

Question 1694) - If the husband says, "This foetus is not mine," will Li'an commence?

A: There is no Li'an in this case.*

* Because there is no certainty that it will remain a slander due to the possibility that it is only a swelling of the stomach. If his allegation firmly remains such as when she gives birth in less than six months then it is as he said, "If you are pregnant then it is not mine," and slander is not established on conditions. This is according to Imaam Abu Hanifah SAW. According to Imaam Abu Yusuf RAH. and to Imaam Muhammed RAH. if she gives birth in less than six months then Li'an will be conducted.

~ al-Quduri~