



## Motherhood(s) in Religions: The Religionification of Motherhood and Mothers' Appropriation of Religion

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# Milk Kinship and the Maternal Body in Shi'a Islam

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**Abstract:** In Islamic law, kinship is defined by consanguineal and affinal relationships. Birth and Islamic marriage are important events that define religious responsibilities of family members towards each other. Some responsibilities are connected to Mahramiyat, a framework of interpersonal relations that regulates marriages and interactions with the opposite sex. Besides consanguineal and affinal bonds, mahramiyat and kinship can also be established through breastfeeding. The relationship formed through breastfeeding is called milk mahramiyat/kinship. It is spoken of in the Quran and hadith and has been extensively discussed in Islamic Feqh. This study investigates Shi'i guidelines on milk kinship. My interest is in the exploration of existing gendered rulings on the conditions of milk mahramiyat/kinship in Shi'i jurisprudence. The analysis aims to bring forth discussions on the significance of breast milk and the maternal body, and to investigate how milk kinship is framed within the patrilineal system of kinship in Shi'a Islam. The findings discuss rulings on the role of milk-mother and -father in the way kinship takes effect. While patrilineal kinship is often defined based on a paternal 'milk line', the study suggests that alternative readings and interpretations of the Quran and hadith are available that centralize the mother and the maternal body.

**Keywords:** Gender, kinship, maternal, milk, motherhood, paternity, Shi'a Islam

## 1 Introduction

In Islamic law, kinship is a system based primarily on blood relations and the institution of marriage. Familial bonds are defined by the occurrence of biological birth or an Islamic marriage (*nekah*), both of which are important events that change the religious responsibilities of close and extended family members towards each other. One such responsibility is in connection to the Islamic framework of *mahramiyat*. Mahramiyat refers to a framework of interpersonal relations based on bloodline and marriage that regulates and sanctions legitimate marriages and interactions with the opposite sex. The mahramiyat regulations categorize people of the opposite sex as *mahram* and *non-mahram*. Mahrams are people with whom one can safely interact with but cannot marry. Mahrams (by blood) are (grand)parents and further ancestors' siblings, (grand)children, and further descendants' siblings, further ancestors' children and further descendants of siblings. There are also mahrams by marriage – whose position can change<sup>1</sup> – such as the spouse, father and

<sup>1</sup> E.g. a spouse is mahram as long as the couple is married, but after divorce, the spouse is not mahram anymore. The mother and father-in-law are however permanent mahrams, meaning that they will be mahrams to their son/daughter-in-law even after he/she is divorced from their child.

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mother-in-law, son- and daughter-in-law, stepfather, mother and stepchildren.<sup>2</sup> Non-mahram are people one should abstain from interacting with outside of sanctioned guidelines, but whom one can marry.

Mahramiyat and kinship can also be established through breastfeeding according to Islamic law. The relationships created through breastfeeding are called *milk mahramiyat/kinship*, in Arabic *rida'*, and in Persian *reza'* (the Persian form is used in this article). Milk mahramiyat/kinship are mentioned in the Qur'an, hadith and have specific conditions and regulations defined by Islamic Feqh. For instance, the Qur'an states 'It is haram for you... the mothers who have breastfed you and your sisters through reza'.' [Chapter 4: verse 23]. Milk kinship is a restricted form of legally recognized kinship: milk kin do not inherit from each other; milk parents have no legal duty to maintain their milk children; nor do they have any form of guardianship over them.<sup>3</sup> The relationship between the milk kin is thus not subjected to all Islamic regulations on consanguineal and affinal relationships.

Besides a great number of studies on the topic of breastfeeding and infant health, the existing studies on Islamic perspectives on breastfeeding and milk kinship mostly explore the importance of breastfeeding from a Feqhi point of view in the Middle Eastern and North African regions.<sup>4</sup> There are other studies on milk kinship that explore its significance for milk banks and their legitimacy from the point of view of Islamic law in Asia and the Middle East.<sup>5</sup> There are also anthropological studies – mostly in several African contexts – that focus on socially, culturally and politically motivated practices of breastfeeding that lead to milk kinship as form of fictive kinship.<sup>6</sup> This study's contribution is partly in its exploration of Shi'i Islamic guidelines on milk kinship, as there are differences between the Sunni and Shi'i guidelines, and practices of breastfeeding that lead to kinship.<sup>7</sup>

The study relies on Qur'anic verses, as well as both contemporary and historical Shi'i hadith and Feqhi resources. Several Feqhi books that discuss breastfeeding and milk kinship were consulted; these include but are not limited to *Wasa'el Al-Shi'a* (17th century hadith collection and interpretation by Hurr Al-Amili), *Bihar Ol-Anwar* (17th century hadith collection and interpretation by Mohammad-Baqer Majlesi), *Mostadrak Al-Wasael* (19th century hadith and Feqhi collection by Mirza Hossein Noori), and *Man La Yahzuruhu al-Faqih* (10th century hadith collection by Sheikh Sadooq). Contemporary *Tozih Al-Masael* books (contemporary guidelines for Shi'i religious life) by several contemporary Mujtahid as well as *Ways of Happiness* (by Banoo Amin, 20<sup>th</sup> century female mujtahid) have also been consulted. My interest is specifically existing gendered rulings on the conditions of milk mahramiyat/kinship in Shi'i jurisprudence. My analysis thus aims to discuss the significance of the mother and/or the milk and the maternal body, and to investigate how milk kinship is framed within the predominantly patrilineal system of kinship in Shi'a Islam. This leads to a more feminist reading of Islamic sources that has been lacking because of the institutionalization of male authority in Shi'i Feqh.

## 2 Motherhood and Breastfeeding in Shi'a Islam

In Islam, motherhood is elevated to the highest levels of spiritual achievement. Pregnancy, giving birth, caring for the child, and breastfeeding have all been given divine value and considered equivalent to

<sup>2</sup> Rahbari, "Modern Architecture, Spatial Precarity and the Female Body in the Domestic Spaces in Iran".

<sup>3</sup> Moran and Gilad, "From Folklore to Scientific Evidence: Breast-Feeding and Wet-Nursing in Islam and the Case of Non-Puerperal Lactation".

<sup>4</sup> See e.g., Koçtürk, "Foetal Development and Breastfeeding in Early Texts of the Islamic Tradition"; Shaikh and Ahmed, "Islam and Infant Feeding"; Hefnawi, "Lactation in Islam"; Hawwas, "Breast Feeding as Seen by Islam".

<sup>5</sup> See e.g., Khalil et al., "Milk Kinship Is Not an Obstacle to Using Donor Human Milk to Feed Preterm Infants in Muslim Countries"; Thorley, "Milk Siblingship, Religious and Secular: History, Applications, and Implications for Practice"; Parkes, "Fosterage, Kinship, and Legend: When Milk Was Thicker Than Blood?"; Shaw, "Perspectives on Ethics and Human Milk Banking".

<sup>6</sup> See e.g., Isidoros, "Replenishing Milk Sons: Changing Kinship Practices among the Sahrāwī, North Africa"; Ensel, "Colactation and Fictive Kinship as Rites of Incorporation and Reversal in Morocco"; Cleaveland, "Reproducing Culture and Society: Women and the Politics of Gender, Age, and Social Rank in Walāta"; Parkes, "Fosterage, Kinship, and Legend: When Milk Was Thicker Than Blood?"

<sup>7</sup> Asadi and Safari, "Analyzing the Basis of Mahram and Namahram in Islamic Fiqh and Law with Emphasis on Rida Mahramiyat".

acts of worship. For this high divine value associated with them, mothering practices and maternal work are promised to be duly rewarded. Mothers are promised eternal salvation as the Prophet has reportedly said, ‘paradise lies at the feet of the mother’.<sup>8</sup> In Shi’a, women who die while giving birth are considered martyrs of Islam and sent directly to heaven.<sup>9</sup> Muslim scholars have unanimously addressed the topic of breastfeeding and have positioned breastfeeding as a central spiritual, religious and cultural element in the conception of family and children.<sup>10</sup> A hadith by the Prophet states,

When [a woman] gives birth and starts lactating, every time her child suckles her breast there is a reward for each suckle and each sip [of milk] and if she stays awake to take care of her child, her reward is on a par with freeing seventy slaves in the path of God.<sup>11</sup>

Another hadith from the Prophet states, ‘when a mother gives birth and starts breastfeeding the infant, with each suckle of milk from the mother’s breast, a ray of shining light appears in front of her in the day of judgment.’<sup>12</sup> The importance of breastfeeding a newborn is so great that the Qur’an mentions it; ‘mothers may breastfeed their children two complete years for whoever wishes to complete the nursing [period]’ [Chapter 2: 233]. Besides mentioning the desired period of breastfeeding, the hardship of childbearing, caring and feeding the child are also acknowledged in the Qur’an, as one verse states,

And we have enjoined upon man, to his parents, good treatment. His mother carried him with hardship and gave birth to him with hardship, and his gestation and weaning [period] is thirty months. [Chapter 46: 15]

Imam Ali, the first Twelver Shi’i Imam, is reported to have stated, ‘there is no milk for the child more blessed than that of their mother’.<sup>13</sup> Breastfeeding is considered so important that other important religious obligations such as daily prayers (*namaz*) and fasting could be suspended and/or interrupted so that the mother can attend to it. A mother can breastfeed her hungry child while praying without having to break their prayer,<sup>14</sup> and she can abstain from fasting in case it would affect her, or her child.<sup>15</sup> Despite an emphasis on the value of breastfeeding, many of the contemporary prominent Shi’i *mujtahids* do not consider it a religious obligation for women to breastfeed and leave the choice to the women.<sup>16</sup> This ruling relies on a verse of the Qur’an that states,

No person is charged with more than their capacity. No mother should be harmed through her child, and no father through his child. And upon the [father’s] heir is [a duty] like that [of the father]. And if they both desire weaning through mutual consent from both of them and consultation, there is no blame upon either of them. [Chapter 2: 233]<sup>17</sup>

The verse puts emphasis on the wellbeing of the mother and father and gives attention to the possibility of harm to them through the child. Additionally, it values the choices made by the parents and exonerates them from any blame in case they choose not to breastfeed the child. But by mentioning ‘consultation’ and ‘mutual consent’, the verse also highlights that the father has the right to be consulted on the matter. Lady *Nosrat Begom Amin*, one of the prominent female *mujtahida*’s of the twentieth century, has ruled on woman’s right to choose whether she wants to breastfeed or not. While emphasizing women’s responsibilities for mothering and caring, she considers breastfeeding a task that the mother can reject or ask remuneration for. She emphasizes that while breastfeeding is important, it does not have to be carried out by the biological

<sup>8</sup> Oh, “Motherhood in Christianity and Islam: Critiques, Realities, and Possibilities”, 645.

<sup>9</sup> Sheikh Sadooq, *Man La Yahzuruhu Al-Faqih, Volume Five*, 194.

<sup>10</sup> Bensaïd, “Breastfeeding as a Fundamental Islamic Human Right”.

<sup>11</sup> Payande, *Nahj Ol-Fasahat*, 260.

<sup>12</sup> Noori, *Mostadrak Al-Wasael, Volume 14*, 245.

<sup>13</sup> Sheikh Sadooq, *Man La Yahzuruhu Al-Faqih*, 147.

<sup>14</sup> Tabasi, “Children’s Rights in School of Ahle-Bayt”.

<sup>15</sup> Shafaqna, “What Are the Rulings of the Great Marja (Imitation Authorities) for Fasting a Lactating Woman?”.

<sup>16</sup> Nazari Tavakkoli and Karachian Sani, “Fiqhi Explanation of the Theory of “Breastfeeding Vojoob and Father’s Responsibility to Pay Its Costs”.

<sup>17</sup> Translations are compared and adopted from: <http://corpus.quran.com/translation.jsp?chapter=31&verse=14>

mother. Relying on the above-mentioned verse, Lady Amin explains that the man should respect the choice of the mother, and then by mutual agreement, a wet nurse could replace the mother.<sup>18</sup>

While many rulings by Shi'i scholars, as well as most of the Qur'anic and hadith narratives seem to suggest that breastfeeding is not a religious obligation for the mother, there are other hadith and Feqhi viewpoints that see breastfeeding as a moral choice and sometimes even a religious obligation. For instance, a hadith from Imam *Sadeq* (the six Twelver Imam) states, 'the period intended for breastfeeding a newborn is twenty one months and any length less than this is unfair to the child.'<sup>19</sup> Some hadith by the Prophet and by Shi'i Imams (e.g. Imam Sadeq) emphasized that whatever an infant biologically needs from food and drink is provided in the mother's milk.<sup>20</sup> This perspective was reinforced by medical theories that highlighted the superiority of breastmilk's quality over other forms of food for a newborn. Similar to Aristotle and Galen<sup>21</sup> who had supposed that breastmilk was a purified refinement of a woman's uterine blood,<sup>22</sup> in discussing the medical benefits of breastmilk, Ibn Sina, one of the most prominent Muslim polymaths of the Islamic Golden Age<sup>23</sup> explained that,

Whenever possible, the mother's milk should be given and by suckling. For that is the aliment of all others most like in substance to the nutrient material that the infant received while in the womb... The duration of lactation normally is two years... weaning must not be abrupt... if there be anything to prevent the mother from giving milk, a wet nurse should be selected.<sup>24</sup>

In Arab medicine breastmilk was often considered identical to the blood in mother's uterus.<sup>25</sup> Thus, in Islamic medicine in general, and in Shi'a Islam in particular, breastfeeding was promoted as best practice for new mothers because their milk was considered as the most compatible and suitable food for the newborn. It is based on the existing emphasis on the superiority of mother's milk and the spiritual and medical benefits of breastfeeding for the mother and the child that women in Muslim societies are sometimes strongly advised or even obliged to breastfeed for a period of two years.<sup>26</sup> However, it is also clear that the overall evidence in Qur'anic verses and hadith collections rule out the existence of any form of obligation to breastfeeding as long as a suitable substitute can be found. With regards to the contemporary jurists' ruling on the compulsory nature of breastfeeding, consulting the Feqhi source books<sup>27</sup> shows that most Shi'i mujtahid such as Ayatollah (Imam) *Khomeini*,<sup>28</sup> Ayatollah *Saanei*<sup>29</sup> and Ayatollah *Sistani*<sup>30</sup> believe that breastfeeding is the mother's right and, if she chooses to do so, she can ask to be compensated for it, and it is not a religious obligation. With the high emphasis put on breastfeeding and the freedom given to women

<sup>18</sup> Amin, "Ways of Happiness: Ways of Happiness: Suggestions for Faithful Sisters".

<sup>19</sup> Noori, *Mostadrak Al-Wasael*, Volume 14, 146.

<sup>20</sup> Mohamadzadeh, Mehrizi, and Mohamadzadeh, "Investigating Hadith on Breastfeeding Period and Comparing to Empirical Findings", 277.

<sup>21</sup> Aristotle (384-322 BCE) was a Greek polymath who has been called the "Father of Western Philosophy" and Galen (130-210 CE) was a Greek-Roman physician, surgeon and philosopher.

<sup>22</sup> Parkes, "Fosterage, Kinship, and Legend: When Milk Was Thicker Than Blood?"

<sup>23</sup> The Islamic Golden age is a period between 8<sup>th</sup> to 14<sup>th</sup> century CE remarkable accomplishments were made by Islamic scholars, humanists, and scientists in different areas of arts and humanities, physical and social sciences, medicine, astronomy, mathematics, finance, etc. for more information see e.g. Renima, Tiliouine, and Estes, "The Islamic Golden Age: A Story of the Triumph of the Islamic Civilization".

<sup>24</sup> From The Canon of Medicine by Ibn Sina, cited in Koçtürk, "Foetal Development and Breastfeeding in Early Texts of the Islamic Tradition"; The Canon of Medicine is an encyclopedia of medicine in the Islamic world compiled by Ibn Sina and was first published in five books in 1025 CE.

<sup>25</sup> Gil'adi, *Infants, Parents and Wet Nurses*, 119.

<sup>26</sup> Moran and Gilad, "From Folklore to Scientific Evidence: Breast-Feeding and Wet-Nursing in Islam and the Case of Non-Puerperal Lactation."

<sup>27</sup> I.e. in Arabic *risalah* and in Persian *resaleh*.

<sup>28</sup> Ayatollah Khomeini (1902-1989) was the top Iranian Twelver Shi'i cleric and politician known by many as the founder of the Islamic Republic of Iran and the leader of the 1979 Iranian Revolution.

<sup>29</sup> Yousef Saanei (born 1937) is an Iranian Twelver Shi'i cleric and politician known for his progressive rulings.

<sup>30</sup> Ayatollah Sistani (born 1930) is Twelver Shi'i cleric in Iraq and often seen as the spiritual leader of Iraqi Shia Muslims.

to choose not to breastfeed, the practices of wet nursing becomes a legitimate alternative way to feed the newborn.

### 3 Wet Nursing, Lactation and the Maternal Body

Wet nursing has been practiced globally and across different societies regardless of their religion. However, social, political and religious factors played an important role in determining the incidence and extent of breastfeeding in different societies throughout history.<sup>31</sup> In the *Quraysh* tribe of Mecca, into which the Prophet was born, it was customary to let infants be breastfed by wet nurses. The Prophet himself was nursed shortly by *Suwaiba* and then by *Halima*, to whom he showed great respect and affection throughout his life.<sup>32</sup> The relationship between the wet nurse and the milk child was often even stronger than the bond between the biological mother and the child, and it could even replace it.<sup>33</sup>

Considering that wet nursing was common practice during early Islamic period, it is not surprising that in the Islamic scripture wet nurses are mentioned in different contexts. The Qur'an, for instance, allows for employment of a wet nurse as a substitute to the biological mother, as long as the wet nurses are compensated properly for the breastfeeding, stating 'and if you wish to have your children nursed by a substitute, there is no blame upon you as long as you give payment according to what is acceptable.' [Chapter 2: 233]

The Qur'an also explains that in case of divorce, the infant's father has the obligation to support his [former] wife through any circumstances that may affect breastfeeding and to provide shelter and financial support to the mother–infant dyad for as long as the breastfeeding period continues. The Qur'an then suggests employing a wet nurse in case there is dispute between the parents,

...if they are pregnant, spend on them until they lay down their burden; then if they suckle for you, give them their recompense and enjoin one another among you to do good; and if you disagree, another (woman) shall suckle for him. [Chapter 65: 6]

Wet nursing has been performed for an array of familial and personal reasons in which the maternal body has been used to reach specific goals for the sake of the family and/or the community. For instance, breastfeeding and milk kinship can be used to create mahramiyat bonds between an adopted child and adoptive family members.<sup>34</sup> In the context of treatments involving donor sperm and eggs, allowed by a minority of Islamic jurists, milk kinship and fosterage become mechanisms for the legitimisation of relations between a resulting child and the recipient parents.<sup>35</sup> Some studies have concluded that most usually women decide and discuss among each other whom they strategically want to suckle for,<sup>36</sup> while others have stated that the feeding of one woman's child by another has also been used in different societies to make peace between two tribes, to consolidate clan unity, to prevent marriage, to create clients, and to attain other objectives which lie far beyond the nursing woman's own interest.<sup>37</sup> It is therefore crucial to be aware of the context in which milk kinship takes effect and the meaning that the practice has in that specific context.

The choice of the wet nurse within Islamic frameworks has not been a neutral terrain. In fact, quite otherwise, choosing a suitable wet nurse is considered to be key to the physical health and spiritual wellbeing and development of the newborn. It was historically believed that the wet nurse's milk carried all her physical and mental qualities, her emotions, her food and drink, and her diseases.<sup>38</sup> This idea existed in

<sup>31</sup> Moran and Gilad, "From Folklore to Scientific Evidence: Breast-Feeding and Wet-Nursing in Islam and the Case of Non-Puerperal Lactation."

<sup>32</sup> Koçtürk, "Foetal Development and Breastfeeding in Early Texts of the Islamic Tradition", 619.

<sup>33</sup> Gil'adi, *Infants, Parents and Wet Nurses: Medieval Islamic Views on Breastfeeding and Their Social Implications*, 45.

<sup>34</sup> Marjaema, "Some Mujtahids' Rulings on Adoptee's Mahramiyat".

<sup>35</sup> Clarke, "The Modernity of Milk Kinship", 288.

<sup>36</sup> Isidoros, "Replenishing Milk Sons: Changing Kinship Practices among the Sahrāwī, North Africa".

<sup>37</sup> Moran and Gilad, "From Folklore to Scientific Evidence: Breast-Feeding and Wet-Nursing in Islam and the Case of Non-Puerperal Lactation".

<sup>38</sup> Ozkan et al., "Milk Kinship Hypothesis in Light of Epigenetic Knowledge"; Clarke, "The Modernity of Milk Kinship".

Greek antiquity that breastmilk, being blood, was a vehicle of values, vigor and moral principles in addition to physical characteristics.<sup>39</sup> The Prophet of Islam is said to have instructed Muslims to protect their children from drinking the milk of ‘adulteresses and the insane,’ because their milk could be ‘infectious.’<sup>40</sup> In case of the adulterous women, both the act of adultery by the woman, and the milk produced of a pregnancy resulted from adultery were named as reasons why these women should not have been used as wet nurses.<sup>41</sup> Imam Ali has also advised Muslims to ‘pay attention to who breastfeeds your child, because the child will look like them’ and,

For breastfeeding [your children] choose [an appropriate person] just like you choose [the right person] for marriage; breastfeeding affects the nature of the child.<sup>42</sup>

The belief that the milk has the capacity to change the child’s nature is traceable in several Shi’i hadith and Feqhi scholarship.<sup>43</sup> In Prophet’s tribe *Quraysh*, children were often wet nursed by women of *Bedouin* nomadic people, because it was believed that their qualities – healthy, strong, and instilled with the good manners the Bedouins, who lived in the desert, had – would pass on to the milk children.<sup>44</sup> The religious background of the wet nurses is also considered an important factor in choosing them. While Muslim wet nurses were prioritized,<sup>45</sup> women of other Abrahamic religions were considered fit for the practice according to the Shi’i hadith. A hadith from Imam Sadeq states, ‘Christian and Jewish wet nurses have priority over the *nasebi*;<sup>46</sup> ‘do not choose *nasebi* women for wet nursing your children’.<sup>47</sup> But in case Christian and Jewish women were employed for wet nursing, they should not have consumed alcohol during the period in which they breastfed.<sup>48</sup>

Muslims were also warned about milk mahramiyat/kinship that is created through breastfeeding. Shi’i jurists especially advise that mothers should not feed other people’s children often to avoid complications regarding kinship.<sup>49</sup> Taking milk kinship into account is of utmost importance, as intermarriage between mahram milk relatives is considered incestuous and a grave sin,

If a wet nurse breastfeeds children for another family, the children of the wet nurse will also become mahram to the family members (including the father and the mother) and marriage between them is not allowed.<sup>50</sup>

In Shi’a Islam, there are very specific conditions under which milk kinship is created. In the following section, I introduce these conditions and the role of the milk mother and father in the ways milk kinship takes effect in Shi’i Feqh.

## 4 Milk-Kinship: Mother’s Milk, or Paternal Milk Lines?

In Shi’a Islam, there are very specific conditions that lead to mahramiyat and milk kinship. According to Shi’a rulings, milk mahramiyat takes effect if all of the following conditions are met: (i) the child suckles directly

<sup>39</sup> Pedrucci, “Motherhood, Breastfeeding and Adoption: The Case of Hera Suckling Heracles”, 57.

<sup>40</sup> Shaikh and Ahmed, “Islam and Infant Feeding”.

<sup>41</sup> Majlesi, *Bihar Ol-Anwar, Volumes 22 and 23*, 157.

<sup>42</sup> Akhlaghi, “Role of Religion in Children’s Education”.

<sup>43</sup> See e.g., Amin, “Ways of Happiness: Ways of Happiness: Suggestions for Faithful Sisters”; Mirza Hossein Noori, *Mostadrak Al-Wasael, Volume 15*; Majlesi, *Bihar Ol-Anwar, Volumes 22 and 23*.

<sup>44</sup> Shaikh and Ahmed, “Islam and Infant Feeding,” 166.

<sup>45</sup> Guthrie, *Arab Women in the Middle Ages*, 49.

<sup>46</sup> In Shi’i feqh *nasebi* is used to refer to people who are anti-Shi’a Mahdi Mojtahedi, “The Semantics of Ati-Shiism: With an Emphasis on Imamate Texts Till the Seventeenth Century”,

<sup>47</sup> Noori, *Mostadrak Al-Wasael, Volume 15*, 162.

<sup>48</sup> Majlesi, *Bihar Ol-Anwar, Volumes 22 and 23*, 157.

<sup>49</sup> Imam Khomeini, “Tozih Al-Masael: On Breastfeeding”.

<sup>50</sup> Noori, *Mostadrak Al-Wasael, Volume 14*, 149.

from the breast of the mother and milk is not indirectly fed to the child;<sup>51</sup> (ii) the child is fed nothing but the milk during the period of reza'; (iii) the child is fed fifteen consecutive times, or the overall breastfeeding period amounts to 24 hours and is fed until satiety; (iv) if the child is under two years old during the whole period of breastfeeding; (v) milk mothering leads to mahramiyat only through natural lactation – not induced with medical intervention – as a result of a woman's childbearing. Breast milk should have been produced naturally and not as a result of medical manipulations; (vi) if the milk is produced naturally in a context of nikah and as a result of pregnancy. This means that if lactation is caused by un-Islamic and extra-marital affairs (*zena* and not *nikah*)<sup>52</sup>, then it does not lead to mahramiyat.<sup>53</sup> The amount of milk that is consumed by the baby should 'raise the bones and make the flesh grow' to create mahramiyat.<sup>54</sup>

There are other conditions such as dietary preferences that, while not undoing mahramiyat through breastfeeding if not met, are strongly recommended. Lady Amin for instance has explained, 'because the milk has a physical and metaphysical effect on the child', it is necessary that the nurse avoids eating food that might be *haram* or *najes*.<sup>55</sup>

While there is consensus among scholars on the causal relationship between breastfeeding and mahramiyat, there is no consensus on whether it is through the milk itself and/or the act of breastfeeding by the mother or the paternal milk line that mahramiyat is generated.<sup>56</sup> There are two different theological streams in this regard. In the first and currently most endorsed Feqhi perspective, the milk father plays the most important role in how the milk mothering leads to mahramiyat. Since there are no direct Qur'anic references that differentiate between the roles of milk mother and father, this stream relies on the existing hadith that believes that the unity of the milk father (who is also called milk owner, or in Arabic *fahl*),<sup>57</sup> is the definitive factor. This means that, according to this perspective, breastfeeding leads to mahramiyat between the biological children of the milk parents and the milk child, only if the lactation is the result of pregnancy of the woman with the same husband. Therefore, if the woman breastfeeds a child when lactating as a result of a pregnancy with a second husband, the milk child is mahram to the children of the second husband only, and not to the children of the milk mother's children with a previous or future partner.<sup>58</sup> In this Feqhi perspective on mahramiyat, the milk father plays the defining role. For instance, if a man has a son from a previous marriage, and after remarrying, his new wife breastfeeds a girl from another family, the man's son and the girl from the other family are reza'yi siblings and thus mahram.<sup>59</sup> Therefore, if different women lactate as a result of nikah and pregnancy with one man, the children that are breastfed by the different women will be considered milk siblings because they share the same milk father. But if the lactation of the same woman is the result of her relationship with two different men, then the children who are breastfed by the woman are not considered milk siblings.

The emphasis on male lineage in the framework mentioned above highlights that in most interpretations of the Islamic law in contexts where patriarchal tendencies are predominant, establishing the patrilineal lineage of a child is paramount.<sup>60</sup> The kinship is closely defined by paternal relations; the patrilineal system is extended to the milk kinship, and milk plays the same role as blood. Additionally, in countries with

51 This is an important point of difference between Shi'a and Sunni views on milk kinship for the Sunni approach see e.g. Shah, "Fosterage as a Ground of Marital Prohibition in Islam and the Status of Human Milk Banks".

52 *Zena* is any form of sexual relation between two people who have not performed a legitimate Islamic marriage.

53 Fallah Tafti, "A Comparative Analysis of Rulings on Milk Bank in Islamic Branches"; Asadi and Safari, "Analyzing the Basis of Mahram and Namahram in Islamic Fiqh and Law with Emphasis on Rida Mahramiyat"; Shamime Narjes, "Conditions of Breastfeeding That Results in Mahramiyat".

54 Clarke, "The Modernity of Milk Kinship", 290.

55 Amin, "Ways of Happiness: Ways of Happiness: Suggestions for Faithful Sisters"; *Haram* food includes different types of food that are banned in Islam (e.g. bacon, drinks and food containing alcohol), but also animal products that have produced from abused animals, and food that has been purchased with haram money. *Najes* means impure; for types of najes see: <https://www.al-islam.org/ritual-and-spiritual-purity-sayyid-muhammad-rizvi/i-najasat-taharat>

56 Haeri, Moghadam, and Taghi, "A Critique of the Theory of the Unity of the Father (Fahl)".

57 *Fahl* in Arabic means male and beside this usage, it is used to identify male animals and plants.

58 Noori, *Mostadrak Al-Wasael*, Volume 14, 148.

59 Ibid., 150.

60 Chaudhry, "Unlikely Motherhood in the Qur'an: Oncofertility as Devotion".

Islamic civil laws, the duty of a woman to feed her children, the duration of feeding and the conditions under which she may feed children other than her own, thus establishing links of milk kinship, are sometimes prescribed by male dominated patriarchal systems.<sup>61</sup> While the paternal system has always been important, in the early Islamic period, intrauterine blood and human milk were considered essential for the maintenance of mother child symbiosis. Intrauterine blood created a ‘blood right’ between the mother, the father and the child. Breast milk, the second vital fluid or ‘white blood’, was believed to reinforce maternal rights over the child.<sup>62</sup> It seems that, as Haeri, Naser Moghadam, and Taghi (2016) have also discussed, the exclusive association of milk to a rightful ‘male’ owner is a matter of Feqhi interpretation.

The second approach mostly relies on the Qur’anic verses and hadith that do not differentiate between the mother’s milk and the patrilineal kinship through the father’s milk line. The most notable of these is the hadith by the Prophet himself who says, ‘all those who are mahram through [blood relations] are mahram through breastfeeding’.<sup>63</sup> The hadith does not refer to the father or the mother as the identifiers of milk mahramiyat, and does not centralize the fathers’ role, and only mentions breastfeeding. Therefore, since the term reza’ (breastfeeding) is used, then the act of breastfeeding is considered enough for kinship regardless of the identity of the milk father. Additionally, there is a hadith by Imam Reza (the eighth Twelver Shi’i Imam) that directly addresses this issue. When asked about the conditions of milk kinship, he states that the mother’s milk is enough for mahramiyat,

How can it be that reza’ causes mahramiyat through [milk father] but not through the mothers, while reza’ [takes place] because of mothers? If reza’ is through [milk fathers], it will cause mahramiyat too.<sup>64</sup>

In this hadith, Imam Reza first emphasizes the role of women in milk mahamiyat with a question, and then explains that mahramiyat is through both the milk mother and the milk father. Based on this, some Shi’i scholars such as *Shaykh Tabarsi* have ruled that it is the act of breastfeeding by the mother – with all the conditions that previously discussed – that establishes milk kinship, whether the milk father is the same husband, or there are multiple milk fathers.<sup>65</sup> This matricentric approach is in minority position in Shi’i Feqh and has not been endorsed by contemporary jurists.<sup>66</sup> Ayatollah (Imam) *Khomeini*, Ayatollah *Makarem Shirazi*, Ayatollah *Mazaheri*, and Ayatollah *Sistani* (among others) have ruled that milk kinship is only created through the paternal milk line.<sup>67</sup>

## 5 Discussion: Milk Kinship and the Maternal Body

This study investigated different perspectives on both the importance and the compulsory/arbitrary nature of breastfeeding from Shi’i Feqhi perspectives. As seen in previous sections, perspectives on breastfeeding and its role in milk kinship vary. This is partly because Shi’i Feqh is by nature pluralistic and entails legitimate diversities and interpretative variations.<sup>68</sup> In Shi’a Islam, it is up to the individuals to use their own knowledge, faith and reason and choose the perspective that they find fairest and closest to God’s will. It is however indisputable that both jurists’ rulings and individuals’ choices and tendencies are shaped by the realities of the social and political contexts. Hence, in patriarchal contexts, many classic interpretations of Islamic scripture are based on patriarchal and male-dominated worldviews of male clergy; and these

<sup>61</sup> Moran and Gilad, “From Folklore to Scientific Evidence: Breast-Feeding and Wet-Nursing in Islam and the Case of Non-Puerperal Lactation”.

<sup>62</sup> Koçtürk, “Foetal Development and Breastfeeding in Early Texts of the Islamic Tradition”, 619.

<sup>63</sup> Al-Amili, *Wasa’el Al-Shi’a*, Volume 20, 371.

<sup>64</sup> Ibid., 391.

<sup>65</sup> Shaykh Tabarsi, *Majma-Ol-Bayan Fi Tafsir Al-Qur’an*, 45.

<sup>66</sup> The author did not find any alternative rulings by Shi’i jurists, and the only study that has mentioned the possibility of a matricentric interpretation is by Haeri, Moghadam and Taghi, “A Critique on the Unity of the Theory of the Unity of the Father (Fahl)”.

<sup>67</sup> Tabnak, “Conditions of Breastfeeding Which Lead to Mahramiyat”.

<sup>68</sup> Rahbari, “Marriage in Iran: Women Caught between Shi’i and State Law”.



interpretations are favored by the (political) religious institutions and Shi'i seminaries. This is certainly the case in Iranian seminaries where specific classic interpretations of Islamic sharia are favored, and the seminaries are known to be allied to the state which actively follows patriarchal and male-centric gender politics.<sup>69</sup> The same mechanisms have excluded women – in both Shi'a and Sunni branches of Islam – from access to positions of Islamic juristic authority.<sup>70</sup> Therefore, while pluralism is theoretically embraced, in practice, there is a clear tendency to prioritize male-centered and -oriented jurisprudence over alternative readings and interpretations.<sup>71</sup>

In the case of milk kinship, the study showed that different rulings on the role of the milk mother and father exist that also define how milk kinship takes effect and who becomes mahram to whom. While the Islamic scripture on this issue shows more diversity, the milk father is often considered the defining source of kinship within a paternal *milk line* system that is like the consanguineal model of patrilineal kinship. Within this framework, the terminology used in Feqhi books refer to *milk owner*, implying a form of *proprietary* hierarchy over the milk, that links the origin of mother's milk to her husband and thus undermines women's material, physical and maternal work. The fact that the mother is given the right to ask for remuneration for breastfeeding the child, and the father has been obliged to pay her is sometimes celebrated as a sign of female-centric Feqh; but it also could be interpreted as breastfeeding being a form of work that is done *by* the mother, *for* the father. While women's physical and embodied experience of lactation and breastfeeding and their efforts and hardships are appreciated, rewarded and even glorified in the Feqhi books, women's body and maternal work are not central in the kinship model that is traced back to the milk father.

However, there are alternative readings of Qur'anic verses and competing interpretations of the existing Shi'i hadith. Qur'an has not specified the milk line, and in Shi'a, a disputed hadith by Imam Reza (discussed above) could lead to a different reading of the conditions of milk kinship that centralizes lactation and the maternal body.<sup>72</sup> This hadith can be interpreted to allow for a matricentric milk kinship model based on the mother's act of breastfeeding, rather than the paternal milk line. This topic is important not only to trace the source of milk mahramiyat back to the mother, but also to transform the way women's bodies in general, and the maternal body in particular is viewed. The mother then would not be seen as a vessel for passing on male lineage and performing caring tasks, but significant in creating lineage. By passing kinship through breastfeeding, not only her material work, but also her emotional, cultural and social work would be further acknowledged.

Despite an undoubted decline in wet nursing and culturally and socially motivated practices of breastfeeding to establish mahramiyat, milk kinship is far from an irrelevant topic.<sup>73</sup> Not only does milk kinship remain an important issue in contemporary Shi'i law, but it also is relevant in facilitating mahramiyat in the context of non-affinal and non-consanguineal kinships. In the adoption procedures in Iran – a largely Shi'i context – breastfeeding is one of the main methods suggested by Shi'i jurists and applied by adoptive families to create mahramiyat between the adopted child and the adopted family.<sup>74</sup> This study highlighted the Feqhi ways out of the existing patriarchal theological viewpoints on Shi'i milk kinship by investigating alternative readings and rulings on the role of the mother and the maternal body. The discussions should however be further extended to the social and political structures and systems that define or shape popular notions of Islamic kinship in general, and of motherhood and its significance in systems of kinship and lineage in particular.

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<sup>69</sup> Rahbari, Longman, and Coene, "The Female Body as the Bearer of National Identity in Iran".

<sup>70</sup> Mirshahvalad, "Can Iranian Women Compensate for Their Absence from the World of Fiqh?", 87.

<sup>71</sup> This does not mean that alternative and feminist readings do not exist (e.g. see Lady Amin's views), but that they are contested by the dominant institutions and "conservative" jurists.

<sup>72</sup> Haeri, Moghadam, and Taghi, "A Critique of the Theory of the Unity of the Father (Fahl)."

<sup>73</sup> Clarke, "The Modernity of Milk Kinship," 291.

<sup>74</sup> Marjaema, "Some Mujtahids' Rulings on Adoptee's Mahramiyat".

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