Child Adoption and Religion: The Islamic Perspective

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ARTICLE INFORMATION	ABSTRACT
Volume: 4 **Issue**: 2 | 2022 **DOI**:10.5281/zenodo.7301878 **KEYWORDS** Adoption, Child, Islam, Perspective, Religion.	The study examined child adoption from the standpoint of the Islamic religion. It highlighted the sociological, psychological, political, economic and utilitarian functions of religion and gave an overview of Islam. The study is essentially descriptive and analytic and used secondary sources of data from journals and text books. The study revealed that though Islam allows adoption, Islamic adoption has its peculiar features. It indicated that the uniqueness in Islamic adoption is that the adoptee does not severe the ties with the biological parents. The study showed that under Islamic adoption, the adoptee retains the surname of the biological parents and is entitled to inheritance from the natural parents. The study further revealed that in Islamic adoption, biological children can marry their adopted siblings and vice versa, except when the adopted child becomes Mahram to the new family.

Introduction

Child adoption is an alternate means of legally fathering and/ or mothering a child without going through the biological route of sexual intimacy. Child adoption is usually a win-win situation to the parties involved. This is because through the agency of adoption an otherwise stranded child is provided the platform of being integrated into a family that cares for him or her. Similarly, child adoption enables many infertile couples or unmarried individuals to become parents. However, some people adopt not necessarily to fill a vacuum but for the altruistic reason of humanitarian consideration or compliance to religious stipulation. Child adoption has a long history. Herman (2012) indicates that in ancient Rome adoption was widely accepted as a means of providing male heir for a couple or an individual without a male child. Benet (1998) points out that quite a number of Rome's emperors, including Emperor Trojan were adopted sons.

A veritable watershed in the history of adoption was the enactment in America of the Massachusetts Adoption of Children Act of 1851. According to Cahn and Hollinger (2004) this legislation led to a shifting of emphasis in adoption practice, from helping families find children to finding a safe, suitable and permanent family for

children. The child welfare focus continues to exist globally. In Nigeria, for example, before a court issues an adoption order, the presiding judge or magistrate must first interrogate the prospective adoptive parents and be satisfied that they have the temperament, resources and character to take care of the child they seek to adopt.

Child adoption in Nigeria is basically a statutory creation. According to Nwaogugu (2004) this is because the Common Law under which the country was governed before independence had no provision for child adoption. The legislation for child adoption in Nigeria was pioneered by the Eastern Regional Government. As Njoku (2005) points out, the Eastern Nigerian Adoption Law was signed on 20th May, 1965 and it now applies to Anambra, Imo and Rivers States. Many other states in Nigeria have enacted their own laws. Child adoption which was initially rejected in Igbo land, South Eastern Nigeria (Nwaoga, 2013), is currently being accepted by the Igbo people (Omeire, Iheriohanma, Osita-njoku, Omeire and Onoh, 2017).

Definition and Functions of Religion

As Henslin (2003) aptly indicates that sociologists do research on religion, evaluate the relationship between society and religion, and investigate the role religion plays in people's lives.

He asserts further that these academics do not strive to establish the supremacy or superiority of one religion over another. Tepperman and Curtis (2004) postulate that human kind has always being religious. They claim that, up until recently, religious systems of ideas and rituals governed and gave meaning to every element of human social life. The cycle of the year that follows the calendar of the holy days and celebrations is one example of this, as is time and space, which were arranged by religious principles and marked by ritualistic actions. Even in the 21st century and with the development of technology, religion continues impact humanity. It is pertinent to ask at this point, what is religion?

Etymologically the term religion is derived from the latin word "religio" which means "bind" or "connect". Marcionis (2014) sociologically defines religion as a social institution which revolves around beliefs and practices that are predicated on the notion of the sacred. The sacred is revered and regarded with awe based on the perception that the sacred tremendously impacts on the affairs of man. According to Henslin (2003) the eminent sociologist Emile Durkheim in his classical work The Elementary Forms of Religious Life identified three elements of religion. The elements are: (i) the conviction that certain objects are sacred (forbidden, set apart from the profane).(ii) Sacred practices (rituals) and (iii) A moral community deriving from a group's beliefs and practices. Durkheim thus regards religion as man's spiritual conviction, the paraphernalia created

for such belief and the coalition of those sharing such convictions into an association that is guided by the ethics of the group. James Frazer (1854-1941) regards religion as a belief in powers superior to man which are believed to regulate and determine human activities and natural phenomena. According to Idowu (1976), religion represents the relationship and fellowship between the created and their creator, the limited and the infinite, and man and God.

According to Arinze (1970), religion is the result of a person's natural and innate awareness of his dependency on a transcendent supra-human being, as well as the ensuing natural and spontaneous desire to pay him honour and worship. This term, which is purely subjective, focuses on how people view the supernatural.

According to Yinger (1970), religion is a set of beliefs and practices used by a community to address the most pressing issues in life. Such problems include issues of death and bereavement, sickness and afflictions, misery and lack, mishaps and misfortunes, etc. In his radical perspective, Karl Marx maintains that religion is a weapon used by the powerful to subjugate the masses. Quoting Karl Marx, Iwuoha (2019:56) states "religion is the sigh of the oppressed creatures, the heart of a heartless world and the soul of a soulless condition. It is the opium of the people". According to Karl Marx, religion is used by the bourgeoisie to oppress the proletariat. We agree with Ilega (1997) that religion encompasses a person's awareness of the existence of a divine being who is thought to have a significant impact over their daily lives and who also calls for their submission, awe, and adoration.

Religion serves sociological, psychological, economic, philosophical, political and utilitarian functions in society. Sociologically, religion serves as an integrative force, offers social solidarity, confers identity to a group and plays significant role in social control. Psychologically, religion offers emotional support to individuals, serves as agent for behavioural modification and has therapeutic effect on members, particularly those under distress. Economically, most religions encourage their members to work hard and strive for excellence. It also admonishes the wealthy to be generous and extend help to the poor and needy. Economically, religion also assists individuals to adjust to novel environments and circumstances. Philosophically, religion provides explanation to ultimate and perplexing questions. Politically, religion provides support for good governance and can serve as a check to the abuse of human rights and wickedness by those in authority. It also serves as agent for social change. It may also be pertinent to observe that religion can also perform a dysfunctional political role when it is used as a platform to justify terrorist acts. An example is the Boko Haram members in Nigeria who hide under the guise of Islam to commit atrocities in the country. Religion also has utilitarian value. According to Madumere, Awusaku, and Onu (2020), man worships the supreme deity for preservation, good health, the supply of life's essentials (food, shelter, clothing, a joyful and fulfilling living), and to provide answers to some spiritual experiences in existence (death, mishap, sickness). Is there a relationship between child adoption and religion? Put differently, how do the various religions view the subject of child adoption? Some scholars have examined child adoption from the

perspective of the Christian religion (Omeire, 2019, Moore, C, 2009). The focus of the present study is to interrogate child adoption from the standpoint of the Islamic religion.

Islam: An Overview

As Uche (2012) points out, Islam is one of the great religions of the world today. Its adherents perceive Islam as not just a religion but a total way of life. The religion was founded by Prophet Mhuammed (SAW) in AD 610. It is one of the world's three monotheistic religions. The other two are Judaism and Christianity with which Islam shares a common heritage. According to Henslin (2003) Islam has over a billion followers who are known as Moslems. Islam is an Arabic word which means surrender and submission to the will of Allah (God). Some of its core values include justice, patience, piety, truth, forgiveness, humility and compassion. As Engineer (2005) points out, Islam strives to bring about a world that is free from inequalities and oppression, a world where there is a conscious commitment to dignity, freedom and humanity.

For Moslems, the Quar'an is the word of God. As Turner (2006:39) indicates the Quar'an is the 'guidebook', 'the eternal word of God made manifest in human tongue, revealed to clarify man's position on earth and to help him understand why he is here; it is an aide to decode the riddle of existence". Additionally, Moslems have the Sunnah which is a record of Muhammad's words. It is used majorly to interpret the Quar'an, it also contains teachings on belief, worship and behaviour.

Moslems uphold six cardinal beliefs. These are belief in: (i) Allah, one God (ii) Holy books, Quar'an, Torah and Bible (iii) Prophets which include Abraham, Ishmael, Isaac, Moses, Jesus and Muhammad who is regarded as the seal and most perfect of them all (v)Judgement and life after death and (vi) Divine decree, nothing happens without Allah's permission. Traditionally these six creed have been subsumed into three broad categories, namely: (i) Tawhid, belief in divine unity (ii) Nabuwwa, belief in prophethood and (iii) Ma'ad, belief in resurrection and the hereafter.

The beliefs of Moslems are operationalized or guided by five pillars. These pillars are: (i) Shahadah, affirmation of the existence of only one God (Allah) with Muhammad as His prophet (ii) Salat, ritual prayer that has to be done five times in a day (iii) Zakat, alms tax, which enjoins each Moslem to give 25% of his wealth to the poor and vulnerable (iv) Sawn, fast, this is mandatory for Moslems during Ramadan (the ninth month of the Islamic calendar) and (v) Hajj, pilgrimage, Moslems are enjoined to visit Mecca, at least once before the person dies.

31

Islam has two major groups. The dominant group is the Sunnis which has about 80% of the world's Moslems. The other group is the Shites which makes up the remaining 20%.. Both groups share the same core beliefs but differ on who was the authentic leader of Islam after the demise of Muhammad.

Islam and Child Adoption

According to Ahmad (1999), the Islamic term for child adoption is Kafala which literally means sponsorship or "to feed". It is best translated as "foster parenting". According to Ahmad (1999), the concept of legal fostering in Algeria is defined as the pledge to provide for a minor's maintenance, training, and protection without compensation in the same manner that a father would do for his son. Islam recognizes and approves of child adoption, especially the adoption of orphans. The Qur'an enjoins Moslems to demonstrate love and care to the deprived and those in need as part of their appreciation for God's mercy. It states:

Did He not find you an orphan and gave you shelter? And He found you wandering, and He gave you guidance. And He found you in need and made you independent. Therefore, treat not the orphan with harshness, nor drive away a petitioner (unheard). But the bounty of the Lord-rehearse and proclaim (Qur'an 93:6-11).

The prophet Muhammed, whose father died before he was born, was orphaned at the age of eight. He was subsequently adopted and raised by his uncle, Abu Talib. Muhammed himself adopted his slave, Zaid and treated him with love as if he were his own son. It may be apt to indicate that child adoption under Islam has some unique features. First the identity (surname) of the adopted child is never erased by virtue of adoption and the link to the real (birth) parents is never severed. Adoption, according to Islamic law, does not terminate the child's blood relationship with his real (birth) parents. The Qur'an specifically informed adoptive parents that they are not the child's biological parents:

God has not made... your adopted sons your sons. Such is (only) your (manner of) speech by your mouths. But God tells (you) the Truth and He shows the (right) way. Call them by the names of their fathers that is more just in the sight of God but if ye know not their father's names call them your brothers in faith or your maulas. But there is no blame on you if ye make a mistake therein; (what counts is) the intention of your hearts: and God is oft-returning most merciful (Qur'an 33:4-5). Blood relations among each other have closer personal ties in the decree of God than (the brotherhood of) Believers.

According to Islamic teaching, naming adopted children by the names of their adoptive parents is against the "truth." As a result, they must be referred to by their actual fathers' names. The Qur'anic verse mentioned above, as Ahmad (1999) points out, does not forbid adoption; rather, it just states that the term "son" used to refer to an adopted is merely a phrase and not a matter of blood (or genetics). Another distinctive feature of Islamic adoption is in the area of inheritance. According to Islamic scripture, children who are adopted are not required to automatically inherit from their adoptive parents. The adopted child inherits from the

biological parents. The Qur'anic backing for the position that inheritance, like identity is defined by blood states thus:

Those related by blood are more entitled to (inherit from) each other in the book of Allah (Qur'an 8:75).Though they are not obligated to give any inheritance to their adopted children, Islam permits the adoptive parents to use their discretion and write up to one third of their estate for their adopted children (Inhorn, 2006). Furthermore, as Huda (2014) points out, Islam teaches that if an adopted child is provided with property/wealth from the biological family, the adoptive parents are under obligation to take care and not mix that property/wealth with their own. They serve merely as trustees.

Child adoption under Islam is also unique with respect to marriage and filial relationship. As Huda (2014) indicates, when an adopted child grows, members of the adoptive family are not considered as blood relatives, and are therefore not Mahram to him or her. "Mahran" refers to specific legal relationship that regulates marriage and other aspects of life. This means that the adopted child can marry the child of the adoptive parents and vice versa.

Ahmad (1999) claims that under Islamic law, a man may marry his adopted son's ex-wife but not his son's ex-wife.

Additionally, there are standards of modesty between adopted children and adoptive family members of the opposite sex. For instance, even if it is not customary for women to cover their faces in front of close male relatives or in their own homes, a woman would still need to veil herself in front of her adopted son because he is not considered to be a male relative. When a man's adopted daughter reaches adulthood, there is a clear moral ethic that prohibits him from touching her (Inhorn, 2006).

There is only one instance of adoption in Islam when the adoptive parents and adopted child develop some form of semi-filial bond.

This happens if the adopted child is younger than two years old and has been breastfed exclusively by the adoptive mother for at least a day and a night (or fifteen times consecutively). When this happens a foster relationship is created and the child becomes Mahram to the new family and cannot marry or be married by any member of the adoptive family. The veiling requirement in the presence of non-relations of the opposite sex is also relaxed. However, the adopted child despite being Mahram to the new family is still not entitled to inheritance from the adoptive parents, except the optional one third of their estate.

Conclusion

The study explored child adoption from the yardstick of religion, specifically the Islamic religion. The concept of child adoption was explained, including   the reasons for adoption and the global and Nigerian history of child adoption. The study also provided the socio-political and utilitarian values of religion, in addition to presenting a panoramic view of Islam.

The study established that Islam permits child adoption. It indicated that Islamic rules concerning child adoption emphasizes the fact that adoptive parents are not, and should not, take the place of a child's biological parents. It showed that in Islam, adoptive parents are regarded as guardians and trustees of someone else's child consequently they are enjoined to play such roles with care and love. In conclusion it can be unequivocally stated that Islamic jurisprudence recognizes adoption, with its peculiar features, and the valued and important role of adoptive parents in shaping the lives of adopted children.

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