Adoption in Islam

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Sayyid Muhammad Rizvi

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Authors(s):

Sayyid Muhammad Rizvi [2]

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From the "Dear Maulana Questions" section of Shama newsletter (Vancouver, B.C., Canada) 1990

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Dear Maulana: Are we allowed to adopt children? If yes, then does an adopted girl have to wear *hijab* when she becomes nine in front of her 'father' and 'brother'? Similarly, in case of an adopted boy, would the 'mother' and 'sister' have to observe *hijab* in his presence? Anonymous.

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Dear Anonymous: When looking at the issue of adoption from Islamic point of view, we must separate two things: first, the concept of helping orphan and poor children; second, the implications of such a help.

As far as **the concept** of helping the poor and the orphan is concerned, Islam not only agrees to it but even highly recommends it. In all types of charities, the orphan and the poor are mentioned as the prime eligible recipients for such help. In case of the rights of the orphan children, Allah is very severe; for example, He says,

"Those who 'swallow' the property of the orphans unjustly, are actually devouring fire into their bellies and they shall enter the burning fire" (***4:10***)

Islam fully supports the concept of helping the orphan and poor, and taking them under your wings. If there is no one to take care of the orphan and poor children, then this responsibility falls upon the

Islamic government. I won't be wrong in saying that as far as the concept of adoption is concerned, there is no difference between Islam and the West.

However, when we come to **the implications** and legal consequences of adoption, we find some differences between Islam and the present system in the West.

In the Western system, adoption does not only mean that a child is given into the care of another person or persons; it also means that the adopted child will carry the family name of the adoptive parent. For example, if a child named John Stuart Mill is adopted by Mr. William Bourassa, he will become John W. Bourassa. If this adoption took place in infancy, then most probably the child will never come to know his real genealogy or his real family name.

It is this part of the adoption procedure that Islam does not accept. In pre-Islamic Arabia, the adoption system was similar to what we now see in the West: the child even takes the family name of the adoptive father. When Islam came, it categorically rejected this procedure.

An example from the life of Prophet Muhammad (S):

When the Prophet married Khadijah, she gave him a slave known as Zayd bin Haritha (Zayd, son of Haritha). The Prophet took such a good care of Zayd that their relationship changed from that of a master and a slave into one of father and son. Zayd was one of the first persons to accept Islam. When his father and uncles came to know about his whereabouts, they came to Mecca and told Prophet Muhammad that Zayd had been captured by some thieves and sold into slavery. The Prophet set him free. But Zayd refused to leave Muhammad and go home with his father. Haritha, the father of Zayd, became very angry and openly declared that from now on "Zayd is not my son." The Prophet immediately responded by adopting Zayd. Zayd came to be known as Zayd bin Muhammad (Zayd, son of Muhammad).

This continued till after the Prophet migrated to Medina. Zayd had grown up and was now a married man. However, his marriage did not work out. Allah revealed some verses related to Zayd's divorce in which He also talks about the issue of 're-naming' the adopted children. He says,

"Nor has He (Allah) made your adopted sons your sons. Such is (only) your (manner of) speech by your mouths. But God tells the truth, and He shows the way. Call them by (the names of) their fathers, that is better in the sight of God" **(*33:5*)**

After the revelation of this verse, Zayd was again called Zayd bin Haritha and not Zayd bin Muhammad. However, this change in name did not affect the relationship of the Prophet and Zayd. They were still like father and son.

As the Qur'an says, calling adopted children by the names of their adoptive fathers is contrary to "the truth," and therefore, they must be called by the name of their real fathers.

Implications Of This Verse

What this means is that adoption does not change the relationship of a person: adoption does not end the blood relationship between the child and his real parents and siblings, nor does it create a real relationship between him and his adoptive parents and their children.

The practical implications of this view, on the one hand, is that all the rules which apply between blood relatives are still valid: for example, the child will still be *mahram*; that is an adopted child cannot marry his real siblings; he or she is also eligible for inheritance from the real parents; and there is no need for *hijab* between the child and his or her real family. (With the adoption system in the West, it is quite possible that a person would end up marrying his or her siblings!)

On the other hand, the rules that apply between non-related persons are still valid. For example, adoption would not create the *mahramiyyat* between the child and the new family—an adopted girl will have to observe *hijab* in presence of her adoptive father and brothers; similarly, the mother and sisters will have to observe *hijab* in presence of the adopted son; the adopted child can even marry the child of the adoptive parents. In Islam, the right of inheritance is based on uterine relationship:

***"Those related by blood are more entitled to* (*inherit from*) *each other in the Book of Allah"* (*8:75*)**

However, the adoptive parents can always use their discretion to write up to one-third of their estate for their adopted child.

Adoption & Foster Relationship

There is only one case of adoption where a sort of semi-familial relationship and *mahramiyyat* is created between the adopted child and the adoptive family: when the adopted child is below two years of age and is also breast-fed directly by the adoptive mother for at least a day and a night.

This creates a foster (*riza'i*) relationship, and the child is *mahram* to the new family—there is no need for *hijab,* nor can the child marry the real children of the adoptive parents. However, in case of inheritance, even a *riza'i* child has not right in the estate of the adoptive parents. But as mentioned above, the adoptive parents can write up to one-third of their estate for their adopted child.

To Summarize

1. **Adoption is allowed in Islam**.

2. However, changing the family name of the adopted child is not allowed.

3. If the child was two years old or less and was also breast fed directly by the adoptive mother for at least a day and a night (or fifteen times consequently), then the child will become *mahram* to the new family—*hijab* won't be necessary.

4. If the child was not breast fed as mentioned above, then he or she will remain non-*mahram* to the new family.

5. Adoption in *riza'i* or *non-riza'i* form does not give the adopted child a right to inherit the estate of the adoptive parents; nor does it deprive him or her from inheriting the estate of the real parents. (However, the adoptive parents have the option of writing up to one-third of their estate for their adopted child.)

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It is necessary to emphasize that *hijab* should not be considered a barrier in the way of adopting an orphan or a poor child. Muslim ladies are expected to wear decent clothes at all times; so, at the most, they will have to put on the scarf.

To those used to the Western way of life, this might sound unusual but one should know that this happens even without the adoption – in case of extended family dwellings where, for example, two married brothers live with their families under the same roof: the wives and *baligha*[1] daughters will have to observe *hijab* by wearing decent clothes with a scarf on their heads.

October 29, 1990 / Rabi II 10, 1411

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1. That have reached the age of Bulugh, the maturity, that for females Islam fixed it at 9 lunar- Hijri years, 8 year and 7 months of the Western calendar (DILP).

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