

Question:

As-Salaamu-Alaikum

I had a relative who delivered a preemie couple months ago. The baby was in the NICU. The mother had some complication due to eclampsia and was being monitored for seizures. They wanted to baby to receive mom's milk but the mother was not capable of nursing due to her complications for the first couple days. The doctor suggested the baby given 'donor milk' via a NG Tube. Donor milk is milk that is usually pooled milk from different mothers. We were able to avoid using the donor milk by using formula for one or two feedings before the mother could nurse. But I wanted to know:

1. We know that milk nursed makes the child a milk-child of the mother, does the same ruling apply if a baby is given milk via a NG Tube or a G-Tube/PEG Tube? NG Tube goes through the nasal while G Tube/PEG Tube goes into the stomach. Was wondering if the ruling of the fast not breaking during an IV or injection will be applied in this situation if the milk is not going through the normal passageway, especially if given via Gtube/PEG Tube.
2. How will the fiqh be applied if a baby is given donor milk. Milk is pooled from many mothers and given to many babies. How can we be sure two people aren't siblings?

Answer:

In the name of Allah, The Most Gracious, The Most Merciful

Al-Salām ‘alaykum wa Raḥmat Allah wa Barakātu-h.

1. Breast milk administered via an NG tube or a G-tube to a child of 24 months or younger will establish a milk-kinship (*raḍā‘ah*) between the child and the woman whose milk was given -as it is a means of nourishment for the child. The analogy provided in the question is not accurate: the fast breaks if an item of consequence enters either the throat or reaches the stomach/intestines regardless of method. Injections or IVs do not break the fast because the medicine does not enter the stomach or intestines. Rather, it enters

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directly into the bloodstream. If a feeding tube were to be inserted into the stomach, the fast would break as well. ⁱ

2. In this scenario, milk kinship will be established between the infant and all the donor mothers whose milk was pooled together - according to the dominant position within the Ḥanafī school. In this case, such a child will now be considered the foster child of each and every one of the aforementioned women and, subsequently, can no longer marry any biological or foster child of said women.

‘Uqbah b. al-Ḥārith said: I [happened to] marry a woman and, then, [another] woman came and said: I have breastfed both of you. Then, I came to the Prophet ﷺ [and] he ﷺ said: How [can you do so] when it has been said? Leave her” or the like. ⁱⁱ

At the time of marriage, an individual who was nursed from a milk bank would, sensibly, need to investigate the potential candidate’s identity so that he does not, inadvertently, end up committing the repugnant deed of marrying his own foster-sibling.

Due to the above, the jurists mention that women should not breastfeed infants other than their own except for a genuine reason. And if a woman does breastfeed an infant other than her own child, the relevant people (such as members of both families) should be informed. ⁱⁱⁱ Therefore, it becomes clear that the very idea of pooling donor milk in mass amounts and then feeding children through them is severely problematic. Lastly, the community must realize that there are serious *fiqhī* repercussions to the choices that are made. It would be in our best religious interest to first “ask” and then “do.”

And Allah knows best.



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ⁱ Ibn 'Ābidīn, *Hāshiyat Ibn 'Ābidīn*, 2nd ed. (Cairo: Sharikat Maktabat wa Maṭba'at Muṣṭafā al-Bābī al-Ḥalabī wa Awlādī-h, 1386/1966), 3:209.

قال في الدر المختار: (مَصٌّ مِنْ ثَلَاثِ أَدْمِيَّةٍ) وَلَوْ بِكَرًا أَوْ مَيْتَةً أَوْ آيِسَةً، وَالْحَقُّ بِالْمَصِّ الْوَجُورُ وَالسَّعُوطُ

قال في رد المحتار: (قَوْلُهُ وَالْحَقُّ بِالْمَصِّ الْوَجُورُ) تَعْرِيفٌ بِالرَّدِّ عَلَى صَاحِبِ الْبَحْرِ حَيْثُ قَالَ التَّعْرِيفُ مَنْقُوضٌ طَرْدًا، إِذْ قَدْ يُوجَدُ الْمَصُّ وَلَا رَضَاعٌ إِنْ لَمْ يَصِلْ إِلَى الْجَوْفِ وَعَكْسًا، إِذْ قَدْ يُوجَدُ الرَضَاعُ وَلَا مَصٌّ كَمَا فِي الْوَجُورِ وَالسَّعُوطِ. ثُمَّ أَجَابَ بِأَنَّ الْمُرَادَ بِالْمَصِّ الْوُصُولَ إِلَى الْجَوْفِ مِنَ الْمَنْفَعْدَيْنِ، وَخَصَّهُ لِأَنَّهُ سَبَبٌ لِلْوُصُولِ فَأُطْلِقَ السَّبَبُ وَأَرَادَ الْمَسَبَّبَ. وَاعْتَرَضَهُ فِي النَّهْرِ بِأَنَّ الْمَصَّ يَسْتَلْزِمُ الْوُصُولَ إِلَى الْجَوْفِ لِمَا فِي الْقَامُوسِ: مَصَّصْتَهُ شَرَبْتَهُ شُرْبًا رَقِيقًا، وَجَعَلَ الْوَجُورَ وَالسَّعُوطَ مُلْحَقَيْنِ بِالْمَصِّ ح

وَفِي الْمَصْبَاحِ: الْوَجُورُ يَفْتَحُ الْوَاوِ الدَّوَاءُ يُصَبُّ فِي الْحَلْقِ، وَأَوْجَزَتْ الْمَرِيضُ إِيجَارًا فَعَلَتْ بِهِ ذَلِكَ، وَوَجَزَتْهُ أَجْرُهُ مِنْ بَابِ وَعَدَ لُغَةً. وَالسَّعُوطُ: كَرَسُولِ دَوَاءٍ يُصَبُّ فِي الْأَنْفِ، وَالسَّعُوطُ كَقَعُودٍ مَصْدَرٌ، وَأَسْعَطْتُهُ الدَّوَاءُ يَتَعَدَّى إِلَى مَفْعُولَيْنِ

Abū Bakr al-Marghaynānī, al-Hidāyah, ed. Ṭalāl Yūsuf (Beirut: Dār Iḥyā' al-Turāth al-'Arabī), 1:219.

" وإذا احتقن الصبي باللبن لم يتعلق به التحريم " وعن محمد رحمه الله أنه ثبت به الحرمة كما يفسد به الصوم ووجه الفرق على الظاهر أن المفسد في الصوم إصلاح البدن ويوجد ذلك في الدواء فأما المحرم في الرضاع فمعنى الشؤم ولا يوجد ذلك في الاحتقان لأن المغذى وصوله من الأعلى

Abū Bakr al-Kāsānī, *Badā'i' al-Ṣanā'i'*, 1st ed. (Beirut: Dār al-Kutub al-'Ilmiyyah, 1327/1328), 4:9.

وَيَسْتَوِي فِي تَحْرِيمِ الرَضَاعِ الْإِزْتِصَاعُ مِنَ الثَّدِيِّ وَالْإِسْعَاطُ وَالْإِيجَارُ؛ لِأَنَّ الْمُؤَثَّرَ فِي التَّحْرِيمِ مِمَّا هُوَ مَعْدُنٌ لَهُ أَوْلَى وَيَسْتَوِي فِي تَحْرِيمِ الرَضَاعِ الْإِزْتِصَاعُ مِنَ الثَّدِيِّ وَالْإِسْعَاطُ وَالْإِيجَارُ؛ لِأَنَّ الْمُؤَثَّرَ فِي التَّحْرِيمِ هُوَ حُصُولُ الْغِذَاءِ بِاللَّبَنِ وَإِنْبَاتِ اللَّحْمِ وَإِنشَازِ الْعَظْمِ وَسَدِّ الْمَجَاعَةِ لِأَنَّ يَتَحَقَّقَ الْجُزْئِيَّةُ وَذَلِكَ يَحْصُلُ بِالْإِسْعَاطِ وَالْإِيجَارِ؛ لِأَنَّ السَّعُوطَ يَصِلُ إِلَى الدَّمَاعِ وَإِلَى الْحَلْقِ فَيَعْدِي وَيَسُدُّ الْجُوعَ وَالْوَجُورُ يَصِلُ إِلَى الْجَوْفِ فَيَعْدِي

وَأَمَّا الْإِفْطَارُ فِي الْأُذُنِ فَلَا يُحَرِّمُ؛ لِأَنَّهُ لَا يُعْلَمُ وَصُولُهُ إِلَى الدَّمَاعِ لِضَبْقِ الْخَرْقِ فِي الْأُذُنِ وَكَذَلِكَ الْإِفْطَارُ فِي الْإِخْلِيلِ؛ لِأَنَّهُ لَا يَصِلُ إِلَى الْجَوْفِ فَضْلًا عَنِ الْوُصُولِ إِلَى الْمَعِدَةِ وَكَذَلِكَ الْإِفْطَارُ فِي الْعَيْنِ وَالْقَبْلِ لِمَا قُلْنَا وَكَذَلِكَ الْإِفْطَارُ فِي الْجَائِفَةِ وَفِي الْأَمَةِ؛ لِأَنَّ الْجَائِفَةَ تَصِلُ إِلَى الْجَوْفِ لَا إِلَى الْمَعِدَةِ وَالْأَمَةُ إِنْ كَانَ يَصِلُ إِلَى الْمَعِدَةِ لَكِنْ مَا يَصِلُ إِلَيْهَا مِنَ الْجِرَاحَةِ لَا يَحْصُلُ بِهِ الْغِذَاءُ فَلَا تُثَبِّتُ بِهِ الْحُرْمَةُ وَالْحُقْنَةُ لَا تُحَرِّمُ بِأَنَّ حَقْنَ الصَّبِيِّ بِاللَّبَنِ فِي الرَّوَايَةِ الْمَشْهُورَةِ

وَرُوِيَ عَنْ مُحَمَّدٍ أَنَّهَا تُحَرِّمُ، وَجَهٌ هَذِهِ الرَّوَايَةُ أَنَّهَا وَصَلَتْ إِلَى الْجَوْفِ حَتَّى أَوْجَبَتْ فَسَادَ الصَّوْمِ فَصَارَ كَمَا لَوْ وَصَلَ مِنَ الْفَمِ، وَجَهٌ ظَاهِرُ الرَّوَايَةِ أَنَّ الْمُعْتَبَرَ فِي هَذِهِ الْحُرْمَةِ هُوَ مَعْنَى التَّغْدِي وَالْحُقْنَةُ لَا تَصِلُ إِلَى مَوْضِعِ الْغِذَاءِ؛ لِأَنَّ مَوْضِعَ الْغِذَاءِ هُوَ الْمَعِدَةُ وَالْحُقْنَةُ لَا تَصِلُ إِلَيْهَا فَلَا يَحْصُلُ بِهَا نَبَاتُ اللَّحْمِ وَتُسَوَّرُ الْعَظْمُ وَانْدِفَاعُ الْجُوعِ فَلَا تَوْجِبُ الْحُرْمَةَ

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Ibn Nujaym, *al-Baḥr al-Rā'iq*, 2nd ed. (Dār al-Kitāb al-Islāmī), 3:246.

(قَوْلُهُ: لَا الْإِحْتِقَانُ أَيُّ الْإِحْتِقَانِ بِاللَّبَنِ لَا يُوجِبُ الْحُرْمَةَ لِأَنَّهُ لَيْسَ مِمَّا يَتَعَدَّى بِهِ وَلَدًا لَا يَثْبُتُ بِالْإِقْطَارِ فِي الْإِخْلِيلِ، وَالْأُذُنِ، وَالْجَانِفَةِ، وَالْأَمَةِ

فَيَدَّ بِالثَّلَاثَةِ لِأَنَّ الْوَجُورَ، وَالسَّعُوطَ تَثْبُتُ بِهِ الْحُرْمَةُ اتِّفَاقًا وَإِنَّمَا يَفْسُدُ الصَّوْمُ بِمَا ذَكَرَ مَا عَدَا الْإِقْطَارَ فِي الْإِخْلِيلِ لِأَنَّ الْفِطْرَ يَتَعَلَّقُ بِالْوُصُولِ إِلَى الْجَوْفِ

‘Abd al-Ghanī al-Maydānī, *al-Lubāb*, Muḥammad Muḥyī al-Dīn ‘Abd al-Ḥamīd (Beirut: al-Maktabat al-‘Ilmiyyah), 3:31.

(وقالا: سنتان) لأن أدنى مدة الحمل ستة أشهر، فيقي للفصل حولان، قال في الفتح: وهو الأصح، وفي التصحيح عن العيون: ويقولهما تأخذ للفتوى، وهذا أولى، لأنه أجيب في شرح الهداية عما يستدل به على الزيادة على سنتين، وبعد الجواب قال: فكان الأصح قولهما، وهو مختار الطحاوي. اهـ. ثم الخلاف في التحريم

Hāshiyat Ibn ‘Abidīn, 3:212.

ثُمَّ قَالَ: وَالْوَجِبُ عَلَى النِّسَاءِ أَنْ لَا يُرْضِعْنَ كُلَّ صَبِيٍّ مِنْ غَيْرِ ضُرُورَةٍ، وَإِذَا أَرْضَعْنَ فَلْيَحْفَظْنَ ذَلِكَ وَلْيُشْهَرْنَ وَيَكْتَبَنَّ احْتِطَاءً اهـ

ⁱⁱ Muḥammad b. Ismā‘il al-Bukhārī, “Kitāb al-Shahādāt, Bab Shahādāt al-Murḍī‘ah,” in *Ṣaḥīḥ al-Bukhārī*, ed. group of ‘Ulamā’ (Būlāq: al-Maṭba‘at al-Kubrā al-Amīriyyah, 1311), 3:173.

حدثنا أبو عاصم، عن عمر بن سعيد، عن ابن أبي مليكة، عن عقبه بن الحارث قال: «تزوجت امرأة فجاءت امرأة فقالت: إني قد أرضعتكما، فأثبت النبي ﷺ، فقال: وكيف وقد قيل، دعها عنك. أو نحوه»

ⁱⁱⁱ *Hāshiyat Ibn ‘Abidīn*, 3:218.

قال في الدر المختار: (وَمَخْلُوطٌ بِمَاءٍ أَوْ دَوَاءٍ أَوْ لَبَنٍ أُخْرَى أَوْ لَبَنٍ شَاءَ إِذَا غَلَبَ لَبَنُ الْمَرْأَةِ وَكَذَا إِذَا اسْتَوَيَا) إِجْمَاعًا لِعَدَمِ الْأَوْلَوِيَّةِ جَوْهَرَةً، وَعَلَّقَ مُحَمَّدٌ الْحُرْمَةَ بِالْمَرْأَتَيْنِ مُطْلَقًا، قِيلَ: وَهُوَ الْأَصْحَحُ

قال في رد المحتار: (قَوْلُهُ قِيلَ وَهُوَ الْأَصْحَحُ) قَالَ فِي الْبَحْرِ: وَهُوَ رَوَايَةُ أَبِي حَنِيفَةَ، قَالَ فِي الْعَايَةِ: وَهُوَ أَظْهَرُ وَأَحْوَطُ، وَفِي سُرْحِ الْمَجْمَعِ: قِيلَ إِنَّهُ الْأَصْحَحُ. اهـ. وَفِي الشَّرْهُبَلَاءِ: وَرَجَّحَ بَعْضُ الْمَسَائِخِ قَوْلَ مُحَمَّدٍ، وَإِلَيْهِ مَالَ صَاحِبِ الْهَدَايَةِ لِتَأْخِيرِهِ دَلِيلَ مُحَمَّدٍ كَمَا فِي الْفَتْحِ. اهـ. ح