

MEMORANDUM

To: The Universal House of Justice

Date: 17 November 2003

From: Research Department

Infertility and Medical Intervention, Station of Adoption, and Adoption and Parental Consent

The Research Department has considered the concerns raised in the email message of 28 July 2003 to the Bahá'í World Centre from Mr. [REDACTED]. He states that he and his wife “wish to have a clear view of the Bahá'í Writings on matters of having children in a family”. If we understand correctly, they are particularly interested in issues related to the subjects listed above. The following is our response.

Infertility and Medical Intervention

Mr. [REDACTED] alludes to the Bahá'í position on some issues related to medical techniques for overcoming infertility that he has apparently gleaned from his study of the Writings. As an assistance to him in this regard, we have attached a research memorandum titled “In Vitro Fertilization and Related Issues” that was prepared earlier. It identifies some of the principles that provide the Bahá'í perspective on using various medical procedures to overcome infertility, while noting that the “use of such procedures is clearly a matter of choice, and not a requirement”.

Station of Adoption

Mr. [REDACTED] expresses interest in “the role, station, and limitation of adoption”. He also alludes to “the whole realm of international adoption” and to difficult ethical, moral and social issues that he associates with it.

As he is doubtless aware, in the teachings of the Faith adopting a child is held to be a highly meritorious act. The passages provided below from the *Kitáb-i-Aqdas*¹ and letters written on behalf of Shoghi Effendi and the Universal House of Justice, respectively, affirm this principle. It is also important to note the clarification in the House of Justice's letter that “procreation, even though the primary purpose, is not the sole purpose of marriage”.

He that bringeth up his son or the son of another, it is as though he hath brought up a son of Mine; upon him rest My glory, My loving-kindness, My mercy, that have compassed the world.

(The *Kitáb-i-Aqdas*, paragraph 48)

¹ When reference is to the Book revealed by Bahá'u'lláh, the title is written in Roman letters. When the words “The *Kitab-i-Aqdas*” appear in italics or quotations, the reference is to the publication “The *Kitab-i-Aqdas*: The Most Holy Book”, which includes the Questions and Answers, supplementary Tablets, copious notes and other material.

It was a pleasure to Shoghi Effendi to receive your letter of May 26th and to hear about your adopted children. This is a truly Bahá'í act especially as it was often lauded both by Bahá'u'lláh and 'Abdu'l-Bahá, and the Guardian trusts that they will grow to become Bahá'í workers, and thus repay your kind generosity.

(20 June 1931 to an individual)

You have indicated that your husband is not open to the option of adoption in order to have children. You are no doubt aware that both Bahá'u'lláh and 'Abdu'l-Bahá praised adoption as a meritorious act; however, a couple is not obligated in this matter, and it is left to their decision.

As you realize, the teachings of our Faith indicate that a Bahá'í couple should be willing and open to the possibility of having children; nevertheless it is recognized that not all couples are physically able to have children. It must be kept in mind that procreation, even though the primary purpose, is not the sole purpose of marriage, and a couple unable to have children of their own should not feel any guilt of failure for they can find fulfillment in their lives through other avenues of service to God and humanity, and through the enduring unity they establish in their marital relationship.

One cannot fathom the wisdom of God. Many times that which the heart desires proves not to be in one's best interests, and many times that which appears as an unbearable test proves in time to be a path to great happiness. (4 March 2003 to an individual)

Regarding the process of international adoption, although in letters written on behalf of the Universal House of Justice some precautions are advised, it is also clarified that "paying reasonable fees to institutions for their adoption services is not tantamount to buying a child" and that we are free to use professional services. We read,

The Universal House of Justice has received your ... letter requesting guidance regarding institutions that offer payment for the adoption of children and has asked the Department of the Secretariat to convey the following.

The House of Justice is gratified that your Assembly is taking steps to investigate the credentials of the organizations in question, especially considering the unwholesome conditions under which children are sold in many parts of the world. It would be important to determine what the adoption laws are in the countries involved, in other words both the land of origin and the adoptive one. These differ from place to place, and the practice of paying natural parents for the adoption of their children is considered illegal in some countries.

(19 April 1989 to a National Spiritual Assembly)

In her letter, Ms. ... explains that ... she began to visit a local orphanage and in November decided to adopt two ... girls. At the time ... she had recently discovered that "the cost of international adoptions is between \$10,000 and \$20,000

USD”. Ms. ... states that the adoption procedure is legal and in accordance with the laws of ... and the United States. Yet she is uncomfortable with the idea of paying the costs involved, as she feels that she would be buying the children, not adopting them. She requests the guidance of the Universal House of Justice in this respect.

It would be appreciated if you would inform Ms. ... that, in principle, paying reasonable fees to institutions for their adoption services is not tantamount to buying a child. However, in this specific case, she is in the best position to determine whether the required fees are justified or not.

(20 February 1996 to a Bahá'í International Committee)

Your efforts to seek out a needy child to welcome into your family are indeed praiseworthy. There are, however, no Bahá'í institutions or networks set up to facilitate the adoption of children, and it is suggested that you continue your contact with professional agencies.

(17 April 2001 to an individual)

Adoption and Parental Consent to Marriage

Mr. [REDACTED] alludes to the following law of parental consent to marriage in paragraph 65 of the Kitáb-i-Aqdas:

It hath been laid down in the Bayán that marriage is dependent upon the consent of both parties. Desiring to establish love, unity and harmony amidst Our servants, We have conditioned it, once the couple's wish is known, upon the permission of their parents, lest enmity and rancour should arise amongst them. And in this We have yet other purposes. Thus hath Our commandment been ordained.

As a means of increasing his understanding of the stipulation that the right of parental consent belongs to biological and not adoptive parents, he may wish to peruse the attached compilation of extracts from letters written on behalf of the Universal House of Justice titled “Adoption and Parental Consent”. Among the themes in these extracts, we draw to his attention the following:

- Shoghi Effendi interpreted the law of parental consent to marriage as applying only to natural parents (extract 1).
- The pattern of adoption and the relationship between the adopted child and natural parents varies widely from country to country and case to case; the Universal House of Justice emphasizes “the immense complexity” of the issues that would arise globally if the law were to be applied to adoptive parents as well (extracts 1 and 5).
- The House of Justice clarifies some of the circumstances under which the adopted child may marry without having to obtain the consent of his biological parents. Among these circumstances is “when it can be established that the natural parent has legally disowned his or her child” (extract 3), or renounced “all rights and responsibilities towards the child in the adoption process” (extract 5).

- In the Faith, natural parents are permitted to surrender their parental rights over their children, but they do not have the authority to convey the right of consent to marriage to anyone else (extract 4).
- The unity of the family in which an adopted child has been raised need not be diminished as a result of this law. Adoptive parents are encouraged to counsel their children about marriage when the time comes, and adopted children may choose to solicit the consent of their adoptive parents in addition to that of the natural parents (extracts 1, 2, 3, 5).

He also expresses his perplexity “that rights of parenthood would be terminated if a parent does not educate his children (or pay for that education) and yet require that person’s permission for marriage over that of adoptive parents”. The verses in question read,

Unto every father hath been enjoined the instruction of his son and daughter in the art of reading and writing and in all that hath been laid down in the Holy Tablet. He that putteth away that which is commanded unto him, the Trustees are then to take from him that which is required for their instruction if he be wealthy and, if not, the matter devolveth upon the House of Justice. Verily have We made it a shelter for the poor and needy.

(The Kitáb-i-Aqdas, paragraph 48)

And in another Tablet, these exalted words have been revealed:

O Muhammad! The Ancient of Days hath turned His countenance towards thee, making mention of thee, and exhorting the people of God to educate their children. Should a father neglect this most weighty commandment laid down in the Kitáb-i-Aqdas by the Pen of the Eternal King, he shall forfeit rights of fatherhood, and be accounted guilty before God. Well is it with him who imprinteth on his heart the admonitions of the Lord, and steadfastly cleaveth unto them. God, in truth, enjoineth on His servants what shall assist and profit them, and enable them to draw nigh unto Him. He is the Ordainer, the Everlasting.

(“The Kitáb-i-Aqdas: The Most Holy Book”, Questions and Answers 105)

Regarding Mr. ██████’s allusion to the phrase “forfeit rights of fatherhood” in Questions and Answers 105 quoted above, the Research Department has not yet identified any elucidation of this phrase, or clarification of how a natural parent’s negligence in complying with the law to educate his child might impact his right to grant consent to marriage. No doubt in the future the House of Justice will provide clarification of these issues. Until such clarification is forthcoming, however, Mr. ██████ is free to come to his own understanding of the possible relationship between these two laws.

Attachments (2)