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**AN APPRAISAL OF THE POSITION AND IMPORTANCE OF
BREASTFEEDING AS A RIGHT OF CHILDREN UNDER
SHARI'AH**

Abdulraheem Taofeeq Abolaji*

Alhaji Umar Alkali**

Abstract

Breast feeding has been recognized worldwide as an important nutrition for children which makes them develop mentally, physically, morally and otherwise. The Shari'ah principles and directives towards the breast feeding and the views of some experts which are in tandem with Shari'ah have been aborted by some mothers and nurses who are rearing children and that could expose such children to health challenges and inability to develop mentally and physically. Medical experts agree that breast feeding is not only good for the baby but it is equally good for the mother. It is in the best interest of both the mother and the baby to ensure that the new born is breastfed. In view of these important revelations, this article therefore examines the position of Islam with respect to breastfeeding. It analyses the position of the Qur'an and sunnah on the subject and furnishes the views of several Muslim scholars on the position of breastfeeding in order to determine extent to which it becomes obligatory on the parents to breastfeed their babies. It also discusses factors militating against breastfeeding and the position of breastfeeding under the laws of some Muslim states. It finds that Shari'ah has provision for children and infants to adequately benefit from breastfeeding. It also finds that apart from religious benefits of breastfeeding, it also improves the health of children. The article

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recommends that children should be given adequate breastfeeding in accordance with the principles of Shari'ah.

Keywords: Breastfeeding, Right, Importance, Children, Shari'ah

Introduction

Islamic law has guaranteed several rights to children. The guarantee of these rights springs from the conviction that children as vulnerable persons must be protected. Since children of today are the adults of tomorrow, protecting children and ensuring that they are given a solid foundation is an investment for the future. If children are not given the necessary and required protection, it will amount to setting a time bomb which will negatively affect the future. The best way of achieving prosperity is to invest in the children of today, hence becoming good leaders of tomorrow. One, amongst the several rights guaranteed to children under Islamic law is the right to breastfeeding. Breastfeeding is recognized as an important public health issue with enormous social and economic implications. Infants who do not receive breast milk are likely to experience poorer health outcomes than breastfed infants. In addition to the negative effect of lack of breastfeeding on the child, the mothers who do not breastfeed increase their own health risks.² It is therefore not just in the interest of the baby to be breastfed but it is equally in the best interest of the mother to breastfeed her child. In view of the multiple advantages of breastfeeding, Islam insists that every child must be breastfed or suckled and since a child is born weak and cannot manage his own affair and need somebody to take care of him, the most deserving of this duty are with the parents as they are the cause of his life.³

This article therefore intends to examine the right of the child to breastfeeding. In doing that, the meaning of the term right under Islamic law is intended to be examined. Similarly, since the paper is focused on the right of a child to breast feeding, it examines breastfeeding as an optimal nutrition to the child. The position of the *Shari'ah* regarding

³Juwayriya Badamasiuy, *Protection of the Rights of the Child in Northern Nigeria*. (ABU Press Ltd, 2015) 97.

breastfeeding and the benefits of breastfeeding are equally examined. The factors that militate against the realization of the right of the child to breast feeding especially in Nigeria is equally discussed. The article is finally concluded with suggestions on ways to improve adherence to the right of the child to breastfeeding.

Breast feeding as an optimal Nutrition

The recognition of a child as a legal entity and a source of joy to his father cannot be under estimated under the *Shari'ah* because he is regarded as an extension of his father and the bearer of his characteristic.⁴ During his life time, he is the joy of his father and after his death, he represents a continuation of his existence and embodiment of his immortality. He inherits features and status as well as his mental qualities and traits both good and bad, the beautiful as well as the ugly from his father. The child is part of his father's heart and a piece of his body.⁵ Because of the aforementioned characteristics of the child and his peculiarities to his father, he needs to be given adequate nutrition and the financial aspect of it must be taken by the father. To ensure the child is psychologically, physically and mentally developed, he needs adequate breastfeeding. Therefore, children are entitled to breastfeeding as a right which has to be obeyed by the mother.⁶ This is because breastfeeding is regarded as an art of feeding a baby from the breast. It is a unique form of infant care which has been shown to be very important for infant development.⁷ It is an unequalled way of providing ideal food for the

⁴ Tarazi Norma, *The Child in Islam*, (American Trust Publications, 1995), 81.

⁵ Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*. (Islamic Book Trust, 1995) 221.

⁶ Shaikh, Ulfat, and Omar Ahmed, 'Islam and infant feeding.' (2006). Vol. No.3. *Breastfeeding Medicine*.

⁷ Michael C. Latham, 1997 'Breast feeding- a human rights issue? Vol 5. *The international journal of children's right*. 397-417.

healthy growth and development of infants and has a unique biological and emotional influence on the health of both the child and the mother.⁸

Essentially, breastfeeding is a recognized nutrition for infants' survival and children health development.⁹ They are entitled to survival even under the Convention on the Rights of Child (CRC) as well as Child's rights Act 2003 (CRA).¹⁰ Under the *Shari'ah*, it is the parent's responsibility to provide nourishing food that will enrich their children both physically and mentally.¹¹ The child has the right to be fed with breast milk (by the Mother or Foster Mother) for two full years until weaned (eating solid food). This is an unquestionable legal right of the child for his survival and he enjoys this right even if the Mother is to be executed for a crime; the baby's right comes first.¹² Parents should not feed their children with baby formula (powered milk etc.) as substitution for breast milk unless all other available options are exhausted in an effort to provide breast milk (for instance medical problems, death of the mother and unavailability of a wet nurse).¹³

⁸ Luthfor Ahmed, S.K. Nazrul Islam Khan & Syeda Nilufer Nahid, 'Vitamine C Content in Human (Colostrum, Transitional and Mature) and Serum of a Sample of Bangladeshi Mother' (2004) Vol.10 No (1). *Malaysian Journal of Nutrition*.4

⁹ Gholamrozo Khademi et, 'Customs and Desirable after Child's Birth in Islam.' (2016) Vol. 4 No.1 *International Journal of Pediatrics*. 1297-1303

¹⁰ Sloth-Nelson, Julia. 'Child to Social Service, the Right to Social Security and Prevention of Child Abuse: Some Conclusions on the Aftermath of Grootboom.' (2001) Vol.17. *The South African Journal of Human Rights*.210, See also S.4 of the Nigerian Child's Rights Act 2003

¹¹ Hawwas, A.W. 'Breastfeeding as seen by Islam.' (1988) Vol.8. *Population Science*.55

¹² See *Al Muwattah* 41. 5

¹³ Avula, Rasmi, et al. 'A program impact pathway analysis identifies critical steps in the implementation and utilization of a behavior change communication intervention promoting infant and child feeding practices in Bangladesh.' (2013) Vol.143. No.1 *The Journal of Nutrition*. 2029-2037.

The Right of a Child to Breastfeeding under Shari'ah

Breast feeding is the only optimal nutrition for the baby and makes him to be sound and healthy because of its importance and the benefits to the child for his survival. It is therefore, legalized by Allah. Quran says:

"The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desires to complete the term of suckling, but the father of the child shall bear the cost of the mother's food and clothing on a reasonable basis. No person shall have a burden laid on him greater than it can bear. No mother shall be treated unfairly on account of her child, nor father on account of his child. And on the (father's) heir is incumbent the like of that (which was incumbent on the father). If they both decide on weaning, by mutual consent and after due consultation there is no sin on them. And if you decide on a foster suckling-mother for your children. There is no sin on you, provided you pay (the mother) what you agreed (to give her) on reasonable basis. And fear Allah and know that Allah is All-Seer of what you do."¹⁴

Another verse of Quran

Lodge them where you lodge according to your means and do not injure them in order that you may straiten them; and 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 him¹⁵

The above two verses make it clearer and elaborate on the legal right of a child to be breastfed under the *Shari'ah*. Therefore, it is the duty of the

¹⁴ Q2 : 233

¹⁵ Q65 : 6

father of a child under *Shari'ah* to ensure the breastfeeding of the child and for the period of two years, if it will not affect the health of woman as ordained by Allah S.W.T.¹⁶ Equally, the verses point out that it is the responsibility of the mother to breastfeed the child. By the direct provisions from the holy Quran, it is submitted that the act of breastfeeding is fundamental right provided by the Quran and such right must not be breached except in the special circumstances which will be discussed later.

A look at the *Sira* of the noble Prophet (PBUH) reveals that breastfeeding is a good practice that is well entrenched among the Arabs even before the advent of Islam. This is because the Prophet's mother (Amina) breastfed the Prophet (PBUH) before he was handed over to Halimtus-Sadiyah.¹⁷ Similarly, the Prophet (PBUH) has shown the importance of breastfeeding in one of his authentic hadith. It was reported by Sulieman ibn Burayda that a pregnant woman came to the Prophet (PBUH) and confessed of committing *Zina*. Since she was once married, the punishment was stoning to death. The Prophet (PBUH) did not execute the punishment on her but rather asked her to go and deliver the baby. After delivering the baby, she came back and demanded that the punishment be carried out on her. The Prophet (PBUH) asked her to go and breastfeed the baby until she weans him. After weaning the child, she came back and it was at this stage that the Prophet (PBUH) ordered that the punishment be carried out on her.¹⁸ The lesson from this hadith is clear to the effect that Islam greatly respects the right of the child to breastfeeding. It is a fact that the punishment of Allah on wrong doers must always be allowed to take place but since the life of the child is at stake when enforcing the punishment, the Prophet (PBUH) ordered for the postponement of the punishment until such a time that no harm will be occasioned to the innocent child as a result of the punishment.¹⁹

¹⁶ Ahmad Hussein Folorunsho, "Justice and Equality as Fundamental Rights in Islam." (2014) Vol.2 No.1 *Unilorin Shari'ah Journal*. 109-132

¹⁷ Al-Usayli, A., *Al-Rada'a al-Muharrim fi al-Islam*, (Dar ibn Jauzy, 2005) 59

¹⁸ *Sahih Muslim*, Vol. 5

¹⁹ Ibn Qudamah, *Al-Mughni*, vol. 8, at 343.

Generally speaking and the consensus opinion of Islamic Jurists is that, it is the responsibility of the mother of a child to breast her child except in rare occasion when the breastfeeding can affect the health of mother or scientifically proven that it will affect the mother adversely; then it will be left with the option of engaging nursing mother.²⁰ However, there are instances where the mother will take the responsibility of breastfeeding her child. If the father is poor and cannot pay a wet nurse to give suck to the child, the biological mother is responsible to perform the task. Also, if the child refuses to take milk from the breast of another woman, in which case the child would be in great danger, and it would be incumbent on the mother to give him suck to protect him from perishing. However, jurists see that this case is restricted to a situation where the child cannot take another kind of nourishment that may replace mother's milk and if the child is in danger of death and no wet nurse is available and then the mother must feed him; that is give him such whether the father is financially capable or not.²¹

The positions and views of all the notable imams are similar and the same to the effect that breastfeeding is a legal right of the child. It is therefore incumbent upon the mother to breastfeed her child. To substantiate this position, Imam Hanafi held the view that the biological mother should be urged and compelled to breastfeed her biological baby.²² Another was expounded by Imam Malik that the biological mother must be under a religious and legal obligation to breast feed her baby as her duty and responsibility to her baby unless feeding is contrary to her custom and status as a high classed woman.²³ However, Imam Hanbali opined that it is obligatory for biological mother to make

²⁰ Abdulrahman as-sabuni, *Nizamul usrat wa halu musikilatuha fi doulislam* (Darul fikir, 2001) 188.

²¹ AAla'Eddin Kharofa, *Islamic Family Law: A comparative Study with other Religion*. (International Law Book Services, 2004) 55.

²² Al- Sheik Nazam, *Al- Ftawa al- Hindiyyah*. (Dar-al fikr 1991) Vol 4.432.

²³ Malik bn Anas, *al-Mudawwanat-al-Kuburah*. (Dar-al kutub al- Alamiyyah 1989) Vol.2. 296.

provision for his biological child's breast feeding.²⁴ It is the view of the Zahiri school of thought that the biological mother should be compelled to suckle her child unless she is already divorced or has insufficient milk to breast her child.²⁵ According to the Zahiri school, it is obligatory on the mother to breastfeed her baby under all condition as long as she has the good health and capability to do so. Meaning that Islam obliges the mother the breast feed the child whether there is subsisting marriage between her the father of the child and whether is from a noble family or otherwise.²⁶

It is clear from the above views of the Islamic Jurists that breastfeeding is a legal right of the child because it is general rule stated by all of them. The fact that Maliki and Hanafi schools of law made provisions for exception to the effect that it is not compulsory for the biological mother to breast her child does not change the status of breastfeeding as a right of child. It is undisputed fact that it is the duty of the mother to breastfeed her child. It is also noted that *Shari'ah* allows the child to be breastfed by a nursing mother. This is another vital reason legalizing the right of children to adequate breastfeeding because it enables the child to be physically and psychologically survived.

It is important to state that the fact that, the issue of breastfeeding is legal right of the children because there are direct provisions for it in the holy Quran which is the primary sources of the *Shari'ah*.²⁷ It needs to be pointed also that there is a link between breastfeeding and the health of the child because going by the explanation above on the importance of breastfeeding to the child, it

²⁴ Ibn Qudamah Abdullah Ibn Ahmad, *Al Mughni*. (Dar-al-Fikr, 1987) Vol.9, p.313

²⁵ Jamal, J.N, *The Islamic Law of personal Status*. (Graham & Trotman Ltd, 1986) 98

²⁶ Mohd, A., and Rashid Z.A., 'Breastfeeding (Rasa'ah) Under Islamic Law and its Promotion Towards Sustaining Mother's and Children's Health (2012) vol. 8, No. 1-2, *Journal of Islamic law Review*. 202

²⁷ Buba, T.M., 'Role of Maqasid al-Sharia'h as a Social Welfare Concept in the Interpretation of the Sources of Sharia'h.' (2004) Vol. 2. No.1 *Unilorin Shari'ah Journal*. 61-96

shows that there is tendency for the child to survive. This position of *Shari'ah* is in line with recommendation of World Health Organization for infant feeding which advocate exclusive breastfeeding up to the period of 6 months postpartum and prolonged breast feeding in to the second year of life.²⁸ The rationale behind this is for the security of life and it is at the core of all human rights and the most important right as the benefit of all other rights are predicated on being alive.²⁹ It also protects the health of the child because it is argued that the children are vulnerable to diseases because of their developmental immaturity. This vulnerability is compounded with the way our society is structured.³⁰

Wages or fee for suckling

From the verses in *Surah al-Baqarah*³¹ and *Talaq*³² that have been quoted above, it is the duty of a father to pay fee or wages to a mother who takes the responsibility of breastfeeding his child. However, a woman is not entitled to wages during continuance of the marriage contract or during *Iddah* revocable divorce, or during *Iddah* of irrevocable *talaq* if she is pregnant. That is because under these circumstances, she is entitled to maintenance. If she is serving *Iddah*, if irrevocable divorce and not pregnant, she will not be entitled to maintenance according to Imam Malik, Shafii and Hanbal: thereby entitle to wages of suckling. According to Abu Hanifa she is still entitled to maintenance in that circumstance and will not have any wages for suckling.³³

²⁸ World Health Organization, 2002.

²⁹ Omaka, C.A. 'Right to life and the Dignity of Human person (Section 33 and 34 of the 1999 Constitution' *Human Right Law and Practice in Nigeria* (Chenglo Limited 2005) 114

³⁰ Charter on the Rights of Children and Young People in Healthcare Services in Australia; Beyaraza E.K. 1998. *Social Foundations of Law: A Philosophical Analysis*. (Bayruith 1998) 36

³¹ Qur'an, al-Baqarah, 2:233

³² Qur'an al-Talaq, 65:6

³³ Juwayriya Badamasiuy, *Protection of the Rights of the child in Northern Nigeria*. (ABU, Press Ltd, 2009) 97

The position of breastfeeding and payment of wages for the mother after the death of the father has been a subject of debate amongst Muslim jurists. It is opined that in case the father dies, it is the sole responsibility of the mother to breast feed the child without the payment of wages.³⁴ While others opined that the mother entitled to the payment of wages from the estate of the father for breastfeeding the child. This opinion is predicated on the fact that the mother is requested to breastfeed the child based on the assumption that her maintenance is on the child's father and since the father is late and she is no longer entitled to maintenance, then the appropriate thing to do is to pay wages to the mother for breastfeeding the child.³⁵

Importance of Breastfeeding

It is well established that breast milk is the best form of nutrition for infants. Even before the baby is born, the mother's body is busy preparing the important, nutrient-rich precursor of breast milk, called colostrum, which released from the breasts and which can sustain an infant until the mother begins producing adequate amounts of breast milk. This colostrum has a high concentration of protein (especially antibodies for fighting infection) and milk sugar called 'lactose' which gives the baby much of its calories. As the breast comes in two to four days after delivery, the colostrum is replaced with larger volumes of more mature milk.³⁶

Similarly, the importance of breast feeding to a child are numerous. One of it is that it is the responsibility of a Muslim woman towards her children to nourish their minds, bodies and soul with her milk for a period of two years.³⁷ Her reward for this is so great that if she

³⁴ Al-Dardiry, *Sharh al-Sahgir*, vol. 2, 744

³⁵ Ibn Ali al- Razi, *Ahkam al-Qur'an*, vol. 1, (Beirut: Dar al-Kibab, nd) 407.

³⁶ Esther Yoder Strahan., *Parenting with reason* (Routledge, 2010) 46

³⁷ Juwayriya Badamasiuy, 'Significance of the Role of Women in Nation Building: An Islamic Law Perspective.' (2014) Vol. No.1. *Unilorin Shariah Journal*.155-169

dies during the period; she dies with status of martyr.³⁸ Every woman's milk is uniquely suited to meet the needs of her own baby. For example the milk will be richer in the event of premature birth, helping the baby to make up for his small size.³⁹ It is also important to state that breast milk contains at least 100 ingredients that cannot be found in any formula and these are essential and germane in providing immunities to diseases, protection against allergies and prevention against infections, digestive disorders and other various ailments common among bottled-fed children.

Cow milk, on the other hand, contains proteins and hormones which are necessary for baby cows to grow normally but which are rough for a human baby's delicate system.⁴⁰ The protective effect of breast feeding against acute infection has been addressed extensively. Human milk (colostrum, transitional and mature milk) can transfer specific or non-specific immunities to the external mucosal surface of the intestine and possibly to the respiratory tract of the new born.⁴¹ According al-Sabuni, in addition to the medical benefits of breastfeeding, it provides love, compassion and tenders which in return builds a natural affection between the mother and child. The result of this is that goodness and righteousness is developed in the child. On the contrary, if that is not done, the opposite will likely be created. There will be the feeling of revenge and cruelty in the mind of the child.⁴²

³⁸ n.a. 2010. Reward for women in Islam.

www.therevival.co.uk/blogs/zdc/rewards-for-women-in-islam accessed on 5th May 2015

³⁹ Ott, Barbara B., Suad Al-Junaibi, and Jamal Al-Khadhuri. 'Preventing ethical dilemmas: understanding Islamic health care practices' (2003) Vol 29. No 3. *Pediatric nursing* 227-231.

⁴⁰ *Ibid*

⁴¹ Luthfor Ahmed, S.K. Nazrul Islam Khan & Syeda Niluer Nahid, "Vitamin C Content in Human Milk (Colostrum, Transitional and Mature) and Serum of a Sample of Bangladeshi Mothers". (2004) Vol. 10 No.1 *Malaysian Journal of Nutrition*. 1-4.

⁴² Al-sabuni, *Rawale' al-Bayan Tafsir Ayat al-Ahkam min al-Qur'an*, vol. 1, at 357.

Benefits of B

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Benefits of Breast feeding to the Mother

The mother enjoys both physical and emotional benefits as a result of breastfeeding. Emotionally, Allah has naturally put the love of children in women, which informs the reason why the Qur'an describes children as adornment of this world.⁴³ For a mother to hold her baby and breastfeed the baby will indeed be a great thing of joy to the mother. This is because she will enjoy psychological satisfaction of breastfeeding her baby. Similarly, breastfeeding is an adherence to the commandment of Allah requesting the breast feeding and taking good care of the child; the mother will be handsomely rewarded by Allah for obeying the commandment of Allah. Allah says in the Qur'an, "So whoever does an atom's weight of good will see it. And whoever does an atom's weight of evil will see it."⁴⁴

It should be noted that breastfeeding has not only health benefit to both child and mother it is also religiously rewarded because the act of breastfeeding can be categorized as an act of fulfilling the righteous deeds as ordained by Allah. This act of breastfeeding is specifically mentioned in the verses of holy Quran and it has been quoted in the former paragraph. Significantly, if the mother adequately carries out this act, her reward for it will not be overlooked. This is because the mother acts as an obedience servant to commandment of Allah by giving the child adequate breastfeeding. This can be inferred from the one of the verses of Qur'an which says:

Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the patient men and patient women, the humble men and humble women, the charitable men and charitable women, the fasting men and fasting women, the men who guard their private parts and the women who do so, and the men who remember Allah often and

⁴³ Qur'an, al-Kahf, 18:36.

⁴⁴ Qur'an, al-Zalzalah, 99:7-8.

An Appraisal of the Position and Importance of Breastfeeding

the women who do so – for them Allah has prepared forgiveness and a great reward.⁴⁵

It is crystal from the above verse that the reward of obedient servant will not be neglected by Allah and this makes Muslim mother as a believing and submissive to the commandment of Allah by allowing her child to benefit from breastfeeding, her reward for that will be given to her.⁴⁶

On the medical aspect, breastfeeding comes with several benefits to the mother. If a woman is breastfeeding her baby, that will prevent her breast from swelling and will prevent infection.⁴⁷ It is significant in the activation of the digestive system of the mother thereby inducing the need for more food and other liquid substances like water. In addition to this, it allows the use of stored energy and fat by the mother during pregnancy.⁴⁸

Similarly, breastfeeding is a natural form of family planning. If a woman is breastfeeding, medically, it delays return to fertility by suppressing ovulation and delaying the egg from reaching the fallopian tube hence stopping the mother's monthly period. The verse in *Surah Baqarah* concerning breast feeding mentioned that the child can be breastfed for 24 months. If a woman breastfeeds her baby for the 24 months before conceiving, an average of 3 years interval can be realized between the woman's children and that is medically good for her health.⁴⁹ Closely related to this health benefit is the rest which the mother can enjoy while breast feeding. The rest in this context takes two dimensions. Firstly, the resting she enjoys before getting pregnant again is huge psychological relief. Since pregnancy comes with a lot of stress and pain, the spacing is

⁴⁵ Qur'an, Ahzab, 33:35.

⁴⁶ Abdel-Khalek, Ahmed M. 'Religious, Happiness, Health and Psychology in a Probability Sample of Muslim Adolescents.' (2007) Vol.10. No. 6 *Mental Health, Religious and Culture*, 571-583

⁴⁷ Husain, Syed Arshad, 'Religion and Mental Health from Muslim Perspective' (1998) Vol.1 *Handbook of Religion and Mental Health*, 279

⁴⁸ Muhammad, W., *Al Rajul wa al Mar'a fi al-Islam* (Jaffan wa al-Jabi, 1997) 265

⁴⁹ Salim, *Ibadat al-Tibbiyah li Rasul al-Insaniyyah*, at 170.

good for her overall wellbeing. Similarly, if she is not breast feeding, she has to prepare the child food/milk all the time and that will be time consuming and very difficult. But while breastfeeding, all these stress is not necessary and the mother will simply place the baby on the breast any time the child needs or wants to eat. Breastfeeding helps in the prevention of breast cancer in women. This is because since it causes delay in the re-occurrence of menstrual cycle that will greatly help in the prevention of breast and ovarian cancer.

Comparison between Breast Milk and Commercial formula

Breast milk is essentially nature's perfect food source and contains nearly every nutrient to keep a child healthy.⁵⁰ While breast milk appears thinner than commercial formula, it is packed with nutrients.⁵¹ Like colostrum, breast milk contains antimicrobial products such as anti- bodies and white blood cells to help the child to develop a mature immune system, so the antibodies supplied in breast milk provide important protections against infection during the most vulnerable period of infancy.⁵² To improve the success of breasting, it is important to begin the process as soon after delivery as possible, preferably while still in delivery room.⁵³ Children who begin breastfeeding within thirty minutes of birth are more alert and have stronger suckling reflexes and are more likely to continue breastfeeding successfully beyond two to four months postpartum. The early feeding ritual is an important part of the bonding process, and the children or infants are more likely to benefit by having

⁵⁰ Mitra, Amal K., and Fauziah Rabbani., 'The importance of breastfeeding in minimizing mortality and morbidity from diarrhoeal diseases: the Bangladesh perspective.' (1995) Vol .1 No.5. *Journal of diarrhoeal diseases research* 1-7.

⁵¹ Al-Naqeeb, Niran A., et al. 'The introduction of breast milk donation in a Muslim country.' (2000) Vol. 16. No.4. *Journal of Human Lactation*. 346-350.

⁵² Esther Yoder Strahan, *Parenting with reason*, (Routledge, 2010) 46

⁵³ Dennis, Cindy-Lee, 'Breastfeeding initiation and duration: A 1990-2000 literature review.' (2002) Vol.31. No. 1. *Journal of Obstetric, Gynecologic, & Neonatal Nursing*. 12-32.

higher core body temperatures and better temperature stability after delivery.⁵⁴

Factors Militating Against Breastfeeding

Several factors militate against successful breastfeeding in children especially amongst Muslim women in Nigeria today. Some of the factors are man-made which can be avoided while others are beyond the will of the mothers. Health challenges affects the ability of the mother to breast feed the baby.⁵⁵ The problem could either be from the mother or the child. If the mother is so sick that she cannot breastfeed the child, this will certainly bar her from breastfeeding the baby. In some situations, a disease condition of the mother could prevent her from breastfeeding the child. For example, disease like HIV and AIDs can be transmitted from mother to child through breast milk.⁵⁶ It will therefore be in the best interest of the child to ensure that a woman that is sick can transmit disease to child, hence breastfeeding should be avoided so as not expose the child to diseases.⁵⁷ The position of Islam is very clear to the

⁵⁴ Ong, Ken K., and Ruth JF Loos, 'Rapid infancy weight gain and subsequent obesity: systematic reviews and hopeful suggestions.' (2006) Vol. 95 No.8 *Acta Paediatrica* 904-908.

⁵⁵ Torimiro, S. E. A., et al. 'Health benefits of selected global breastfeeding recommendations among children 0-6 months in Nigeria.' (2004) Vol. 18 No.1. *Nutrition and health* 59

⁵⁶ Aluko-Arowolo, Sunday Olusola, and James Adeniyi Adekoya. 'Exclusive breastfeeding in the contexts of socio-cultural challenges and mothers' health in rural and mixed urban areas of Ijebu, South Western Nigeria.' (2012) Vol.10. No. 2. *Gender & Behaviour* 4657. See also Adebayo, Samson B., et al. 'Modelling level, trend and geographical variations in stigma and discrimination against people living with HIV/AIDS in Nigeria.' (2011) Vol. 8. No.3. *Journal of Social Aspects of HIV/AIDS* 115-127.

⁵⁷ Coovadia, Hoosen M., et al. 'Mother-to-child transmission of HIV-1 infection during exclusive breastfeeding in the first 6 months of life: an intervention cohort study.' (2007) Vol. 369. No. 9567. *The Lancet*. 1107-1116. See also Mofenson, Lynne M., and James A. McIntyre. 'Advances and research directions in the prevention of mother-to-child HIV-1 transmission.' (2000) Vol. 355. No. 9222. *The Lancet*. 2237-2244.

effect that Muslims must not harm themselves and must not cause harm to other people. The Qur'an states "And spend in the way of Allah and cast not your selves to prediction with your own hands and do good (to others), surely Allah loves the doers of good."⁵⁸ The Prophet (PBUH) has equally mentioned that "Do not harm and nor be harmed"⁵⁹

Moreover, modernity is a factor that has significantly contributed towards making breastfeeding a challenge. Women that go to work or engage in business especially those requiring travelling will not be available to place the child on regular breastfeeding thereby denying the child this important right.⁶⁰ Similarly, a woman that is seeking for knowledge may likely be too busy and will not have the time and chance of breastfeeding the baby. These factors greatly contribute towards making attainment of the right of breastfeeding children a serious challenge.

Breastfeeding in Muslim Countries

In order to point out how breastfeeding is given recognition, it is important to mention that several Muslim countries have promulgated laws aimed at ensuring the right of the child to breastfeeding is respected. In Malaysia, breastfeeding is a matter that is considered as part of the issue under Islamic personal law. A look at the position of prohibition of marriage between foster relatives. According to the Islamic Family Law (Federal Territories) 1984 (Act 303), "the suckling of a baby up to sufficiency by a woman who is not its natural mother for at least five times during the first two years of its life."⁶¹ The law further provides that "No man or woman, as the case may be, shall, on the ground of fosterage, marry any woman or any man connected with him or her through some act of suckling where, if it had been instead an act of procreation, the woman or man would have been within the prohibited

⁵⁸ Qur'an, al-Baqarah, 2:195.

⁵⁹ Al-Nawawi, Z., Forty Hadith

⁶⁰ Ogunniran, Iyabode. 'Child Rights Act versus Sharia Law in Nigeria: Issues, Challenges & a Way Forward.' (2010). Vol.30. *The Child. Legal Rts. J.* 62.

⁶¹ Section 2 Islamic Family Law (Federal Territories) 1984 (Act 303).

degrees of consanguinity or affinity.⁶² Although the above provisions are not directly on the right of child to breastfeeding but they are connected to it in the sense that the provisions of the law show case the recognition of breastfeeding under the Malaysian family law and finally state that the prohibited marriage as a result of fosterage; this demonstrates degree of breastfeeding and its position under the *Shari'ah*.

Further, Malaysian national Fatwa Committee issued a fatwa with respect to breastfeeding an infant who is not biologically related to the nursing mother. The fatwa decreed that any woman, regardless of their marital status who has reached the age of puberty, and uses drugs or injection to stimulate breast milk are permitted to do so, provided that the drug does not contains any element of *najasah* or harmful substance.⁶³ Similarly, Kuwait Personal Law Status (1984) provides that it will be the duty of the mother to breastfeed her baby. It will be the responsibility of the mother to breastfeed her baby during the continuation of the marriage and she shall not be entitled to the payment during the continuation of the marriage and if there is a revocable divorce, she is obliged to breastfeed the child but must be given maintenance.⁶⁴ However, in the United Arab Emirates, the law requires that it is the father's duty to breastfeed the child if the mother cannot do so.⁶⁵ The Syrian Personal Law requires that the mother should not feed the child with any other form of food except breastfeed, if the child refuses to take another milk or the father is incapable of paying for another woman to breastfeed the baby.⁶⁶

⁶² Ibid

⁶³ Mohd, A., et al, Breastfeeding (Rada'ah) Comparing the Law Governing Muslims in Malaysia and Several Muslim Countries. Paper presented at International Conference on Law and Society at Yogyakarta on 15-18 February, 2013.

⁶⁴ Article 188(b) Kuwait Personal Law Status, 1984.

⁶⁵ Article 98 Emirati Personal Status law, 2005.

⁶⁶ Article 329 Syrian Personal Law Status.

Conclusion

In this article, it has been shown that breast feeding is the best nutrition for the baby as it makes him/her to be sound and healthy. The importance of breastfeeding was encapsulated in that breast milk is the best form of nutrition for infants. Even before the baby is born the mother's body is busy preparing the important, nutrient-rich precursor of breast milk, called colostrum, which released from the breasts and which can sustain an infant until the mother begins producing adequate amounts of breast milk. Therefore, its importance and benefits to the child's are enormous. The article stated that it is the duty of mother of child under *Shari'ah* to breastfeed her child and the right of him to be properly fed that is for the period of two years if it will not affect the health of woman as ordained by Allah S.W.T. However, it is observed that some factors are militating against a successful breastfeeding of children especially amongst Muslim women in Nigeria today. The article argues that some of the factors are man-made which can be avoided while others are beyond the will of the mothers. The paper concludes that in spite of the challenges, breastfeeding helps in the prevention of breast cancer in women. This is because since it causes delay in the re-occurrence of menstrual circle that will greatly help in the prevention of breast and ovarian cancer.