

Mehrnaz Farhangazad

Children of “others”

An analysis of social and legal boundaries of child adoption in Iran

Master of philosophy in childhood studies

Trondheim, Norway, May 2017

Norwegian University of Science and Technology

Faculty of Social and Educational Science

Department of Education and Lifelong learning

Norwegian Centre for Child Research (NOSEB)

Acknowledgments

I would like to express my sincere thanks first to my dear supervisor Professor Randi Dyblie Nilsen for her generous contribution, amazing help and her interest in the topic of my thesis. Thank you for being available whenever I ran into trouble and for giving me hope whenever I felt lost.

Second, thanks to the academics at NOSEB for providing me the knowledge to lean on when writing this thesis. Special thanks also to dear Kjersti Grinde for her useful hints in the beginning and constant encouragement along the way.

Third, my wholehearted gratitude goes to my dear husband, Mehdi Khakpour, for his loving support during this endeavor. Deepest thanks also to my wonderful parents who have always put my dreams and happiness beyond their own.

Mehrnaz Farhangazad

May 2017

Preface

In my first days of stay in Norway in 2012, I met a family of 5, a multinational couple with three kids who had no physical resemblances with each other. As an Iranian, it was an absolutely new experience to me, since I could barely recall any memories about meeting a family with adopted children ever before in my life. Later on, as we socialized a little more and became closer friends, I was astonished by their happiness; people who were gathered together because of love and not blood-ties. This experience touched me so deep in heart and provoked a personal interest as well as a question to answer; *why child adoption is not as popular in the country, where I come from?*

As a former student of law and an Iranian, I already knew some of the legal and cultural boundaries of child adoption in Iran. However, as a current student of childhood studies, I was interested to combine my legal knowledge with social studies of childhood and conduct a study that explores my question from both legal and social aspects.

Ever since 2015, I have read, translated and analyzed dozens of legal, social and religious documents, news and even novels in addition to the academic literature. I have learned much about child adoption; nevertheless, I have achieved a more valuable goal at the end of my master thesis exploration. I have learned even more about my home country and my own culture, than I could have imagined. While doing this research, I was introduced to various ways children can be perceived by the society. I learned how children are affected by social and cultural norms of societies and how childhood is a socially as well as culturally constructed phenomenon, which must be understood through its respective contexts.

When I first began to search for a topic for my research, my preference have made their way to this topic, which kept me eager to know more for about a year, but now I am sure the subject of child adoption will keep me interested for the following years to come. My personal enthusiasm for children and my feelings as a mother make me hope that my endeavor for this study leads to a small improvement in life conditions of those Iranian

children who wish for loving and caring parents, even from a different blood.

Abbreviations

UNCRC: United Nation's Convention On The Rights Of The child

Iran: Islamic Republic Of Iran

Abstract

Social as well as legal barriers hinder child adoption in Iran, making it a rather unpopular alternative for the interested couples, while depriving children without caretakers from being raised in a family. These boundaries have been often related to religious beliefs, cultural norms and laws, but have been rarely studied and their interconnections are not adequately explored. The term “child adoption” in the way as it is recognized today in the western world has been sufficiently accounted for, neither in the Islamic doctrine nor in the Iranian law. In this research, I critically explore and extract the main social as well as legal roots of this issue while having a glimpse at religious barriers as an additional study theme. It is expected that by exploring the legal, religious and social boundaries (my main study themes), we gain a better understanding of the realities of child adoption in Iran. This thesis employs document analysis as its main method for forming a theoretical framework and extracting findings. All the facts and findings are then organized and critically compared to each other across the three main themes, in order to draw analytical conclusions. The related academic community, children in need of care takers, youth and family organizations, and all those who are interested to gain an in-depth knowledge about the actualities of child adoption in Iran, and maybe other similar Islamic countries, may find use in the final conclusions of this study.

Table of Content

Acknowledgements	iii
Preface	v
Abbreviations	vii
Abstract	ix
1. Introduction	1
<hr/>	
1.1 Motivation for research	2
1.2 Research questions	4
1.3 Scope of work, challenges and uncertainties	4
1.4 Thesis outline	5
1.5 Terminology	6
2. Background	7
<hr/>	
2.1 Defining child adoption	7
2.2 Iran and child adoption	8
2.3 Marriage and fertility rates in Iran	9
3. Theory	11
<hr/>	
3.1 Discourses of childhood	12
3.1.1 The pre-sociological child	12
3.1.2 Sociology of childhood	15
3.2 The socially constructed child	15
3.3 The role of law in constructing childhood	17
3.4 The mediation of law between the state and child adoption	18
3.4.1 Orphans, law and the Iranian society	19
3.5 Discourses of “innocence” and “the best interest”	20
3.6 Relevant perspectives from influential novels in the Iranian literature	21

3.6.1	“A stone upon a grave”	22
3.6.2	“The child of others”	23
4.	Methods	25
<hr/>		
4.1	Methodology	25
4.2	Research design	27
4.3	Research method	27
4.3.1	Document analysis	27
4.3.2	Rationale for document analysis	30
4.3.3	Cons and pros of document analysis	30
4.3.4	The complimentary use of literature review	31
4.4	Data selection	32
4.4.1	Selection method	33
4.4.2	Role of intertextuality in finding appropriate texts	34
4.4.3	Legal documents about child adoption	34
4.4.4	Religious documents about child adoption	36
4.4.5	Social documents about child adoption	37
4.5	Data analysis	38
4.5.1	Rationale for thematic analysis	39
4.5.2	Definition of thematic analysis	40
4.5.3	Stages of thematic analysis	41
4.6	Reflections on validity and reliability	45
4.7	Research ethics	46
5.	Findings of document analysis	49
<hr/>		
5.1	Islamic aspects of child adoption	49
5.2	Legal aspects of child adoption	53
5.2.1	Exclusive laws about child adoption	54
5.2.2	Supplementary laws about child adoption	56
5.3	Social aspects of child adoption	58
5.3.1	Characteristics of a contemporary Iranian family	59
5.3.2	The role and importance of children in contemporary	

Iranian family	62
5.3.3 Iranian families' perspectives on raising a non-biological child	63
5.4 Summary of findings	64
6. Discussion	67
<hr/>	
6.1 Child adoption in Islamic doctrine; a genuine hindrance or a misperception	67
6.2 Legal mediation: from assertion to actuality	68
6.3 Child adoption in the Iranian law; in whose best interest?	70
6.4 Social stigmatization against infertility and no physical resemblance	72
6.5 Fear of the future: raising children of "others"	75
7. Conclusions	77
<hr/>	
7.1 Recommendations and the way forward	80
7.1.1 the missing voice	
Bibliography	85
<hr/>	
Laws	92
Websites	93

1. Introduction

The title of this study, “*Children Of Others*”, is inspired by a novel of the same title by the famous contemporary Iranian novelist, Jalal Al. Ahmad. The story reflects on how traditional Iranian families may face raising a non-biologic child in its almost worst-case scenario. It tells the story of a boy who has no blood-ties with only one of his caretakers and therefor not considered as the “parent’s child” but referred to as “*the child of others.*” This title represents the boundaries of child adoption in the current Iranian society, which is substantially influenced by religious beliefs as well as the religiously influenced legislations.

Child adoption, or the arrangement of placing a child who has no caretakers within a new family, is believed to secure the best interest of the child as well as the society. Article 20 of the UNCRC certifies this matter. The article notes child adoption as an *alternative care* and *in the best interest of* a child who is temporarily or permanently deprived from a family environment (United Nations, 1989). Indeed, it has been of little dispute that all children around the world should enjoy a birthright to be cared and loved by a family. It is meant that by adoption, those children who are distanced from a family life can enjoy this right in the same way as children who live with their biologic family (March and Miall, 2000). Furthermore, child adoption is often considered as a sustainable solution for the involuntary childless couples who wish for having children (Ibid).

Relying only on dry statistics, it can be observed that the path that leads to finding a place inside a family for a parentless child is not evenly practiced in different parts of the world. In the more developed countries child adoption is considerably popular, i.e. in the US, about 53,549 out of 427,910 children from foster care system entered to permanent child adoption in 2015 (see: Census and Children’s Bureau 2015, 2016). While on the other side of the world, there are both socially and legally originated obstacles, which have so far not succeeded in promoting adoption to the western standards. In the Islamic Republic of Iran, for example, there are only 230 to 300

children in compare with 250,000 children without caretakers who can make their way to a family from the childcare centers each year (Mehr news agency, 2016).

However, the scarcity of child adoption should not be simply interpreted as the lack of empathy or awareness for such an important need of a highly vulnerable minority in the society. Instead, the roots for the infrequency of child adoption must be searched through the interwoven social, legal and even religious backgrounds. My endeavor in this master thesis is therefore focused on exploring some of the main social, legal and religious contexts of child adoption.

From the perspectives of the sociology of children and childhood, there is an understanding of childhood as a socially constructed phenomenon (James et al. 1998). I would also argue that Iranian childhood, like any other form of childhood in this world, should be considered as a socially constructed matter. Nevertheless, perhaps the *western model* of child adoption simply would not work for the Iranians unless their very social as well as cultural characteristics are truly understood.

1.1 Motivation for research

Child adoption in Iran is not as popular as it should be, with respect to the country's relatively large population, exposure to natural disasters and road accident casualties. As a seismic country, Iran has experienced several severe earthquakes in the past that have left numerous children without parents (Saloor and Salari, 2015). Likewise, Iran stands among countries in the world with the highest number of casualties from road accidents (Montazeri, 2004). The frequency of natural hazards and road accidents in addition to the usual rate of mortality among Iranian population contributed to a considerable number of children who lose their parents each year. According to the general director of the Behzisti organization (the state organization responsible for children welfare), more than 250,000 children without caretakers lived in Iran in 2015 (Mehr news agency, 2016). This number highlights the importance of facilitating adoption as a solution for reducing the social as well as economic costs of governmental

caretaking for parentless children in Iran.

Although the number of adopted children shows a 30% increase in 2016 compared to 2015 in Iran, this number is still relatively low. Only about 250 to 300 children were subject to foster parenting or “adoption” in 2016 (Ibid). In the meantime, the statistics show an increase in the rate of infertility among Iranian people (Abbasi-Shavazi, 2002) and consequently posing child adoption as a potential solution for involuntary childless couples. From the children’s best interest perspective, the importance of placing a parentless child within a family environment should not be underestimated. Child adoption must be seen as a system for securing the physical and psychological wellbeing of children (Northway, 2015).

On the other hand, it is observed that the recent increases in demand for child adoption have happened only a couple of years after a major revision in the respective laws and legal procedures for child adoption in Iran. In 2013, the Iranian Parliament passed “*The act of supporting children without or with inadequate caretakers*”, which tempts to facilitate the related procedures in a more practical way. I argue that this observation could form a reasonable basis for the need for understanding the legal, as well as social aspects of adoption and its deterrents. Indeed, since both the Iranian society and legal system are inherently interwoven with Islamic laws and values, the possibly religious roots of this issue should inevitably be considered as part of the bigger picture.

Nevertheless, a review of the literature suggests that the past academic work on the social as well as legal boundaries of child adoption are not sufficiently reflecting the immediate needs of the community. Contributing to the closure of this gap could therefore enlighten the Iranian community, academia, the local government, and not the least, humanitarian NGOs who actively work for strengthening child adoption in Islamic countries. The present work aims at identifying the greatest hindrances to child adoption in Iran by studying the social, legal and unavoidably religious aspects of this complex problem.

1.2 Research questions

The main research question I would like to answer in this research is formulated as:

- *What are the social and legal boundaries of “child adoption” in Iran?*

The complimentary research questions are:

- *Does Islam prohibit child adoption and if so, how does this prohibition affect the desirability of adoption in the Iranian society?*
- *Does Islam consider any alternatives for children without caretakers?*
- *How is child adoption defined in the Iranian legal system?*
- *How are children without caretakers seen and presented by the legislations?*
- *How do Iranian laws provide the best interest of children without caretakers?*
- *How do the specifications of Iranian society affect willingness of child adoption?*
- *Do special characteristics of Iranian families or importance of children/childbearing play a role?*
- *How do religious, legal and social factors collaborate to shape boundaries for child adoption?*

1.3 Scope of work, challenges and uncertainties

The information resources chosen in this study vary from books, articles, and official legal sheets to novels, and websites. The relevance to both the topic and the research questions were the critical factor for this choice. Also, a number of literatures were adequately reviewed to gain a real insight upon the subject of my research.

A considerable effort was put on translating the Iranian legal texts to a simple, comprehensive English text, so it can be understandable for the readers of this thesis. The very complicated technical nature of these texts and the lack of translated versions of

them made this attempt very challenging for me. As a former law student and a legal counselor, I presume myself as someone with sufficient skills to efficiently utilize these laws. So, relying on my knowledge, I tried my best to present these laws in an explicit and coherent language, however considering the results as flawless would be beyond unreasonable.

I conducted the research while living in Norway, albeit the study has focused particularly on the Islamic Republic of Iran. All given discussions and findings are therefore only applicable to the Iranian society. However, it is hoped that results of this research provide the readers an (even very limited) insight into this particular issue in all similar Islamic countries.

All Persian documents used in this research are also rigorously translated manually by myself, who have no knowledge of professional translation, and therefore not to be considered as errorless.

In addition, Iran is a vast country with an enormous ethnical, lingual, religious as well as cultural diversity. This variety makes it incredibly wage to speak of the whole Iranian society as a homogeneous community. Therefore, the upcoming study is based on a general deduction upon the Iranian society and does not include all the ethnic, religious and cultural diversities. All terms and definitions in this study are only general understandings and do not represent a comprehensive inclusion of very detailed meanings of each word in every single region of the country.

1.4 Thesis outline

This thesis is written in seven chapters. The first two chapters, *introduction and background*, are aimed at presenting information about my research motivation and research questions, and provide basic knowledge on my research topic. The next chapter, *theory*, presents the theoretical foundations of this research. Chapter 4 explains the method I used for conducting this research and extensively describes multiple stages of the study. In chapter 5 or the *findings of document analysis*, I will present the analysis of my research and summarize it at the end. In chapter 6, I will discuss these findings in

order to answer my research questions. Chapter 7 is dedicated to *concluding, highlighting and summarizing* this study and its main findings in addition to *recommendations for future work*.

1.5 Terminology

An orphan: a child deprived by death of one or usually both parents (Merriam-Webster Dictionary, 2017). In Iran however, an orphan mostly refers to a child who has lost his father.

Biologic child: one's natural child (Merriam-Webster Online Dictionary, 2017). A biologic child is conceived by natural parent, and therefore carries genes from the parent.

Biologic parents: one's natural parent, the woman who gave birth to a child or the man who is related by birth to a child. Also called birth parent/parents of origin (Merriam-Webster online Dictionary, 2017).

Child adoption: is a process whereby a person assumes the parenting of a child and in so doing, the child settles within a new family and enjoys the same rights such as inheritance and affiliation, as a biologic child does (Adoption Encyclopedia, 2017)

Child's Caretaker: one that gives physical or emotional care and support (Merriam-Webster Dictionary, 2017). In this research, it means a person who provides physical and emotional care for a child.

Children: every person under the age of 18 years (United Nations, 1989).

Kafalah: an Islamic alternative care option for children deprived of parental care (O'Halloran, 2009b).

2. Background

I begin this chapter by a brief explanation about the term *child adoption* that I repeatedly use in this study. In addition, a quick introduction to Iranian society, as the geographical context of this study and the history of child adoption in this country will be presented. Finally, I will provide brief information about the marriage and infertility rates in Iran due to its relation to the matter of child adoption and further discussions in following chapters.

2.1 Defining child adoption

Child adoption is a complex social phenomenon, closely tied to characteristics of each society such as religion and economy (Miall, 1996). Thus it is impossible to capture a definition, which includes the broad meaning of adoption in every society. The best solution could be to define adoption based on its legitimate functions. In legal terms, adoption means:

“...a legal method of creating an artificial relationship between the child and one who is not the natural parent of the child analogous to that of parent and child...”(O’Halloran, 2006c, p.8).

As said by O’Halloran (2006c), although adoption existed long before it acquired its essence as a legal foundation, it can only be properly understood when observed in a particular social context in which its legal functions are practiced.

By conceptual interpretation though, adoption addresses the voluntary act of adopter; to protect, maintain and promote the nurture of a child, at least till the time of adulthood is reached (Ibid). In this regard, the child is brought into the adopter’s family environment with all the implications a biologic child acquires such as family name, assets, and kinship. But this new relationship remains artificial and based on a legal correlation. The parent-child relation here is upon social agreements, shaped and legitimized by law and not by natural biologic procedures. The act of adopter puts

alternatives to birth relationship and leaves to time to create a mutual emotional bonding between the new family and the adopted child (Ibid).

In recent decades, the traditional reasons for child adoption have replaced by new intentions. On the contrary to the past, in which child adoption was motivated by things like a need for an heir, need for a bigger and stronger family size, need for the work force or as O'Halloran says "*extra pair of hands*" (O'Halloran, 2009c, p.9), it shapes today mostly upon psychological and emotional motives (Ibid). Indeed, the main intention of many families who adopt a child is fulfilling the mutual need of love for both parents and child, giving a proper and safe family life to a child and experiencing the unique feeling of parenthood. So based on the mutual benefits of a successful adoption, it can contribute to securing the best interest of both society and children (March & Miall, 2000).

Nowadays, child adoption as a social construct has the same definition among modern countries. This is because this similarity helps to address the similar problem in the legislation language of countries practicing this matter (O'Halloran, 2006c). Besides, child adoption today is being practiced in various forms. I avoid giving an explanation to all kinds of child adoption, as it is irrelevant to the aim of this study. What I mean by the term child adoption in this thesis is referring to a general process whereby a couple undertakes the parenting of a child and in doing so, transfer all rights and responsibilities, along with filiation to that child as they may do to a biologic child.

2.2 Iran and child adoption

The Islamic Republic of Iran (which from now on will be mentioned only as Iran) is located in the North-West of Asia and population of the country is about 79,4 million in 2015 (Statistics Center of Iran, 2016).

The official language of the country is "Farsi" but the variation of local languages and dialects in Iran exceeds 75 in total. Islam is the official religion of the Iranian people, pointed clearly in the constitutional law, and about 90% to 95% of the population adhere

the “Twelve Shia”^{*} (Ibid).

In the ancient non-Islamic Iran, especially in the Sassanid’s period (from 224 to 651 AD) child adoption was a common practice. In that era, adopting a child was based on sacred ideological beliefs of people. Zoroastrians (the dominant religion at the time) suggested that the child is the “*gatekeeper of heaven for his parents*” and those who have no children cannot go to heaven after death (Tavasoli-Naieni, 2010). Child adoption therefore was a solution for childless couples to make their way to the heaven.

The conquest of Iran by Islam (637–651) led to the end of the Sassanid Empire and the eventual decline of Zoroastrians. The prohibition of child adoption in Islam caused abolishment of this institution in Iran and as historical evidences show, Iranian people never practiced child adoption ever after as much as they used to before the introduction of Islam (Ibid).

In 1979, the Islamic revolution in Iran has led to replacement of the Persian monarchy with an Islamic republic. The new Islamic government came to power and the parliament established a new constitution with an emphasis on Islam as the prevailing religion in this country. Besides, all legislations in Iran have to be compatible with Islamic teachings including those about fostering or parenting a non-biologic child.

Today, child adoption is not a frequent practice among Iranian people and in none of the titles or the contents of official legislations in this country the exact term of *child adoption* can be noticed.

2.3 Marriage and fertility rates in Iran

Families in Iran have undergone serious changes in last few decades. One of the major changes refers to a sharp and constant elevation in the age of marriage (Azadarmaki and Bahar, 2006). According to the general director of the Department of Statistics and Population Information, in 2015, among the total number of 685,352 marriages, which officially registered in one of the marriage offices in the country, the

^{*} A Muslim branch believing in 12 Imams after the prophet and that the last Imam lives on occultation.

average age of marriage was 28.5 for men and 23.8 for women. Besides, about 11.6% of men who married in this year were over 35 and 15.9% of women were over 30 (Tasnim newspaper, 2016). This increase is more considerable compared to only three years earlier in 2012, when the average age of marriage between men was 27.8 and women was 23.1 (Ibid).

Along with an increase in the age of marriage, comes a noticeable decline in the fertility rate among Iranian families. As statistical studies show, the fertility rate dropped from 7.0 births per woman in 1979 to 1.9 births per woman in 2006 (Ibid). In 2016, this number announced as low as 1.72 per woman (Alef news agency, 2017).

Regardless of various factors contributed to these challenges, the given statistics reveal a drastic change in family life in Iran. Today, people marry at an older age and bear fewer children by choice or by the force of mother of nature (Abbasi-Shavazi, 2002., Abbasi-Shavazi et al., 2009). This remarkable change in forming and functioning of Iranian families highlights the importance of scientific discussion about child adoption and endeavor for improving conditions under which infertile or childless couples can adopt children.

3. Theory

This chapter deals with theoretical underpinnings of the issue of child adoption in the Iranian society, supported by the new sociology of childhood. I will begin the discussion by talking about various discourses about childhood. These discourses are divided into two main categories; the pre-sociological and sociological (James et al, 1998).

The incentive for explaining pre-sociological child, in which the child is seen as a biologic individual, is its strong influence on posterior discourses and on the way the children are pictured today in many societies (Proto, 2009). The pre-sociological notions about childhood such as *innocent child* still affect the child, as the subject of this study. Besides, the pre-sociological discourses assist us to realize the deep-rooted incentives of various attitudes toward children, specifically in the context of adoption and law making. I will later discuss, how enactment of regulations upon adoption in Iran is affected by pre-sociological discourses of childhood.

Next, I will discuss how law, as a societal regulatory mechanism, can shape the social construction of childhood. This will be elaborated by explaining the cooperation between law and states in formulating child adoption in general and also in the context of Iranian society. In the end, I will discuss two of the dominant discourses about child adoption, namely the *innocent child* discourse and *the best interest* discourse.

I should define the term *discourse* here since I use it frequently throughout this study. According to Montgomery (Montgomery, 2003, p.47), a discourse is:

“a whole set of interconnected ideas that work together in a self-contained way, ideas that are held together by a particular ideology or view of the world”.

Each discourse has its particular knowledge base, hypothesis and explanations about how the world works (Ibid). From a constructionist’s point of view, I will examine discourses to achieve how phenomena are understood, since discourses are “...tools by

which we comprehend the social world, take action and construct ideas” (Røsand, 2016, p.13).

3.1 Discourses of childhood

The perception related to children has changed through the centuries, as well as the societies changed. In the mainstream of sociology, from almost absence of studies on children in mid 70’s to children being center of attention in sociology of childhood in 90’s, we observe a gradual but steady change toward understanding children and childhood (James et al, 1998). Various perspectives upon children lead to the rise of various discourses. These discourses consequently contributed to the birth of new multiple methodological approaches to research on children. The new sociology of childhood have framed the different discourses upon children and provided insight in how these discourses have literally shaped our current conception of them.

Childhood in general is understood as either a biological phenomenon of life, emphasizing how human beings develop physically and mentally, or a modern noetic idea, invented under sociologic theories. The discourse of childhood, present the way the notion of childhood is embraced in societies (Montgomery, 2003).

James, Prout and Jenks (James et al, 1998) point at the first theories about childhood as an onset for viewing childhood *outside* the social context in which they reside, so they are called pre-sociological theories. The pre-sociological child models have their roots mostly in developmental psychology, biology, and anthropology (Ibid).

These discourses then affected the modern idea about socialization, developmental psychology, law and policy making for children in both national and international contexts. Also, they are partially authoritative and debated today by modifying the way the children are taught and treated (Montgomery, 2003).

3.1.1 The pre-sociological child

The evil child discourse: The child characterized by this model is potentially evil or wicked and in need of being controlled and disciplined by adults to be a god-abiding citizen in the future (Ibid). The philosopher Thomas Hobbes (1588-1679) is known for

his believe in children as sinful and being born as anarchistic creatures, who is the responsibility of their parents to constrain these attributions through punishment and discipline (Ibid).

Within this discourse two main issues can be observed; the importance of parents (or adults) in controlling and shaping children's life and the child's body as the primary site of the childhood. Through the contemporary criminology, public moralization and new debates over educational strategies we may see some reflections of this discourse (James et al, 1998).

The innocent child discourse: this second pre-sociological model of childhood stands against the evil child by representing the child as pure at heart and a virtually angelic creature (Montgomery, 2003). In this romantic perception, which has supported by the writings of Rousseau (1712-1778), children are regarded as naturally innocent and if their innocence is corrupted by society, they are viewed as "having lost their childhood" (Ibid).

By the romantic theory, the status of the child is promoted to an *individual* with *needs* and *desires* and even *rights*; a person who is worthy of *defense* and *protection* in case of its well being been in jeopardy (James et al, 1998).

The innocent child model is a better adjustable model to what we conceive of childhood now and in the modern world; as seeing children as free human beings who their innocence must be nurtured and protected from abuse and spoilt (Ibid). This attitude will later assist us to discover two main discourses about child adoption, namely "*child protection*" and "*the best interest of the child*".

This pre-sociological discourse has been the foundation of new strategies in Western pedagogy system in which the child is the center of education and the provision of nurseries and kindergartens (Ibid).

The immanent child discourse: a radically different view about children has been shaped by this discourse as seeing them as creatures with no prior knowledge about the world. Children like tabula rasa, a blank paper, are born without any ability of understanding or reasoning (Montgomery, 2003). On the contrary of sentimentalized

innocent child of Rousseau and the evil child of Puritans, the tabula rasa theory, pioneered by John Locke (1632-1704), argues that children are born with no qualities such as evil or goodness. However, because of their potential capability of learning, through the right guidance and right sort of experience, they could develop to rational adults (Montgomery, 2003).

This notion, offered by John Locke is “ *The earliest manifesto for child-centered education through a delicate cocktail of idealist assumptions and empirical stimuli*” (James et al, 1998, p.17).

The naturally developing child discourse: within this discourse, which originally comes from developmental psychology, childhood is considered as a sequence of developmental stage, common to all children. The forerunner of this theory, Jean Piaget (1896- 1980), sees children as pure biological creatures with a “... *grand potential to become not anything, but quiet specifically something*” (James et al, 1998, p.17). Children born with sensory-motor intelligence, passes the developmental stages of childhood to become fully rational adults. Although criticized by modern developmental psychologists, the Piaget’s model of naturally developing child give us a rigid empiricism and deep-seated positivism to our contemporary understanding of childhood (James et al, 1998).

The unconscious child discourse: this theory presents children as “adults to be”, the evolutionary people and those need to be completed after all (James et al., 1998). The unconscious child, opened up by Sigmund Freud (1856-1939), sees childhood as a platform for adulthood and believes that deviant adult’s behavior is attributed to poor relationship with parent in childhood. The idea of immanent child and evil child can be marked in some developmental stages of Freudian theory (Ibid). The idea of children as human becoming, presented by unconscious child discourse, is still influential in modern society.

The review of these five pre-sociological discourses of children highlights the complex pattern of illustrating childhood in the past and today. Although constantly

argued and criticized, these models still inform everyday practices and actions toward children, as well as providing modern sociological discourses about childhood (Proto, 2009).

3.1.2 Sociology of childhood

On the contrary to pre-sociological child discourses, the sociology of childhood introduces a new paradigm for perceiving children (James and Prout, 1997). This new paradigm presents “*an actively negotiated set of social relationships within which the early years of human life are constituted*” (James and Prout, 1997, p.7). The main characteristics of this new paradigm is a shift toward seeing children from immature biologic creatures to variables of social analysis which can never be detached from other variables such as ethnicity, culture, class and gender (Ibid). Besides, the sociology of childhood observes childhood as a structural term or as constituting a particular structural form, which is understood in relation to other dominant groups in the society. According to Jens Qvortrup, “*the idea of childhood as a constructive part and a distinct form of any society’s social structure is central in order to capture the sociological meaning of childhood*” (Qvortrup, 2002, p.46).

Despite the existence of other approaches in which childhood is constructed sociologically such as *the tribal child* or the *minority group child* (James et al., 1998), the two discourses of children as *socially constructed phenomena* and *social structural* are highly dominated within the new sociology of childhood. To be brief, I avoid talking about the last one and directly guide you to the first, *the socially constructed child*, according to its relevance to the subject of this study; child adoption.

3.2 The socially constructed child

The socially constructed child model aims to present childhood as a cultural component of the society. Various studies approve a variety rather than a single or universal childhood, so the social constructionists deny the existence of any universal *fact* about children and argue that ideas about children change because they are

dependent on their social, cultural and historical context. A basic principle of social constructionism is that there are multiple ways of observing social phenomena such as childhood (Montgomery, 2003a).

According to James and James (James A. and James A.L. 2004), childhood is a life stage, common to all children; however, this stage is at the same time fragmented by the diversity of children's everyday life. That is to say, childhood is a developmental life course, specified by physical and mental progress, but the way this life course is interpreted is highly dependent on cultural and historical facts.

“ Childhood varies with regard to the ways in which concepts of child-specific needs and competencies are articulated and made evident in law and social policy, as well as in the more mundane and everyday social interactions that take place between adults and children” (James A. and James, A.L., 2004, p.12).

Here, I should mention my position within this research as a person who will draw on social constructionism and the idea that childhood is a socially constructed phenomenon.

First of all, in my study I will relate to ethnical boundaries, social norms and cultural specifications of the Iranian society. Iranian childhood, like any other form of childhood in the world, is only identified within the social context and as a result, no universal fact can be referred to it without considering its very particularities.

Secondly, “family” is an essential topic when discussing child adoption which is also a socially constructed institution, created by deliberate social choices than assigned by biology (Fisher, 2003).

Thirdly, “adoption” itself is socially constructed as well; it is a form of kinship, which is not based on biology, but legal and social relationships (Miall, 1996). This sort of parenting is a response to social demands for forming a family and is valued differently from one society to another, based on social norms and public principles. Child adoption raises vital questions about the impact of race and ethnicity, social class and gender, on how families are shaped and how they function (Andersen and Collins, 2012, Maybin and Woodhead, 2003). Besides, social support or social stigma plays

important role in formation and continuity of child adoption. That's why many sociologists consider adoption as a socially constructed phenomenon (Miall, 1996).

Finally, "law" as another important component of adoption is socially constructed and plays important role in constructing childhood socially (James, A. and James, A.L., 2004). The way the child is socially constructed is noticeably influenced by law because of law's naturally specifications of precisely formulating, disposing and explaining the structural framework of the society. These characteristics lead to particular constructions of the notion of childhood and the child. Besides, law defines the dynamics of relation between state, family and children in the social context (Ibid).

3.3 The role of law in constructing childhood

According to James & James (2004), law is a key factor in the process of social change. It is therefore essential to the "*..production, regulation and the reproduction of childhood over time*" (James, A. and James, A.L., 2004, p.64). Since the *childhood change* appears over time and causes public concern, the law can be used to construct specific childhoods as a form of "*social ordering and reordering*" (James, A. and James, A.L, 2004, p.64). Law, as a form of legitimacy, has the power to establish various regulations about children. It is by law that we understand the key aspects of relation between adults and children in each society, or how childhood is practiced or defined as well. And through law we see how societies not only define but also regulate childhood and protect (or not protect) the children's rights within national context (Ibid).

When it comes to constructing childhood socially, law plays an important role; it represents the key parameters of childhood; the age that childhood ends, age of mandatory schooling, age of marriage and etc. in each and every society (Ibid).

Moreover, law provides a protecting mechanism for children in difficulties. By defining the vulnerable individuals, which need to be protected, law therefore addresses the essentialities of assisting these groups and articulates the helping procedures (Ibid).

Hence, as James and James (2004) argue, two of the main functions of law for children are: its role in *constructing childhood* in societies, and its *protective efficacy* on

children specifically the vulnerable ones. These two functions may assist us to understand the dynamic between the state and child adoption in next discussion.

3.4 The mediation of law between the state and child adoption

When dealing with adoption, law plays an important role. It is because law notices the subjects of child adoption, the orphans or parentless children, in a bold manner. As said above, law has a protective mechanism especially when it comes to vulnerable children or children in difficulties. In between, children who are deprived from a family life or *orphans* are considered as the most vulnerable ones (James, A. and James, A.L, 2004).

There is no consensus on the definition of *orphan* among societies, however, a child who is without one or both biological parents, or whom his/her parents are no longer available or willing to take care of him is usually defined as an orphan (Ennew, 2005). Although not in similar proportions, orphans exist in almost all societies. In Africa, the AIDS affected children who lose their parents constitute a considerable number, which calls on international treaties for immediate act; besides, children become orphan due to armed conflicts, terrorism, or natural hazards, or simply under *normal* circumstances, everyday and all around the world (Ibid).

In her article "*Prisoners of childhood: Orphans and economy dependency*", Ennew (2005) argues that orphans are considered as a burden to states. They are economically dependent on state, in needs of care and support, and vulnerable to social traumas since they are out of their place; their real families. They are labeled as harmed and pitiful because they have lost *protection* of those they *belong* to (Ennew, 2005).

As a response to this, in each and every society dealing with parentless children and orphans, law regulates social normative for supporting and protecting them. As said above, law has a strong normative function and it defines and regulates social realities

(James A. and James, A.L., 2004). When there are no caretakers, law usually puts the responsibility on *states* for supporting orphans both socially and economically (Ennew, 2005). In international law we also observe established standards for orphans; article 3,9,10,20,21,25 of the UNCRC clearly addresses these children and talks about the duty of states to set up initiatives to ensure their well being (United Nations, 1989). But the strategy the states take when dealing with the orphans, varies considerably from one country to another, based on economic, geographic, cultural and religious variations. Institutionalizing orphans in orphanages, extended kin, foster parenting/foster homes and child adoption are solutions for states to shift the economic burden of orphans to third parties (Ennew, 2005, Barton and Douglas, 1995).

So, what is ascertained by this argument is the mediation of law between the state and child adoption. This is by law that the responsibility of orphans is put on the states' shoulders and this is by law that the state shifts this responsibility to a third party, as it happens in child adoption.

3.4.1 Orphans, Law and the Iranian society

In the Iranian society orphans have always caused serious social and economic issues for the state. As a country with a high number of road accidents and a place in which natural hazards such as earthquakes and floods cause extensive human damages, parentless children have gradually formed a considerable portion of the Iranian population. Although no very accurate number is available, it seems like about 250,000 orphans are under the direct support of the state in Iran (Mehr news agency, 2016).

But as it is expected, the Iranian legal system considers these children and practices its protective function upon them through various legislations. The necessity of protecting parentless children by state is clearly addressed in the most effective and executable law in Iran; the "Constitution". Article 21 mentions that the state is responsible to guarantee the protection of rights of women and parentless children from all aspects of life (Constitution of Iran, 2017). In addition, ratification of a set of laws under the name of "*the act of supporting children without caretakers, 1975*, (Act of support, 1975) and "*the act of supporting children without or with inadequate caretakers, 2013*"(Act of support, 2013) are another establishments for providing rights

and well being of orphans in Iranian society. There are other various regulations in Iran in which orphans and parentless children are directly and indirectly addressed as well. So in Iran like other societies, law mediates and regulates the way the orphans must be treated by the state and within the society.

Although these laws and their specifications (as the legal documents about child adoption) will be explored as part of this study in upcoming chapters, here, I would like to briefly talk about two familiar discourses of children within these legislations; first, the *innocent child* and second *the best interest of the child*. My purpose of this appointing is highlighting the way the children without caretakers/orphans are pictured by Iranian lawmakers. This understanding will consequently contribute to a better understanding when talking about the legal boundaries of child adoption in nearby discussions.

3.5 Discourses of “innocence” and “the best interest”

In Iran two broad concepts of *innocence* and *best interest* have been pivotal to the construction of childhood. Considering children as pure and innocent groups and consequently as defenseless and vulnerable to exploitation and abuse brought this general concept that children are worthy of protection by adults. The innocent child notion built regulations of children’s lives through laws and practices, in which the state is responsible for ensuring proper protection of children’s well being (Ballucci and Dorow, 2014).

Along with protectionist ideology, in which the vulnerability of children is the bedrock of concern, comes the *best interest* of the child discourse. That principle is operated through the philosophical assumption of *parens patriae* (fathers of people), with an emphasis on children as worthy of protection and support. However, when adults as producers of protection are deciding on behalf of children, they must always promote best interest of children and puts their interests in priority of their own interests (Ibid).

Although very sensible, these two discourses have their downsides as well. The innocent child idea justifies extensive intervention of states in all matters concerning children “...aimed at ensuring productive citizenship and the good society” (Ballucci and Dorow, 2014, p.42). Moreover, the best interest discourse can legitimate the states

to confiscate the rights of children under the name of promoting their best interests. Achieving a consensus on what is actually the best interest of the child is highly problematic in practice and gives authority to states to translate their political preferences and oblige them to children under the name of the *best interests of the child* (Montgomery, 2002b). According to Ballucci et al, “ *The ‘best interest’ concept is indeterminate, involves normative decisions and is thus a kind of ‘juristic black hole’*” (Ballucci and Dorow, 2014, p.43).

In the context of child adoption the two concepts of protection and best interest are even more bolded. The parentless child is an extreme form of vulnerability, so he deserves most of support and protection through legislations and by the states. Permanent or temporary placement of the child within a new family is then in accordance with providing the best interest of the child since family is known to be the most appropriate place for nurturing children (Fenton-Glynn, 2013, Maybin and Woodhead, 2003). These two notions are very obvious within Iranian legislation addressing child adoption.

Having these two discourses and their pros and cons in mind, I will elaborate them later when exploring the legal boundaries of child adoption in Iran.

3.6 Relevant perspectives from influential novels in the Iranian literature

Some of the underpinning ideas of this research are influenced by Iranian literature, specifically two famous stories of, “*A stone upon a grave*” and “*The child of others*” by well-known Iranian author, thinker and social critic, Jalal Al. Ahmad (December 2, 1923 – September 9, 1969). I found these two stories very reflective upon the way the matter of childlessness and raising a non-biologic child is seen within Iranian society since as Albrecht states, literature reflects cultural norms and values, attitudes and ideals, the common practices, and the modification of taught toward a certain matter in every society (Albrecht, 1956).

3.6.1 “A stone upon a grave”

The novel of “A stone upon a grave” (“Sangibargoori”, 2017) is inspired by the actual life of the author himself. In this novel he narrates his story of infertility and how this problem affected his life and the life of his wife. The story puts emphasis on social

and religious value of childbearing in the society of Iran and depicts the social pressure the infertile couples are imposed. Al.Ahmad tells the shame he felt for not being able to produce *an heir*, a person who *carries his family name* and who gives him and his wife the sense of *profitability*.

Later on through the story, the author tells how when they desperately seek for a child the idea of adoption pops up, by they immediately rule it out. As he says, a child, who comes from another parent or another blood cannot fulfill their desire for childbearing. The adopted child does not look neither like him nor his wife, so they never truly attach within the eyes of other people and the society. Besides, there is a religious hinder for parenting a child who is *conceived by illegitimate sexual relationship*.

Jalal Al.Ahmad is a social author, means that a great precision to the lives of ordinary Iranian people is noticeable in his works (Kaviani and Mousavi, 2001). Therefore, the novel of *a stone upon a grave* encapsulates significant realities about the culture and customs of Iranian society. The author uses the cultural metaphors[†], which are commonly used for childless couples to show his feelings and his status as an infertile husband;

“My wife and me are like two walls in front of each other without an alley in between...because we have nobody (a child) to pass this alley” (“Sangibargoori”, 2017 , p. 23)

“I am a dead-end road and after me is nothing but a headland” (“Sangibargoori”, 2017, p.19)

And again, when he and his wife want to reduce the social pressure of infertility by child adoption, these cultural matters stop him and make him to feel;

“I don’t want to reduce the shame of infertility by the shame of parenting a bastard child” (“Sangibargoori”, 2017, p.26)

By the way, the deep attention of the author of this novel to the matter of infertility and his ability to properly explanation of social attitudes toward this issue, made “A stone upon a grave” very influential for me.

[†] A figure of speech in which a word or phrase is applied to an object or action to which it is not literally applicable.

3.6.2 “The child of others”

“The child of others” (“Bacheie-Mardom”, 2017) narrates the story of a woman, a mother, who remarries and brings her 3-year-old son from his previous marriage to her new life. But his new husband does not accept the child because there are no blood-ties between him and the son and the baby is actually from another man so he is a child of *others*.

The story ends tragically and in worst-case scenario when the mother abandons her child in the street to save her marriage. She later justifies her act by giving right to her husband for not accepting a child from another man. Besides, although she feels guilty, she believes she had no other option since the society does not accept his son as his husband’s real child and it causes problems for them in the future.

The short story of “The child of others” cannot be extended to the society of Iran and all mothers dealing with similar matter. In fact, Iranian mothers, like all mothers around the world are very loving and caring to their children. But what the author intends is actually illustrating how far the pressure of society and importance of blood-ties can go.

The above-mentioned story influenced me deeply and assured me that a large portion of child-adoption barriers in Iran comes from social norms and customs.

4. Methods

The following chapter will explain how I have conducted this study by giving ample information about all the approaches and procedures I employed. The method I used was *document analysis* and I found it appropriate to explore the main religious, legal and social boundaries of child adoption in Iran within documentary resources. As complementary to document analysis method, I did literature review to improve the accuracy of findings and results of this research. In upcoming sections I first explain the theoretical foundations of this research. Then I will discuss my research design. Afterwards, the techniques for choosing and analyzing the sources and the rationale behind choice of method will be explained. The final part of this chapter is dedicated to talking about the validity and reliability and the ethics of doing my study.

4.1 Methodology

Beneath any given research lays the researcher's implicit understanding of the problem and how it should be studied. Mosses and Knutsen call this as a researcher's *methodology* and define it as a toolbox, while the content of this toolbox differs from one researcher to the other (Moses and Knutsen, 2007).

Although good and appropriate methods help researcher to do a sound and proper research, the methodology is often not much at all about the methods, but is about how well we argue from analyzing our data to draw and defend our conclusion (Perri 6 and Bellamy, 2011). So the methodology normally includes a set of theories and notions, which underlie the methods.

Along with methodology, come research *ontology* and *epistemology*. *Ontology* is defined as *the science or study of being*, and it deals with the nature of reality. The term ontology is related to a basic question of whether social entities need to be understood as subjective, meaning they should be considered social constructions built up from social actors' perceptions, or objective, meaning that they have an independent external reality (Bryman, 2008).

Epistemology is then the investigation through nature and grounds of knowledge itself. It concerns the question about what can or should be regarded as an acceptable knowledge in a discipline (Moses and Knutsen, 2007).

The ontological position of this research is *Constructivism*, which asserts that social actors are continually accomplishing social phenomena and their meanings. This ontological orientation recognizes that people may look at the same thing and perceive it differently so all the social facts we study are dependent on the observers. Observational statements however can contain bias and can be understood in different ways and even factual statements are value-laden (Moses and Knutsen, 2007).

The epistemological basis of this research is *Interpretivism*. As an interpretivist, I believe that the reality is not single but it is multiple and socially constructed rather than just objectively determined. For an interpretivist researcher, it is essential to understand meanings, motives, reasons and other subjective experiences, which are deeply bound to time and context (Hudson and Ozanne, 1988).

The research strategy I chose for doing this study is *qualitative* because in qualitative research, the aim is not only understanding the underlying reasons, motivations and opinions of people, but also the diverse phenomena in societies and cultures. Based on qualitative strategy, the world (or the reality) is not the single, fixed, agreed upon or measurable phenomenon, but there are multiple constructions and interpretations of reality that change over time and context (Bryman, 2008).

For analyzing my empirical data, I employed a *Hermeneutic approach*. The term Hermeneutic is derived from a Greek word means to interpret, to explain or translate. According to Kuckartz;

“ *Hermeneutics is the art of interpretation, the techniques involved in understanding written texts*” (Kuckartz, 2014, p.18).

The reasoning behind this was that *Hermeneutic approach* enables the researcher to elicit an in-depth understanding of the meaning of a text (Clarke, 1999). This approach accommodated the interpretivist epistemology of my study as well.

4.2 Research design

According to Bryman, a research design provides a logical structure of the inquiry and “*a framework for the collection and analysis of data*” (Bryman, 2008, p.31). A research design also reflects the researcher’s choices and priorities given to various aspects of his research process, so its purpose is then to ensure that the obtained data enables researcher to answer the initial questions of the research as clear as possible (Vaus, 2001). Figure 1 shows the process I designed and followed throughout this research.

4.3 Research method

The research method used in this study is *Document analysis*. In this method the emphasis is on the documents, which are not produced by or at the demand of a researcher, but already available and ready to be used or analyzed (Bryman, 2008). Plus, I conducted literature review along with document analysis to strengthen my knowledge upon the various aspects of this study and support my discussion. I will explain both document analysis and literature review and the way I recruited them in following sections.

4.3.1 Document analysis

Document analysis is a systematic procedure for studying or reviewing documents, in the form of printed or electronic (computer-based) data (Bowen, 2009). But since the documents vary in shape and content, when thinking about documents, we should go beyond the classical meaning of it, as simply “written texts”. Prior believes that “*documents contain texts but texts and documentation are not co-extensive*” and “*Documents should be considered as situated products, rather than as fixed and stable “things” in the world*” (Prior, 2003, p.26).

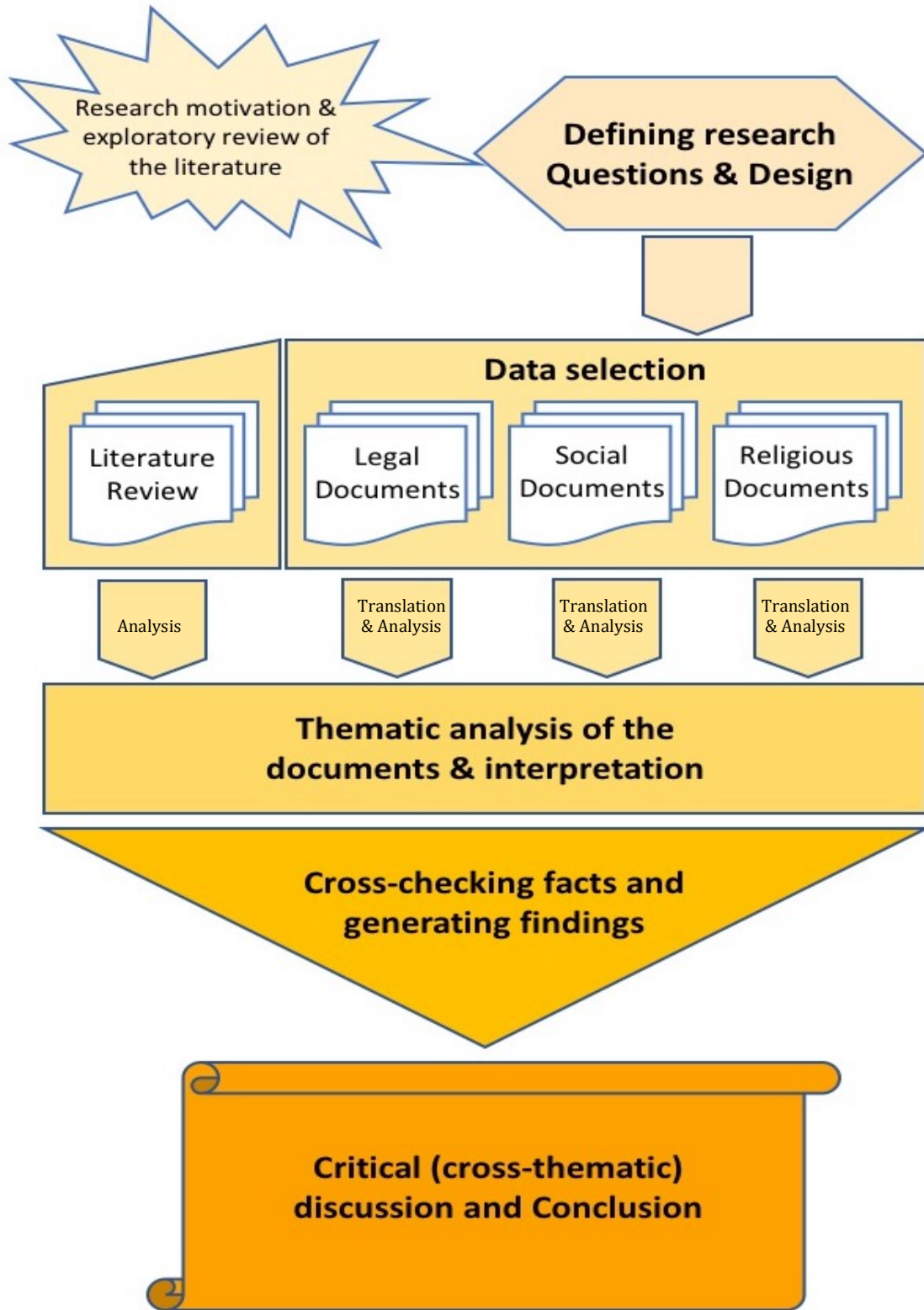


Figure 1: The process I designed and followed throughout this research.

The history of using this method goes back to 17th centuries and as a technique for interpreting the Bible. In following decades, journalists, psychologists and sociologists have used document analysis vastly. Then in 20th century and during the Second World War, document analysis employed noticeably as a system for propaganda analysis (Kuckartz, 2014). In recent decades, the document analysis has been utilized greatly in various scientific areas namely communication studies, political science, behavioral studies, social science researches etc.

In document analysis, documents are the essential source of information. Like any other analytical qualitative methods, this data will be examined and interpreted in order to gain meaning, elicit understanding and obtain empirical knowledge (Bowen, 2009). Atkinson and Coffey define document as;

“social facts, which are produced, shared and used in socially organized ways”
(Atkinson and Coffey, 2004, p.47).

Document analysis is applicable as both in combination with other methods or as a stand-alone technic when the documents are the only necessary data source or simply only viable ones (Bowen, 2009). As Bowen noted:

“Documents of all types can help the researcher uncover meaning, develop understanding, and discover insights relevant to the research problem” (Bowen, 2009, p.27).

The documents that I used in this study are a variation of books, articles, legal scripts, research reports and websites. I used these documents with an intention to gain insight upon the subject of this research and understand the social, legal and religious boundaries of child adoption in Iran. For analyzing this documents, I employed a systematic thematic analysis, while at the same time, I placed reliance on my personal

interpretation of the content of these documents as well. The procedure of collecting, analyzing and interpreting these documents will be explained in upcoming sections.

4.3.2 Rationale for document analysis

There are rationales for using document analysis in this research. First of all, my intention of doing this study was presenting some factors within Iranian society, which contributed to unwillingness toward the issue of child adoption. In this regard, I found document analysis a proper method since it could give me information about how these factors are previously counted, analyzed, criticized and presented by other authors, legal experts, scientists, sociologists etc. To me, documents, as an affluent and mighty source of information, had the potential to reflect the actualities of Iranian society and eminent some facts that could have never been achieved by doing a fieldwork or a case study.

Secondly, currently residing out of Iran, I found documents as the most reliable source of information and document analysis as the most proper method for studying the sensitive topic of child adoption.

Besides, I had a personal interest to employ document analysis as a *less commonly used method* in the mainstream of childhood studies and examine its efficiency and practicality.

4.3.3 Cons and pros of document analysis

There are advantages and disadvantages of using document analysis. As advantages, Bowen counts document analysis as an efficient method since it is less time consuming for the researcher to collect data in compare with producing it (Bowen, 2009). Besides, documents are properly available and easy to find for the researchers, thanks to the growing usage of Internet and online-libraries. In addition, in contrast to other methods, document analysis is cost-effective and provides broad coverage on the spin of time and history of an event.

But on the contrary, one of the disadvantages of this method is irretrievability of documents and when the access to documents is deliberately blocked. Furthermore, there is always a danger of “biased-selectivity”, when the personal interests and biases of researcher/organizations intentionally omit a considerable amount of documents (Bowen, 2009). However, it is stated by him that document analysis is an efficient and practical research method since its efficiency and cost-effectiveness outweighs its minor flaws (Ibid).

4.3.4 The complementary use of literature review

A literature review is an evaluation of the available literatures in a chosen topic area, which documents the state of the art with respect to the subject or topic the researcher is writing about (Webster and Watson, 2002). By doing a literature review, the researcher surveys the literatures related to the topic of research and synthesizes the information to a summary. Then, this summarized information will be critically analyzed and presented in a meaningful manner (Rowley and Slack, 2004).

As said earlier, I complimented my method of research with an effective literature review in order to support my findings and reducing uncertainties. The result of the literature review in combine with findings of document analysis made me able to maneuver more confidently when concluding my research because it compensated the constraints of document analysis and expanded my dominance upon the research topic.

Mostly when exploring the social boundaries of child adoption, an effective literature review helped me to rectify the heterogeneity of documents in this area and assisted me to build up a meaningful argument. So it is fruitful to say that when talking about social boundaries of child adoption, my main reliance was on the results of literature review than document analysis.

4.4 Data selection

Within this section, I will explain the essential requirements for selecting documents when using a document analysis method, the selecting system I employed, and related to the topic of *intertextuality*. Ultimately, I will present brief information about the documents I gathered and used in this research.

As said above, one of the advantages of employing document analysis as a method is that it is more about data *selecting rather than data collecting* as it is performed in most qualitative researches. Documents are already written and available to be used as *data* without researcher's physical interference (Bowen, 2009). However, documents are not necessarily wellspring of flawless information and researcher still plays an essential role in selecting and employing proper data. Actually, there are multiple choices, which must be made by a researcher before selecting final documentary resources (Coffey, 2014).

First of all, it is essential to make sure that all selected data are equally capable of being included in the analysis (Krippendorff, 2013). The key concept here is the relevance of documentary data to the subject and purpose of the research and evaluating if they are relatively informative for the search questions. The documents reckoned informative in this research were those who talked about the (social, legal or religious) boundaries of child adoption in Iran; those who explained how these boundaries are fundamentally shaped or emerged; and those who gave me clues about the grounded roots of this issue in the Iranian society.

Second, the researcher should attentively consider the accuracy, reliability and validity of the documents (Ibid). In order to obtain the above-mentioned purposes, I examined each document to gain enough information about the writer of the document, the genuine targeted audiences of the document and the real aim of the document, as best as I could.

Afterwards, by bearing all these in mind, I began selecting the relevant

documents. While conducting the selecting process, I used a *computerized library* for locating documentary accounts and archiving them so they can be easily found when needed. I also found having a manual research diary very helpful because all the details and the crucial information came to my mind were carefully stored there and later used in this study (Ritchie et al., 2013).

4.4.1 Selection method

Based on the subject of my research, I categorized my search for appropriate documents to three main sections as religious documents, legal documents and social documents. The selecting procedure has been done by employing a *convenience-sampling* method. The convenience sampling method is a *non-probability sampling system* in which the researcher uses the first available primary data source without additional requirements. In other words, the researcher seeks for samples wherever he finds them or is just convenient (Bryman, 2008). One of the examples of convenience sampling method is *chain sampling* (also known as snowball sampling, referral sampling or chain referral sampling) in which the primary contact of researcher with first collection of participants/samples related to research topic links him to other sets of samples. So the sampling system is highly dependent on *accessibility* and *availability* of samples (Biernacki and Waldorf, 1981). In chain sampling method, which is a multistage technic, the researcher begins with an initial sample of units to which they are repeatedly applying a given set of sampling criteria. This recursive procedure produces a series of sampling units that cause the sample to grow in size until a termination criterion is reached (Bryman, 2008).

Chain sampling method is the most practical technic when the researcher is looking for a particular subject within literatures. Here, researcher may start with a recent text, notes its references, examines the cited work of their references and so on. Underlying idea of this method is the *intertextuality* (Ibid).

4.4.2 Role of intertextuality in finding appropriate texts

Intertextuality is the relationship between texts, especially literary ones. Atkinson and Coffey argue that “*documents do not construct systems or domains of documentary reality as individual activities, but they refer to other realities and domains and also other documents*” (Atkinson and Coffey 2004).

The analysis of documentary realities therefore must look beyond separate texts and ask how they are related. Like any other system of signs and messages, documents make sense because they are related to other documents (Ibid).

As said above, intertextuality is the core idea of chain sampling since all the documents make sense in relation with other documents and literatures. The network of scientific references is just one example, which can be used in chain sampling. In accordance with the chain sampling method, I searched through the available documents and checked all the references to get linked to the others. The criteria for choosing the documents were as earlier mentioned, their relevance to my research questions and subject of this study. After choosing each, I checked the references of documents and their citation numbers until I gained a certain amount of valuable texts. This process continued until no new related references were found since chain sampling naturally ends whenever the process generates no new references (Krippendorff, 2004).

No specific timeframe were set when selecting the social documents. However, the most recent documents have been chosen first to reach the purpose of intertextuality in this study.

Next, I will give an overview of the documents I used in this research in three sections of legal documents, religious documents and social documents.

4.4.3 Legal documents about child adoption

By legal documents in this study, I mean a valid document concerning the legal matter of *child adoption, fostering/foster parenting and children without caretakers*.

The legal documents/legislations in Iran are those ratified by the parliament of

Iran, certified by the Guardian council as compatible with Islamic teachings, signed by the president of Iran and published by the Official Newspaper Of The Islamic Republic Of Iran to be known as *binding public documents* (Tavasoli-Naieni, 2010).

For finding the most appropriate documents, I searched through the archives of the research center of the parliament of Iran and the Official Newspaper Of The Islamic Republic Of Iran with the following Internet addresses;

- <http://www.rc.majlis.ir/fa/law>
- <http://www.parliran.ir>
- <http://www.rrk.ir/Laws>

My search within these websites was based on keywords I mentioned above. However, I believed my former study of law and my experience of working with legislations and legal terms helped me to find the appropriate legal documents without any considerable difficulty. After searching and finding an acceptable bunch of related legal documents, I decided to divide them to two main categories. First, those legal documents who exclusively dedicate to the matter of child adoption or fostering/foster parenting and secondly, the documents ratified for other purposes but partially address this matter in one or some articles. My biggest challenge when working with these documents was translating them to a simple and explicit English. The very complicated technical texts of these documents are not easily understandable for non-Iranians and people having no legal knowledge. Therefore, what is presented in this study is a simple and coherent explanation of these laws, based on the author's personal effort and translation skills. Here comes an overview of these documents:

Exclusive legal documents (Translated by Author)

- The act of supporting children without caretakers, 1975, (Act of support, 1975).
- The act of supporting children without or with inadequate caretakers, 2013, (Act of support, 2013).

Supplementary legal documents (Translated by Author)

- Constitution law of Islamic Republic of Iran, 1980, (constitution law of Iran, 1980).
- Legal bill of establishment of Behzisti organization, 1980, (Legal bill, 1980).
- The Law Of Securing women and children without caretakers, 1992, (Securing Law for W.CH, 1992).
- The act of permission to the Islamic Republic Of Iran to join the United Nation's Convention on The Rights Of The Child, 1994, (Act of permission, 1994).
- The Law of forming the structure of Iranian welfare system, 2004, (Welfare system, 2004).
- Charter of rights and responsibilities of women in Islamic republic of Iran, 2004, (Charter of rights, 2004).

4.4.4 Religious documents about child adoption

In order to explore the religious boundaries of child adoption, I limited my document to only one book, *The Holly Quran*, which is the most important religious book of all Muslims and the main reference of Islamic laws in Iran.

My intention for restricting the variation of religious documents to only one book was my limited skills of extracting religious notions from religious texts. So I decided to incorporate studying this document with a vast literature review alongside to compensate this limitation and gain the best possible result.

Through exploring the Quran, I searched within the various *Verses* talking about *child-adoption* or *foster parenting* and carefully read the valid and famous translations of these verses in both my own language, Farsi, and also in English.

After finding the most relevant verses within Quran, I reviewed the literatures discussing these verses and also literatures talking about the matter of child adoption and its history in Islam. These literatures were searched within university's library or by online search engines like Google scholar. The *chain-sampling method* has been employed when looking for appropriate literatures.

4.4.5 Social documents about child adoption

When talking about *social* documents in this study, I mean the text documents in the form of articles, journals, and literatures, which are selected and used to understand the *social boundaries* of child adoption in Iran.

I decided to search for the related documents about the social boundaries of child adoption within the context of *family* life and with focus on understanding the structure of Iranian families, its main functions and role and importance of children in these families. The reason for this choice is the importance of family, as the most fundamental segment of each and every society, which reflects the manners, norms, and structure of the society in a small scale (March and Miall, 2000). Moreover, child adoption finds its place first within a family and then introduces to a bigger environment as society. So the bedrocks of all attitudes and perceptions, and consequently the fundamental social boundaries of child adoption must be first searched within family context (Goldberg, 2001). There are more reasons for this choice, which will be discussed when explaining the findings of this study. The main keywords that I searched for were:

- Family structure, types of families and family change in Iran
- Importance of children, role of children in family life
- Biologic child Vs. non biologic child
- Childhood, childbearing and infertility in Iran
- Parents, legal guardians and kin

I conducted my search for appropriate documents by utilizing the chain sampling method through on-line and printed resources. This process took a considerable amount of time, since for each document I had to carefully investigate the validity, purpose of the document, its informative structure etc. I found recruiting the *intertextuality* concept as a guide for gathering a meaningful amount of documents a helpful procedure. My endeavor of this process contributed to collecting all necessary documents which could built my discussion upon.

4.5 Data analysis

In this section I will try to explain the process of analyzing and interpreting my empirical data. I started the data analysis procedure by seeking for the most appropriate method, which fits well my gathered data. This job then turned to be very confusing because there are several methods that were partially fit but intricate in practice. The particular characteristics of the documents that I was about to use such as their variations in languages, tenors and forms made finding a suitable method difficult.

Bryman names three possible approaches when analyzing documents as; *qualitative content analysis*, *semiotics* and *hermeneutics* (Bryman, 2008).

I recruited a *Hermeneutic approach* for analyzing my empirical data because this approach puts emphasis on *interpretation of data* and is “*originally devised in relation to the understanding or interpretation of texts and of theological texts in particular*” (Bryman, 2008. P.532). The hermeneutic approach is best match when the epistemological orientation of a research is *Interpretivism* since the core idea of this approach is seeking for understanding the meaning of a text from point of view of its author (Ibid).

The hermeneutic approach is a technique, which embraces ambiguity. As Kinsella states, “*A hermeneutic view resists the idea that there can be one single authoritative reading of a text and recognizes the complexity of the interpretive*

endeavor”(Kinsella, 2006, p.9). Therefore, a hermeneutic approach is open to the unclear nature of textual analysis (Ibid).

Kuckartz addresses five important rules when applying hermeneutic approach. First, the researcher must gain a good knowledge upon the conditions under which the text was created. Secondly, in order to understand a text, the entire text must be read and understood. Thirdly, researcher must consider the hermeneutic differences, which means we all understand a text through an interpretive approach that is highly individual. Forth, the researcher needs to reflect upon own preconceptions about the research question, and finally, researcher must pay good attention to the place that topics and themes appear within the text (Kuckartz, 2014).

While doing the analyzing procedure, I tried to apply all the segments of a hermeneutic approach. But along with pleasant advantages of this approach, I found it comprehensive and imprecise in some parts. For example, when the themes are found within the texts, what should I do with them? Surprisingly, the hermeneutic strategy does not give very straightforward answer to this question but ask the researcher to employ specific methods for fulfilling this demand.

4.5.1 Rationale for thematic analysis

I considered two analyzing method in plausible harmony with hermeneutic approach, namely *qualitative content analysis* and *thematic analysis*. When reading the specifications of these two methods, it seemed like there are overlaps between them. They both are widely used as *detailed systematic analysis tools* for textual data and searching for themes and patterns within the documentary sources (Vaismoradi et al., 2013). “*It seems that both content analysis and thematic analysis share the same aim of analytically examining narrative materials from life stories by breaking the text into relatively small units of content and submitting them to descriptive treatment*” (Vaismoradi et al., 2013, p.3).

I personally found both methods transparent in structure, user-friendly and suitable for use of an inexperienced researcher like myself. All the stages of these two methods from preparing the data until reporting phase are noticeably similar. However, it seems like qualitative content analysis is a more *systematic* method for both qualification and quantification of data within texts and therefore more suitable when the researcher requires employing a double-dimensional method while the thematic analysis is purely qualitative and very *flexible* in nature (Ibid). The most advantageous factor of thematic analysis is its considerable *flexibility*. The flexible nature of thematic analysis offered me an opportunity to conduct an analysis process, matched with the heterogeneous nature of the documents I was about to analyze. In fact, the nature of utilizing thematic analysis is very researcher-oriented, so I could adjust this method with my own theoretical positions and values related to research (Braun and Clarke, 2006). Moreover, thematic analysis focuses on how categories relate, fitting well with interpretive orientation of my research.

Trine Røsand in her master's thesis admits the above-mentioned argue. She explains that when comparing these two methods, the thematic analysis seems more flexible and accessible and in more harmony with hermeneutic approach. She also finds the thematic method simpler when employed by a fresh researcher. As she says, "*being a novice researcher and doing the study alone, thematic analysis can be a useful method for figuring out analysis. The method seemed to give me a more accessible and flexible approach to analyzing*" (Røsand, 2016, p.43).

4.5.2 Definition of thematic analysis

Thematic analysis is a method for analyzing, identifying and reporting themes within data in a minimally organized manner (Braun and Clarke, 2006). A theme "*captures something important about the data in relation to the research question, and*

represents some level of patterned response or meaning within the data set” (Braun and Clarke, 2006, p.82).

Regardless of controversy over the general name of thematic analysis, this technique has been proven by many qualitative researchers to be very practical when using documents as the main source of information (Kuckartz, 2014). In fact, thematic analysis is a member of a broad family of analyzing techniques which works “*by identifying themes in the data that capture meaning that is relevant to the research question, and perhaps also to making links between such themes*” (Schreier, 2012, p.18).

4.5.3 Stages of thematic analysis

There are various phases for doing thematic analysis method. Braun and Clarke argue that some of the phases of thematic analysis is similar to other qualitative research (such as qualitative content analysis), but can be utilized exclusively for each method too (Ibid). In this section, I will explain how I conducted thematic analysis process and how I customized its flexible nature in accordance with my research purpose.

➤ *Familiarizing with the data*

The thematic analyzing process normally begins with *familiarizing with the data* (see Braun and Clarke 2006, Kuckartz 2014, and Shreier 2012). As Braun and Clarke noted;

“... it is vital that you immerse yourself in the data to the extent that you are familiar with the depth and breadth of the content.” (Braun and Clarke, 2006, p.87).

Soaking into the data requires *repeated-reading*. This multiple readings result in a circular process. However, it does not mean going back to the starting point. Instead, a progressive understanding of the text will be developed (Kuckartz, 2014).

I started familiarizing myself with the data by *repeated-reading* through the documents I collected in the selecting phase and reviewed them for multiple times to get proper knowledge upon my research topic. I focused much on understanding these documents because I was supposed to *interpret* them later through the analyzing process.

In this phase, I again ruled out some of those documents that I found irrelevant or not appropriate for further studying. I also made notes and highlighted the interesting sections and relevant ideas of the document in this phase or further investigation.

➤ *Searching for themes and thematic reading*

After acquiring an acceptable understanding about the topic and content of collected documents, I searched for specific themes within them by *thematic reading*. By theme, I mean all sections, paragraphs or concepts in the documents that could help me capture some knowledge upon my research question and build up a discussion upon (Schreier, 2012).

➤ *Defining and refining themes*

The next phase after highlighting relevant themes, was *defining and refining* them. As Braun and Clark mention, defining and refining themes mean “*identifying the ‘essence’ of what each theme is about (as well as the themes overall), and determining what aspect of the data each theme capture*” (Braun and Clarke, 2006, p.92). Here, I reorganized the themes I highlighted before and define which meaning or what contribution they have to my research question. Figure 2 is an example of what I have done so far.

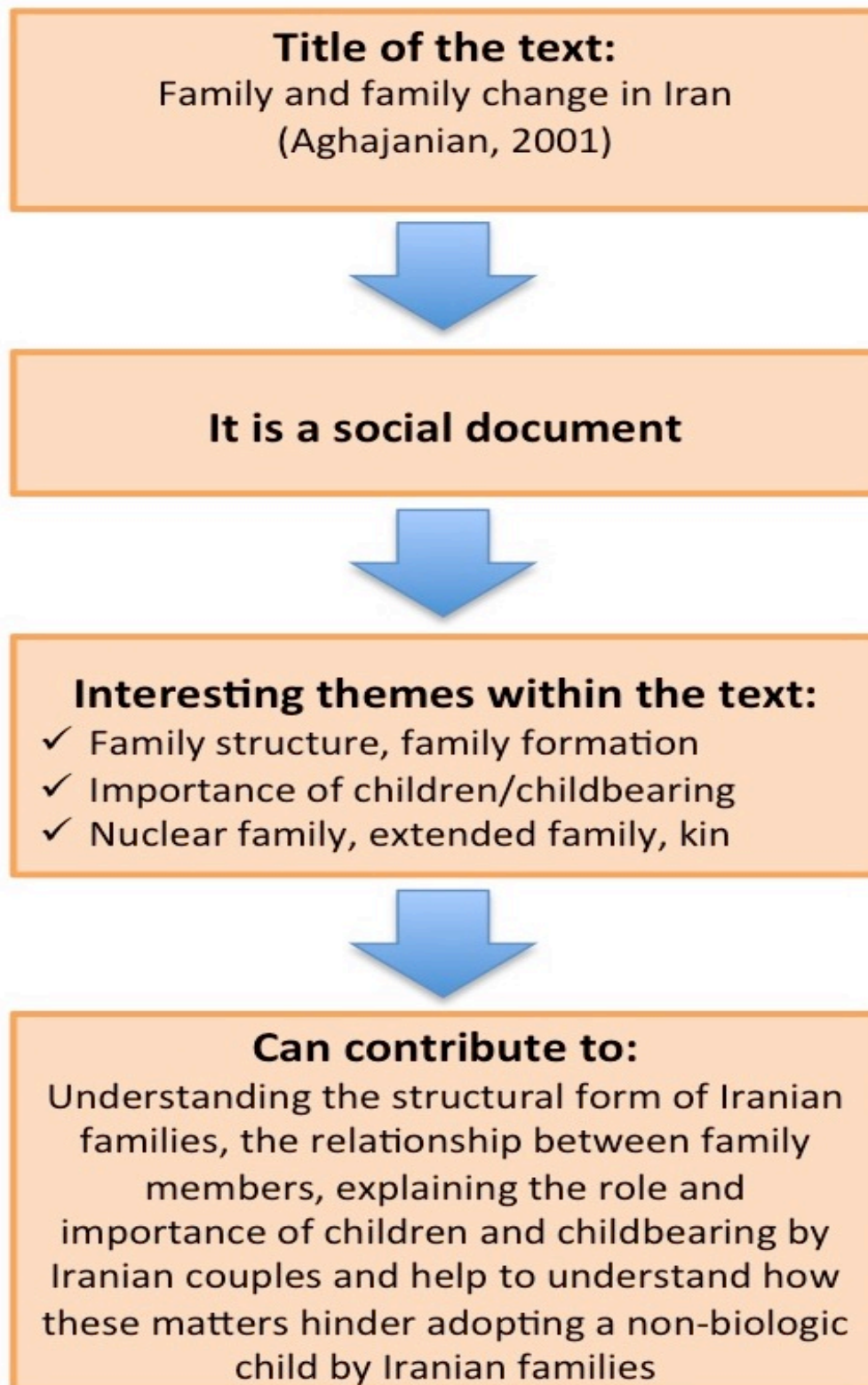


Figure 2: An example for extracting findings from the relevant documents inside each theme.

➤ *Finalizing, interpreting and producing results*

The last phase of thematic analysis is about summarizing data, finalizing themes and interpreting the finalized findings to meaning and results (Schreier, 2012).

I began this phase when I was sure that my essential themes were fully worked-out and I was ready to write a thematic analysis, which could tell the complicated story of my research and contribute to meaningful answers for my research question.

In the phase of finalizing data, I summarized and wrote my interpretation of the content of each theme under three categories in a chapter called; findings of document analysis. My biggest challenge for conducting this phase was *interpreting* the very vast and heterogeneous materials I was dealing with to a concise, coherent, logical, non-repetitive and interesting account (Braun and Clarke, 2006). To obtain this goal, I put most of my endeavors to learn how to *interpret* my data properly by reading a lot about the art of interpretation and its basic requirements. For interpreting my data I had both *empathic* and *suspicious* approaches meaning that I was about to extract both meaning manifested clearly by material and the hidden meaning within the material (Schreier, 2012).

After interpreting my data under three categories of religious, social and legal aspects of child adoption in Iran and summarizing, I was ready to build up my discussion and conclude my study.

➤ *Cross-thematic approach*

The discussion was built on a cross-thematic approach as I compared the findings from each theme (namely, religious, legal and social) with the other two themes and looked for similarities as well as contradictions. The resulting titles, as presented in the discussions chapter attempt to highlight and summarize the findings of such comparison. The reason for doing this cross-thematic approach was showing the interwoven nature of boundaries of child adoption in Iran and the way they are affecting each other.

4.6 Reflections on validity and reliability

There are three significant criteria for evaluating the social research namely, *validity*, *reliability* and *replication* (Bryman, 2008). In this chapter I discuss the first two issues and not the third one since replication is not applicable to this study.

Validity and reliability are present topics in almost all quantitative researches, while they receive less attention when it comes to qualitative studies. In qualitative research instead, validity, trustworthiness or consistency are discussed under the name of *credibility* or *transferability* (Golafshani, 2003).

There is no compromise among social scholars upon the methods under which the validity or reliability of a research could precisely be achieved or examined. Indeed, some believe a firm set of factors must constantly be present for evaluating a research as valid or reliable. On the contrary, some others argue that regardless of confirmed criteria for appraising the quality of a research or a publication, in each case, the researcher must pay attention to the specific nature and purpose of his research and determine which factors make it valid or reliable (“Ali and Yusof, 2012). I personally agree with the second opinion and in this regard, I was profoundly concerned to figure out specific elements, which give acceptable quality to this research.

One of the issues I noticed considerable was the role of the researcher in a document based research. Brink counts the researcher as a danger to validity and reliability of a research because the “data-gathering instrument” in a qualitative research is usually *researcher* himself (Brink, 1993). While selecting and analyzing data, I found that the quality of the results is highly dependent on the reliability of me and my skills of interpretation. Moreover, I must take many factors into consideration in order to build up as much objectivity as possible.

I could not find any simple resolution for this problem. Instead, I tried to train myself to be unbiased. I made several trials of reading and analyzing the documents before beginning my analyzing phase and tried to estimate my weak points. I also found

transparency about the research methods as a key to validate my research results.

Furthermore, I was deeply concerned about the documents I translated from their original language Farsi, to the dominant language of this research, English. Obviously I am not a skilled translator and I was cautious while expounding the case, the genuine meaning will be lost. *“Language differences may have consequences, because concepts in one language may be understood differently in another language”* (Van Nes et al., 2010, p.313).

The technical language of the legal documents, which is rigid and hard to understand even for native Farsi-speaking people, and the noticeable amount of narratives and metaphors in social documents were a big concern for me. Metaphors vary from culture to culture and are language-specific and consequently very difficult to translate to another language in a way to make exact same sense (Polkinghorne, 2007). So for improving the issue, I used multiple dictionaries to ensure I am utilizing the closest English terms in order to apprehend the genuine meaning.

4.7 Research ethics

There is not much said about the ethics of conducting document analysis research. It is perhaps because in this method the researcher mostly deals with objects (documents) rather than human beings. However, an absence of sufficient explanation does not mean these barriers do not exist. In fact, in all types of research there are some ethical considerations, as well as document analysis research.

When employing an interpretivist approach in qualitative research, there is not one single truth but multiple truths, which are highly researcher-oriented. Here, when the subjectivity is this much bolded, it would not be easy to be perfectly ethical (Bresler, L. 1995). We as human beings are born with certain characteristics and gained certain biases during the time. What we experience and marked as truth, may not be equally acceptable for other human beings. The individuality and subjectivity in qualitative research is a potential threat, which can damage the ethical outcome of a research and

limit it to personal perspectives of the researcher coming underneath highfalutin scientific names (Brink, 1993).

I had to face these ethical issues several times when doing this study. My academic and cultural background put me in situations in which I was highly exposed to biased argumentations or irrational thinking. However, I found that the reliable outcome is achievable when the researcher is loyal to research ethics.

Although the individuality is an unavoidable ethical issue of a document analysis research, when properly noticed by both researcher and reader, its negative impacts can be minimized (Brink, 1993). Giving a transparent explanation about all stages of a research accommodates opportunity for the reader to trace and examine the truth-worthiness of the research himself. So let me hope that this aim is achieved in this study.

5. Findings of document analysis

In this chapter I will present the findings of analyzing documents, obtained by a document analysis method and a thematic analyzing procedure. I have divided my findings within three main categories and this categorization is in accordance with my research question and due to an intention to give some materials to the reader to get prepared for a more in-depth discussion in upcoming chapter. In first category, I will present my major findings from analyzing documents about the Islamic aspect of child adoption. Second category will provide legal information about this issue in Iranian society and the third one is dedicated to presenting the findings from analyzing social documents. In next chapter then, I will try to tie up my major findings to provide an answer to my research question.

5.1 Islamic aspects of child adoption

This sub-chapter provides information about how the issue of child adoption is seen through Islamic beliefs. Figure 3 illustrates how religion stands out in interaction with societal and legal boundaries to adoption. As said earlier, Iran is an Islamic country and Islamic regulations are highly respected and practiced by Iranian people specifically in matters concerning family life. Child adoption is one of these matters, and consequently my study will be faulty if I skip exploring the Islam's position toward this issue.

The world of Islam consists of various nations and cultures. From North Africa through middle, South and South-East Asia, we find a variety of wholly Islamic countries to those with significant Muslim populations. In some countries such as Saudi Arabia religion and government are closely intertwined, while in some others such as Tunisia and Jordan a modern codification of Islamic teaching is

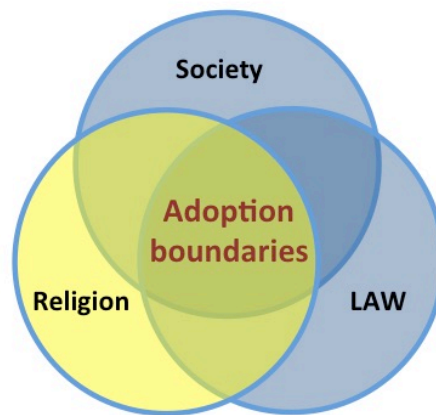


Figure 3: Illustration showing how religion, law and the society interact and contribute to adoption boundaries.

exercised (O'Halloran, 2006b). The purpose of explaining this is to avoid being misled by Islam's world geography. Having a huge Muslim population or being wholly an Islamic country does not mean coherence in laws and cultures (Ibid). In case of family law however, Islam has rigid limitations affecting almost all Muslims regardless of wherever they are located. Family life, lineage and parentage are important topics in Islamic doctrine (Fernea, 2014, O'Halloran, 2006b).

Searching about pre-Islam Mecca shows a tendency among Arabs for adopting children from other Arab tribes and nurturing them as their own children. These children gain complete characteristics of a biologic child; enjoying their adopted fathers names and inheriting from them after death (Fernea, 2014). Child adoption in ancient Arab's period (*Jahiliat*) was mostly due to socioeconomic reasons since having more children (especially males) have been considered as more war soldiers, better work force and someone who carries the father's name and continues the dynasty (Ibid). The most famous orphan in Islam history is prophet Muhammad himself, who raised by his grandfather and uncle after his father's death (Ahmad, 1999).

But after the emergence of Islam (in the early seventh century), formal child adoption became clearly forbidden by Islam's holly book, Quran. The case of Zaid b, Haritha and accordingly revelation of Surah Al-Ahzab dictates this avoidance:

Verse 4, Al- Ahzab, Quran :

"..nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allah says the truth, and He guides to the (Right) Way."

Verse 5, Al-Ahzab, Quran:

"Call them (adopted sons) by (the names of) their fathers that are more just with Allah. But if you know not their father's (names, call them) your brothers in faith and

*Mawalikum**. And there is no sin on you if you make a mistake therein, except in regard to what your hearts deliberately intend. And Allah is Ever Oft-Forgiving, Most Merciful.” (Translation of Surah Al-Ahzab, 2017).[‡]

The above-mentioned verses are known as the main ground for forbiddance of child adoption in Islamic tenet. Child adoption, in the manner it was practicing before, became obsolete.

By the way, regardless of the non- recognition of child adoption by Quran, minding orphans and children without guardians are highly advised in Islam. There are considerable amount of verses in Quran, which repeatedly ask Muslims to be kind and supportive to orphans. Treating orphans with dignity and care is rewarded heavenly and ignoring or destroying their properties is a sign of immorality and decadence (Assim, 2009). Moreover, prophet Muhammad was an orphan himself and was known to be very kind and merciful to parentless children. In the word of the prophet “*I and the person who looks after an orphan and provides for him, will be in Paradise like this’, (putting his index and middle fingers together)*”(Assim , 2009, p.41).

Moreover, despite the fact that Islam does not accept child adoption, there is a system of guardianship (*Kafalah*), which stands somewhere between foster-parenting and adoption. In fact, Kafalah is the voluntary commitment of parenting a minor, and providing maintenance for him the same way parents do for their biologic child (Assim , 2010).

Pursuant to Islamic Kafalah, a family can take an orphan or a child without caretakers in and look after his emotional and physical needs, but unlike adoption, the child is not entitled to get the family name or inherit from the new family since these matters are only viable by biologic birth (blood) or marriage (Ibid). Kafalah is seen as primarily a gift of care and not a substitute for lineal descent for parentless children (Ibid). Moreover, unlike foster-parenting, Kafalah is a permanent arrangement, which

* Free slaves

establishes foundations for guardianship of a child without making the lineal ties, so from many aspects Kafalah is similar to child adoption. In Kafalah, the legal bond between the child and his *family of origin* is still available and the child deserves inheritance from his biologic family. For those children who their family of origin is unknown though, parents in Kafalah can assure the financial well being of the child by leaving up to one third of their property after death (Ibid).

Kafalah is broadly practiced in the world of Islam. According to its popularity and similarity to the Western notion of child adoption, international conventions about children such as UNCRC mention Kafalah alongside with adoption and foster parenting. In this regard, Kafalah is a solution for children deprived from a proper family environment. According to the article 20 of the UNCRC (United Nations, 1989).

- 1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.*
- 2. States Parties shall in accordance with their national laws ensure alternative care for such a child.*
- 3. Such care could include, inter alia, foster placement, **kafalah of Islamic law**, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background (United Nations,1989).*

5.2 Legal aspects of child adoption

The information I will present in this chapter come from a hierarchical investigation within Iranian legal documents, which wholly or partially address the issue of adoption, foster parenting or children without caretakers. Figure 4 shows how laws contribute to adoption boundaries.

Due to the complexity and multiplicity of these laws, I categorize them to two main parts. First, I explain those legislations which exclusively devoted to child-adoption and secondly, I present laws in which the matter of children without caretakers are partially stated.

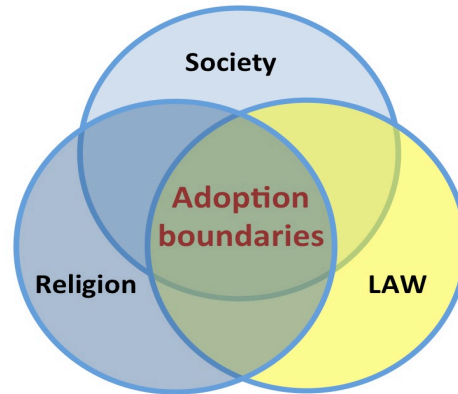


Figure 4: Illustration showing how law, religion and the society interact and contribute to adoption boundaries.

5.2.1 Exclusive laws about child adoption

There are two major sets of laws, which can be referred as laws with an exclusive dedication to the matter of child adoption in Iran; “*The act of supporting children without caretakers, 1975*” (Act of support,1975), and “*The act of supporting children without or with inadequate caretakers, 2013*” (Act of support, 2013). But surprisingly, neither in the title, nor in the content of these laws, the term *child adoption* cannot be noticed. Indeed, the lawmakers have used other terms such as *supporting* or *fostering* to describe the act of raising a child by a non-biologic family. I present the main content and highlighted elements of these laws in this section. These laws are translated by the author of this research since no English version of these laws are available or accessible outside the country.

The first legal set is “*The act of supporting children without caretakers, 1975*”(Act of support, 1975) in 17 articles, which ratified by the Iranian parliament before the Islamic revolution in Iran. According to this law, under certain conditions, children without parents or legal caretakers could be placed within a new family and enjoy foster parenting. I translated and highlighted the core content of this law with the articles addressing them as following:

- Fostering a child is only possible for couples who reside in Iran (article 1).
- These couples must be married for at least 5 years and have no children of their own, have no criminal records, chronic illnesses, addiction to alcohol or drugs, and mental or psychological malfunctions (article 2,3).
- A testing period of 6 months will be set before the issue of foster parenting is finalized. During this period, the eligibility of couples for fostering will be monitored carefully by court of law (article 4).
- Since fostering constitute no right for the child to inherit, couples must provide financial support for the child in case of death of each or both parents (article 5).
- The child who is the subject of this law must be under 12 years of age, has unknown or dead parents or paternal grandparents or as those who are accommodated in orphanages or residential organizations for three years and non of their parents or grandparents referred for taking their custody (article 6).
- Court of law must decide all matters concerning fostering. When the decision finalized, the child is entitle for new IDs in which foster parents are registered as parents of the child (article 14).
- The decision about foster parenting is permanent however if certain circumstances happen, such as when the foster parents are no longer qualified for fostering, the child misbehaves intolerably, or the child reaches maturity and asks for voidance of fostering, an annulation by court of law may come to

consideration (article 16, 17).

From 1975 till the Islamic revolution in Iran in 1979 and years after till 2013, “*The act of supporting children without caretakers*” (Act of support, 2013), was the main legal foundation for fostering a child in Iran (Tavasoli-Naieni, 2010).

In 2013 however, Behzisti organization (the welfare organization of Iran) prepared and sent the primary draft of a new bill to the parliament with an emphasis on the necessity of correction, revision and up-to-dating legislations about child adoption (Ibid). After several trials of rejections and revisions, the Iranian parliament signed a new set of laws under the name of “*The act of supporting children without or with inadequate caretakers*” (Act of support, 2013) in 37 articles, which consequently revoked the previous law.

Currently, “*The act of supporting children without or with inadequate caretaker, 2013*”(Ibid) is the only valid legislation in Iran, which directly addresses the matter of child adoption and regulates placement of a child within a new family. Many of the conditions for placement of the child are exactly repeated from the previous law; however, some of the differences are evident as following;

- Not only children without care takers but those with inadequate caretakers are the subjects of this law (article 1)
- Both Iranian citizens residing in Iran or other countries can ask for fostering these children. Iran’s embassies take care of the requests of Iranian residing outside the country. A court of law in Iran will provide the last resolution (article 3,4)
- Not only couples without biologic children, but couples who already have a child of their own and unmarried women above the age of 30 are eligible of asking for foster parenting. In this regard, first come couples without biologic children and those under 50 years of age as prioritized (article 5)
- One couple can foster no more than two kids, unless they are more than two kids

who all come from same family (article 7)

- Children who can be subject of this law should be under 16 years of age, having unknown or dead parents, paternal grandparents and legal administrate, and being accommodated in one of the Behzisti's residential for no less than 2 years (article 8, 9)
- Since fostering constitute no right for the child to inherit, foster parents should provide sufficient financial supports for the child in case of death of each or both of parents. They should also convince the court of law about their ability to properly meeting the financial requirements of the child (article 14,15)
- New ID certificates for the child with the name of new parent can be asked, however, the issue of foster parenting must be stipulated in this document and also the name of parents of origins in case they are known (article 22)
- Legal authorities must permit the issuance of passport and every single traveling of the child. If traveling is during the testing period, foster parents must provide sufficient guarantee that they return the child to ran again (article 23)
- The conditions for annulation of the issue of foster parenting are those mentioned previously in "The act of supporting children without caretakers, 1975"(Act of support, 1975). However, divorce and remarriage of each of parents can be a reason for voidance of foster parenting (article 26)

In multiple articles of the latter law such as 1, 14,15, 23, 26 and 31, the *best interest of the child* has counted as the prime consideration of legal authorities ruling upon fostering. Eventually, the coverage of Non-Muslim Iranians by this law is still a matter of controversy (Tavasoli-Naieni, 2010).

5.2.2 Supplementary laws about child adoption

In addition to the laws I mentioned above, there are plenty of legislations in legal system of Iran, which address the issue of children without caretakers and point out them

as subject of extra care and legal protection.

- In the article 21 of the *constitution law*, ratified after Islamic revolution in 1980 by the new Islamic government of Iran, government is obliged to guarantee the rights and well being of women and children with inadequate care or legal caretakers.
- In the “*Legal bill of establishment of Behzisti organization, 1980*”, one of the main goals of this governmental organization has presented as supporting and giving services to children without legal caretakers (Legal bill, 1980).
- In the law of “ *Securing women and children without caretakers, 1992*”(Securing law for W.Ch, 1992), it is stated that in accordance with constitution law and in order to abolish poverty in the Islamic society, children who have lost their legal caretakers may enjoy the recreational, educational and financial supports of this law. Behzisti organization is legally responsible for accommodation and guardianship of these children.
- In 1991, Iran officially adhered to the United Nation’s Convention on The Rights Of The Child in which the duty of countries for establishment of child adoption is clearly stated. Since the Iranian parliament should authenticate the entire International conventions between Iran and other countries to become effective, in 1994 the parliament ratified the “*act of permission to the Islamic Republic Of Iran to join the United Nation’s Convention on The Rights Of The Child*” (Act of permission, 1994).

However, upon ratification, Iran made the following reservation as If the text of the Convention is or becomes incompatible with the domestic laws and Islamic standards at any time or in any case, the Government of the Islamic Republic

shall not abide by it.

- Articles 1 and 4 of the “*Law of forming the structure of Iranian welfare system, 2004*” (Welfare system, 2004), mention children without caretakers as one of the subjects of special governmental support.
- In the first chapter of second part of the “*Charter of rights and responsibilities of women in Islamic republic of Iran, 2004*” (Charter of rights, 2004), the rights of girls without parents or adequate caretakers to be fostered by their relatives or volunteer couples, in accordance with child’s best interest, is clearly emphasized.

5.3 Social aspects of child adoption

Social boundaries of child adoption could be investigated from various dimensions however; I researched this aspect mostly within text documents in the *family* context. Figure 5 illustrates how the society contributes to adoption boundaries. One of the reasons for this choice is the importance of family as the very basic foundation of each and every society, which reflects the general manner of a society in a smaller scale. As Shea and Bernard noted:

“The family has the indispensable role of providing to its members the fundamental human environment needed for their physical, moral, psychological, social and spiritual development”(Shea and Bernard, 2013, p.5).

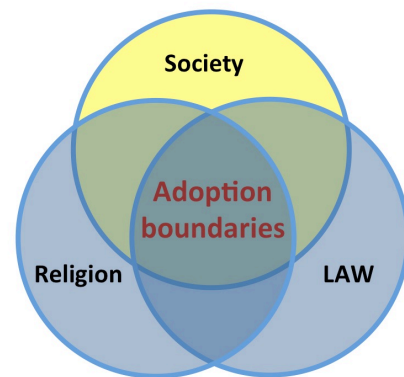


Figure 5: Illustration showing how society, law and the religion interact and contribute to adoption boundaries.

The next reason is the importance of family in sociological studies of adoption. From sociologists' point of view, family is rather a *social construction*, a deliberate matter of choice, than a matter of biologic relationship, as is the adoption (March and Miall, 2000). During the last several decades, diverse forms of families have shaped. Nowadays we find families headed by single mothers, gay or lesbian couples or families shaped by social contracts rather than biologic relations, such as adoptive families. According to Fisher:

“By sanctioning the creation of families across the boundaries of race and sexuality, adoption can stretch or even shatter the conventional model of the racially homogeneous and heterosexual nuclear units” (Fisher, 2003, p.336).

Therefore, I believed that understanding the social boundaries of child adoption can be searched best within family context. In this regard, I first decided to demonstrate a bigger picture; the characteristics of an ordinary Iranian family. Then within this image, investigate the role and importance of children as subject of this study. I added one more supplementary segment; the perspective of Iranian families toward child adoption by using the results of an interview research conducted before to maintain the mean of *triangulation*. My intention for this *top-down* exploration was supporting my hypothesis about adoption as an undesirable practice among Iranian families and consequently in Iranian society. In short, I tried to illustrate a picture in which, by understanding the specifications of the Iranian family and relationships of its members we gain an insight toward unwillingness of child-adoption.

5.3.1 Characteristics of a contemporary Iranian family

Family as an institution has always been a building block of Iranian society, together with religion. A family in Iran is known as a father, a mother and their biologic children. A couple must be married in marriage registration offices and on the basis of Islamic regulations to be officially known as husband and wife (Aghajanian, 2001). A

legally child is also the product of a legally married couple and is the beneficiary of all the legal rights including inheritance, Mahramiat (an Islamic right to be present with family members of the opposite sex in the privacy at home without any inhibitions), Nafagheh (economic support by parents), family name, citizenship etc (Ibid).

Despite similarities with other families across the world, contemporary Iranian families have their own unique characteristics. As Azadarmaki and Bahar argue (Azadarmaki & Bahar, 2006), many Iranian families are still very much influenced by their long-established manners like being remarkably male dominated.

In traditional form of Iranian families, father's status is very bolded. Fathers maintain most of the financial requirements of the family members. Unlike Western countries in which this support normally ends after separation of children, in traditional Iranian families a long-life support from fathers seems to be normal. Not only unmarried girls, but also unmarried boys live with their parents and this can be lifetime if they don't find their proper spouses or a well-paid job (Ibid).

Fathers are the ultimate decision makers in most cases relating children (Ibid). Role of women, if not totally negligible, is very limited to child bearing and doing the routine house chores. Only in rural areas, women could play a role in providing financial income by farming or making handicrafts, but this function is not again very significant (Nikpay and Pouya, 2012).

Traditional Iranian families are closely knitted and children have responsibility toward their parents as much as the parents have toward them.

Kinship relation is a substantial matter. Kinship concerns "*a collection of individuals that are related to each other based on their descendant or relationship*" (Azadarmakin & Bahar, 2006, p.595). The kinship network is very evident and intergroup marriage is one of its major consequences. The emotional and financial supportive role of kinship is very much deeper in Iranian family compared to its Western counterparts (Azadarmaki & Bahar, 2006).

Especially in rural areas, grandparents live together with their children and grandchildren in the same house. Taking care of physical, emotional and financial needs of elderlies within families is highly valued in Iranian culture (Ibid).

In spite of the fact that many Iranian families still operate much of their classical functions, they encountered many challenges ever since they encountered modernization.

The impact of modernization, which first began in 19th century and continued through the first half of the 20th century, caused an alteration in the structure of many Iranian families, especially in urban areas. This confrontation formed a new generation of semi-modern families, which although not completely deviated from their traditional manners, they practice some of the specifications of a full-modern Western family (Aghajanian, 2001).

In these families, male/father dominancy transited to the participation mode in which all family members actively participate in decision-making process and help actively the family's economy. In many families, again mostly in urban districts, women are the sole breadwinners and educated mothers came to attention as essential role players in matters relating households and children (Ibid).

The age of marriage increased dramatically and so did the number of divorce (Ibid). The increased age of marriage caused a noticeable gap between parents and children and overshadowed the close bond between these two generations. The introduction of social media, easiness of traveling abroad and access to Western culture in urban Iranian population affected some of the values especially among youths (Azadarmaki & Bahar, 2006). A transition from an "extensive" to a "nuclear" shape is slightly happening among these families, although not entirely accomplished (Ibid).

So nowadays both forms of traditional and semi-modern families can be seen in Iranian society. The first group is noticeably attached to classical customs while the second group is practicing the specifications of a modern Western family of today. The semi-modern Iranian families are actually in a transition period of changing from

traditional to a modern and consequently, many characteristics of a traditional family are still exercising by these families such as close relation with extended family or kin.

5.3.2 The role and importance of children in contemporary Iranian family

In Iranian society, children are God's gifts and the fruits of the tree of life. Their presence is expected and their absence must be explained (Aghajanian, 1988). It is envisaged by families (probably in both traditional and semi-modern forms) that young people marry at certain time and bring children in no time after marriage to complete their family and show their individual *fertility* (Aghajanian, 1988). Inability to fertility is frequently considered as a personal tragedy and a curse for the couple. Infertility carries psychological complications and can even lead to divorce (Bokaie et al., 2012). Sometimes, having a son is even more valued; it is believed that having a son shows the better fertility of father. Boys extend the family name to next generation and will support parents physically and financially when they get old. When a wish for a male child is so drastic, wives continue to bring children as long as a boy is born (Aghajanian, 2001).

In recent decades, a shift from *rural agricultural* to *industrial urban* society in many parts of the country reduced the economic value of children to parents. Since by industrialization children ruled out as work forces, their physical values replaced by emotional and psychological values (Aghajanian, 2001). While in the past children used to bring water, collect woods as fuel, weeding farm and taking care of household animals or their younger siblings, now children have no longer any contribution to family's economy in most cases. They are only receivers of financial support from parents which sometimes continues all through their lives (Azadarmaki & Bahar, 2006).

However, despite the fact that childrearing is nowadays an expensive process, couples still put high value on having children, in both traditional and semi modern families. According to a famous poetry from 13th century called Saadi Shirazi, "*Who gives teeth will also provide bread*", the God is the real contributor of children's foods so don't worry about your children having enough food since God will provide it for them.

5.3.3 Iranian families' perspectives on raising a non-biologic child

as following: I explain the perspectives of the Iranian couples to the matter of raising a non-biologic child by using the results of a research conducted by Bokaie et al. (2012). The results of this study will also be used in next chapter to strengthen my discussion about the social boundaries of child adoption in Iran and as a mean of triangulation. Unfortunately, the study does not provide very detailed information about the attitudes of participants and the answers are general and comprehensive. But I believe the results of this study can be used as an index to give insight upon the general perspectives of Iranian couples about the issue of child adoption.

According to one cross-sectional study carried out in Iran from April 2010 to June 2011 by Bokaie et al., 240 infertile couples were asked about their infertility status, as well as their opinion about adopting a child (Bokaie et al., 2012). The analysis of the questionnaires showed reluctance for adoption in about 196 couples (82% of participants). According to the results of this study, the participants claimed their main reasons for unwillingness for child adoption

- We are hoping for childbearing by new medical treatments (by 87%)
- Adoption will not solve our problem (by 65%)
- Child adoption is psychologically unacceptable for us (by 52%)
- Unknown parental history or pedigree (by 48%)
- Adoption is not acceptable in our culture (by 41%)
- Fear of future (by 32%)
- Adopted child is not similar to us (by 31%)

Despite the presence of an average level of education, the study showed that only 37% of couples did know the correct meaning of child adoption and 24% have any idea about the legal process of adopting a child (Bokaie et al., 2012).

Bakoaie et al, wrap up their research by interpreting the given results and conclude the following statement as the main barriers of child adoption among Iranian couples:

The barriers mentioned were cultural practices, stigmatization, financial implications, and technical problems. Most of the infertile Iranian couples prefer to stay even so without children or think about new treatment (Bokaie et al., 2012, p.1).

5.4 Summary of findings

By exploring through the religious, legal and social aspects of child adoption in Iran I may conclude my major findings as following;

➤ *Prohibition of inheritance and hiding the family of origin by Islam*

Through the religious aspects, what made sense for me most, was the emphasis of Islam on the prohibition of inheritance and hiding the family of origin of the child rather than fostering or parenting a child. A disagreement about using the term “adoption” must not be misunderstood by thinking that fostering or parenting a child is not allowed in Islamic teaching. In next chapter, I will elaborate these matters in their relevance with the topic of my study.

➤ *Bureaucratic legislations*

From the legal aspects, the attribution of the Iranian lawmakers to providing legal foundations for child adoption was fascinating, though in none of the Iranian legislations the term *child adoption* is directly used. What actually showed evident was bureaucratic nature of these legislations and the way the children without caretakers are seen by lawmakers. I will discuss these matters and their contribution to unwillingness toward child adoption in upcoming chapter. I will also explain how the bureaucratic legislations of Iran affect the best interest of children who need to be settled within a new family.

➤ *Stigma of infertility, no physical resemblance in society*

Finally, by exploring the characteristics of Iranian families and the role and importance of children in these families I came to the conclusion that fertility and childbearing is a primary function and an essential part of family life in Iran. I believe these two matters can lead us to gain an answer for social boundaries of child adoption in Iran, when collaborating with the result of the research of Bokaie et al. (2012). In the next chapter, I will argue how the importance of fertility and childbearing hinders Iranian couples from adopting a non-biologic child.

6. Discussion

In this chapter I will present a critical discussion on the analysis results of this study, based on the theoretical framework explained in the theory chapter. In order to find potential answers to the main research questions, I will elaborate more on these findings by comparing, criticizing and cross-checking some facts between the three main themes, being Legal, religious and social. To draw a less biased picture of the situation, I will support my arguments by examining my findings with each other and with the results of the research of Bokaie et al. (Bokaie et al., 2012). I also rely on my personal as well as professional (as a childhood researcher and a former legal expert) interpretation of the findings and assume that my knowledge in law and sociology in addition to my individual experiences as an Iranian contribute to a relatively fair conclusion.

6.1 Child adoption in the Islamic doctrine; a genuine hindrance or a misperception

Islam does not officially accept child adoption and first and foremost religious reference to this rejection originate from the holy book of Muslims; the Quran. According to various verses of the Quran, adopted children are not the Muslims parents' real children, so its better to call them by their (biological) fathers' names (Assim , 2009).

Although certain verses of the Quran clearly ban child adoption, it still advises Muslims to take care of the orphans as a religious responsibility (Ibid). Besides, the establishment of Kafalah approves the desire of Islam for setting up an institution in which the well being of an orphan could be persuaded within family context (Assim, 2009). This dualism has raised controversies among Islamic nations toward practicing child adoption and addressing this matter into their legal jurisdictions (Pollack, et al. 2004).

What I found out through my research is that the mainstream of the disagreements hoover around terminology and the way each term is being interpreted by

Islam rather than actually rejecting the right for parenting an orphan. Apart from a few exemptions such as the prohibition of inheritance and the family name of the child, no specific limitations are addressed for guardianship of a parentless child in the Islamic teaching. What is being practiced in both Islamic and non-Islamic countries have actually a lot in common but maybe in different terminology, which one is adoption and the other is *permanent fostering or Kafalah* (Assim, 2009).

The very recognition of Islamic Kafalah by the UNCRC supports this argument. As article 20 of the UNCRC mentions, Kafalah in Islamic law is a form of care for children temporally or permanently deprived from family environment and it is categorized by convention in the same group as child adoption does.

On the other hand, what Islam forbids is actually the attribution of a person's adopted child to himself, while there is a biologic relationship. The establishment of Kafalah in Islam shows that there is no disagreement about the adoption itself; but the controversy is over few specifications like *inheritance* or using the *real name of the child*. Looking for a rigid *yes* or *no* answer could lead us to a misunderstanding that adoption is totally banned by Islam. What Islam suggests is fostering orphans while not destroying the relationship of the child with his biologic parents or hiding his biological background.

It is plausible that this argument raises questions such as; what if the child has an unknown family history and no information about the family of origin? In response, I should mention that answering the entire religious questions about child adoption would require an ample research dedicated to digging through the Islamic principles and good proficiency for interpreting Islamic didactics, which is out of effort of this study.

6.2 Legal mediation; from assertion to actuality

According to my findings, there are several legislations in Iran, which exclusively

or supplementary propose a legal foundation for child adoption. But surprisingly, the term “child adoption” is not clearly mentioned in any of these legislations. The reason could be the dominance of Islamic notions in legal system of Iran and the direct order of constitution, which asks all Iranian legislations being entirely compatible with Islamic templates (Constitution of Iran, 2017).

As an Islamic country, Iran follows Islamic behests in its legal system and has a tendency to replace all “Westernized” laws with indigenous Islamic regulations (Mayer, 1987). So since child adoption is not distinctly addressed in Islam (Pollack et al., 2004), lawmakers in Iran followed the same path conservatively by not using this term in any of the related regulations.

What is considerable though is the intention of lawmakers for establishing a legal institution, which more or less provides similar position for parents and children as “the western” adoption does. The ratification of “*The act of supporting children without or with inadequate caretakers, 2013*”(Act of support, 2013) is the best example in this case. This set of laws provides the same rights and responsibilities as child-adoption do. However, the term adoption is replaced by *guardianship* or *foster parenting* (Aghajanian, 2001). This institution is permanent and the new family is made eligible to enjoy the same rights as the “real” (read biological) parents do.

So it seems like what makes child adoption infrequent in Iran is not its unlawfulness, but rather the shortcomings within the laws related to taking the guardianship of a child. Numerous conditions for couples seeking the fostering of a child make this process inefficient in practice. A quick inspection of the legislated conditions for adopting a child certifies this argument. The supposed inefficiencies in the content of the passed laws such as *requirement for legal permission before every single traveling of the child outside the country*, and a *possibility for suspension or abolishment of the guardianship in case of death or remarriage of foster parents* could severely affect the practicality of this law and may discourage couples from applying for foster parenting. Rigid conditions, strict process and legal substances which do not properly consider psychological and emotional requirements of both foster parents and children caused these laws to be rather volatile in action (khoramshahi, 2013).

In fact, the intention behind passing *bureaucratic legislations* by lawmakers may have been to reduce the *risks* that any highly vulnerable adopted child may face. However it appears to be unsuccessful in practice. The image of the innocent child, a child who is very fragile, needy and dependent on adults for support and protection (James et al, 1998), is highly evident in the language of Iranian lawmakers and the orphan child is the extreme form of this vulnerability. Through the lens of lawmakers, from one hand, this child is in need of protection and on other hand; this is the responsibility of the law, as much as is the child's right, to be properly protected from exploitation and abuse. Conversely, these *right* and *need* arguments are taxonomic since they add to the problems these children face and sometimes even exacerbate the exclusion of children from society (Atkinson and Coffey, 2004) . Overthinking about protecting the orphan child by the Iranian legislation system made the process of settling a child in a family so impractical which has lead to their further exclusion from the society

To wrap up, what I can highlight as the legal boundaries of child adoption in Iran is not a lack of legislations but rather the lack of practicality and efficiency in the current legislations. Law, as a mediator and a regulatory mechanism is supposed to alleviate hindrances and provide conditions for protection of children who are in difficulties(Montgomery, 2003b), however the Iranian laws showed to have a clear need for reconsideration in order to become more competent.

6.3 Child adoption in the Iranian law; in whose best interest?

One of the key concepts of the Iranian laws about guardianship of a child is the matter of the child's best interest. In multiple articles of "*The act of supporting children without parents or adequate care, 2013*"(Act of support, 2013) such as article, 1, 14,15, 23, 26 and 31, the lawmakers introduces the best interest of the child as the primary source of ruling. But what is the best *interest of a child*? Is it a concept relative to securing child's rights or only a tool by which the judicial system obliges its wishes to

families? There are several aspects concerning interpretation of the term *best interest of the child*.

According to Kelly (Kelly, 1997), since the concept of the best interest of the child is heavily used and rarely defined, its meaning is created individually by each person regarding each case. Explanation of this concept is normally vague, circular, in a form of clichés and in lack of consensus and harmony. What we know however is that during the centuries this expression found its meaning within specific concepts.

In the period in which children were known as *evil*, mostly in seventeenth century, the best interest of the child was considered as controlling, training and saving the child from places in which he or she may gain bad habits. Such harshness and brutality in childrearing was excused as child's best interest and in order to make him a good citizen in the future (James et al, 1998). But this perception changed through the history as the societies and the perspectives toward children changed. In modern era, the time in which children are entitled for right and agency, nurturing the child within a caring and loving environment, a family, became its *best interest* (Zelizer, 1994).

This notion is accepted by Iranian legislative system. The above-mentioned law, as a sort of placement law, is actually a response to the need of settling a child in a family. It is a compensation when the family of origin fail to provide a proper environment for the child and in fact, cannot dispense the best interest of the child (Goldstein et al., 1984).

While I do not encounter the significance of Iranian laws to safeguard the rights of children, I question the efficiency of these laws for properly meeting the parentless child's best interest. If the idea that *the best interest of the child is within family life* has been accepted, how bureaucratic legislations for foster parenting make this issue viable? Besides, a genuine best interest of the child is always through meeting both emotional and physical needs of a child (Kelly, 1997). It is therefore necessary for lawmakers to consider these matters when ruling upon the best interest issue. A pluralistic belief

among Iranian lawmakers about child's protection did not lead to a uniform interpretation of the child's best interest standards. In addition, prioritizing *protection* overshadowed other issues such as the child's psychological well being or developmental needs. As Khoramshahi (an Iranian lawyer) argues, some articles of "*The act of supporting children without parents or with inadequate care, 2013*" (Act of support, 2013) such as article 22 about stipulating the name of the original parents in the identical certification of the fostered child is inconsistent with the child's mental wellbeing (Khoramshahi, 2013).

Again, despite the problems outlined with the Iranian legislative interpretation of the best interest concept, I would like to emphasize the value of this notion and support its continuity. Establishment of a set of laws in which the matter of foster parenting is legitimized is a positive act, which shows the eagerness of the Iranian legal system toward responding the needs of orphans and children with inadequate care. What is in question is actually the *best interest standards* and especially because of its value, we need to constitute an ongoing dialogue about these standards.

6.4 Social stigmatization against infertility and no physical resemblance

My research through the social boundaries of child adoption by exploring text documents about the characteristics of Iranian families and role and importance of children led me to discovering the significance of *fertility*, *childbearing* and *blood-ties* in the society of Iran. Outright, I found that these matters could actually be some of the main social boundaries of child adoption among Iranian families.

In a society in which fertility is highly admired (Behjati-Ardakani et al., 2016), those who unable to meet this fact are considerably under pressure and so as a result, put unrealistic hope for using external assistance to be able to conceive on their own. Proverbs like "*Couples without children are trees without fruits, which better to be used as firewood*", or "*couples without children have nobody to cry and pray for their*

absolution after death” show how incapability of productivity diminish the value of couples and bring pity and compassion for their misfortune. According to Abbasi-Shavazi et al. (2005), Iranian women who are unable to naturally conceive have a deep feeling of sorrow and a thought of worthlessness since they cannot fulfill their family role and satisfy the society’s expectations of them as being a mother (Shavazi et al., 2005). In addition, when having children is the prime function and the ultimate expectation of a family, infertility can unstable family life and even contribute to separation. This separation is not always upon couple’s wish but imposed to them by constant pressure of nuclear or extended family and their statement about “if the couple divorce and remarry with other spouses, they may have a chance for childbearing” (Ibid). To signify the importance of fertility, I should add this fact that in Iranian law, infertility of each of spouses can be a sufficient reason for divorce (Vahidnia, 2007). Thus in such situation, when couples deal with social consequences of infertility, adopting a non-biologic child does not abolish the shame of infertility or decrease the social pressure and solve the couples’ problem. Therefore, although remarkably intolerable, couples still prefer childlessness and put an unrealistic hope on having biologic child rather than facing the social consequences of child-adoption (Shavazi et al., 2005).

This discussion can be supported by the results of the conducted study of Bokaie et al, (2012) presented previously in the chapter of findings. As study showed, 87% of participants (infertile couples) were still hopeful for having a biologic child by the assistance of new medical treatments rather than thinking about child adoption seriously and 65% of them stated that child adoption will not solve their problem.

In addition to the importance of fertility and childbearing, I can point to the significance of blood-ties and as I interpret it, the importance of *physical resemblance*.

In Iranian society, people still have this focus on genetic connections. Iranian society is conditioned to think that a child has to have his uncle Reza’s nose or grandma Sara’s eyes and talk these matters excitingly in their everyday life. So how should questions of whom the child looks like be handled when an adopted child has no physical resemblance with his parents or kin?

Becker, Butler and Natchigal name this interaction as *resemblance talk* and state, “*Resemblance talk is not only an accepted form of public discourse but also a societal convention that frequently serves as a departure point for conversation that reaffirms both family relationships and social relationships more generally. Akin to mapping one’s roots and ancestry, tracing the origins of the child’s physical traits ‘places the child’ in a particular position in his or her social world. Resemblance talk thus not only implicitly reinforces the assumption of a genetic link between parent and child, but also observations of resemblance among family members are understood as tangible evidence of kinship. Resemblance talk thus legitimizes the child as part of the family and is part of the process of constructing the child’s identity within the family*” (Becker et al., 2005, p.1301).

The matter of resemblance between children and their parents is deeply rooted in Iranian society as a norm, a value and a cultural signifier of *blood-ties* (Abbasi-Shavazi et al., 2009). The impact of resemblance is so important so those children who do not resemble their parents or kin are labeled and sometimes even the virtues of their mothers come to question. In this regard, couples avoid adopting a child who has no physical resemblance with his parents or kin (Ibid).

Yet, this argument can be supported by results of the study of Bokaie et al. when a considerable portion of participants (31%) showed reluctance to adoption because of not having physical similarities with adopted child (Bokaie et al., 2012).

Both these matters, shame of infertility and no physical resemblance, can be understood as *fear of social stigmatization*. Social stigmatization is disapproval of characteristics of a person that distinguish this person from other members of the society and can be attached to a person who is different from social or cultural norms (Miall, 1987). In case of child adoption, an infertile couple deals with social stigma of infertility and in this regard, find child adoption unable to vanish this burden. Lack of physical resemblance is seen similarly since it may cause exclusion or segregation of both parents and adopted child. In this regard, I can mark social stigma of infertility and no physical resemblance as the substantial social boundaries of child adoption in Iran.

6.5 Fear of future: raising children of “others”

Beside the above-mentioned boundaries of child adoption, I would like to count some more barriers to be added to them. These matters are not concluded by the findings of this research, but are mentioned through the results of the study of Bokaie et al. (2012), so I find them worthy of explanation.

The first one is the fear of future of child adoption among Iranian families. Based on the research of Bokaie et al, 32% of participants named *fear of future* as their main barrier for child adoption (Bokaie et al., 2012). To me, this fear can be interpreted into two scenarios; first, when the child finds out he or she does not biologically belong to adoptive parents and seek for parents of origin and second, when the real parents come back after years to separate this child from adoptive family. Literature of Iran is full of stories about children who face the truth about their adoption and leave their adoptive families to find their parents of origins (Farhangshenasi, 2017). In both cases fear of separation with which parents have formed a strong emotional bond with, can work as a preventative element.

Second, is the fear of unknown history and pedigree of the adopted child. As results of the research of Bokaie et al. (2012) showed, 48% of participants claimed a lack of information about history of the child or pedigree as an obstacle for child adoption. In my perspective, this refers to a fear of raising a child who is a product of illegitimacy or maybe not from Muslim parents and again presents the power of social stigma and fear of exclusion and segregation.

7. Conclusions

This study is an attempt to better understand the primary boundaries of child adoption in the contemporary Iranian society. It is hypothesized that these limitations have made child adoption as a relatively uncommon practice in Iran and the roots of this issue could have come from the social and legal constructs. Owing to the historical bindings of the dominant religion; Islam with the Islamic laws as well as the religiously influenced society, it deemed unavoidable not taking a meticulous glimpse at the religious ties of the problem as well. Based on these presumptions, I designed a study framework in order to reflect on the main research question: *“what are the social and legal boundaries of child adoption in Iran?”*

To further explore this question, I employed a document analysis method, which is a systematic way of analyzing and interpreting documentary data. I have used the Quran as the sole religious document to search upon religious boundaries of child adoption. Moreover, various legal documents such as *“the act of supporting children without or with inadequate care, 2013”*(Act of support, 2013) analyzed to gain insight upon how child adoption is explained within Iranian laws. Multiple documents have also investigated to understand the social boundaries of child adoption. These documents were mostly written upon characteristics of Iranian families, role and importance of children in these families and perspective toward raising a non-biologic child. To strengthen the findings of document analysis; I conducted literature review as complementary. Finally, a thematic analysis approach has revealed interesting insights into the way child adoption is being practiced in Iran.

The primary findings from my document analysis have directed the research towards further analysis of three main factors that directly influence adoption, namely *1-stigma of infertility and no physical resemblance, 2-bureaucratic legislations* and *3-prohibition of inheritance and hiding the family of origin*. All these identified obstacles were found to originate rather indirectly from the social, legal and nonetheless religious boundaries of child adoption in Iran. A surprisingly contradictory conclusion of this

thesis could be the fact that none of the main studied themes: being Islam and the adoption legislations have intuitively intended to prohibit or hinder the process of adoption. However, the present interpretations and simply the way they have been understood are found to be the actual culprits, which I intend to further explain here in this section.

By placing all the pieces of findings together, it is conceivable that there are many values and norms affecting the enthusiasm of the Iranian society towards adopting a child in need of caretakers. These values and norms or as Emile Durkheim states, “social facts” (Lukes, 1982), are not the product of individuals intention but the unanticipated results of human behavior or human agency. These facts resist against individuals' will; they impose power over individuals' beliefs and cannot be altered by the individuals' actions or through changes in their attitudes (Ibid). In the case of the Iranian society as found in this thesis, a plenty of social facts such as social orders, legal codes and religious beliefs are collaborating together to shape a society in which child adoption is not known as a desirable act. A bitter fact that costs the society by depopularizing child adoption, which could otherwise function as a mutually beneficial option for involuntary childless couples as well as children who are being raised far from the warmth of a family.

In the social context, the stigma of infertility and having no physical resemblance with an adopted child causes social boundaries. The norms and values of Iranian society add to the social pressure on infertile couples by making them ashamed of their incapability of childbearing. In addition, there it is a strong emphasis on obvious blood-ties (manifested as physical resemblance) between parents and children as a socially constructed value. They all work together like a domino effect that make child adoption not only as an unavailable option that fails to lift the social pressure from infertile couples shoulders, but also aggravates the hostile social stigmatization. However, fortunately enough, in the latest “*act of supporting children without or with inadequate caretakers, 2013*”, the lawmakers expand the eligibility of couples from only the infertile to those with only one child as well as unmarried women. These adjustments in

the law seem to originate from attempting to abolish the tied up meaning of child-adoption with infertility in the Iranian society (Mohammad and Ardalan, 2009).

As an Islamic country, religion beliefs are inseparable from Iranian people's life and people care about how their decisions could be approved or not by their religion. So, by prohibition of inheritance and an emphasis on the origin of the baby, religion plays a role in disproportionating child adoption with real parenting. Its fruitful to mention again that Islamic teaching put high value of caring for children without caretakers and Kafalah (or the Islamic alternative system of parenting) showed to have similar functionality among Islamic countries.

Speaking of religion and its role in popularity of child adoption in Iran could easily be mislead if neglecting their direct as well as indirect influences on the laws and regulations. As discussed earlier, the very bureaucratic nature of these laws in which multiple conditions have been suggested for fostering a child have made them incapable of effectively increasing the number of adopted children. Consequently, it has prevented the society from providing the genuine best interest of a child, which has been defined as being settled in a loving and caring family. It shall be reminded again that the legal system of Iran is highly influenced by Islamic beliefs and reflects many of Islamic rules upon most of the social constructs such as family life and therefore child adoption (Sandberg, 2011).

From my own personal point of view, the interwoven roles of religion, laws and social elements on forming unwillingness in the Iranian society upon child adoption, make it difficult to give extra weight to any of them. I believe all these three factors are closely tied up together and in constant nexus for shaping boundaries of child adoption. In this regard, promoting child adoption in Iran requires equivalent focus on religious beliefs, legislations and social factors at the same time. Interestingly enough, I began this research with strong presumptions on the idea that religion stands for the main driver for all other social as well as legal constraints. Quite conversely, I realized that none of the studied factors, especially Islam, have not only refrained from banning adoption itself,

but also strongly recognized caretaking of orphans as both humane and religiously approved acts. The only contradiction though, is found to lie within how people, in form of laws and social stigma have understood them.

7.1 Recommendations and the way forward

According to SOS children's villages USA (the largest nongovernmental organization dedicated to the care of orphaned and abandoned children across the world, founded in 1949), there are about 140 million orphan children around the world who deal with the harsh consequences of poverty, armed conflicts, labor, natural hazards, refuge and epidemic diseases (adding to this the number of those who become orphan by natural incidences!) ("Worldwide Children's Statistics", 2017.). Among all endeavors for helping these children, adoption is known as one of the best practices with high positive impact on children's quality of life.

Among countries, the United States of America, with around 137000 adoptions each year is the pioneer while no information (if not zero) of the number of annual international child adoption in Iran is available (POV, 2010). Iran is not a member of Hague Adoption Convention,1995 and does not allow fostering the Iranian children by non-Iranian citizens. On the other hand, as said earlier, around 250000 children without or with inadequate legal caretakers now live in this country that need to be settled within a family environment. This number may signify the importance of establishing new regulations, which boost the settlement of these children and help to secure their both physical and emotional well-being.

First of all, a revision to the available legislations must come to consideration. I believe this matter is the first and foremost step toward improving the willingness of Iranian society upon child adoption since legislation, as one expression of law, has the capability of setting new standards about what is right and what is wrong. So, "*once*

synthesized into an explicit and formal system of rules and regulatory mechanism, the law therefore represents a highly specialized system of thinking about social realities and their regulations” (James A. and James, A.L., 2004, p.64).

By establishing a new set of laws (or even revising the available ones), and make them closer to the actual facts of Iranian society and needs of both parents and children, we constitute a firm foundation in the society for practicing child-adoption to a higher and more efficient level. In addition, an alteration to the way the children are seen by lawmakers is required. Instead of perceiving children as dependent and defenseless creatures who only are needy of adult’s protection, they should be seen as owners of agency. So the regulations about foster parenting and adoption should provide legal bedrocks for this essential matter.

People must be informed about the available laws by various methods such as newspapers, media and public or private organizations and gain better knowledge about legal process of fostering a child. Iranian government can assist this process by allocating financial incentives for couples do foster parenting.

Collaboration between organizations and people for transforming information about the pros of child adoption can make a change through people perspective slightly and during the time. The experts in infertility medical institutions can inform infertile couples about the option of child adoption and help them to gain better insight by handing out books or brochures. All these efforts can lead to a persistent improvement in the life of those children who dream about having a house, a family and warm hands to be cuddled with every night.

So what is the way forward? An interesting topic would be a comparative study about Iran’s regulations with those countries that showed to be very successful in implementation and practicing child adoption. The outcome of this research can help the Iranian lawmakers to ratify more efficient regulations. Besides, since this thesis aimed to ‘*problem-questioning*’ rather than ‘*problem-solving*’, meaning I have put the problem itself into question (Røsand, 2016), a probable further research can be upon finding

solutions for improving the matter of child adoption in Iran.

7.1.1 the missing voice

What I would like to add as the very last paragraphs of this thesis is influence by my perspective as a student of childhood studies. New childhood studies has challenged the discourses of innocent child and best interest of the child by bringing the idea of children as *owners of rights* and as *competent social actors* (Jenks, 2005). The innocent child who was very dependent on adults replaced by a new picture of children as not entirely receivers of care, but active agents who can make a change in their lives and those around them (Jenks, 2004).

Whilst democracy has become an exquisite feature of all modern societies, the concept of children as *right holders* came to consideration, so children were known as those who actually can *possess* rights the same way adults do (Wyness, 2011). But taking possession of these rights, such as right for protection or welfare of children, turned to be so controversial in practice. A conflict especially emerges when children's right for welfare stands in front of their right for *self-determination*. If children have a right to make decisions for themselves, it could potentially go beyond adults claim that they are acting in the children's *best interest* and this conflict threatens adult's protective role so they refuse to take children's voice seriously (Ibid).

This conflict seems to become attenuated by explaining self-determination as a right for children to freely express their ideas in cases affecting their lives, even though this statement is only heard but not implemented. This notion is mentioned through conventions allocated to children such as UNCRC. Many articles such as 12,13,14 and 15 clearly talk about children's rights for forming a view and freely express that view in matters affecting the child's life (United Nations, 1989).

In case of child adoption however, it seems like the voice of the child is totally missing. Adoption, as one of the most drastic decisions that can be made regarding a child is more or less addressed in all societies 'laws, but the child's role in this process is surprisingly very much underdeveloped (Fenton-Glynn, 2013). The two concepts of protection and best interest of the child are mainstream of adoption procedure, so they overshadow other concepts such as children's right for self-determination. Even in the

UNCRC, as a convention with a wish to empower children by giving them rights, the issue of child adoption is very much identified only as a protective mechanism, so the child's voice is not valid to be asked or heard (United Nations, 1989). This is substantive about the Iranian society as well. Unfortunately, in none of the legislations about child adoption, hearing the wish and desire of the child is addressed (Fenton-Glynn, 2013).

I believe, a proper improvement within both legal and social context of child adoption is only viable when we see children as owners of voices and as individuals who can and actually should say how they feel or how they think about the important matter of child adoption. In matter of adoption, the child's voice must be heard and respected and if possible, come to a high level of consideration (of course this is about children who are old enough to generate an idea). Adults must hear children and their right for self-determination must be respected. So the best interest of the child is sufficiently provided only when the child is free to express how she or he feels when it comes to placing in a new family. The missing voice of children in legislations regarding adoption must finally be back to them, safe and sound.

Bibliography:

- Abbasi-Shavazi, M.J., Asgari-Khangah, A., Razeghi-Nasrabad, H.B., (2005). Infertility and the life experience of infertile women: a case study in Tehran: *Women Research Journal*, Vol.3, No.3, pp.91-113. Available at: http://jwdp.ut.ac.ir/article_19200_3.html (Original text and citation in Farsi).
- Abbasi-Shavazi, M.J. (2002). Recent changes and the future of fertility in Iran, paper presented at the Expert Group Meeting on Continuing Fertility Transition, *Population Division of the United Nations*, March 13–18, New York.
- Abbasi-Shavazi, M.J. McDonald, P., Hosseini-Chavoshi, M., (2009). *The fertility transition in Iran: Revolution and Reproduction*, Springer Dordrecht Heidelberg, London, New York. Doi: 10.1007/978-90-481-3198-3.
- Aghajanian, A., (2001). Family and family change in Iran: *Diversity in Families: A Global Perspective*. Edited by, Hennon C.B., and Timothy H. Brubaker, Belmont, California: Wadsworth Publishing Company.
- Aghajanian, A., (1988). The Value of Children in Rural and Urban Iran: A Pilot Study: *Journal of Comparative Family Studies*. Vol. 19, No. 1, pp. 85-97. Available at: <http://www.jstor.org/stable/41601409>.
- Ahmad, I.D., (1999). The Islamic view of Adoption And Caring For Homeless Children: *Adoption Fact Book III*, Washington: National Council for Adoption, available at: <http://www.minaret.org/adoption.htm>.
- Albrecht, Milton C. (1956). Does Literature Reflect Common Values?: *American Sociological Review*. Vol. 21, No. 6, 1956, pp. 722–729.
- Ali, A. M., & Yusof, H. (2011). Quality in qualitative studies: The case of validity, reliability and generalizability. *Issues in Social and Environmental Accounting*, 5(1), 25-64, available at: <http://www.iiste.org>.
- Andersen, M.L., Collins, P.H., (2012). *Race, Class, & Gender: An Anthology*, 8th edition. Wadsworth Publishing, Belmont, CA/ Thomson learning.
- Assim, U.M., (2009). In the best interest of the child deprived of a family environment: a focus on Islamic Kafalah as an alternative care option. LLM Degree Dissertation,

- Faculty of Law, University of Pretoria, available at:
<http://www.hdl.handle.net/2263/12678>.
- Atkinson, P., & Coffey, A. (2004). Analysing documentary realities. In: D. Silverman (Ed.), *Qualitative research: Theory, method and practice* (2nd ed.), pp. 56-75. London: Sage. ISBN: 978-1-4462-0155-8.
- Azadarmaki, T., Bahar, M., (2006). Families in Iran: Changes, Challenges and Future: *Journal of Comparative Family Studies*; Autumn 2006; 37, 4; ProQuest, available at: <http://www.search.proquest.com/docview/232581084/abstract>.
- Ballucci, D., Dorow, S., (2014). Constructing childhood at the boundaries of the nation: Chinese adoptee and refugee cases in Canada: *Childhood*. Sage. Vol.21, No.1, pp.39–55. doi:10.1177/0907568213482496.
- Barton, C., Douglas, G., (1995). Children in public care: *Law and Parenthood*. London: Butterworth, pp.468. ISBN: 978-0-521-61352-1.
- Becker, G., Butler, A., Nachtigall, R.D., (2005). Resemblance talk: A challenge for parents whose children were conceived with donor gametes in the US: *Social science and Medicine*. doi:10.1016/j.socscimed.2005.01.018.
- Behjati-Ardakani, Z., Akhondi, M.M., Mahmoodzadeh, H. and Hosseini, S.H., (2016). An evaluation of the historical importance of fertility and its reflection in ancient mythology. *Journal of reproduction & infertility*, 17(1), p.2. available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4769851/> (accessed: 4.15.2017).
- Biernacki, P., Waldorf, D., (1981). Snowball Sampling: Problems and Techniques of Chain Referral Sampling: *Sociological methods & Research*, Sage journals, Vol. 10, No. 2, pp.141-163. doi:10.1177/004912418101000205.
- Bokaie, M., Farajkhoda, T., Enjezab, B., Heidari, P., Karimi-Zarchi, M., (2012). Barriers of child adoption in infertile couples: Iranian's views :*Iran journal of Reproduction medicine*. Vol.10, No.5. pp. 429–434. Available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4169680>.
- Bowen, G.A., (2009). Document analysis as a qualitative research method: *Qualitative research journal*, Vol.9, No.2, pp.27-40. doi:10.3316/QRJ0902027.

- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology: *Qualitative research in psychology* . Vol.3, No.2. pp.77-101. Doi: 10.1191/1478088706qp063oa.
- Bresler, L. (1995). Ethical issues in qualitative research methodology: *Bulletin of the Council of Research in Music Education*, University of Illinois press, No.126. pp. 29–41. Available at: <http://www.jstor.org/stable/40318732>.
- Brink, H.I.L., (1993). Validity and reliability in qualitative research: *Journal Of The Democratic Nursing Organization Of South Africa, Curationis*, Vol.16, pp. 35-38. doi:10.4102/curationis.v16i2.1396.
- Bryman, A., (2008). *Social research Methods*. Oxford University Press, 3rd Ed. ISBN:978-0-19-968945-3.
- Clarke, J.B., (1999). Hermeneutic analysis: a qualitative decision trail: *International Journal of Nursing Studies*. Vol. 36, pp. 363–369. doi:10.1016/S0020-7489(99)00040-1.
- Coffey, A., (2014). Analyzing Documents: In Flick (Ed.), *The SAGE Handbook of Qualitative Data Analysis*. Sage, pp. 367–379. ISBN: 978-1-4462-0898-4 978-1-4462-8224-3.
- Ennew, J., (2005). Prisoners of Childhood: Orphans and Economic Dependency: in Qvortrup, J. (Ed.), *Studies in Modern Childhood*. Palgrave Macmillan UK, pp. 128–146. doi:10.1057/9780230504929_8.
- Fenton-Glynn, C., (2013). The child’s voice in adoption proceedings: A European perspective: *International journal of Children’s Rights*, Vol.21, pp. 590–615. doi:10.1163/15718182-55680018.
- Fernea, E.W., (2014). *Children in the Muslim Middle East*. University of Texas Press. Austin, ISBN:0-292-72490-X.
- Fisher, A. (2003). Still "Not Quite as Good as Having Your Own"? Toward Sociology of Adoption: *Annual Review of Sociology*, Vol.29, pp.335-361, available at: <http://www.jstor.org/stable/30036971>.

- Golafshani, N., (2003). Understanding Reliability and Validity in Qualitative Research: *The qualitative report*. Vol.8, Issue.4 pp.597–606, available at: <http://www.nsuworks.nova.edu/tqr/vol8/iss4/6>.
- Goldberg, R., (2001). The Social Construction of Adoptive Families: A Follow-up Study on Adopting Romanian Children: *International Review of Sociology*. Vol. 11, Issue:1, pp. 89–101. Doi:10.1080/03906700020031027.
- Goldstein, J., Freund, A., Solnit, A.J., (1984). The Child-Parent Relationship: *Beyond the Best Interests of the Child*. New York: The Free Press, ISBN:0-02-912200-7.
- Hodson, R. (1999). *Quantitative Applications in the Social Sciences: Analyzing documentary accounts*. Californian: SAGE Publications Ltd, pp.18-32. Doi: 10.4135/9781412983372.
- Hudson, L.A., Ozanne, J.L., (1988). Alternative Ways of Seeking Knowledge: *Consumer Research Journal*, Vol. 14, Issue.4, pp. 508–521. Doi:10.1086/209132.
- James, A., & James, A. L. (2004). *Constructing childhood: Theory, Policy, and Social Practice*. Basingstoke: Palgrave Macmillan. ISBN: 0333948904.
- James, A., Jenks, Ch., Prout, A., (1998). *Theorizing Childhood*. New York: Teachers College, Columbia University. ISBN: 978-0-8077-3730-9.
- James, A., Prout, A., (1997). *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*. London and New York: Psychology Press. ISBN: 978-1-138-81878-1.
- Jenks, C. (2004). Constructing childhood sociologically. In: M. J. Kehily (Ed.), *An introduction to childhood studies*. pp. 77-95. Berkshire, London: Open University Press. ISBN:0-335-22807-4.
- Kaviani, H., Mousavi, A.S., (2001). Psychological exploring of the novel of “Sangi Bar Goori” by: Jalal Al.Ahmad: *Journal Of Production And Infertility*. Vol.2, No.14, pp.4-13. Available at: <http://fa.journals.sid.ir/ViewPaper.aspx?id=6510> (Original text and citation in Farsi).
- Kelly, J.B., (1997). The Best Interests of the Child: *Family Court Review*. Vol. 35, Issue.4, pp. 377–387. doi:10.1111/j.174-1617.1997.tb00480.x.

- Kinsella, E.A., 2006. Hermeneutics and Critical Hermeneutics: Exploring Possibilities within the Art of Interpretation. *Forum: Qualitative Social Research*. Vol.7, No.3, Ar.19, at :<http://qualitative-research.net/index.php/fqs/article/view/145>.
- Krippendorff, K. (2013). *Content analysis: An introduction to its methodology* (3rd ed.). Thousand Oaks: Sage. ISBN: 9781412983150.
- Kuckartz, U. (2014). *Qualitative text analysis: a guide to methods, practice and using software*. Los Angeles: Sage. ISBN: 978-1-4462-6774-5 978-1-4462-8871-9.
- March, K., Miall, C., (2000). Adoption as a Family Form: *Family Relation Journal*. Vol.49, Issue:4, pp.359–362. Doi:10.1111/j.1741-3729.2000.00359.x.
- Maybin, J., Woodhead, M., (2003). *Childhoods in Context*. Chichester, UK: Wiley. ISBN: 0-470-84693-3.
- Mayer, A.E., (1987). Law and Religion in the Muslim Middle East: *American Journal of Comparative Law*. Vol. 35, Issue.1, pp. 127–184. Doi:10.2307/840165.
- Miall, C.E., (1996). The Social Construction of Adoption: Clinical and Community Perspectives. *Family Relations Journal*. Vol. 45, Issue.3, pp.309–317. doi:10.2307/585503.
- Miall, C.E., (1987). The Stigma of Adoptive Parent Status: Perceptions of Community Attitudes toward Adoption and the Experience of Informal Social Sanctioning: *Family Relation Journal*. Vol. 36, Issue.1, pp. 34–39. Doi:10.2307/584644.
- Mohammad, K., Ardalan, A., (2009). An Overview of the Epidemiology of Primary Infertility in Iran: *Journal of Reproduction & Infertility*. Vol.10, Issue.3, pp. 213–216, available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3719328>.
- Montazeri, A., (2004). *Road-traffic-related mortality in Iran: a descriptive study*. Public Health. Vol. 118, Issue.2, pp.110–113. Doi:10.1016/S0033-3506(03)00173-2.
- Montgomery, H., (2003a). Childhood in time and place, in: Woodhead, M., Montgomery, H., *Understanding childhood: an interdisciplinary approach*. 1st ed. UK: Wiley. ISBN: 0470846925.
- Montgomery, H., Burr, R., (2003b). Children and Rights, in: Woodhead, M., Montgomery, H., *Understanding childhood: an interdisciplinary approach*. 1st ed. UK: Wiley. ISBN: 0470846925.

- Moses, J. W., & Knutsen, T. L. (2007). *Ways of knowing: Competing methodologies and methods in social and political research*. New York: Palgrave Macmillan. ISBN:0230360696.
- Nikpay, A., Pouya, R., (2012). Sociology of family change in Iran: exploring legal aspect of the family support law: *Historical Sociology Journal*. Vol 4, No.1, pp.131-169. Available at: http://www.jhs.modares.ac.ir/?_action=articleInfo&article=5250&vol=1019 (Original text and citation in Farsi).
- Northway, R., (2015). The importance of family: *Journal of Intellectual Disability*. Vol. 19, Issue. 4, pp. 309–310. Doi:10.1177/1744629515607140.
- O'Halloran, K., (2009a). Intercountry Adoption and the Hague Convention, in: *The Politics of Adoption*. Springer Netherlands, pp. 129–168. Doi:10.1007/978-1-4020-9152-0_6.
- O'Halloran, K., (2009b). The adoption process in an Islamic context, in: *The Politics of Adoption*. Springer Netherlands, pp. 129–168. Doi:10.1007/978-1-4020-9152-0_6.
- O'Halloran, K., (2009c). The Legal Functions of Adoption, in: *The Politics of Adoption*. Springer Netherlands, pp. 73–100. Doi:10.1007/978-1-4020-9152-0_4.
- Paydarfar, A. (1987). Marital Fertility and Family Structure among the Urban Population of Iran. *Journal of Comparative Family Studies*, Vol.18, Issue.3, pp.389-402. Available at :<http://www.jstor.org/stable/41601431>.
- Perri 6 & Bellamy, Ch., (2011). *Principles of Methodology: Research Design in Social Science*. California: Sage. ISBN:978-0-85702-473-2.
- Pollack, D., Bleich, M., Reid CJ., and Fadel Mh., (2004). *Classical religious perspectives of adoption law*. Available at: <http://scholarship.law.nd.edu/ndlr/vol79/iss2/5>.
- Polkinghorne, D.E., (2007). Validity Issues in Narrative Research. *Quality Inquiry*. Vol. 13, No.4, pp. 471–486. Doi:10.1177/1077800406297670.
- Prior, L. (2003). *Using Documents in Social Research*. London: Sage. ISBN: 9780761957478.
- Proto, R., (2009). *Same, same but different: The perception of children and childhood in the Norwegian adoption law*. Master thesis: Childhood studies, Norwegian Center

- For Child Research. Faculty Of Social science and Technology Management. Norwegian University of Science and Technology.
- Qvortrup, J., (2002). Sociology of childhood: Conceptual liberation of children, in: Mouritsen, F. & Qvortrup, J., eds. *Childhood and Children's culture*. Odens: University Press of southern Denmark, pp.43-78.
- Ritchie, J., Lewis, J., Lewis, P. of S.P.J., Nicholls, C.M., Ormston, R., (2013). *Qualitative Research Practice: A Guide for Social Science Students and Researchers*. SAGE. ISBN: 978-1-4462-9620-2.
- Rowley, J., Slack, F., (2004). Conducting a literature review: *Management Research News*. Vol. 27, Issue: 6, pp.31-39, Doi: 10.1108/01409170410784185.
- Røsand, T., (2016). *Alarming Ambiguities: an analysis of Norwegian public documents concerning child obesity*. Master thesis: Childhood studies, Norwegian Center For Child Research. Faculty Of Social science and Technology Management. Norwegian University of Science and Technology.
- Sandberg, R., (2011). What is “law and Religion”?. In: *Law and Religion*. Cambridge University Press. ISBN: 978-1-139-50118-7.
- Schreier, M. (2012). Qualitative content analysis in practice. In: *The Sage Handbook Of Qualitative Data Analysis*, Flick, U., (2014), London: Sage Publications. Doi: 10.4135/9781446282243.
- Tavasoli-Naieni, M., (2010). Child adoption in the United Nation's Convention On The Rights Of The Child in compare with Iranian laws: *Seasonal Journal Of Law*. University of Law and Political Science,. Vol.39, N0.4, pp.89-109. Available at: http://journals.ut.ac.ir/article_20202_39.html (Original text and citation in Farsi).
- Silverman, D., (2010). *Qualitative Research*. SAGE Publications, 3rd edition. ISBN: 978-1-4462-0155-8.
- Vahidnia, F., (2007). Case study: fertility decline in Iran. *Population and Environment*. Vol.28, Issue.4-5, pp. 259–266. Doi:10.1007/s11111-007-0050-9.
- Vaismoradi, M., Turunen, H., Bondas, T., (2013). Content analysis and thematic analysis: Implications for conducting a qualitative descriptive study: *Nursing and Health Science journal*. Vol.15, Issue.3. pp. 398–405. Doi:10.1111/nhs.12048.

- Van Nes, F., Abma, T., Jonsson, H., Deeg, D., (2010). Language differences in qualitative research: is meaning lost in translation?: *European Journal of Ageing*. Vol.7, Issue.4, pp. 313–316. Doi:10.1007/s10433-010-0168-y.
- Vaus, D.A.D. (2001). *Research Design in Social Research*. Sage. ISBN: 978-1-4462-2611-7.
- Webster, J., & Watson, R. (2002). Analyzing the Past to Prepare for the Future: Writing a Literature Review: *MIS Quarterly*. Vol.26, Issue.2, pp. Xiii-Xxiii, available at: <http://www.jstor.org/stable/4132319>.
- Wyness, M., (2011). *Childhood and Society*. Palgrave Macmillan. ISBN: 978-0-230-35725-9.
- Zelizer, V.A.R., (1994). *Pricing the Priceless Child: The Changing Social Value of Children*. Princeton University Press. ISBN: 978-0-691-03459-1.

Laws:

- Act of support (1975). *The act of supporting children without caretakers*. Available at: [http:// http://rc.majlis.ir/fa/law/show/97234](http://rc.majlis.ir/fa/law/show/97234). (Original text in Farsi).
- Act of support (2013). *The act of supporting children without or with inadequate caretakers*. Available at: [http:// http://rc.majlis.ir/fa/law/show/866926](http://rc.majlis.ir/fa/law/show/866926). (Original text in Farsi).
- Act of permission, (1994). *The act of permission to the Islamic Republic Of Iran to join the United Nation's Convention on The Rights Of The Child*. Available at: [http:// http://rc.majlis.ir/fa/law/show/92374](http://rc.majlis.ir/fa/law/show/92374). (Original text in Farsi).
- Charter of rights, (2004). *Charter of rights and responsibilities of women in Islamic republic of Iran*. Available at: [http:// http://rc.majlis.ir/fa/law/show/101171](http://rc.majlis.ir/fa/law/show/101171). (Original text in Farsi).
- Constitution law of Islamic Republic of Iran*, (1980). Available at: [http:// http://rc.majlis.ir/fa/law/show/133642](http://rc.majlis.ir/fa/law/show/133642). (original text in Farsi).
- Legal bill, (1980). *Legal bill of establishment of Behzisti organization*. Available at:

[http:// http://rc.majlis.ir/fa/law/show/98948](http://rc.majlis.ir/fa/law/show/98948). (Original text in Farsi).

Securing law for W.Ch., (1992). *The Law Of Securing women and children without caretakers*. Available at:[http:// http://rc.majlis.ir/fa/law/show/92111](http://rc.majlis.ir/fa/law/show/92111). (Original text in Farsi).

Welfare system, (2004). *The Law of forming the structure of Iranian welfare system*. Available at: [http:// http://rc.majlis.ir/fa/law/show/94018](http://rc.majlis.ir/fa/law/show/94018) (Original text in Farsi).

Websites:

Alef News Agency, (2017). *The newest statistics about marriage in Iran*. Available at:[http:// http://alef.ir/vdcc1pqim2bqms8.ala2.html?275137](http://alef.ir/vdcc1pqim2bqms8.ala2.html?275137) (accessed 4.5.2017), (Original text and citation in Farsi).

Bacheie-Mardon, (2017), Jalal, Al-Ahmad, (1923-1969). *The child of others*. Available at: [http:// netnevesht.ir](http://netnevesht.ir). (accessed: 10.1.2017). (original text and citation in Farsi).

Bureau,U.C.,(2007). Available at:<https://www.census.gov/programs-surveys/acs/guidance/comparing-acs-data/2007.html> (accessed 5.2.2017).

Christine A., Miller, Laurie C., (2006). Facts on File Library of Health and Living: *The Encyclopedia of Adoption*, available at: [http:// www.abebooks.com](http://www.abebooks.com).

Constitution of the Islamic Republic of Iran - ir001en.pdf. available at: [http:// www.wipo.int/edocs/lexdocs/laws/en/ir/ir001en.pdf](http://www.wipo.int/edocs/lexdocs/laws/en/ir/ir001en.pdf) (accessed: 8.4.2017).

Definition of “Biologic child”, “Biologic Parent”, “Orphan”, Caretaker”. *Merriam Webster Online Dictionary*. Available at: [http:// www.merriam-webster.com/dictionary](http://www.merriam-webster.com/dictionary) (accessed: 4.2.2017).

Farhangshenasi, (2017). *Family in Iranian stories*. Available at: [http:// www.farhangshenasi.ir/persian/node/872](http://www.farhangshenasi.ir/persian/node/872) (accessed: 4.1.2017). (Original text and citation in Farsi).

Bacheie-Mardon, (2017), Jalal, Al-Ahmad, (1923-1969). *The child of others*. Available at: [http:// netnevesht.ir](http://netnevesht.ir). (accessed: 10.1.2017). (original text and citation in Farsi).

- Khoramshahi, A.S., *A law which cannot secure children's rights*: Ghanoon news paper, (October 2, 2013). Available at: <http://iranadoption.com/?p=973> (accessed: 14.3.2017). (Original text and citation in Farsi).
- Lukes, S., (1982). *The rules of sociological method by: Emile Durkheim*. Available at: <http://14.139.206.50:8080/jspui/bitstream/1/1967/1/Durkheim,%20Emile%20-%20Rules%20of%20Sociological%20Method%201982.pdf> (accessed: 2.4.2017).
- Mehr News Agency, (2016). *This year 230 children got adopted*. Available at: <http://www.mehrnews.com/news/3016145> (Original text and citation in Farsi).
- POV, (2010). Fact Sheet . Off and Running. PBS. POV American Documentary Incorporation. Available at: <http://www.pbs.org/pov/offandrunning/fact-sheet> (accessed: 2.3.2017).
- Sangibargoori, (2017), Jalal, Al-Ahmad, (1923-1969). *A stone upon a grave* . Available at: <http://www.adabestanekave.com/book/sangibargori.pdf> (accessed 3.4.2017).
- Saloor,N., and Salari, A., (2015). *Seismic Hazards in Iran*. Available at: http://www.earth.northwestern.edu/~amir/files/Seismic_Hazard_in_Iran.pdf.
- Static Center of Iran, (2016). *Statistics of inhabitants in Iran in 2016*. Available at: https://www.amar.org.ir/Portals/0/Files/reports/1395/g_nsonvm_95.pdf. (accessed: 3.9.2016)
- Tasnim News Agency. (2016). *Marriage age for girls reached above 30 and for boys reached above 35 in Iran*. Available at:<http://www.tasnimnews.com/fa/news/1395/02/21/1071512>. (accessed: 4.2.2017). (Original text and citation in Farsi).
- United Nations, (1989). *Convention on the Rights of the Child*. Available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.
- Translation of Sura- al- Ahzab, *NobleQuran.com*, available at:<http://www.noblequran.com/translation/surah33.html>. (accessed: 2.2.2017).
- Worldwide Children's Statistics, *SOS.US*. Available at: <http://www.sos-usa.org/about-sos/what-we-do/orphan-statistics/pages/global-orphan-statistics.aspx> (accessed 4.1.17).

