

Some Reflections on Islamic Milk Kinship

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An author of a recent, comprehensive and authoritative legal treatise, in an exposition of Islamic family values in the contemporary world affirms that 'the family' (*al-usrah*), the 'nucleus of society' (although perhaps a relatively recent phenomenon in Islamic discourse), stands 'on the foundation of stock (*'irq*), blood and *nasab*, and affinity and milk kinship'.¹ Most scholars agree in theory that kinship is not a biological fact but a universally deployable system for structuring social relations. In empirical practice, however, research on kinship has focused almost exclusively on descent and alliance. This essay addresses kinship in Islamic society where motherhood is glorified, childlessness is socially unacceptable, and adoption is religiously prohibited. Islamic *shari'a* law treats relations of kinship and alliance under the heading of 'closeness' (*qar bah*). This is then divided into three subtypes: *nasab* (relations of filiation, both agnatic and uterine); *mus harah* or *shir* (relations by marriage); and *rid'a* (relations by breastfeeding). This essay is a study of *rid'a* or, 'milk kinship' which has been largely neglected while in Islam there exists a whole body of detailed laws and regulations—which regard it similar to blood relationship: affection is due to one's milk kin, but one does not inherit from each other. Infant fosterage is technically known as *rid'a* or *rad'a* in *Shari'a*, refers to the process whereby a baby is breast-fed by a non-maternal nurse, and as a consequence there emerges a relationship between the nursling and the nurse whereby some degree of marital prohibition in analogy to that of consanguinity would be established between the two and a further, defined set of relatives. As such milk relationship differs from the institutions of fosterage, despite the fact that it is often referred to as 'fosterage'—since the latter did not involve the child and nurse in any legally recognized relationship, even though a deep emotional attachment might well develop between them.

The studies of elective, non-biological and non-

biogenetic kinship relations have been the prominent focus of interest in recent anthropological studies. Another burgeoning theme of the manipulation of the kinship is the development of new reproductive technologies, which are designed to circumvent problems of infertility and detrimental genetic inheritance – which have the effect of fragmenting the accepted role of fatherhood and /or motherhood between distinct persons.² Muslims have for the most part welcomed these new reproductive technologies as a remedy for infertility.³ And yet some of the possibilities such procedures raise are still problematic for many, coming from a variety of ethical perspectives. Governments and patients alike have turned to Islamic authorities for guidance with regard to issues such as assisted reproduction, organ transplantation, euthanasia and abortion.⁴ Lively debates, symposia and a considerable literature have emerged on the '*fiqh* (jurisprudence) of medicine'.

The development of the new reproductive technologies more generally provides three basic methods, all with significant variations. The first is artificial insemination of the prospective mother by either the husband (for example, in case physical disability prevents intercourse) or by a donor (for example, in case of infertility). The second is *in vitro* fertilization (literally 'in glass fertilization', as opposed to *in vivo* fertilization, or fertilization through sexual intercourse), or the production of so-called 'test-tube babies'. Again, this may use the semen of either the father or a donor, but the egg may be donated also (or instead) if the mother is capable of producing any. Lastly, there is surrogate motherhood, in which a female third party is commissioned by the husband and wife to carry an embryo to term on the latter's behalf. Again, there are numerous variants, depending on the source of semen and eggs, either or both of which may come from the respective parents or be donated. Technology may be circumvented altogether

by the simple expedient of having the father impregnate the surrogate mother directly, in which case the former's wife can only be mother of the child. The focal point of present essay is on Islamic legal reaction to these new reproductive technologies more generally, as a way into understanding changing notion of kinship in contemporaneous Muslim societies.

I. Human Milk Banks

For Muslim religious specialists, milk kinship provides a way of thinking through and resolving the ethical dilemmas of the use of new reproductive technologies. Rather than disappearing under modernity, milk kinship endures as a resource for the mediation of social relations and intellectual challenges. One example directly concerning our interests here, which will serve to introduce some of the issues pertinent to the discussion of assisted reproduction, is that of 'human milk banks'.⁵ These banks were first introduced in the first half of previous century after wet nursing in contemporary industrial societies had almost completely disappeared from the scene and following scientific evidence that babies breastfed by their own mothers or wet nurses showed a lower mortality rate than artificially fed infants.⁶ The milk banks comprise a store of fresh human milk donated by lactating women for dispensation to prematurely delivered babies whose own mothers fail to produce any milk or as many physicians considered the mothers colostrums to be an unsatisfactory food for the premature infant. Despite their comparative rarity, they have been a focus of concern for Islamic scholars:⁷ might not complicated chains of milk kinship be instituted? Might there not be a risk of subsequent, inadvertent milk incest?⁸ To this, the *fugaha* (Muslim jurists), are divided into two groups. The majority of the Muslims jurists, from classical to the modern, are unanimous that all human milk which 'still a baby's hunger', 'raises the bones and makes the flesh glow', as the *hadith* put it, creates milk relations and entails impediments to marriage.⁹

An expert on Islamic medical ethics, Hassan Hathout, describes the discussion at the 1983 symposium on 'Islam and Reproduction' held by the Islamic Organization of Medical Sciences in Kuwait,¹⁰ where 'ultraconservatives suggested that there should be a detailed milk registry and that every donor and the family of every recipient should be given a complete record of who received the milk of whom'. Hathout comments, this would render such milk banks 'practically impossible'. However, on the other hand, scholars such as the renowned Sunni jurist Yusuf al-Qaradawi at this conference, cited rulings on the basis of the opinions of Ibn Hazm of Cordova

(d.1064)¹¹ and other scholars of the Al-Zahiriyyah school and their followers that milk kinship could only be instituted by suckling at the breast to argue that milk from milk banks would not institute milk kinship. Medical and jurisprudence scholars at the symposium after having close discussion on the varied classical and contemporaneous views, then proposed that since Imams and reputable Jurists of old times had diverging views on the issue, Muslims should feel free to choose the view which ensures the best interests of those babies and in the way which is easier and more practicable, an attitude which is more in keeping with the goals of Islamic jurisprudence.¹²

The human milk banks' issue was again minutely discussed at Islamic Fiqh Council (*Majma' al-Fiqh al-Islami*) of the Organization of the Islamic Conference (OIC) based in Jeddah, Saudi Arabia, whose opinion carries great weight in the Sunni Muslim world, passed a resolution after a medical and legal study along these lines in 1985: entitled resolution No. 6(6/2) 'Milk banks' (*bunuk al-halib*), it argues that milk banks lead to confusion (*ikhhtilat*) and doubt (*ribah*).¹³ The system of social relationships in the Islamic world, it proposes, offers a premature or underweight child that needs human milk its requirements through natural nursing, clearly harking back to the communal nursing of pre-modern times, not obviously applicable to the needs of premature babies. The council concludes by prohibiting the spread of milk banks in the Islamic world, and the use of milk from them. It is this worry over kinship 'confusion' that is echoed in discussions of medically assisted reproduction, as well as the large dose of moral outrage common to many of these discussions, at this Western innovation that would undermine the sound moral underpinnings of Islamic society, corrupting its genealogies and spreading adultery. As the Islamic Council puts it:¹⁴

To Islam, breast feeding creates a bond similar to a lineage bond and forbids, according to the consensus of Muslim jurists, exactly the same which is forbidden due to actual lineage relationship. One of the goals of the *Sharia* is to safeguard the lineage of a person whereas milk banks lead to mix up and doubts.

II. Reproductive Technologies and Religious Morality

The Islamic medical ethics are a burgeoning topic among *ulama* and academic scholar alike. Some of the most interesting issues are those centering on the new reproductive technologies such as *in vitro* fertilization, where milk kinship becomes an important consideration in thinking Islamic kinship in a new age. *In vitro*

fertilization involves fertilizing an egg outside the body with a sperm and then transferring it to the uterus of a woman for gestation and delivery: this allows eggs, sperm and uterus to be from unrelated parties, unrelated that is, in terms of a marriage or 'partnership'. The latter woman, the 'gestational carrier', may be seen as analogous to a 'milk mother'; commercial surrogacy arrangements can be seen to parallel those of mercenary wet-nursing (*zir*, the Arabic term for wet nurse), the subject of classical Islamic legal debate. 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 legitimization of relations between a resulting child and the recipients, the 'social' parents: pater and mater (in anthropological, if not Islamic, terms). The mediating possibilities of milk kinship thus endure in the face of new challenges, both in the context of the rich history of Islamic jurisprudence and as part of the cultural arsenal that Muslims deploy in attempting to realize their social projects.

The many possibilities extended by new reproductive technologies have been keenly debated by Islamic legal specialists.¹⁵ While such thinkers are keen to stress that Islam favors scientific and medical advances, certain ethical boundaries should, they maintain, be preserved. Assisted conception between husband and wife, including artificial insemination and *in vitro* fertilization, is, broadly speaking, deemed unobjectionable. They believe that triangle formed by father-mother-child should only be three-sided, without interjection of other parties. Where techniques might involve further parties, controversy arises: a parallel is often drawn here with adultery (*zin*), nominally subject to the harshest of punishments under Islamic law, and its results, the 'confounding of kinship relations' (*ikhtilāt al-ansāb* [pl. of *nasab*]). Sunni Islam has reached a broad consensus that such techniques are prohibited, and that the resulting children are to be treated like 'bastards', 'children of *zin*', with no paternal relation, although they are still related to their mothers.¹⁶ The possibility of polygyny in Islamic law somewhat complicates matters: some early opinions did not rule out using an egg from one wife, fertilizing it with the husband's sperm, and implanting it in another wife's womb. Such a scenario has, however, come to be deemed unacceptable according to the current, broad Sunni consensus.¹⁷

Shiite (Shia or Shi'a) opinion, on the other hand, is more diverse, and some authorities even allow some controversial procedures. Milk kinship comes into consideration in a number of ways. Most relevant are those possibilities involving one woman's egg and another's womb. Besides the 'two wives' scenario, these

might take the form of the use of a donor egg, or that of a surrogacy arrangement, where another woman agrees to bear to term an embryo formed of a husband's sperm and the egg of his wife, for whom pregnancy is impossible. With regard to the latter, such an arrangement could be a commercial one, and as Muhammad Rida al-Sistani, son of Ayatollah 'Ali al-Sistani, probably currently the most widely followed Shiite authority of all, considers in his own comprehensive treatise on NRT whether one could liken such arrangements to the mercenary wet-nursing contracts that posed such problems for classical jurisprudence. He opines that *nasab* ('filiation') is not a genetic relation.¹⁸ In such situations, whether permitted or not, the question arises as to who will be considered the mother: the genetic mother, the provider of the egg or the gestational carrier. The situation is complicated under Islamic law on the one hand, as we have seen, by the possibility of polygyny, and on the other by the extant existence of a secondary type of motherhood, milk motherhood.

Most Sunni and many Shiite authorities maintain that it is the genetic mother, the provider of the egg, who should be considered the mother. Ayatollah 'Ali Khamene'i, spiritual leader of the Islamic Revolution in Iran and widely followed by Shiite population in Iran and Lebanon, holds what has become the most notorious position of all with regard to assisted reproduction: he does not forbid donor treatments, surrogacy arrangements or the use of gametes after death, as he holds, *zina* requires the physical act of sexual intercourse.¹⁹ In order to avoid kinship 'confusion', he makes clear that the principle of relation is that it is the originator of the sperm or egg that is to be considered the father or mother—that is, in donor procedures, the donor. What then of the woman who carries the child: does she have no relation of maternity, not even one on the lines of milk kinship? Or, as Muhammad Rida Sistani, puts it, 'is it possible to rule that marriage is prohibited between the child and the owner of the womb, and her daughters related to her through milk kinship?' For, 'if the breastfeeding woman is forbidden to the nursing just through breastfeeding for a day and a night, or fifteen suckling (as in Shiite), because that entails the strengthening of his bones and building of his flesh, then what of one who is created inside her and all of whose flesh and bones comes from her?'²⁰ The precedent of milk kinship is now being used to argue: that nurturing a child in one's womb is at least analogous to the nurture afforded by a breast-feeding woman.

Unlike Sunni, some of leading Shiite authority primarily in South Asia has a different view.²¹ They don't

allow procedures using donor sperm but procedures involving donor eggs and surrogacy arrangements may be permissible where the man who provides the sperm is married to both women, the source of the egg and the gestational carrier. Such a marriage to a surrogate mother could be a temporary one, temporary marriage, again, being a characteristically Shiite institution. The same might apply in cases of egg donation: the husband of the woman who was to receive the eggs should also marry, even if temporarily, the egg donor; and this is in fact a position held by a number of Shiite authorities in West and Central Asia.²² For most of South Asian, plausibly because of syncretic elements which are accretions from the local environment, both Sunni and Shiite, as Ayatollah Khamene'i says, the principle of paternity and maternity follows genetic lines. The mother is the egg producer, but the gestational carrier resembles those women prohibited in marriage through breastfeeding. Her legal ruling becomes that of the milk mother; through the nurture in the womb she becomes the nurture mother. The consequence of following the genetic principle is that, in the case of the use of sperm or eggs from third parties, new and unconventional—albeit clear—patterns of relation are created. A child of donor sperm will be the child of the sperm donor and not of the man who raises that child. This has consequences for concomitant principles: inheritance and veiling. In the case of the inheritance, that resulting child and their genetic parents would have mutual inheritance rights, this problem could to some extent be obviated through gifts and bequests; also, care would have to be taken with regard to the regulation of conduct between the child and the couple who have sought treatment. As we have seen, relatedness entails marriage prohibitions, and marriage prohibition determines rules of seclusion, bodily concealment and comportment. Where such a relation is absent, as it would be for couples using donor sperms and eggs, for instance, the usual intimacy of domestic life would be severely disturbed.

However, as a group of Islamic jurists based in Delhi precisely pointed out that these complexities indeed are not a practical barrier to undertaking such procedures, there are other legal rulings that would serve to alleviate such problems.²³ The first and foremost is milk kinship: In the case of donor gametes, if the resulting child were male, then there was no problem because the mother suckles. In case of donor sperm, that is, if the child were male then there is a potential problem for the wife: she would have to veil in front of him when he reached puberty. But if she carries the child, in the instance of the use of a donor egg where she is not the mother one understands, thus having breast milk, and then suckles

the child, then a milk kinship relation will be established which institutes a marriage prohibition, thus removing the problems of intimacy. If the resultant child is female then there is potentially a problems between her and the husband: in case of the use of donor sperm, where husband is not considered the father, then the child will be in the position of a *rabl bah*, 'foster-daughter' or 'ward', that is one's wife's daughter by another man: the *rabl bah* is forbidden to the husband so long as he has had sex with her mother.²⁴ Therefore, precedent of milk kinship, along with guardianship, provides a resource for Muslims to take advantage of the possibilities for remedying childlessness that the new reproductive technologies offer. Indisputably, my Muslim informant is equally clear that, *'in public, use of such donor procedures is denied, and resulting children are being presented as having arrived in the conventional manner. In fact, not only infertility is stigmatized; any intervention in the culturally sensitive areas of sexuality and reproduction is normally considered dubious. Social pressure to conform, the opinion of 'the neighbors', is of paramount importance'*.

Notwithstanding the above pragmatic veracity, the prevention and treatment of infertility are of particular significance in the Muslim world, as the social status of the Muslim woman, her dignity and self esteem are also closely related to her procreation potential in the family and in the society as a whole. Both, *Quran* and *Hadith* have affirmed the importance of marriage and family formation through marital procreation, no third party is permitted to intrude into the marital functions of sex and procreation during the span of marriage. Infertility is acknowledged in the *Quran*, and its treatment is encouraged in order to preserve the integrity of the marital union.²⁵

III. Contemporaneous Perspectives

The characteristically Islamic legal institution of milk kinship as evident from discussion lives on, despite a steep decline in shared breastfeeding in modern times. It provides a useful and unique way of thinking through some of the ethical dilemmas that new reproductive technologies pose. Furthermore, it allows couples to take advantage of such techniques while maintaining the propriety and convenience of their domestic lives, in keeping with its longstanding tactical uses. But while milk kinship offers a way of mediating the intellectual challenges that modern science offers to revealed religion, there is surely another sense in which Western, 'scientific' understandings of kinship relatedness offer milk kinship itself an existential challenge. There is no ready 'scientific' reason why one should not be able to marry one's milk

sister. Contemporary Islamic thinkers expend much intellectual energy in attempts to demonstrate the congruence of Quranic statements and scientific propositions, regarding embryology and astronomy, for example. But those whom we asked for an explanation of the 'logic' of milk kinship would only reply: 'It is not possible to define the reason for this legislation. One must work with the legal rulings as they arise in the legal texts'.

Although much of Islamic legal debate on milk kinship may seem abstruse, it had, and continues to have, a social reality outside the scholastic domain. It was common, in the pre-modern South Asia, for women living in the same household or locale to breastfeed each other's infants as need and convenience required. Urban, upper-class women frequently had option to the services of professional wet nurses (*zir*).²⁶ Milk relations were thus also perforce common, although it seems hard to believe that the full ramifications of the jurisprudential schemes were followed through: certainly contemporary ethnographic accounts suggest that popular conceptions of the extent of milk relations are often at odds with those of jurisprudence. That, apart from situational spontaneity local notion or popular conceptions of milk kinship that may themselves vary also necessitated the practice.²⁷ In modern times, residence patterns have changed, with a decline in large, mixed households;²⁸ and the advent of artificial baby milks has rendered wet-nursing an option rather than a necessity.²⁹ Pater Parkes sees further structural reasons for the decline in the incidence of milk kinship in the shift in political organization away from patrimonial dynasties towards modern state formations.³⁰

However, despite this undoubted decline, milk kinship is far from a dead letter. It remains a prominent section within contemporary Islamic legal handbooks, and a field in which Islamic scholars can parade their erudition. Apart from Islamic legal discussions of new reproductive technologies, one can come across a number of contemporary examples of milk kinship in the pages of glossy magazines read across the most part of the Islamic world. Many such magazines feature *fatw* columns, where religious specialists give *fatw* s that is 'opinions' in response to readers' questions. For instance, in an issue of women's magazine *Sayyidat1* (2000), Shaykh Abdallah bin Jibrin of the Saudi Arabian Fatwa Issuing Department is asked to clarify:³¹

'Is it possible for me to marry a girl whose older sister is the milk sister of my younger brother?'

He answers:

There is no problem with marrying the milk sister of your brother if your brother was the one who suckled from her mother and you did not, and likewise if the suckling one, that

is the sister of the girl in question, suckled from your mother. So the girl is permitted in marriage to you, and neither the suckling of her sister by your mother nor the suckling of your brother by her mother affects you in this regard.

And, in the same issue, he faces another milk kinship query:

I am a boy of sixteen and want to marry the daughter of my uncle [*'amm1*, father's brother], but I have discovered that her younger sister suckled with my older sister. So is it possible for me to marry her, bearing in mind that she did not suckle from my mother?

His reply:

It is not a problem that you marry her, and the suckling of her younger sister with your sister does not affect you. That is, she is considered marriageable [*ajnab1 yah*, 'a non-relative'], in as much as she did not suckle from your mother and you did not suckle from her mother nor from one of her sisters, so there is no kinship [*qar bah*] between you. As for her younger sister she is not permissible for you or your brothers, as she suckled from your mother and became a sister to all of you.

These examples show that common believers are aware of the legal consequences of non-maternal breastfeeding in creating impediments to marriage. In other words, the rules laid down by the *Qur'n* and subsequently elaborated in *hadith* and *fiqh* literature still influence strategies of marriage and hence family structure in our days. To this day in modern Saudi Arabia, the concept of milk kinship is being promoted as a way to cement the family bonds of orphans into families, not just through conventional adoption but also by the stronger bond that milk kinship implies: as a way to strengthen the family bond of adopted children with their adoptive families—as equivalent of a blood relative. For example, Noura Al-Asheikh, General Director of women's issues at the Ministry of Social Affairs in Makkah during an interview to *Arab News* (2007),³² says that they try to promote milk kinship as a way to find families for orphaned children. 'We at the ministry try to study the possibility of finding a nursing mother in the hosting family to breastfeed the child to ensure its legal position in that family', she said.

NOTES

1. Wahbah al-Zuhayli, *Al-usrah al-Muslimah F1 -I- lam al-Mu sir* (Damascus: Dar al-Fikr, 2000), p. 20.
2. In fact, this fragmentation is not in itself either new or rare: anthropology has long had to make a basic distinction between pater and genitor, that is, biological and social fatherhood, and there is a similar, if less commonly made, distinction between mater and genetrix. It is also relatively familiar through step-relationships and adoptions.

3. See M. Inhorn, *Local Babies, Global Science: Gender, Religion, and In Vitro Fertilization in Egypt* (New York: Routledge, 2003), 'Making Muslim Babies: IVF and Gamete donation in Sunni versus Shi'a Islam', *Culture, Medicine and Psychiatry*, 30 (2006), pp. 427-50.
 4. V. Rispler-Chaim, *Islamic Medical Ethics in the Twentieth Century* (Leiden: Brill, 1993). Also see Farhat Moazam, *Bioethics and Organ Transplantation in a Muslim Society* (Bloomington: Indiana University Press, 2006).
 5. Banked human milk is regarded as 'the next best' after the biological mother's breast milk. Donation of breast milk from one woman to an unrelated infant has a long history. Before last century, the infant would have been directly breastfed by the woman who was referred to as a 'wet nurse'. In the first half of last century, milk banking saw resurgence in popularity, but around the 1970s, this began to change. The first reason for this loss of interest in human milk was the heavy promotion of infant formula, including formulas specially designed for preterm infants. Later, a fear of transmission of viruses, including HIV, in body fluids led to an anxiety about donation of body fluids, including breast milk.
 6. Unlike West, the Asian system of human milk banking has been slow progress, despite the fact that the incidents of low birth weight and pre-term babies are very high in these countries – it is imperative for the survival of these babies that constant and adequate supply of milk is guaranteed to them. It could possible only in 1989 that Asia's first human milk bank was set up at the Lokmanya Tilak Municipal General Hospital (LTMGH) in Mumbai. Since then, only a few such banks could come up so far. Apart from varied hurdle such as financial and technological requirement, milk banking practice is particularly problematical in Islamic countries from a religious point of view.
 7. Avner Giladi, *Infants, Parents and Wet Nurses* (Leiden: Brill, 1999), pp. 139-42; Sayed Sikandar Shah, 'Fosterage as a Ground of Marital Prohibition in Islam and the Status of Human Milk Banks', *Arab Law Quarterly*, Vol. 9, No. 1 (1994), pp. 3-7.
 8. During its stay in the Special Care Baby Unit, an infant would therefore have been nourished by milk derived from a large number of women, and the question arises whether the children of these women as well as the other infants who consumed their milk are to be considered brothers and sisters and therefore should not marry one another. The prohibition will naturally extend to cover an expansive network of relations beyond the suckling babies. Khatib-Chahidi reports incidence about Muslim couple who refused adamantly to allow their premature baby to be fed with the 'mixed' mother's milk from the milk bank, J. Khatib-Chahidi, 'Milk-Kinship in Shi'ite Islamic Iran', in V. Maher (ed.), *The Anthropology of Breast-Feeding: Natural Law or Social Construct* (Oxford: Berg, 1992), pp. 109-32.
 9. Three leading jurists in early Islam, Abu Hanifa (d. 767 AD), Malik bin Anas (d. 795 AD), and Al-Shafi'i (d. 820 AD), are said to have accepted the view – later also supported by the Syrian Hanbali jurists, Ibn Qudama (d. 1223 AD) – that even pouring stranger's human milk into an infants mouth or nose involves prohibition of marriage. In support of their view they quote following *hadith* of the Prophet:
 - (i) *Rid'a* will not be established, but by milk of which the bones and flesh of the infant is made up.
 - (ii) Salim who was a grown-up person; and Sahlah was ordered to put her breast milk in a cup and then give it to Salim to drink.
- See, *Hadith – Translation of Imam Malik's Al-Muwatta*, Book 30: Number 30.2.11-13: also available at http://www.ummah.net/Al_adaab/hadith/muwatta/; *Hadith – Translation of Sahih Muslim*, Book 008: Number 3424: also available at http://www.ummah.net/Al_adaab/hadith/muslim/: both sources were accessed on 25/11/2008.
10. The IOMS's report can be found at <http://www.islamset.com>.
 11. Ibn Hazm, *Al-Muhalla fi'fiqh*, Cairo: 1928-33.
 12. The report available at http://www.islamset.com/obstetrics/human_milk_bank/; accessed 15/02/2009.
 13. *Resolutions and Recommendations of the Council of the Islamic Academy, 1985-2000*, Jeddah: Islamic Research and Training Institute, 2000, pp. 9-10 (electronic version available at <http://www.irtipms>; accessed on 25/12/2008.). See also, Wahbah al-Zuhayli, *Al-fiqh al-Islami wa-Adillatahu* (Damascus: Dar al-Fikr, 2002), pp. 5085-86.
 14. *Resolutions and Recommendations*, p.9. For lively discussion on the issue, see Rispler-Chaim, *Islamic Medical Ethics*, pp. 122-26; Giladi, *Infants, Parents and Wet Nurses*, pp. 140-42.
 15. For example, debates such as on Infertility, Artificial Insemination, In-vitro fertilization, Surrogacy and Womb-relation, can be found on the Internet at <http://www.islamset.com>. Most of these issues were recently debated by Islamic Fiqh Council. For resolutions passed by Council from 1985-2000, see *Resolutions and Recommendations*, 2-12th Sessions.
 16. *Resolutions and Recommendations*, pp. 28-9. For Shiites, traditionally, such child has *nasab*, neither to father nor to mother. This also leaves the problems of whom to ascribe maternity to in the case of the (illicit) use of donor eggs or a surrogacy arrangement. Here the Sunni for the most part favour the gestational carrier and deliverer of the baby, citing the Qur'anic verse (58/2), 'Their mothers are none other than those who gave them birth', Abdullah Yusuf Ali, *The Meaning of the Holy Quran*, text, translation and commentary (Delhi: Kitab Bhavan, 1997), p.1432.
 17. *Resolutions and Recommendations*, p.29. A. Yacoob, *The Fiqh of Medicine: Responses in Islamic Jurisprudence to Development in Medical Science*, London: TaHa Publishers Ltd., 2001. They stress that the fusion of sperm and ovum should take place only within the marriage contract. If the woman becomes widowed or divorced then the marriage contract has come to a conclusion and stored semen of the husband would be alien to her.
 18. Muhammad Rida al-Sistani, *Was 'il al-Inj ab al-Sin 'l yah*, Beirut: Dar al-Mu'arrikh al-'Arabi, 2004, p.316 cited in Morgan Clarke, 'Shiite Perspective on Kinship and New Reproductive Technology', *Isim Review*, 17 (Spring 2006), pp. 28-9.
 19. For detail exposition, see M. Inhorn, 'Religion and Reproductive Technologies: IVF and Gamete Donation in the Muslim World', *Anthropology News*, 46 (2005), p.14; Morgan Clarke, 'Children of the Revolution: Ayatollah Khamene'i's 'liberal' views on In Vitro Fertilization', *British Journal of Middle Eastern Studies*, 34 (2007), pp. 287-303.

20. Sistani, *Was'il al-Inj ab al-Sin'1 yah*, pp. 480-81.
21. For example, All India Shia Personal Law Board (AISPLB) based in Delhi, though recently come into an existence, is an organization whose opinion carries great weight among the Shia Muslim in India.
22. For such strategies in Iran, see S. Tremayne, 'The Determinant Factors of Egg, Sperm and Embryo Donation in Iran: Religion, Donors and Recipients or the Medical Practitioners', in M. Inhorn and D. Birenbaum-Carmeli, ed. *Assisting Reproduction, Testing Genes: Global Encounters with New Biotechnologies* (Oxford: Berghahn, 2007).
23. See also, Morgan Clarke, 'Shiite Perspective on Kinship', pp. 28-9 ff; idem, 'Islam, Kinship and New Reproductive Technology', *Anthropology Today*, 22, 5 (October 2006), pp. 17-20.
24. It is unclear to me whether it is the sperm donor or the husband who is to be considered the 'originator' of the woman's milk here. If it were the husband, then he would be milk-related to the child (following the principle of *laban al-fahl* or *sir-i-milk*).
25. For detailed exposition, see Gamal I. Serour, 'Bioethics in Reproductive Health: A Muslim's Perspective', *Middle East Fertility Society Journal*, 1(1999), pp.30-35; Gamal I. Serour, Mohamed A. Aboulghar and Ragga T. Mansour, 'Bioethics in Medically Assisted Conception in the Muslim World', *Journal of the Assisted Reproduction and Genetics*, 12 (1995), pp.559-65.
26. Giladi, *Infants, Parents and Wet Nurses*, p. 106 ff.
27. S. Altorki, 'Milk-kinship in Arab Society', *Ethnology*, 19 (1980), p. 240; R. Ensel, *Saints and Servants in Southern Morocco* (Leiden: Brill, 2000), p. 118.
28. Altorki, 'Milk-kinship in Arab Society', p.240.
29. Khatib-Chahidi, 'Milk-kinship in Shi'ite Islamic Iran', pp.109-32.
30. P. Parkes, 'Fostering Fealty: A Comparative Analysis of Tributary Allegiances of Adoptive Kinship', *Comparative Studies in Society and History*, 45 (2003), pp. 741-82. Yet, in non-industrial society traditional ways of feeding infants and the Islamic ethics of breastfeeding are still very much alive, particularly the rules concerning milk relationships between a nursling and a non maternal nurse.
31. *Sayyidat1*, Vol. 20, No. 1016 (2000), p.90. See also *Majallat al-Azhar* (al-Azhar University periodical), 58(1985-86), pp.1116, 1878; 59 (1986), p.207; 59 (1987), pp. 1391, 1559; 68(1994), pp.779-80.
32. *Arab News*, 7 September 2007; available at [http:// www.arabnews.com](http://www.arabnews.com); accessed on 15/6/2008.