

The Quran and its Message

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سَلَامٌ عَلَيْكُمْ

Salamun Alaikum (Peace be upon you)

IS ADOPTION FORBIDDEN IN ISLAM?

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Unfortunately, many attempt to seek a yes or no answer to questions such as these with little effort to understand what the Quran advances as guidance.

What is to be appreciated is the fact that the 7th century Arabic Quran did not seek to address 21st century definitions of **adoption** and what it would legally entail for different modern societies of today.

The Quran merely imparted timeless guidance and set the boundaries. To better appreciate a Quranic perspective on the matter, one must be willing to divorce any existing precepts and appreciate the Quran's guidelines first before attempting to reconcile it with modern day terminologies.

THE QURAN'S GUIDANCE

The Quran is replete with themes and verses which encourage believers towards acts of charity, to help the poor, the needy and the orphans.

090.011-16

But he has not attempted the steep path. And what will convey to you what the the steep path is!?
(It is) to free a slave or to feed in the day of hunger. An orphan near of relationship (**Arabic: yatminan dha maqraba**), Or a needy person in misery"

The protection of orphans, their welfare and their wider property is so fundamental to the Quran's core instruction that one notes severe chastisement if they are not met.

004:010

"Lo! Those who devour the wealth of orphans wrongfully, they do but swallow fire into their bellies, and they will be exposed to burning flame"

Therefore, there is absolutely no doubt of the Quran's positive bias towards encouraging believers to help the vulnerable folk of a given society. It is also important to note from the verses cited above that the first responsibility of an orphan is with its kinsfolk. This priority on behalf of kinsfolk is absolutely clear from the term "yatminan dha maqraba(tin)" (An orphan of near relationship - 90:15) before any wider responsibilities are assumed.

Therefore, given the importance of ties of kinship advanced by the Quran, it is noted within Islamic societies that much emphasis is placed on seeking a relative to care for a vulnerable child before they are handed over to a community or state care. This approach undoubtedly assists the child to maintain familiarity with its familial, cultural and religious roots at a time when they are certainly at their most vulnerable.

QURANIC BOUNDARIES

(1) CLAIM TRUE PARENTAGE

A child taken into care must be known by their biological parents and if known, retain the name of their biological father.

033:005

"Call them by their fathers, this is more equitable with God. But if you do not know their fathers, then they are your brothers in religion and your friends; and there is no blame on you concerning that in which you made a mistake, but (concerning) that which your hearts do intentionally (blame may rest on you), and God is Forgiving, Merciful"

The name of the caring family **must not** be assumed. This matter is so fundamental that it is a theme that is consistently stressed in different verses of the Quran. One even notes a narrative where the Prophet married the wife of the individual (Zayd) that he cared for (da'iy), after Zayd had formally divorced her.

This unequivocally underscores the separation that exists between a carer / guardian and the biological family of the individual.


033:004 (part)

"...nor has He made those whom you assert to be your sons (Arabic: ad'iyakum) your real sons; these are the words of your mouths; and God speaks the truth and He guides to the way"

033:037

"And when you said to him to whom God had shown favour and to whom you had shown a favour: Keep your wife to yourself and be careful of (your duty to) God; and you concealed within yourself what God would bring to light, and you feared people, and God had a greater right that you should fear Him. So when Zaid had ended his necessary (formalities) from her, We married her to you, so that there should be no difficulty for the believers in respect of the wives of their '**adiyahim**' ('**adopted**' sons), when they have ended their necessary (formalities) with them; and God's command shall be performed"

Although popular English translations render the term '**adiyahim**' as 'adopted sons', the Arabic word 'da'iy' (plural of which is adiya) classically means a claim of relationship as a son to a person who is not one's real father. The word 'adopted' is usually utilised for want of an appropriate term in its general sense; and not necessarily in its 'legal' sense as understood today in formal adoptions.

 One invited to a repast: pl. دُعَوَاءُ; as in the saying عِنْدَهُ دُعَوَاءُ [With him, or at his abode, are guests invited to a repast]. (TA.) — One who makes a claim in respect of relationship; (S;) [i. e.] one who claims as his father a person who is not his father; (Az, Mgh, Mṣb;) [in other words,] one who claims the relationship of a son to a person who is not his father: or one who is claimed as a son by a person who is not his father; (Az, Mṣb;) an adopted son:

Source: Edward Lanes Lexicon [1]

(2) RIGHTS TO INHERITANCE

An individual that is cared for inherits from their **own biological parents** and not from the carer / guardian.

The carer / guardian must part with any property or wealth that they hold in trust for the individual that is being cared for at a point when it is deemed that they are able to undertake their own responsibilities.

004:006

"Test (trial) the orphans until they reach the age of marriage; if you then find sound judgment in them, **release their property to them**; but consume it not wastefully, nor in haste against their growing up. If the guardian is well-off, let him claim no remuneration, but if he is poor, let him have for himself what is just and reasonable. When you release their property to them, take witnesses in their presence: But all-sufficient is God in taking account."

Of course, there is scope within verses 4:8, 5:106, 4:11 and 4:12, to provide any legacies which look after such vulnerable individuals if after the death of the carer / guardian, they would otherwise have little recourse to other means. However, any such bequest made in their favour should not cause undue harm or compromise any other rights of the biological beneficiaries (ghayra mudarrin - 4:12). Depriving kinsfolk of their legitimate rights through stipulating unfair bequests is not within the spirit of the Quranic verses which maintain fairness, balance and good judgment.

Fixed portions are obligatory (nasiban mufradan) for biological beneficiaries and are an ordinance from God (wasiyyatan minallahi - 4:12). However, there is also a responsibility for those involved in distributing the inheritance to respect any legacies left by the deceased and carry the same fear for the vulnerable as they would have done for their own offspring if they were in a similar vulnerable state (4:9).

004.009

"Let those (disposing of an estate) have the same fear in their minds as they would have for their own if they had left a helpless offspring behind: Let them fear God, and speak words which are appropriate"

Please see related chart below [1] which depicts the inheritance laws from the Quran.

(3) POST PUBERTY

Specific guidance is imparted by the Quran with respect to relaxation of dress codes for women when in the presence of certain individuals (24:31, 24:58, 24:60, 33:55). Any such relaxation would not be applicable to those post pubescent individuals who are being cared for. Therefore, any practical considerations would need to be made once cared for individuals reach a post pubescent age.

One needs to remain conscious that from a Quran's point of view, there exist no biological ties between those who are cared for and the carers / guardians. From an Islamic point of view, as mutually consenting adults, they would be able to enter into wedlock with them.

In verse 4:127, one notes that such a right had the potential to be abused, where orphan women would be married so that anything due to them could be compromised or their wealth assimilated. Such a practice was strongly rebuked by the Quran. However, the ability to enter sincere and honest wedlock was not curtailed.

The only exception would be those women that breast-fed an infant child as a foster mother within two years of the child's life (31:14). These foster mothers would be prohibited for marriage as would their daughters (4:23).

ADOPTION AS UNDERSTOOD TODAY

Given the above guidance from the Quran, one is better able to assess the formal scope of adoption today, what it legally entails and if it can be reconciled with the Quran's directives.

Any adoption which legally assumes the carer's /guardian's familial name would be in breach of the Quran's guidance. Furthermore, the practice of 'closed adoption' which usually conceals any disclosure of information such as the identities of the biological kin would also be in breach of the Quran's guidance.

In this case, it is better to view the Quran's guidance more in line with long term foster care which while offering guardianship for the individual, does not legally assume any biological kinship and rights. Furthermore, where foster care is usually remunerated by the state, the responsibility would primarily remain with the carer / guardian.

FINAL THOUGHTS

The Quran strongly encourages care for the vulnerable as one would care for their own children. This applies to all categories of children in care whether orphans or otherwise.

However, such care does not imply a biological relationship nor should it be treated as such. One must remain vigilant of any formal arrangements which may stand in conflict with the guidance imparted and the boundaries set by the Quran. This applies as much to foster care as it does with adoption.

Therefore, to assert that 'adoption' per se is prohibited remains an oversimplified statement and arguably, incorrect. The nature of any agreement would need to be carefully **considered in light of the Quran** before ratification. This is as applicable to any formal adoption arrangement as it is to foster care.

093.006

"Did He not find you an orphan and give you shelter?"

093.009

"Therefore, as for the orphan, do not oppress (him)"

Related Article:

- (1) [Inheritance Laws in the Quran](#)

REFERENCES

[1] LANE. E.W, Edward Lanes Lexicon, Williams and Norgate 1863; Librairie du Liban Beirut-Lebanon 1968, Volume 3, Page 885

Highlights marked in red on the lexicon excerpt are my own insertions. They have no bearing on the original text other than they emphasise relevance to the topic at hand. These are merely illustrations and have solely been utilised for educational and explanatory purposes.

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