The Protection of the Lineage

The child is an extension of his father and the bearer of his characteristics. During his lifetime he is the joy of his father’s eyes, while after his death he represents a continuation of his existence and an embodiment of his immortality. He inherits his features and stature as well as his mental qualities and traits, both the good and the bad, the beautiful as well as the ugly, from his father. The child is a part of his father’s heart and a piece of his body.

Allah Subhanahu wa Ta’ala has ordained marriage and has forbidden adultery so that paternity may be established without doubt or ambiguity and that the child may be referred to his father and the father to his sons and daughters. Through marriage a woman is reserved for one man; it is *haram* for her to be unfaithful to him or to let anyone else have access to what belongs exclusively to him. Thus, every child born to her in wedlock will be her husband’s child, without any need for recognition or public proclamation of the fact by him or a corresponding claim on the part of the mother. "The child is attributed to the one on whose bed it is born," (Reported by al-Bukhari and Muslim. Literally: "The child belongs to the bed.") declared the Prophet of Islam (peace be on him).

The Prohibition of Denying Paternity

It is not permissible for the husband to deny his paternity of any child born to his wife as long as they are married to each other. Such a denial would bring the ugliest shame imaginable upon both the wife and the child. He is, therefore, not allowed to take such a step on the basis of a mere suspicion, a sudden notion, or an evil rumor. If, however, on the basis of evidence which has come to his attention, he is convinced that his wife has betrayed him, the Shari’ah of Islam has no desire to force him to raise a child whom he believes not to be his own or to let the child be his heir, or—at the very least—to allow him to suffer from suspicion and doubt the rest of his life.

A way out of this dilemma, known in Islamic jurisprudence as *li’an*, is provided by the Shari’ah. If a man is convinced or strongly suspects, although without having proof, that his wife has had sexual relations with another man and is carrying his child, he can take the case to a Muslim judge (*qadi*).
The qadi will ask the man and his wife to invoke the curse of Allah on one another in the manner prescribed in Surah al-Nur: As for those who accuse their wives but have no witnesses except themselves, the testimony of one of them shall consist of bearing witness by Allah four times that he is of the truthful, and a fifth (time) that the curse of Allah be upon him if he is one of those who lie. And it shall avert the punishment from her if she bear witness by Allah four times that he is indeed of those who lie, and a fifth (time) that the wrath of Allah be upon her if he is among the truthful. (24:6-9)

After this the two shall be separated permanently, and the child shall be identified by the name of his or her mother.

**The Prohibition of Legal Adoption**

Just as it is haram for a man to deny his paternity of a child born to his wife in wedlock, it is likewise haram for him to legally adopt a son of whom he is not the natural father. Like peoples of other societies during the course of history, the Arabs of jahiliyyah used to add anyone they wished to their lineage and family through adoption. A man would adopt (tabanna, "to make one's son") any boy of his liking as son (mutabanna), announce the fact to the public, and the boy would become like a son to him, sharing the responsibilities and rights of his adopted family and taking its name. The adoption was effective despite the fact that the adopted son might have a known father and come from a known lineage.

This practice was widespread in Arab society at the advent of Islam. Before receiving the call to prophethood, the Prophet (peace be on him) had himself adopted Zaid bin Harithah, who had been captured as a child during one of the raids on his tribe which were common occurrences during the period of jahiliyyah. Hakim bin Hizam had bought him for his aunt Khadijah, and after her marriage to the Prophet (peace be on him) Khadijah presented Zaid to him. When Zaid's father and uncle learned his place of residence, they came to the Prophet (peace be on him) to demand Zaid's return. The Prophet (peace be on him) gave Zaid a choice, and he chose to stay with the Prophet (peace be on him) in preference to his father and uncle. The Prophet (peace be on him) then set him free and adopted him as his son in the presence of others. He was thereafter called Zaid ibn Muhammad and became the first of the freed slaves to accept Islam.

Now what is the judgement of Islam concerning such a system of adoption? Islam rightly views this sort of adoption as a falsification of the natural order and of reality. Taking a stranger into the family as one of its members; and allowing him privacy with women who are not his muharrmat, nor he theirs, is a deception, for the man's wife is not the adopted son's mother, nor is his daughter the boy's sister nor is his sister his aunt, since all of them are non-mahrem to him. Moreover, the adopted son acquires a claim on the inheritance of the man and his wife, depriving the rightful, deserving relatives of their inheritance. Such a situation arouses the anger of the real relatives against the intruder who encroaches upon them and usurps their rights, depriving them of their full inheritance. (Since the Islamic Shari'ah specifies the share of an individual's property to which each near blood relative is entitled, the legal adoption of a child who is not among such relatives, but who, by virtue of adoption, is one of the heirs would naturally create bitterness and hostility among the rightful heirs. (Trans.)) Frequently such anger leads to quarrels and to the breaking of relations among relatives. That is why the Qur'an abolished this jahili system, prohibiting it totally and eradicating all its consequences. Says Allah Ta'ala: ...Nor has He made your adopted sons your (real) sons; that is simply a saying of your mouths. But Allah speaks the truth, and He guides you to the (right way). Call them by (the names of) their fathers; that is more just in the sight of Allah. But if you do not know their fathers, they are your brothers-in-faith and your wards....(33:4-5)

Let us ponder the Qur'anic words, "He has not made your adopted sons your (real) sons; that is simply a saying of your mouths." This signifies that the declaration of adoption consists of words having no corresponding objective reality. A mere pronunciation does not change realities, alter facts, or make a stranger a relative, or an adopted individual a son. A mere verbal expression or figure of speech cannot make the blood of a man run in the veins of the adopted son, produce feelings of fatherly affection in the man's heart or filial emotions in the heart of the boy, or transfer either the genetic characteristics or physical, mental, or psychological traits.
Islam abolished all the effects of this system of adoption which relate to inheritance and to prohibition of marriage to the widowed or divorced wife of the adopted son. In matters of inheritance, the Qur’an does not recognize any claim except those based on relationship through blood and marriage: ...But blood relatives are nearer to each other in the ordinance of Allah....(8:75)

With regard to marriage, The Qur’an declared that only the wives of one’s real sons, "the wives of your sons who are from your (own) loins" (4:23), not the wives of the adopted sons, are permanently forbidden in marriage. Accordingly, it is permissible for a man to marry the divorced wife of his adopted son, since she has been, in actuality, the wife of a "stranger" not related by blood.

A Practical Example of the Abolition of Legal Adoption

The practice of adopting sons was very deeply rooted in the society of pre-Islamic Arabia, and it was not easy for people to give it up. But Allah Ta’ala wanted to eradicate it and its effects, not only by words but also by . In order that all doubts concerning matter might be dispelled, that the Believers might feel at ease with respect to marrying the ex-wives of their adopted sons, and, more importantly, that they might know with certainty that the halal is that which is permitted by Allah and that the haram is that which is forbidden by Him alone, Allah Ta’ala chose the Prophet (peace be on him) himself for this important task.

Now Zaid bin Harithah, who was known as Zaid ibn Muhammad, had married the Prophet’s cousin, Zainab bint Zahsh. Zaid and Zainab were not happy together, and Zaid became increasingly dissatisfied with his wife, complaining frequently to the Prophet (peace be on him). Although the Prophet (peace be on him) knew, through divine revelation, that Zaid would divorce Zainab and that he would afterwards marry her himself, human weakness occasionally overcame him, and he was afraid of facing the people. Thus, whenever Zaid complained to him about his wife, the Prophet (peace be on him) would tell him, "Hold on to your wife and fear Allah." At that point Allah Subhanahu wa Ta’ala revealed some verses of the Qur’an admonishing the Prophet (peace be on him) and at the same time fortifying his will to face society in demolishing the remnants of this ancient system, in this case, the established practice which prohibited a man from marrying the ex-wife of a stranger who had been adopted as a son. Saye Allah Ta’ala: And when thou didst say to him who had received the favor of Allah and thy favor, 'Retain thy wife and fear Allah,' thou didst hide within thyself what Allah was about to make manifest, fearing the people; but Allah has more right that thou shouldst fear Him. Then, when Zaid had carried out the necessary formality (of divorce) from her, We gave her to thee in marriage so that (in the future) there might be no difficulty for the Believers with respect to (marriage to) the wives of their adopted sons when the latter have carried out the necessary formality (of divorce) from them; and Allah’s command must be fulfilled. (33:37)

The Qur’an goes on to support the Prophet (peace be on him) in this action, confirming its lawfulness and removing any stigma attached to it: There is no fault in the Prophet in what Allah has made obligatory for him. That was Allah’s practice with those of old who passed away, and the command of Allah is a decree determined — those who delivered the messages of Allah and feared Him, fearing none but Allah; and Allah suffices in keeping account. Muhammad is not the father of any man among you, but he is the Messenger of Allah and the Seal of the Prophets; and Allah is the Knower of all things. (33:38-40)

Adopting a Child to Rear and to Educate

As explained above, the type of adoption which has been abolished by Islam is that kind which makes a boy a member of the family, with all the rights of inheritance, the permissibility of mixing
freely with other members of the household, the prohibition of marriage and so on.

But the word "adoption" is also used in another sense, one which is not prohibited by Islam—that is, when a man brings home an orphan or a foundling to rear, to educate, and to treat as his own child; he protects, feeds, clothes, teaches, and loves the child as his own. However, he does not attribute the child to himself, nor does he give him the rights which the Shari’ah reserves for natural children. This is a meritorious act in Allah’s religion, and the man who does it will be rewarded by being admitted to Paradise. Said the Prophet (peace be on him), "I, and the one who raises an orphan, will be like these two in the Garden", and he pointed to his middle and index fingers with a slight gap between the two.

A foundling (laqeet) is regarded as an orphan (yateem), and one may also apply the term wayfarer (ibn al-sabeel). (The "Wayfarer" is one of several categories of people mentioned as deserving of charity in various Qur’anic verses, notably 2:176 and 9:60. A foundling or orphan can also be considered as belonging in this category and hence as doubly deserving of help and charity. (Trans.)) one of those who must also be cared for, to him as well.

If a man has no children of his own, and he wishes to benefit such a child from his wealth, he may give him whatever he wants during his lifetime and may also bequeath to him up to one-third of his inheritance before his death.

**Artificial Insemination**

Islam safeguards lineage by prohibiting zina and legal adoption, thus keeping the family line unambiguously defined without any foreign element entering into it. It likewise prohibits what is known as artificial insemination if the donor of the semen is other than the husband. In such a case, as the well-known professor, Shaikh Shaltut, says, It is a despicable crime and a major sin, to be classified in the same category as adultery. Both (adultery and artificial insemination by anyone other than the husband) are similar in nature and in effects; that is, in both cases the tillage which belongs exclusively to the husband is intentionally inseminated by a stranger. Had the form of this crime not been of a lesser degree, such insemination would have been punishable by the same hadd punishment as is prescribed for adultery in the divinely revealed Shari’ah.

There is, however, no doubt that insemination by a donor other than the husband is a more serious crime and detestable offense than adoption, for the child born of (such) insemination incorporates in itself the result of adoption—the introduction of an alien element into the lineage — in conjunction with the offense of adultery, which is abhorrent both to the divinely revealed laws and to upright human nature. By this action the human being is degraded to the level of an animal, who has no consciousness of the noble bonds (of morality and lineage) which exist among the members of a human society (AI-Fatwa (Islamic Legal Decisions), by Shaikh Shaltut, p. 300).

**Attributing the Child to a Man Other Than the Child's Father**

Just as Islam prohibits a father to deny his paternity of his own child without a justifiable reason, it likewise forbids the child to claim a lineage other than his own, or to claim as father someone who is not his real father. The Prophet (peace be on him) listed this practice among the abominable evils deserving the curse of both the Creator and His creatures. Once ‘All, speaking from the pulpit, read from some pages on which he had written various ahadith. One of the Prophet’s statements was the following: The one who claims descent from someone other than his (real) father, and the slave who attaches himself to someone other than his (real) master, are cursed by Allah, His angels, and the people. Allah will accept neither repentance nor ransom from such a person on the Day of Resurrection. (Reported by al-Bukhari and Muslim.)

And Sa’d bin Abi Waqqas narrated that the Prophet (peace be on him) said, If someone claims a person as his father with the knowledge that he is not his father, the Garden will be forbidden to him. (Reported by al-Bukhari and Muslim.)
"Do Not Kill Your Children"

After safeguarding the lineage in this manner, Islam imposed certain mutual rights, which proceed naturally from the parent-child relationship, upon children and parents, making certain things *haram* for them in order to protect these rights.

The child has a right to life. Neither the father nor the mother have the right to take the life of the child, whether a boy or a girl, by killing it or burying it alive, as was done by some Arabs of *jahiliyyah*. Says Allah Ta'ala: *And do not kill your children out of fear of poverty; We shall provide for them and for you. Truly, the killing of them is a great sin.* (17:31) ...When the female child who was buried alive is asked for what crime she was killed. (81:8-9)

Whatever the motive for this crime may be, whether economical, such as fear of poverty and lack of provision, or non-economic, such as fear of disgrace in the case of a daughter, Islam absolutely prohibits this savage act which is nothing but premeditated murder and the oppression of a feeble, helpless humabeing. That is why, when the Prophet (peace be on him) was asked, "What is the greatest sin?" he replied, *'To ascribe divinity to someone other than Allah, when He is the One Who created you.' 'What next?' he was asked. 'To kill your child out of fear that it will share your food,' he replied.* (Reported by al-Bukhari and Muslim.)

The Prophet (peace be on him) took an oath of allegiance from both men and women at the time of their accepting Islam. This oath of allegiance included the condition that they would not kill their children and would consider it an absolutely prohibited crime: ...**That they will not steal nor commit zina nor kill their children**....(60:12)

It is the right of a child in relation to its parents that they should give it a good name, not one which will cause it embarrassment when it grows older. It is *haram* to give a name which denotes a slave or worshipper of someone other than Allah, as for example 'Abd al-Nabi, 'Abd al-Masih, and the like.

A child has a right to sustenance, education, and proper care. The parents are not permitted to neglect the child's needs nor to abuse it. The Prophet (peace be on him) said: **"Each one of you is a caretaker (ra'iyy) and is responsible for those under his care."** (Reported by al-Bukhari and Muslim.) **"Wasting the sustenance of his dependents is sufficient sin for a man."** (Reported by Abu Daoud, al-Nisai, and al-Hakim) **"Allah will ask every caretaker (ra'iyy) about the people under his care, and the man will be asked concerning the people of his household."** (Reported by Ahmad, al-Nisai, and Abu Daoud)

**Equal Treatment of Children**

It is obligatory for a father to treat all his children equally, especially in the matter of giving gifts. Accordingly, he is prohibited from bestowing more favors on some of his children than on others without any necessity or valid reason, since this will produce jealousy and may even arouse enmity and hatred among them. This applies equally to the mother. The Prophet (peace be on him) said, **'Do justice among your sons,' and repeated it thrice.** (Reported by Muslim, Ahmad, and Abu Daoud)

The story behind this *hadith* is that the wife of Bashir bin Sa'd al-Ansari requested her husband to give a gift of a garden or a slave to her son, al-Nu'man bin Bashir. She asked Bashir to go to the Prophet (peace be on him) and request him to be a witness. Bashir went to him, saying, "The daughter of such and such—meaning his wife—has asked me to give a slave to her son." "Does he have brothers?" the Prophet (peace be on him) asked. "Yes," he replied. "Did you give the same to each of them?" inquired the Prophet (peace be on him). "No," said Bashir. The Prophet (peace be on him) then said, **"This is not correct, and I can never bear witness to other than what is just."** (Reported by Ibn Hibban in his *Sahih.*)

Some other *ahadith* in this regard are as follows: **Do not ask me to be a witness to injustice. Your children have the right of receiving equal treatment, as you have the right that they should honor you.** (Reported by Abu Daoud) **"Fear Allah and treat your children with equal**
Imam Ahmad bin Hanbal said that preferential treatment of a child is permitted if he or she is handicapped while others are not. (In Al-Mughni, vol. 5, p. 605, it is stated that special treatment of a child is permissible due to a need, a handicap, blindness, his or her being from a large family, being engaged in studies, or something of the sort, as it is also permitted to withhold from a child who would spend what he is given on sinful or wicked things.)

**Observing the Limits of Allah Regarding Inheritance**

It is haram for a father to deprive his children of inheritance, as for example, to deprive the females or the children of a wife who is not a favorite with him. Likewise, it is haram for one relative to deprive another eligible relative of his inheritance by means of a trick. It is Allah Subhanahu wa Ta'ala Himself, Who, out of His knowledge, wisdom and justice, has established the distribution of inheritance in order to give each eligible person his or her share, and He has commanded mankind to remain within the limits of His legislation; hence, anyone who deviates from His system in the distribution of shares offends his Lord.

Allah Ta'ala has mentioned matters of inheritance in three verses of the Qur'an. At the end of the first verse He says, *...Your fathers or your sons: you do not know which of them is nearer to you in benefit. This is an obligation ordained by Allah; indeed, Allah is Knower, Wise.* (4:11)

After the second such verse He says, *...Which is not injurious (to the rightful heirs): a charge from Allah, and Allah is Knowing, Forbearing. Those are the limits of Allah, and whoever obeys Allah and His Messenger, He will admit him to Gardens beneath which rivers flow, to abide therein, and that is the supreme achievement. But whoever disobeys Allah and His Messenger and transgresses His limits, He will admit him to Fire, to abide therein, and he shall have a humiliating punishment.* (4:12-14)

And at the end of the third such verse He says, *...Allah makes clear to you (His laws) so that you do not err; and Allah has knowledge of all things.* (4:176)

Accordingly, whoever disobeys Allah's laws of inheritance has deviated from the just course made plain by Him, transgressing His limits, and must expect the punishment promised him: *...the Fire, to abide therein, and his shall be a humiliating punishment.* (4:14)

**Disobedience to Parents: A Major Sin**

It is the right of parents that their children should treat them with kindness, obedience, and honor. Devotion to parents is a natural instinct which must be strengthened by deliberate actions. The rights of the mother are stressed the more because of her suffering during pregn