

# Breastfeeding Wages According to Al Quran and Al Sunnah

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**Abstract---** *Payments for women who breastfeed a child has been widely discussed in the literature. Questions whether they should be paid with some amount of money arises in the community for such women who are in marital relationship or have been divorced. Nevertheless, wages for a woman who breastfeed a non-biological child and the consequence of such practice has also been inquired.. Hence this review aims to explore the jurists' and the Islamic scholars' debate on wages to a woman who breastfeed their biological as well as non-biological child. Qualitative methods were used in this review. Data from books of Islamic jurisprudence (Fiqh), and interpretation of hadith were analyzed. This review provides explanation of the criteria of breastfeeding women who deserve to receive wages, rate of the wages, timing of payment and the effect of such practice through Islamic lenses.*

**Keywords---** *Wages, Woman, Breastfeed*

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## I. INTRODUCTION

Breastmilk has been recommended as the gold standard in providing optimal nutrition for infant feeding. The World Health Organization (WHO) recommended that breastmilk should be given exclusively from birth to six months with introduction of complementary food thereafter and continued till two years. Breastmilk has abundant of secretory immunoglobulins, antimicrobial factors and microRNAs that act as immune-regulatory agent. These provide not only passive immunity to the baby but could prompt and modulate the development of the baby's own immune system that carries short and long term health benefits [1], [2]. Breastfeeding is an act to giving the first

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immunization to protect the baby [3]. Breastfeeding has also been endorsed in the Quran as a basic right for every newborn and infant with recommendations for completing the cycle of 2 years (Qur'an, 2: 233).

There has been a long and detailed discussion since the 18<sup>th</sup> centuries between the Muslim jurists regarding the wages or stipend for the biological breastfeeding mother as well as the wet nurse.

Hence, the objective of this review is to explore the Islamic perspectives regarding wages to these breastfeeding mothers using data collected books and articles which then processed to form a qualitative review.

## II. DEFINITION OF BREASTFEEDING IN ISLAM

The definition of breastfeeding can be divided into two, which is by *lughah* (lit: language) and by syariah terms. According to the *lughah*, breastfeeding derives from the word radi'a and radha'a,[4],[5]. Nursing mothers are called *al-murdi'ah* and infants are called al-radi[6].

In Islamic terms, there are certain points of view concerning the definition of breastfeeding. Among them, the Hanafi section defines breastfeeding as the drinking of breastmilk from a woman at specific times [7],[8]. The Maliki section defines breastfeeding as giving breastmilk through suckling or a device such as cup, bottle which can be premixed with other food (with condition that the breastmilk forms the majority of the feed) to a child who is less than two years of age [9].

While the Shafi'i section, which is held by most Muslims in Malaysia, states that breastfeeding is something that is used to incorporate breastmilk into a child's feed, which has an effect on his/her growth [10]. The Hanbali section opined that breastfeeding is giving breastmilk through suckling or using an aid to a child under the age of two years old [11]. Based on the definitions given, it can be concluded that the concept of breastfeeding is to give a woman's breastmilk to a child with specific criteria.

## III. RELIGIOUS RULING IN BREASTFEEDING

Breastfeeding is a good natural practice and recommended in Islam for the growth of the baby and health of the mother. There are many Quranic verses stating the importance of breastfeeding.

Allah says:

*'Mothers shall breastfeed their children for two full years, that for such as desire to complete the breastfeeding. (2: 233).*

In this verse, Allah the Almighty states clearly that mothers should breastfeed their children for two years for those who can afford it. It demonstrates that Islam prefer human milk for infant feeding. However, it is not wrong for them to hire someone to breastfeed their children for some reason [12]. In the same verse, it also mentions:

*'And if you want to have your children wet nursed, there will be no sin upon you so long as you pay what you give in accordance with honorable norms, and be wary of Allah, and know that Allah sees best what you do.'* (2: 233).

On the contrary, breastfeeding with the biological mother differs from a wet nurse. Even though the benefit in terms of nutrient components might be the same, but the love and bonding that is created is different. Should a mother be unable or averse to nurse due to whatever reasons such as sickness or insufficient breastmilk, the father should provide a suitable wet nurse for the duration deemed necessary for the child or desired by the parent [12].

Apart from the Quranic verses on breastfeeding, there are hadith elaborating on the benefits of breastfeeding and its relationship on milk kinship.

In one hadith narrated by ar Tarmizi stated that:

*Umm Salamah said: Rasullullahs.a.w. It is said that a person does not become a milk kin unless he is full (drinking milk from the breast) and it occurs during the breastfeeding period*

At-Tarmizi et al [13]. Kitab al-Rada'. Bab Ma jaa' Ma Zukira Anna al-Rada'ah La Tuharrimu Illa Fi al-Sighari Duna al-Haulaini. No. hadist 1152. hlm. 449).

And the Prophet p.b.u.h stated that:

*There is no feeding like breastfeeding which strengthens the bones and grows the muscles.*

*Baihaqi [14]. The Book of al-Sunan al-Soghiri Li al-Baihaqi. Chapter Fi Rada'ah al-Kabir. Hadith 2865. p. 177)*

Based on the Qur'anic verse and the hadith of the Prophet (p.b.u.h), it is clearly stated that breastfeeding is recommended because it is the best food for babies with undeniable benefits. However, suckling is not merely breastfeeding in Islam rather it is a kinship. A kinship that with a number of conditions whose fulfilment constitutes a recognized milk kinship that bars marriage on a permanent ground.

#### **IV. BREASTFEEDING WAGES**

##### ***Maternal's Right In Receiving Breastfeeding Wages***

Is a mother entitled for wages if she breastfeed her own child? It has been well discussed and debated among the Islamic Jurists.

From the school of Hanafi [15] and Zahiri [16], it is stated that a breastfeeding mother is not entitled for wages during the marital contract or during an 'iddah talakraj'ie which is the period of waiting after divorce. The reason being is that during the period of time, the husband is duty-bound to arrange alimony and pay for the expenses of the mother or during the revocable divorce for all necessities. If she (the mother) insist on being paid, this will incur a double burden for the husband in providing alimony (nafaqa) and wages at the same time. This should not be happening since the husband is obligatory to provide sufficient financial support to his wife and children.

In the School of Maliki, it states that the above condition is applicable to women who are commoners. However, if breastfeeding is compulsory for high social status women, then they are entitled for wages for their

effort in breastfeeding. On the contrary, according to the Shafi'isect [10], a mother is entitled for breastfeeding wage during the marital contract or after divorce. They opined that:

- Mothers should nurse their child with colostrum (al Laba') and she is entitled for wages similar to wet nurses
- 2. If the mother has nursed her child with colostrum and there is no other woman keen to nurse the child, therefore she is eligible for wages due to her effort in breastfeeding the child.

Meanwhile, the Hanbali school opinion [17],[18]is similar to theShafi'i School. They confirmed that it is permissible for a husband to give wages to his breastfeeding wife during the marital contract or during 'iddah.

Most scholars concluded that mothers are not entitled for breastfeeding wage during the marital contract. This is because the mother has the right to receive all the necessities during marriage. If mother wishes to increase the alimony for herself due to the breastfeeding burdens upon her, such as a need for more nutritious meal, it is the mother's right to seek from her husband. [19]. This view is based on Allah the Almighty in the Qur'an:

*'And on the father shall be their maintenance and clothing, in accordance with honourable norms'*

(al-Baqarah : 233)

The Islamic scholars also agreed that the mother of a nursing child has the right to receive wage once she is not in the marital contract and in the period of waiting after divorce or death. This is in accordance to verse 6 At Talaq 65:6 in the Quran stated:

*Allah says (interpretation of the meaning):*

*"Then if they give suck to the children for you, give them their due payment"*

*[al-Talaaq 65:6].*

This verse is directed to mothers who has been divorced by their husband. Alimony or nafaqa is not given when a woman is divorced from the marriage contract or after the death of her husband. However, some Islamic scholars from the Hanafi and Maliki sectionsopined that mothers who are divorced ('iddah talak bain)[4] has the right to receive wages if they are still breastfeeding their child. This opinion is supported by Muhammad 'Ali Jum'ahin*Fatawa 'Asriyyah*[20] and is in line with the verse 6 from Surah Al Talaq.

Allah the Almighty has made it obligatory for breastfeeding wage for mothers who has been divorced (talakbain) and if she gets pregnant, the nafaqa is obligatory for the husband (wajib). This ruling has been used in Syria [21].

### ***Period of Eligibility for Breastfeeding Wages***

The Islamic scholars from Al Shafi[22], Hanafi [23], and Hanbali [24], [18]sections had agreed that the period of entitlement for breastfeeding wage is only two years. Once the nursling or child has reached two years of age, the mother has no rights for breastfeeding wages. This is consistent with the Ayah in Surah Al -Baqarah verse 233:

*“The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling”*

*[al-Baqarah 2:233]*

### ***The Start of Maternal or wet nurses’ right in receiving breastfeeding wages***

Mothers who breastfeed a child or a wet nurse who is not in a marriage contract, is undoubtedly entitled for payment starting from the time that she breastfeed the child. Meanwhile, for a mother who is still in the marriage contract or who is irrevocably divorced from the husband but is breastfeeding a child of his, she is undoubtedly entitled to payment without ijarah in Maliki’s section.

As for the Hanafi’s section, the preferred opinion is starting from the time the mother breastfeed the child. Other contemporary scholars from Hanafi’s section, the timing of wage or payment starts from time the mother asked to be paid [21].

Hence, it must be understood that the wage still stands even if the father has died. If the wage is considered as alimony or nafaqa, then it is terminated once the husband dies. If the child is orphaned, it is the next of kin of the father that needs to provide nafaqa to the child such as the paternal grandfather or uncle[24].

### ***Payment (Wages) Rate***

The rate for breastfeeding wages is not specifically mention in Islamic law. It is merely base on the mutual agreement between the husband and his divorcee or between the father and the wet nurse who is nursing the child. If no agreement or understanding can be met, the rate is based on ‘mithil’ which is the average rate given to a woman who is nursing a child at that particular time and culture. If dispute arises regarding the payment, it should be brought to the attention of a judge to certain the decree of payment [25].

### ***Husband’s right to the wife who wet nurse other than her biological child***

Wet nursing has been an occupation for some women previously especially in the Arab world. It is widely accepted in the Arab culture. However, does the husband has the right to forbid his wife from wet nursing other than their biological child? This issue has been debatable. There are many reasons given by women who wet nurse other people’s children. The most common reasons given are to increase their financial income and feeling sorry for the baby whose mother could not breastfeed them.

Regarding this matter, Hanbali Section has opined that:

- 1) If a woman wet nurse a child before she is married, her husband has no right to forbid her from doing so after their marriage. The said woman shall obliged to complete the nursing at a stipulated time agreed.

- 2) If a woman is married then decided to wet nurse a child with the permission of her husband with or without any payment, the agreement (akad) is valid eventhough if the husband suddenly decided to forbid her from continuing the wet nursing.
- 3) If the wife decided to wet nurse a child, but her husband does not permit her do so, the agreement to wet nurse is invalid. Upon this, the husband has the right to stop or forbid the wife from wet nursing.

## V. EFFECTS OF WET NURSING

Breastfeeding has a lot of impact in Islamic family ties. Wet-nursing for instance establishes milk kinship. Milk kinship is established when a child who is less than two years of age receives sufficient milk from other women to reach the stomach and build flesh and bone. When this happens, it forbids certain relationship on a permanent ground where the wet nurse mother and her husband marrying the child. With this unique kinship, the wet child while can be in close proximity with them and can accompany the wet nurse mother as a 'Mahram' travelling. Family lineage that a wet child is forbidden from marrying are stated by the Hanafi [15], Maliki [27], Shafi'i[21], and Hanbali [23]sections as follows:

- Siblings from the wet nurse mother
- Biological children of the wet nurse mother
- Granddaughter of the wet nurse mother
- Mother to the wet nurse mother

This also applies to the wet nurse father (ie husband to the wet nurse mother) which is shown in the followings [28].

- Siblings from the wet nurse father
- Daughters from other wives of the wet nurse father
- Granddaughters of the wet nurse father
- Mother to the wet nurse father

In verse 33 An Nisa, Allah has clearly say regarding the prohibited relationship and marriages:

*Prohibited to you [for marriage] are your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brother's daughters, your sister's daughters, your [milk] mothers who nursed you, your sisters through nursing, your wives' mothers, and your step-daughters under your guardianship [born] of your wives unto whom you have gone in. But if you have not gone in unto them, there is no sin upon you. And [also prohibited are] the wives of your sons who are from your [own] loins, and that you take [in marriage] two sisters simultaneously, except for what has already occurred. Indeed, Allah is ever Forgiving and Merciful.*

(An Nisa :23)

## VI. CONCLUSION

This review concludes and demonstrates that breastfeeding is recommended in Islam. It is obligatory for a mother to breastfeed or nurse her child if possible. With various scientific evidence and benefits regarding breastmilk to both mother and baby, it is advisable and obligatory for a mother to breastfeed her child if possible. For mothers who can breastfeed her own child, it is not recommended for her to let other women to wet nurse. In terms of payment in breastfeeding, the Islamic scholars has agreed that a mother has the right to receive payment once she is no longer in a marital relationship whether she is in the revocable divorce period or death of her husband. As this is stated clearly in the Quran in Al Talaq verse 6. It demonstrates that in Islam, mothers who breastfeed their child can receive payments on the stated ground above showing that Islam is a passionate about giving the best for babies.

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