



# FATWA ON **MILK BANK**

Benefits of Human Milk  
for Premature Babies and  
the Preservation of Human  
Life in Islam



SCIENTIFIC research has proven that breast milk is the gold standard for feeding human babies. The American Academy of Paediatrics states in its policy statement that, **“The potent benefits of human milk are such that all preterm infants should receive human milk. If mother’s own milk is unavailable despite significant lactation support, pasteurized donor milk should be used”**. This view is also supported by the World Health Organization (WHO) and UNICEF who issued a joint statement which states that, “Where it is not possible for the biological mother to breast feed, the first alternative, if available, should be the use of human milk from other sources. Human Milk Banks should be available in appropriate situations.”

Because premature babies need human milk so that they have a better chance to develop and grow, the Fatwa Committee supports the establishment of the KK Human Milk Bank, and for members of the Muslim community to contribute and benefit from the Milk Bank.

Office of the Mufti has prepared several frequently-asked clarifications on the fatwa’s decision, and they can be found in this booklet.

**For further enquiries on the fatwa, you may wish to call us at 6359 1199, or email us at [info@muis.gov.sg](mailto:info@muis.gov.sg).**

## CIRCUMSTANTIAL CONSIDERATIONS OF THE FATWA DECISION

### 1. Who are the recipients of donor milk from the KK Human Milk Bank?

Donor milk from the KK Human Milk Bank will be offered only to premature babies who are born at **less than 32 weeks** of gestation, weighing **1,800 grammes or less** at birth, and/or are at a high risk of, or diagnosed with a lethal gut condition where the intestines can become damaged due to tissue death that can lead to severe illness and even death of baby (necrotising enterocolitis). This is done when the mother is unable to produce sufficient milk.

However, the milk will be given to the babies only with parental consent. Parents can request to stop the supply from the KK Human Milk Bank at any point during the baby's stay in the Neonatal Intensive Care Unit (NICU), should they wish to do so.

### 2. When will the baby stop receiving donor milk?

The KK Human Milk Bank will stop offering donor milk when the baby reaches 34 weeks old, and/or weighs at least 1,800 grammes, and has no other health complications. This may also be done earlier if the baby's mother is already able to produce sufficient breast milk.



### 3. Does the hospital provide assistance to mothers who are unable to provide sufficient milk supply?

The hospital routinely counsels and teaches mothers how to increase their own milk supply. Mothers with insufficient milk supply despite optimal support can choose to use pasteurized donor human milk or special preterm formula milk for their preterm babies.

If the mother still does not have enough of her own milk upon the baby's discharge at 35 weeks, an infant formula will be used, as the risks of formula feeding after 34 weeks are lower.





#### **4. Will the mother's milk supply be given priority?**

If the baby's mother has her own milk, this will always be given priority and administered to the baby first, no matter how little. Only if the baby requires an additional amount of milk will the supply be taken from the KK Human Milk Bank.

#### **5. Will the hospital be keeping records of donors and recipients?**

Records and personal details of donors and recipients will be kept for at least 21 years. The gathered data will be categorised as classified information and will not be revealed except for specific clinical or audit purposes.

#### **6. Does the baby receive donor milk from one donor?**

Donor milk given to premature babies will not be limited to one donor for each baby. The baby will receive milk from different donors throughout his/her time in the NICU, without knowing the total amount of milk consumed from each donor.

## 7. How many millilitres of milk does a baby get per feed?

The babies will receive varying amount of small feeds depending on their age and condition, starting with roughly about one to two millilitres every two to three hours. This amount will be increased gradually, according to the strength and readiness of the baby.

## 8. How is donor milk administered?

Milk that is given to premature babies below 32 weeks will be administered through a tube inserted through the baby's nose. Between 32-34 weeks, trial of oral feedings will start. These trials serve only to train the baby, as babies at this age are still too premature to be able to take the entire feed volume orally.





## 9. In Islam breastfeeding establishes kinship which bars marriage (*mahramiyah*). What are the conditions to this ruling (*hukum*)?

The Fatwa Committee affirms that the ruling of kinship between an infant and his wet nurse exists only if they fulfill the conditions set out in fiqh, and there is **no element of doubt present**.

Conditions for the establishment of kinship:

- a. Milk feeding must be done at least five times until baby is full;
- b. Milk suckled must reach the baby's stomach;
- c. The baby does not exceed two years of age.



## 10. So does feeding premature babies donor milk from the KK Human Milk Bank establish kinship?

No, the Fatwa Committee has decided that this does not establish *mahramiyah*. This is due to a combination of several factors:

- a. It is not possible to determine whether a child will get five feedings from only one mother;
- b. Doubts on the amount of milk required for a premature baby to be fully fed, given that the amount of milk is small.
- c. The act of feeding through milk obtained from the KK Human Milk Bank is for the purpose of reducing feeding intolerance, necrotising enterocolitis, and infection in premature babies. It also helps the premature digestive tract to mature. Hence, the donor milk which is offered to premature babies primarily serves medicinal purposes. The feeding of donor milk for that said purpose does not categorise it as an act of breastfeeding that establishes kinship.
- d. Premature infants are fed donated human milk not through direct latching but through other methods.

## 11. Does the method of feeding donor milk, e.g. using nasal tube or bottle, affect the establishment of kinship?

Although the majority of scholars have established that all methods of breastfeeding leads to kinship, there are some differing opinions by scholars who argued that only the act of suckling directly from the breast of the woman (direct latching) would cause kinship to be established.

It is however important to note that while the Fatwa Committee took this opinion into consideration, it is done only in light of other more compelling factors that guided the Fatwa Committee's decision on the non-establishment of kinship through feeding from the KK Human Milk Bank.

**12. If the hospital is keeping the records of milk donors, then it is possible to ascertain the identities of the donors. So does this then not establish kinship?**

No, this does not establish kinship. While the identities of the donors can be ascertained, the total amount of milk consumed by each baby from each donor throughout his/her time in the NICU cannot be firmly determined. Thus this practice does not fulfil the conditions of the establishment of *mahramiyah* (as stated in Qn 10).





- a. Imām Shāfi`i spoke about the element of doubt in breastfeeding in his book Al-Umm:**

*“If a man is in doubt as to whether or not a woman has breastfed him on five different occasions, then he is not a mahram (a person who is barred marriage from the subject) to her.*

*Likewise, if he is confident that breastfeeding has occurred over five times, but the woman doubted if those instances occurred when he was two years old (and below), then mahramiyah does not occur as well, (and this is) based on the chosen opinion.”*

- b. Ibn Qudāmah from Hanbali mazhab said:**

*“When there is doubt whether breastfeeding took place, or there is doubt on the number of breastfeeding occasions – whether it is sufficient (to establish mahramiyah) or otherwise – (then) mahramiyah is not established, because the original status is that (mahramiyah) is not established, and a ruling that is certain cannot be replaced by one that is based on doubt,”*

## OTHER PREVAILING MATTERS

### 13. Is it permissible for my child to consume the milk of a non-Muslim donor?

Yes. Donor milk from the KK Human Milk Bank serves medicinal purposes by preventing serious illnesses and developing the baby's digestive system. The administration of donor milk for that said purpose is in line with the objectives of Shari`a which emphasize the need for the preservation of human life, regardless of the religious status of the donor.

Furthermore, the issue of the religious status of a wet nurse is an issue which the religious texts are silent on.

The Prophet s.a.w mentioned in a hadith: *"And (Allah) is silent on various issues, as a mercy for you (and) not due to forgetfulness, so do not ask regarding those matters"*.



## 14. Will the human milk not be affected by the non-halal diet of the donor?

No, the permissibility of the human milk is not affected by the non-halal diet of the donor.

Allah s.w.t has mentioned in Surah An-Nahl, verse 66: *"And verily! In the cattle, there is a lesson for you. We give you drink of that which is in their bellies, from between excretions and blood, pure milk; palatable to the drinkers"*.

It is from this verse that scholars have come up with the concept of 'istihalah', which refers to the complete change of nature of a forbidden substance to produce a different substance in name, properties and characteristics.

Human milk contains water, fat, carbohydrates, protein, vitamins and minerals, amino acids, enzymes and anti-infective factors. Any non-halal food consumed would thus have been completely transformed into nutrients in the human milk. Hence the non-halal elements of one's diet cannot be said to have remained and transferred to the final product (the donated milk).

**15. My friend gave birth to a premature baby and the baby was fed until she was full, but the baby still required additional formula milk to satiate her hunger because her milk was insufficient. So it is not a situation of 'darurat' because babies can still consume formula milk and survive well.**

The fact that the baby was able to drink a substantial amount and required additional supply of milk most likely means that the baby was born after 32 weeks, and was not sick. It is important to note that the KK Human Milk Bank is not offered to all premature babies, but babies who are born very prematurely and sick.

While there have been cases that babies did not experience complications from being fed the special formula, there have also been cases of babies who did experience such complications. Sick and premature babies in the NICUs who receive formula premature milk are prone to feeding intolerance, leading to a longer time for the baby to establish feeds.





Premature infants are also prone to a disease known as necrotising enterocolitis in which the intestines can become damaged, requiring surgery and possibly even leading to death of the baby. Using the formula milk meant for premature infants puts more strain on their immature digestive and immune systems.

For more information on the fatwa, do refer to the fatwa highlights section of the Office of the Mufti's website:  
(<https://www.muis.gov.sg/Office-of-the-Mufti>).





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