medical report to state that she should not do so.

Thirdly: the right of the healthy spouse to ask for separation from a spouse who has AIDS:

The wife has the right to demand separation from a husband who has AIDS on the grounds that AIDS is a contagious disease that is transmitted primarily through sexual contact.