

71161 - Rulings on miscarried foetus

the question

My daughter died in the womb after seven months of pregnancy. Should we have offered 'aqeeqah for her? Because 'aqeeqah was not done for her. Should she have been given a name? Because she was not given a name.

My husband only washed her and shrouded her, and offered the funeral prayer for her and buried her. Is what he did correct?

But now my husband has divorced me. Can I offer 'aqeeqah for her if it is obligatory?.

Detailed answer

Praise be to Allaah.

Firstly:

You should note that patience in acceptance the divine will and decree is one of the attitudes of the righteous, and acceptance of Allaah's decree is one of the characteristics of those who are close to Him. The best way in which a person can respond to calamity is to say, "Al-hamdu Lillaah, innaa Lillaahi wa innaa ilayhi raaji'oon (Praise be to Allaah, verily we belong to Allaah and unto Him is our return)."

The best that we can tell you is that which was narrated from Abu Moosa al-Ash'ari (may Allaah be pleased with him), that the Messenger of Allaah (peace and blessings of Allaah be upon him) said:

"When the child of a person dies, Allaah says to His angels: 'You have taken the soul of the child of My slave?'

They say: 'Yes.'

Islam Question & Answer

General Supervisor:
Shaykh Muhammad Saalih al-Munajjid

He says: 'You have taken the apple of his eye?'

They say: 'Yes.'

He says: 'What did My slave say?'

They say: 'He praised You and said innaa Lillaahi wa innaa ilayhi raaji'oon.'

And Allaah says: 'Build for My slave a house in Paradise, and call it the house of praise.'"

Narrated by al-Tirmidhi, 1021; classed as hasan by al-Albaani in Saheeh al-Tirmidhi.

Al-Nawawi (may Allaah have mercy on him) said:

The death of one of one's children is a screen against the Fire, and the same applies to miscarriage, and Allaah knows best.

Al-Majmoo', 5/287; see also Haashiyat Ibn 'Aabideen, 2/228

It was narrated from Mu'aadh ibn Jabal that the Prophet (peace and blessings of Allaah be upon him) said:

"By the One in Whose hand is my soul, the miscarried foetus will drag his mother by his umbilical cord to Paradise, if she (was patient and) sought reward (for her loss)." Narrated by Ibn Maajah, 1609; classed as da'eef by al-Nawawi in al-Khulaasah (2/1066) and al-Boosayri, but classed as saheeh by al-Albaani in Saheeh Ibn Maajah.

See also question no. [5226](#).

Secondly:

The scholars are unanimously agreed that if the child is known to have lived and he made a sound,

Islam Question & Answer

General Supervisor:
Shaykh Muhammad Saalih al-Munajjid

then he should be washed and shrouded and the funeral prayer offered for him.

Consensus on this point was narrated by Ibn al-Mundhir, Ibn Qudaamah in al-Mughni (2/328) and al-Kaasaani in Bidaa'i' al-Sanaa'i', 1/302.

Al-Nawawi said in al-Majmoo' (5/210): He should be shrouded like an adult, with three pieces of cloth.

But if the child did not make a sound, then in the answer to questions no. [13198](#) and [13985](#) we have explained that what matters in this case is whether the soul had been breathed into the foetus or not, which happens after four months of pregnancy. If the soul has been breathed into him then he should be washed and shrouded, and the funeral prayer should be offered for him, but if the soul has not been breathed into him, then he should not be washed and the funeral prayer should not be offered for him.

See: al-Mughni, 2/328; al-Insaaf, 2/504.

Thirdly:

With regard to offering 'aqeeqah for a miscarried foetus if he had reached the age of four months gestation, the scholars differed as to whether this is prescribed in Islam. In the answer to questions no. [12475](#) and [50106](#), we stated that the scholars of the Standing Committee for Issuing Fatwas, and Shaykh Ibn 'Uthaymeen, favoured the view that it is prescribed and is mustahabb. They are also of the view that the child should be given a name.

Fourthly:

The one who is commanded to do the 'aqeeqah is the one who is obliged to spend on the child, namely the father if he is present; if he refuses to do that then there is nothing wrong with someone else doing it, such as the mother.

Islam Question & Answer

General Supervisor:
Shaykh Muhammad Saalih al-Munajjid

It says in al-Mawsoo'ah al-Fiqhiyyah (30/279):

The Shaafa'is are of the view that the 'aqeeqah is required from the one who is obliged to spend on the child, and he should pay for it from his own wealth, not the child's wealth. No one who is not obliged to spend on the child should do it, except with permission from the one who is obliged to spend on him.

The Hanbalis stated that no one should do the 'aqeeqah except the father, unless he cannot do it because he is deceased or he is refusing to do it. If someone other than the father does it, that is not makrooh, but it is not an 'aqeeqah. The only reason why the Prophet (peace and blessings of Allaah be upon him) did the 'aqeeqah for al-Hasan and al-Husayn was because he is closer to the believers than their own selves. End quote.

If the father is alive and can afford it, then he is advised to offer the 'aqeeqah on behalf of the child. If he refuses or he gives the mother permission to do the 'aqeeqah, then that is Islamically acceptable.

Conclusion: what your husband did, washing and shrouding her and offering the funeral prayer for her is correct and is prescribed in Islam, but you still have to give her a name and offer the 'aqeeqah on her behalf.

And Allaah knows best.