Orphans and abandoned children in modern Egypt

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Orphans stand out in Islamic writings as deserving of special protection; abandoned babies, by contrast, were an anathema in Middle Eastern societies, evoking shame not sympathy. The legal status of orphans and abandoned children differed, but they often found themselves in similar circumstances, at the margins or outcast from families, the mainstay of society. Care of orphans and foundlings slowly became a concern to providers of social welfare in nineteenth and twentieth-century Egypt. Ottoman-Egyptian officials, French and American missionaries, British colonial officers, Islamists, and national reformers increasingly opened refuges, institutionalizing the care of orphans and abandoned children. But they had their own competing agendas, which politicized the issues surrounding the social welfare of these children. Questions about colonialism, conversion, and care collided in sometimes contentious debates.

Islamic inheritance law set the parameters for caring for abandoned and orphaned children, and was followed by both Muslims and Copts in Egypt. Legally, an orphan (yatim; pl. aytam) was one who had lost a father, his or her legal guardian. The driving principle in stipulations regarding orphans was the issue of inheritance, and the law had a great deal to say about the care of orphans and their property. Set by fixed Quranic shares, an inheritance could only be assigned to those in the blood line. The law thus clearly distinguished between those whose paternity could be established and those whose paternity was unknown or contested. The law sought to protect the inheritance of orphans whose paternity was known by assigning guardians and regulating their role, and a child of known parentage whose father had died would most likely be raised by relatives. The law, however, prohibited adoption, shoring up the notion of family as a set of blood relatives with a shared pedigree and leaving those whose paternity was unknown in a social wilderness, though legally they were wards of the state. Foundlings (laqit, pl. luqata’) were generally assumed to be the result of illicit sexual relations.
Legally they were not orphans as their father had not died. While the woman was considered to have disgraced the family by having pre-marital or extra-marital relations, the child bore the stigma of the act and was perceived to have “tainted” blood. Middle Eastern societies were not unique in stigmatizing children born out of wedlock and branding the mothers. Western societies had similar histories, and single motherhood became accepted only slowly and with resistance.

Since the social category of “single mother” did not exist in most of the Middle East, nor did legal adoption, what happened to the children of unwed mothers? The anthropologist Jamila Bargach writes movingly of the experience of “bastards,” as she consciously and provocatively calls them, in her Orphans of Islam: Family, Abandonment, and Secret Adoption in Morocco. One solution, which she traces in interviews, is secret adoption, in which a couple, longing for a child but unable to conceive or deliver (another social stigma for women), takes the infant from a mother who is unable to raise it for social or financial reasons. The secrecy in many of Bargach’s cases often unraveled at the moment of the father’s death, when relatives stepped forward to contest the “adopted” child’s right to the patrimony. (Truly secret or successful adoptions might not have been accessible to the researcher by their very nature.) Other mothers abandoned their newborns in places where they would be found or handed them over to institutions that had a program to place them in foster care. While formal adoption is illegal, a form of fostering in which a family gives the gift of care but not its name, is regulated by the Moroccan (and Egyptian) state. Those children who are not placed in foster homes due to vagaries of supply and demand—and the demand for girls is ironically much higher than that for boys—are raised in orphanages. Bargach captures a full array of emotions on the part of birth mothers, abandoned children, and foster parents. At the same time, she follows the work of social actors who serve as intermediaries and look for practical solutions, while she herself challenges state legislation and social values that perpetuate the quandary and the pain.

Orphans have been at the margins of the family and society as well as history. This essay will sketch a history of institutions established

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