

Breast milk banks between analysis and prohibition

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Abstract

The importance of presenting what is new in Western countries to the Sharia before transferring it to other countries Muslims. The need of Muslim societies to clarify the ruling on emerging issues on the scene. Introducing milk banks and the reasons for their establishment. Explanation of the jurisprudential adaptation of this calamity and the opinions of contemporary scholars on it.

Introduction

Praise be to God, Lord of the Worlds, and prayers and peace be upon the most honorable messengers, Muhammad, and upon all his family and companions.

There is no doubt in Sharia that if a baby needs milk for breastfeeding, because formula milk will harm him, then the women who breastfeed him without his mother will be remunerated, but what has been developed in Western countries of milk banks that collect milk from various mothers for the purpose of using it in breastfeeding children differs

That is, and in view of the fact that many Muslims live and reside in those countries, in addition to the call to establish such banks in the countries of Islam, I wanted to contribute to the discussion of this important calamity and the ruling on breastfeeding from it, which must have extended roots according to the ancient jurists, even if they waved about it; This religion has foundations that are valid for every time and place, and that is from its perfection. It is the conclusion of the heavenly religions and its abrogation.

Research Methodology:

- Editing the disputed issue.
- Mention the sayings on the issue and the statement of the scholars who said them.

Indicating the evidence for the statement with mentioning the evidence for it, the discussions that are presented to it and the answers to it as possible. Documenting sayings from the books of the same sect. Weighting with a statement of the reason.

This research was divided into three sections, which are as follows:

The first topic: the concept of milk banks divided into demands: the first requirement: the words indicating milk banks, the second requirement: the definition of the milk bank, the third requirement: the definition of milk banks as an additional compound:

The fourth requirement: the emergence of milk banks, the fifth requirement: the importance of milk banks.

The second topic: the jurisprudential adaptation of milk banks, the first requirement: the origin of the issue, the second requirement: the liberation of the subject of the dispute.

And the third topic: the ruling on establishing milk banks and benefiting from

them: presenting the sayings of contemporary jurists in this calamity, and then the conclusion included the most important findings of the research.

The first topic: the perception of milk banks

The first requirement: the words denoting the milk banks

Milk banks are known by many names

o milk banks¹

o milk banks²

o Breast milk banks³

o Bank of human milk⁴

The second requirement: the definition of the bank and milk

First - the bank:

The ba, the nun, and the kaf are one word, and it is their saying: to be adopted in the place, i.e. to stay there

¹ Journal of the Islamic Fiqh Academy of the Organization of the Islamic Conference in Jeddah And it issued Resolution No. 6 regarding milk banks, emanating from the The Islamic Conference in its second conference in Jeddah from 1-6 Rabi`

² The doctor's literature and jurisprudence: by Dr. Zuhair Ahmed Al-Sibai, d. Muhammad Ali Al-Bar.

³ Milk bank and its effect on prohibition: by Sheikh Ali Muhammad Al-Qaddal, and research Published in the Journal of Islamic Sciences and Research, second issue, February 2011 AD

⁴ Milk banks and the position of Islamic Sharia regarding them: by Dr. Amal Bint Ibrahim bin Abdullah Al-Dabbasi, which is published in the Journal of the Fiqh Association Saudi Arabia, Issue Twenty-six, Year 1436 AH.

And qualified, the word bank means residence and empowerment, and in the era's convention: "an institution that carries out credit operations by borrowing and lending."⁵

Second: Definition of milk:

It is milk, milk: it is a white liquid that is present in the udders of females of humans and mammals of animals.⁷

The third requirement:

Defining milk banks as an additional compound:

They are institutions that collect milk from donating mothers, who donate some of the milk in their breasts; Because it is in excess of the needs of their children, or because the child has died and the milk remains in the breast, it is taken in a sterile way from the donor and kept in sterile vials after sterilization again in milk banks.

It does not lose its antibodies that are found in human milk and there is no equivalent in the milk of animals such as cows, buffaloes and sheep⁸.

⁵ - Intermediate Lexicon) (1/71 items) Bank.

⁶ See: Al Mohit Dictionary 76; bridal crown 304/2; Thesaurus 2814

⁷ See: Journal of the Islamic Fiqh Council, No. 2/261; Milk Banks by Muhammad Al-Baadani 3

⁸ The Milk Bank and its Effect on Prohibition, by Ali Muhammad Al-Qadal; Milk banks and their relations to the provisions of breastfeeding, a scientific and jurisprudential study, by Dr. Muhammad Al-Hawari, p. 5

The fourth requirement¹: the emergence of milk banks:

The idea of milk banks emerged in the seventies of the twentieth century in Europe and the United States, after a group of banks such as blood banks spread Cornea banks, sperm banks, and organ banks. The reason for the emergence of milk banks is the disappearance of the previously established nursing system; Because of the disintegration of Western society and the severing of its bonds, and the spread of immorality in it, and on the other hand, the mother may not be able to breastfeed her child; Because of her death, or depletion of her milk, or the presence of an infectious disease, or similar reasons that prevent breastfeeding with the child's need for human milk and the absence of an alternative nurse.

The reasons for establishing this type of bank can be summed up in one thing: saving a group of children who especially need human milk, and these children are²:

¹ See: Journal of the Islamic Fiqh Council, No. 2/261; Milk banks by Muhammad al-Baadani (p. 4); the doctor is his literature and jurisprudence) (351; milk banks and their relationship to the provisions of breastfeeding, a scholarly and jurisprudential study, by Dr. Muhammad al-Hawari (p. 5).

² - See: Journal of the Islamic Fiqh Council, Issue Two) (263/263; Milk Banks by Muhammad Al-Baadani (5); Doctor His Literature and Jurisprudence) (353; Milk Banks and Their Relationships with the Rulings of Breastfeeding, A Jurisprudential Study, by Dr. Muhammad Al-Hawari (p. 4)

1- Premature babies, i.e. those born before the due date of less than nine months (and the more that is less than nine months, the greater the child's need).

2- Children who are underweight at birth, even though they have completed the normal pregnancy period of nine months, 280 days from the date of the woman's last menstruation, or 266 days since the vaccination, it may increase slightly or decrease.

3- Children who suffer from acute infections that make them in dire need of human milk because it contains antibodies and immune bodies.

The fifth requirement:³ the importance of milk banks:

The importance of milk banks becomes clear by knowing the advantages of natural milk,

It is known that mother's milk is the most appropriate milk for feeding children in general;

Its importance is summarized in the following:

1- It contains the appropriate elements for the child's diet, such as protein and fats.

³ - See: Journal of the Islamic Fiqh Council, issue 2, 261/2; Milk Banks by Muhammad Al-Baadani 6; The doctor is his literature and jurisprudence 351; Milk banks and their relations to the provisions of breastfeeding, a scientific and jurisprudential study, by Dr. Muhammad Al-Hawari, p. 3.

minerals, water, sugars, and vitamins in quantities appropriate to the child's needs; It is easy to digest and absorb.

2- It contains antibodies (antibodies and immune bodies

Immune bodies, which helps protect the child from catching infection, and strengthen the immune system.

3- The child is not allergic to it, as it may happen in the milk of cows, buffaloes, sheep or goats.

4- It protects children from various types of infections that affect the digestive system, respiratory system and other organs.

5-contains immune cells in a large amount, especially the pulp, and also contains

A very large amount of immune bodies, especially of the type (IJA), which plays a role in protecting the digestive and respiratory systems of the child.

6- It contains zinc, while the milk of cows, buffaloes or other animals does not contain a sufficient amount of it.

7- It is rich in macrophages, which have the ability to

Ingestion of microbes and foreign objects and killing or analyzing them.

The second topic :

Doctrinal adaptation of milk banks

The first requirement: the origin of the issue

After portraying the jurisprudence case; I found that it is directly related to the issue of ugliness

And snuff from breastfeeding:

First: Breastfeeding: by opening and breaking, sucking: It is a name of

breastfeeding for sucking the breast and drinking its milk¹.

And idiomatically: It is the sucking of milk within two years of a pregnancy from the breast of a woman, or drink it, or something like that².

Second: Al-Ujour: Waw, jim, and raa are a word that denotes a type of watering³.

Yugur in the middle of the mouth, ie pour. Conventionally, milk is poured into the throat of an infant, other than the breast.

Third: Snuff: the sin, the eye, and the tae origin, which is the snuff and stupor in the nose. It is said: to snuff the medicine, meaning: pour it into his nose⁴.

And idiomatically: It is to pour milk into the nose of the infant from a container or something else⁵.

The second requirement: the liberation of the subject of the dispute

The fuqaha' agreed that if a child is breastfed from a woman's breast and her milk reaches the

In his stomach, it is forbidden, but the dispute occurred over snuff and the drowsiness of the child¹.

¹ See: Lisan Al-Arab, part 8/126, Mukhtar Al-Sahah, p. 267, article (Infant).

² See: Mask Scouts, Part 5, p. 442

³ See: Dictionary of Language Measures, Part 6, p. 87, - Mukhtar Al-Sahah, pg. 740, item(s)

⁴ See: Al-Mughni c9 pg. 196

⁵ - See: Dictionary of Language Measures, Part 3, p. 77, Lisan Al Arab, Part 7, Pg. 314, Article (Saat).

The infant in obtaining the prohibition has two sayings²:

1- The first saying and its evidence:

The prohibition on the use of dirt and snuff for an infant, which is a doctrine³

The majority of scholars are Hanafi⁴, Maliki⁵, Shafi'i⁶ and Hanbali⁷.

They cited the following:

2- On the authority of Abdullah bin Al-Zubayr that the Messenger of God, peace and blessings be upon him, said: "There is no breastfeeding except for a hernia of the intestine⁸."

¹ See: Al-Mughni c9 pg. 196

² - J: Conditions related to the rest of the issues of the breast-feeding chapter, such as the number of breast-feeds that make it forbidden, and doubts about them, and there is no relation to the issue of breast-feeding an adult / See: Al-Bahr Al-Ra'iq, part 3, pg.

³ - See: Tuhfat al-Fuqaha vol. 2, p. 238, al-Durr al-Mukhtaraj 3, p. 209

⁴ - See: Al-Thakhira Part 4 pg. 274, Beginning of the Mujtahid and End of the Moqtadat, Part 3, pg. 62

⁵ - See: Al-Muhadhab, vol. 3, p. 143, Kifayat al-Akhyar, p. 435

⁶ - Narrated by Ibn Majah, Book: Marriage, Chapter: Chapter No Breastfeeding After Weaning, No. 1946

⁷ - Narrated by Abi Dawood, Book: Marriage, Chapter: In Laban Al Fahal, No. 2059

3- On the authority of Ibn Masoud, may God bless him and grant him peace, he said: "There is no breastfeeding except that which strengthens the bones and makes the flesh grow."⁹

The significance of the hadith and the effect:

The milk with which the child is watered performs the same meaning as breastfeeding, as it is a reason for obtaining nourishment, so it is equal to it in the ruling; Because what matters is the arrival of milk, not the method of access¹⁰.

2- The second opinion and its evidence:

The prohibition does not occur with them, and this is the saying of Ibn Hazm¹¹ and a narration from Imam Ahmad¹²

They cited the following:

1- The Almighty's saying: {And your mothers who satisfied you, and your sisters from breastfeeding}¹³

2- His saying, peace and blessings be upon him: "What is forbidden from breastfeeding is forbidden from breastfeeding."

proportions".

The significance of the verse and hadith:

⁹See: The polite, part 3, p. 143

¹⁰ See: Al-Mahali c 10 p. 185

¹¹ See: Al-Mughni vol.9 pg. 196, al-Insaaf vol.24 p.238

¹² - Surah An-Nisa: from verse 23

That God and His Messenger did not forbid marriage in this sense except through breastfeeding

And breast-feeding, and it is not called that except what the breast-feeding woman puts in her mouth

infant", as if they adhered to the linguistic meaning of breastfeeding, which is the nurture of the breast

In response to what they said:

The verse and the hadith, even if they prove the prohibition of breastfeeding, do not indicate a denial

Other than that, which is the occurrence of the prohibition by renting and renting, and the jurists have mentioned

They spread the prohibition by analogy with breastfeeding by means of intercourse with the occurrence of disobedience

Germination and feeding of the young with them, and measurement from the legitimate evidence¹

The most correct: And God knows best. This is what the four imams said about the fact that the sanctity of breastfeeding is achieved through them. For the strength² of what is indicated by whoever sees this opinion, and the possibility of answering the evidence of violators.

The third topic

Ruling on establishing milk banks and benefiting from them

¹ - Narrated by Al-Bukhari, Book: Testimonies, Chapter: Testimony to Lineage, Extensive Breastfeeding, and Old Death, No. 2645

² - Al-Mahali c 10 p. 185

The essence of the dispute in the case of the milk banks is the effects of breastfeeding from them of establishing the prohibition, with the possibility of the ignorance of the mother who breastfed from her milk.

• The first saying and its evidence³:

It is forbidden to benefit from milk banks.

The Islamic Fiqh Academy of the Organization of the Islamic Conference and the Standing Committee for Scholarly Research and Ifta.

They cited the following:

1- From what was transmitted:

What came on the authority of Salma, the slave of Abu Hanifa; It is unreasonable to suck my breast⁴

Abu Hudhaifah's wife, but that was from a vessel.

2- It is reasonable⁵:

A - Warding off evil takes precedence over bringing benefits¹.

³ - Imam Ibn Hazm restricted forbidden breastfeeding to what was sucked from the breast; Because it is, may God have mercy on him, is not considered analogy as a legal evidence. See: Al-Muhalla vol. 10 p. 185, al-Mughni vol. 9 p. 196, Milk Banks by Muhammad al-Baadani, p.

⁴ See: Milk banks by Muhammad Al-Baadani 16

⁵ - Among them: Dr. Muhammad Ali Al-Bar, Sheikh Abdullah Al-Bassam, Sheikh Mukhtar Al-Salami, Sheikh Muhammad Taqi Al-Othmani, Sheikh Rajab Al-Tamimi, Sheikh Bakr Abu Zaid, and Dr. Zuhair Ahmad Al-Sibai. See: Journal of the Islamic Fiqh Council; The second issue 2/261/289

B - to block the excuses and fall into the fitna of prohibition².

3- Decision of the Islamic Fiqh Academy Council No. 6 regarding milk banks, emanating from the Organization of the Islamic Conference in the session of its second conference in Jeddah³

From 16 - 1 Rabi' al-Thani 1406 AH / 28 - 22 December 1985, before:

3- Social relations in the Islamic world provide for newborns

Premature or underweight or in need of human milk in cases

Own what he needs from breastfeeding, which sings⁴

About milk banks.

Accordingly, it was decided:

First: Preventing the establishment of breast milk banks in the Islamic world.

Second: The prohibition of breastfeeding from it.

The second saying and its evidence:

It is permissible to benefit from milk banks, and this is the opinion of a group of contemporary jurists on it, in a fatwa issued

by the Egyptian Dar Al Iftaa. They cited the following:

- From transferred:

1- The Almighty's saying: (And your mothers who breastfeed you and your sisters through breastfeeding)⁵

The point of view: that motherhood that the Qur'an stated does not come from merely taking milk, but rather from sucking and sticking, in which the tenderness of motherhood is manifested⁶.

Breastfeeding entails two parts: taking the milk and eating the breast, and not just the milk reaching the stomach.

2- They took the second opinion on the issue of shame and snuff, which is the doctrine of al-Laith and a narration from Imam Ahmad

It is answered⁷:

(a) It is not possible to be certain that this is the madhhab of Al-Layth except with a luminous reference⁸.

B - It is true that there are two narrations on the authority of Imam Ahmad, but the most well-known and approved of them in the

¹ - Journal of the Islamic Fiqh Council; Second number 2, 290

² - Committee's fatwas 44/21; Fatwa No., signed by Bakr Abu Zayd, Saleh Al-Fawzan; Abdullah bin Ghadian; Abdul Aziz bin Abdullah Al Sheikh.

³ See: Journal of the Islamic Fiqh Council, second issue (2,284)

⁴ See: Journal of the Islamic Fiqh Council, second issue (2-284-289)

⁵ See: Journal of the Islamic Fiqh Council, second issue (2, 286)

⁶ Al-Masriah, Subject (Mother's Milk Bank), Mufti Ahmed Hariri, July 8, 1963 AD; Milk banks and their relationship to the provisions of breastfeeding, by Dr. Muhammad Al-Hawaris 26

⁷ See: Fatwas of the Egyptian Dar Al Iftaa, the subject of the Mother's Milk Bank, Mufti Ahmed Hariri (July 8, 1963 AD)

⁸ - Surah An-Nisa: From verse: 23

doctrine; It is the approval of the three imams¹.

2- The aforementioned category of children's need for such banks and the necessity of its existence².

3- Choosing the easiest for people, because this is from the interest that the tolerant Hanafi Sharia brought³.

The third saying and its evidence:

It is permissible to benefit from milk banks if there is an urgent need to establish them, but with restrictions, which are:

To write on each vial the name of the donor.

Write the name of the child who ate this milk.

- Record it all in a log.

The child's parents know the name of this nurse.

It is a saying: The Fatwa and Sharia Research Sector in Kuwait, and was chosen by a group of

Contemporary jurists have inferred from this:

That necessity is estimated, and that these mentioned restrictions are achieved by preserving lineage from mixing with others.

It is answered⁴:

¹ - See: Milk Banks, by Muhammad Al-Baidanas. 1414

² - Journal of the Islamic Fiqh Council, second issue (2/281)

³ - Journal of the Islamic Fiqh Council, second issue (2/276)

⁴ Journal of the Islamic Fiqh Council, second issue (2/277)

(That the aforementioned restrictions may be of high financial cost, with the possibility of those restricted documents being damaged and lost to any exhibitor)⁵

Weighting: After considering and reflecting on the statements and the evidence based on them

portability and mentality, and objections to the inferences from them;

I think that the closest to the truth is to take the first saying, which is

The prohibition of establishing milk banks, as I say what Sheikh Abdul Aziz said

Jesus is that "we are not obligated to everything that is found in Europe or in America."⁶

From milk banks or others." It is not necessary to transmit every culture

Western and new to the homes of Muslims⁷, this and God knows best.

May God's peace and blessings¹ be upon our Prophet Muhammad and his family and companions.

⁵ - Journal of the Islamic Fiqh Council, second issue (2/281)

⁶ - Previous reference

See: previous reference

⁷ Among them: Sheikh Badr Al-Metwally Abdul Basit, Dr. Muhammad Al-Ashqar, Sheikh Ibrahim Al-Desouki, Dr. Omar Al-Ashqar, and a group of doctors, including Prof. Dr. Hassan Hathout. See: Fatwas of the Fatwa Sector in Kuwait (4/123) Journal of the Islamic Fiqh Council, second issue (2/272)

Conclusion

The research reached some results, including:

- 1- Breastfeeding entails provisions such as the prohibition of marriage and the establishment of the forbidden, but it is not established for him in inheritance, guardianship, custody, emancipation of the king, bearing the mind, the obligation of alimony, the extinguishment of retribution and the return of testimony.
- 2- The reason for the prohibition is partial or partial breastfeeding with the need for merging and mixing.
- 3- A breastfeeding woman must be a known human female with milk.
- 4- It is not permissible to establish mothers' milk banks.
- 5- The prohibition on breastfeeding follows from banks of mothers' milk, so the prohibition applies to the milk of all women

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