

ADOPTION OF A CHILD IN ISLAM

Q:5- "In the secular legal system, adoption of a child by couples is lawful as we all know. Please elucidate the position of Shariah in this regard. How far such an adoption is permissible in Islam, and if so, what are the rights and obligations of the parties involved in such a situation?" (Yousuf Ghani, New York)

A: Adoption of a child has no legal effect in Shariah. One can adopt a child for his emotional and psychological satisfaction. He can treat him as his own son in the matters of love, affection and general behavior. Adoption of a child to provide shelter to him is a virtuous deed which carries much reward in the Hereafter. But so far as the legal aspects are concerned, adoption has no consequence. The child should not be attributed except to the natural father, and not to the one who has adopted him. Even in the matter of hijab adoption has no effect whatsoever. If a male child is adopted by a woman, she will observe hijab from him after he reaches the age of puberty, unless she is related to him in a prohibited degree. An adopted child can marry a daughter of his adoptive parents, because she is not his real sister. In short, adoption does not create a new legal relationship which did not exist before.

All these rules are inferred from the principle laid down by the Holy Qur'an in this respect. The people in jahiliyyah used to treat an adopted child as the real one in all respects. The Holy Qur'an condemned this practice and the following verses were revealed:

"And Allah did not make your adopted children your sons. That is only your words coining out from your tongues. And Allah says the truth and He guides you to the right path. Call them with reference to their (real) fathers. It is more just in the sight of Allah." (Surah 33: V4)

However, it should be remembered that although an adopted child cannot inherit from his adoptive father, but it is permissible, rather advisable, for him that he, in his lifetime, makes a will in favour of his adopted son. Through such a will he can bequeath upto one third of his property to his adopted child who cannot otherwise share his inheritance.'

Contemporary fatawaa