

12TH ISLAMIC CLINICO-PATHOLOGICAL CONFERENCE
(iCPC 12, 2020)

Kulliyah of Medicine, International Islamic University Malaysia, Kuantan Campus

**BREASTFEEDING, KINSHIP,
MILK BANK IN ISLAM, AND
CONTEMPORARY
CHALLENGES**

Mohammed Farid Ali Al-Fijawi

BREASTFEEDING

الرضاعة

There are three areas to discuss under this topic:

1. Breastfeeding as an infant's right
2. Breastfeeding in Islam establishes kinship (*nasab*)
3. Milk Bank in Muslim Community/Country

1. BREASTFEEDING IN ISLAM

Definition of breastfeeding (*al-rada'ah*):

Literal meaning:

the word *rada'ah* means suckling milk from the breast

Conventional meaning (*Istilahan*):

Reaching of a woman's milk to the stomach of nursing who is less than two years old.

Ruling (*hukum*) of breastfeeding in Islam

- *Wajib* within the breastfeeding age and when the nursling is in need
- This is the agreed upon opinion of the Four Major Legal Schools
- This is based on three evidences.
- Evidence 1: Al-Talaq (65: 6): “And if they breastfeed for you, then give them their payment”

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وَجْدِكُمْ وَلَا تُضَارُّوهُنَّ لِتُضَيِّقُوا
عَلَيْهِنَّ ۚ وَإِنْ كُنَّ أُولَاتٍ حَمَلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّى يَضَعْنَ حَمْلَهُنَّ ۚ فَإِنْ
أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ ۚ وَتَمَرُّوا بَيْنَكُمْ بِمَعْرُوفٍ ۚ وَإِنْ
تَعَاَسَرْتُمْ فَسْتَزِيعٌ لَهُ أُخْرَىٰ

Evidence 2: Breastfeeding is preservation/protection of infant from loss and damage. (Ibn Hajar al-Haythami, *Tuhfat al-Muhtaj*, 8/350)

Evidence 3: Breastfeeding is the right of the infant just like maintenance for an adult. (Ibn Qudamah, *Al-Najm al-Wihhaj*, 8/286)

2. ESTABLISHMENT OF KINSHIP (NASAB)

- The breastfeeding can establish kinship provided that it takes place in 2 year old infant. This is the opinion held by the majority jurists.
- This opinion is based on two opinions:

Evidence 1: Al-Baqarah (2: 33):

“Mothers may breastfeed their children two complete years for whoever wishes to complete the nursing [period]....”

The breastfeeding is limited to 2 years in this verse. Ibn Abbas is reported saying “No breastfeeding except that takes place within two years.”

Evidence 2: Jami' al-Tirmidhi: 1152

Umm Salamah narrated that The Messenger of Allah said:

“No prohibition results from suckling except for what penetrates the intestines while on the breast before weaning.”

“Before weaning (*al-fitam*)” means before two years (al-Sana'ani, *Subul al-Salam*, 3/217).

Narrated Ibn `Abbas: “The Prophet (ﷺ) said about Hamza's daughter, “I am not legally permitted to marry her, as foster relations are treated like blood relations (in marital affairs). She is the daughter of my foster brother.” *Sahih al-Bukhari*: 2645.

3. HUMAN MILK BANK

What is Human Milk Bank?

A human milk bank is a service established for collecting, screening, processing, storing and distributing donated human milk

Why Milk Bank was established?

To fulfil the need of the nurslings because of scarcity and other reasons

Does Islam has problem with this?

No, because wet-nurse culture was and is alive in Islamic culture. Wet-nursing donates the milk to the nurslings

Then what is the big deal?

The western concept of Milk Bank does not take into consideration the establishment of kinship because of breastfeeding.

Majma' al-Fiqh al-Islami on December 1985 passed the bill (*qarar*) that establishment and feeding of infants from Milk Bank is not permitted:

1. Milk Banks is a western practice which had technical and scientific negative experiences.
2. Islam considers kinship through breastfeeding and protection of lineage is one of the five essential purposes (*Maqasid*) of the *Shari'ah*. Milk Bank practice leads to confusion and mixing of lineage.
3. In Islamic world, the social connections in special circumstances provide premature baby (*khadij*), or under-weight baby, or baby in need of human milk sufficient milk through natural breastfeeding (wet nursing). This eliminates the need for Human Milk Bank.
(*Majallah Majma' al-Fiqh and al-Islami*, 2/424)

National Fatwa Council Malaysia in 2011 passed fatwa that Milk Bank is not permitted because:

- Protection of nasab is one of the five *maqasid al-Shari'ah*. Anything that opposes this *maqasid* should be avoided. ((<http://www.e-fatwa.gov.my/print/fatwa-kebangsaan/hukum-penubuhan-bank-susu>, 14 April 2012).

CONCLUSION

- Islam is not opposing breastfeeding through mother or wet nurse.
- Instead, Islam obligates breastfeeding for infants in needs
- The line of distinction between Islamic and western breastfeeding is establishment of kinship through breastfeeding.
- Islam calls for utmost respect of milk-kinship that is similar to kinship established through bloodline.
- Since the fatwas prohibiting Milk Banks are revolving around the issue of mixing and creating doubt in kinship, the new SOP of Milk Banks can be designed to avoid this issue.