

**INTRAFAMILIAL *KAFALA*:
AN ALTERNATIVE TO PRODUCE
FAMILY TIES AMONG ALGERIAN COUPLES
LOOKING FOR A CHILD¹**

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***Abstract:** Based on a qualitative study carried out among Algerian couples who, after having tried naturally, then through reproductive medicine (AMP), to have a child, have made the decision to adopt a child within their relatives, this article questions how infertile couples have coped with the absence of a child from a point of view of kinship logics. In other words, it is a question of understanding how the intrafamilial kafala is mobilized to produce family ties. The analysis of the semi-structured interviews showed that the child's own parents agree to show solidarity to couples affected by infertility, being family members, through a kafala application signed before a notary. In this logic of kinship, the kafil parent develops a sense of attachment to the Makfoul child. This practice is a restorative solution to the absence of a child allowing them to perform all parental functions.*

¹ Translated into English by the Microsoft Word Translate program. Not to be quoted without the permission of the author.

1. Introduction

In this study, we wish to apprehend on the Algerian ground the intrafamilial *kafala* mobilized by infertile couples in search of children to produce family ties. It is a complex subject and knowledge about kinship² is part of the cultural achievements of all humanity defining what it means to be a parent. With regard to the targeted work on Algeria and Maghreb societies, we note the scarcity of scientific sources on the subject of intrafamilial *kafala* with the exception of a modest production of jurists, historians and psychologists who have been interested in early childhood especially abandoned children. Taking into account the culture and customs of Algerian society, *kafala* provides a legal response that consists in entrusting a young child to a couple so that they can educate them until they reach the age of majority. On the other hand, in Algeria, it is difficult to conceive of a family without children. Algerian couples who, after trying naturally, then through reproductive medicine (AMP) to have a child, finally made the decision to adopt a child, especially a child within their collateral line kinship, and through the *kafala*.³

Our questioning, proposed here, focuses on how the intrafamily *kafala* is mobilized to carry out their parental project and create the bond of kinship. Kinship studies have been extensively studied in the social sciences. For a long time for some anthropologists, kinship represents a fact of nature. For others, it is not reduced to a biological foundation but culture has also contributed to its construction. Emphasizing biological factors is far from universal in the definition of kinship (Fine, 2001).

Traditionally, these studies analyze two important elements: : the alliance and the filiation "*el nasab*". It is genealogy and lineage that provide historical validation of kinship and all that it entails. For it represents a family bond, established either by alliance, by filiation, or by Germanity. However, kinship "is above all a logic of social relations that does not manifest itself only in the codes of genealogy and terminology, but just as well in the architecture of rituals, and in the daily relationships of intimacy." In the context of this study, it seems important to distinguish it from parenthood, and ultimately, to be able to determine what⁵ intrafamilial *kafala* is.

By intrafamily *kafala*, we mean when the infertile couple requires the help of their relatives to raise a child from their own lineage. The child is often the child of the sister or brother or cousin. In practice, the *makfoul* child is raised, educated, and protected by his *kafil*. He is automatically a member of his family and will keep his original filiation, but attached to his *kafil* parent. This form of *kafala* creates a legal relationship between *kafil* and *makfoul* based necessarily on parenting functions for *kafil*. As for parenthood, the term is relatively new to refer to people other than legal parents taking on or sharing the day-to-day responsibility for children. But we

² In Arabic, the notion of kinship translates into the term *karaba* القرابة "close kinship, blood ties" and has three aspects: *nasab* (filiation), *mosahara* (alliance) and *ridâ'a* (milk kinship).

³ To lighten our text, we use the term "adopt" to say "take charge in the sense of *kafala*".

⁴ Being a child without filiation disaffiliates the child and makes him lose his social value by having lost his filiation, by abandonment.

⁵ Other factors, such as residence, access to land, participation, and geographical or emotional proximity, can also be determinants of an individual's membership in a group that recognizes itself as a family (cited in Châteauneuf, 2011).

find in the literature several attempts at conceptualization. It is noted that the dimensions of the parent-child relationship have been most often studied in the child's well-being based on factors such as support or responsivity, conflict/rejection, and the degree of management and control over the child's behaviour (Bettahar, 2001). "Parenting is a set of parenting functions. It can thus be declined in different ways to qualify the multiple forms of family: homoparentality, or multiparenting. It thus makes it possible to highlight the complexity and diversity of parental functions and to differentiate biological and social kinship" (Sellenet, 2007). Indeed, the intrafamily *kafala* feeds this parental delegation of the tasks of raising children within the homes of persons related to the big family and is always justified by necessity.⁶

Our approach differs from this paradigm and borrows a rather dynamic theoretical orientation developed by Florence Weber (2005)⁷ which is more interested in practical kinship and which takes place in the definition of what a father or mother is for individuals. It defines it by playing a parental role, caring for a child as a parent must, ensuring that his needs are met in all spheres of his development. She says: "Some of us have the experience of a unified kinship where blood, name and everyday life reinforce each other in the *self-evident* story. Others, and there is nothing fundamentally new or exceptional here, have experienced the dissociation between procreation, legal ties and everyday ties. As a result, the uniqueness of the paternal and maternal roles is only a myth or, more precisely, a singular historical construction." (Weber, 2005, p. 242).

2. Methodology

To study the intrafamilial *kafala* conceived as an alternative to create the bond of kinship, a qualitative approach seemed to us the most appropriate. The purpose of this methodology is the search for meanings and interpretations of reality constructed by individuals or the understanding of action logics (S. Beaud, F. Weber, 2010).

The data are produced in two stages. First, they are collected from our field survey conducted at the private fertility center among the 27 infertile couples using intrafamilial *kafala* following the failure of MPA resulting in early and spontaneous miscarriages. Secondly, they are collected through personal contacts and through the effect of the snowball technique on participants who have expressed interest in contributing to this study. They did not use the AMP but rather the intrafamily *kafala* for which their *makfoul* children are schooled, except for two parents who adopted, at the same time, children born under X from the age of three months. A total of 11 participants were recruited through this approach. Semi-structured interviews were conducted with women aged 30 to 47 and 05 men aged 37 to 54 at the ART centre and at the cou-

⁶ For Agnès Fine (2001), to talk about parenthood is to ask the question of "who is a parent? the parent(s) or the parent(s) or the one who takes care of and raises the child, the one who gives him a name?". For Esther Goody (1982), parenthood consists of five functions: procreation, feeding, education, identity assignment and access to adult status. Godelier (2004), for his part, adds the functions of the exercise of certain forms of authority, as well as the prohibition of homosexual and heterosexual relations with the child. For his part, Sellenet (2007) criticizes some of these dimensions, including procreation, because it excludes adoptive parenthood.

⁷ Florence Weber points out that kinship can be dissected into three dimensions: name (or legal kinship); blood (or biological kinship) and everyday life (or practical kinship).

ples' homes. Among the couples interviewed, there is a very wide diversity of etiology of sterility, most of them primary. The majority of the interviews focused much more on women's voices. Because men were less inclined to respond. They participate timidly in the interview, if not in a distanced way. They remain in the background. Women speak out more easily. The conduct of interviews is similar to the life story, being defined as "a particular form of narrative interview, during which a researcher asks a person to tell him all or part of his lived experience" (Bertaux, 1997, p. 6).

This study is structured as follows. In the first point, we will evoke a brief overview of the *kafala* in the Algerian context. We will discuss how intrafamilial *kafala* in Algeria is practiced by insisting on showing that couples looking for children do not abandon their parental project. They try all legally approved possibilities. In the second point will be the subject of the reasons that motivate couples to resort to the intrafamilial *kafala*. The third point will be devoted to showing that by adopting the child, *kafil* parents develop a sense of filiation and the bond of attachment.

3. *Kafala in the Algerian context*

In Algeria, there are no adoption procedures similar to those practiced in Western countries. For these countries, adoption is an institution registered in the register of filiation. However, it has no equivalent in Algerian law. In the Maghreb country, only Algeria and Morocco have banned adoption, unlike Tunisia, which has allowed it since its independence. Algerian law prohibits the institution of the adoption of the child "*Tabanni*" when it involves the creation of a filiation link to replace him with a form of legal guardianship called *kafâla*. Society is reassured because simply as an ally, the child does not threaten the right of the consanguines and cannot infringe on the right of inheritance of the natural members of the family. Because society only recognizes kinship which is based on: birth, marriage and breastfeeding.

In the legal sense, *kafala* has often been a field related to abandoned children and mainly to children born out of wedlock, so-called "illegitimate" placed in nurseries and homes for assisted children. This term comes from the verb *takafala*. It was used by the Prophet Muhammad in the sense of "taking charge." It elicited more of an act of generosity and beneficence towards the orphan; and concerned only the orphaned child who was recommended to be prohibited from abusing him, touching his property or pushing him away. There was no question of the child abandoned by his own parents or the "illegitimate," natural child. "There is no question of a legal institution under Muslim law for the care of the child born out of wedlock, or of an institution as a substitute for adoption" (Houhou Y. 2014, p. 63). This term *kafala* therefore has its origins in the principles of civil law, but does not bring any upheaval to the principles of Sharia. It seems that the religious is malleable when the political and the legal are in agreement or not with social expectations (Moutassem-Mimouni, 2018, p. 40).

Moreover, before s'Algeria independence in 1962, children were adopted by families under French law. Full⁸ adoption guarantees the rights of the child in the same way as legitimate

⁸ The practice of adoption in Algeria remains authorized until in 1966 an administrative circular addressed to the town halls orders the application of Muslim law and concurs in the prohibition of full adoption. Then comes the order n° 76-79 of 23 October 1976 in the Public Health Code already cited of which Article 68 excluded adoption.

children. During independence, adoption was repealed until⁹ 1984,¹⁰ when *kafala* was instituted in the Family Code. This law is a legal construction of Algerian legislators. Article 116 of the Family Code defines *Kafala* or legal collection as the commitment to take on a voluntary care for the maintenance, education and protection of a minor child, in the same way as a (biological) father would do for his son. This collection is established by a legal act. The *kafil* can be a man, a woman, married divorced or single widower. It excludes filiation to *kafils*, but allows the concordance of name. That is, the blood bond in Algerian law is the sole source of the right to the name. The concordance of names in *kafala* does not attribute to the *makfoul* child the genealogy of his *kafil*, but it affiliates the child socially and legally to his *kafil*. It attributes this social recognition to him. Affiliation in this case is not systematic like that of filiation by blood. *Kafala* is open to single people, male or female, allowing them to take in a child, and fully experience a single parenthood that was once inconceivable. Because, in the Algerian family system, the matrimonial institution (a mother and a father) is the only institution empowered to attribute parenthood since it is contained in marriage. For infertile couples, *kafala* is also a solution to their sterility. It allows them to have a child or children and to exercise full parenthood within their couple. The *kafil*, that is to say the adoptive father, may bequeath or make a donation within the limits of third parties, of his property in favor of the child collected. Also, he may, during his lifetime, establish in his name, a power of attorney "*tanazl*" or a "*wassiya*."

There are two forms of procedure: the one granted by the judge and the one registered by the notary. The first form is judicial and concerns abandoned children. While the second form is notarized. This is when parents entrust their child to their loved ones. In both forms, consent is given by an authentic instrument before the judge or notary.

Historically, children have often been the subject of circulation between Algerian families following the loss of their parents or the donation to relatives suffering from infertility. The authors (Corbier, 1999; Lallemand, 2004) have shown how adoption, far from always being perceived as a form of abandonment of the child, can also be maintained in a logic of transfer or donation. "Many populations think of the displacement experienced by the child less under the auspices of separation than as a combination of links favorable to the latter in their diversification" (Lallemand, 2004, p. 306). These adoption practices highlight an additive and inclusive logic unlike the substitutionary logic favored in Western countries (Collard, Lavallée and Ouellette, 2006). The traditional family structure in Algeria is an extended family that includes parents, children, grandparents, paternal and maternal uncles, paternal and maternal aunts, cousins, nephews and nieces. Custom in Algerian society allows the child to move into the extended family. It occupies an important place in the accompaniment of one of its members in periods of fragility. It reflects a solidarity between families. The removal of the child requires full care by the collecting member. Given the oral nature of this custom; the child was once entrusted

⁹ Adoption is prohibited by Islamic law based on two verses of the Qur'an (33:5 and 37) that state that it is forbidden to give one's name to someone who does not belong to one's "natural" descent. This may infringe on the inheritance rights of "natural" family members. It can also lead to moral corruption because the adopted child has no religious prohibition from marrying close family members.

¹⁰ The reism of the *kafala* Algérienne is fixed by law n° 84-11 of 9 June 1984 and the Articles 116, 117 *et seq.* of the Algerian Family Code.

orally. This practice has been widely described in anthropological literature as an institutionalized phenomenon that has its roots in family organization. Thus, it is customary for a child not to be raised by his biological parents alone but by the parents of his maternal or paternal lineage in order to share rights and obligations between families and strengthen kinship ties.

But since the establishment of *kafala* in Algerian family law, this traditional form of child circulation is now institutionalized by the "intrafamilial" *kafâla* and formalized by a judicial decision established before a notary. The *makfoul* child is not necessarily an abandoned child or without filiation. He can be a child entrusted by his parents to a family member.

Intrafamilial *kafala* is done in a socially recognized family process and results from a mutual consensus and agreement before it is legalized at the notary. It is rarely established informally. It is more than a form of transfer often definitive since it is done by legal means. The child, so desired, is therefore adopted within the same family often of collateral line (aunts, uncles, cousins).

It is realized through the "gift of a child" at a young age to a close relative through a request from the one who will be a mother and not a proposal from the one who carried it. The two families come together in a family setting of intimacy and trust. The purpose of the "gift" of a child is to maintain the family institution. It begins with a constant and insistent verbal request made by the childless couple. It also happens that a woman asks her pregnant sister to give birth to the future baby for her (before he is born). It is a "pregnancy on command" or "a pregnancy for the other." The choice of sex is not premeditated. It is the need to live paternity and motherhood that is sought.

The woman of multiple pregnancies generously gives one of her children to a close relative affected by infertility. This practice is based on the freedom of individuals to agree to entrust the care of the child to persons other than his biological parents. It is an arrangement between two parties where the couple transfers the care of their child to a close relative deprived of descendants without breaking the original filiation bond. Here the identity of the child remains unchanged. Expressions such as: "*I give you my child*," "*I entrust you my child*" are recurring expressions to say the intrafamilial *kafala*. It is a form of will where the couple undertakes to respect it. "In the perspective of the primacy of the link built over the biological link, child mobility is often perceived in the anthropological literature as a place of exchange to consolidate alliances" (S. Lallemand, 2009, p. 33). The two families know each other and any decision is made by mutual agreement. This decision is often made by the father and then the mother. Grandparents are also involved in the decision-making process. Child donation consists in entrusting a child permanently to the infertile couple for his education and care. The couple undertakes to take care of the child as if he were his own. It is therefore a "set of rights and duties, psychic rearrangements and affects, practices of care and education, implemented for a child by a parent by right or elective, regardless of the parental configuration chosen" (Sellenet, 2007, p. 60).

This practice creates new family ties between the *makfoul* child and his *kafil* parents. Before the judge, his second name is added by his adoptive family. This does not affect the initial status of the child, is in no way similar to adoption which is entered in the register of filiation and which presupposes a change of identity of the adopted.

By the way, the practice of intrafamilial *kafala* is produced in a context of complacency based on the relationship of sharing. It remains a restorative solution to infertility disorders which, in order to be able to exist, has been assimilated to the reference family model, mimicking natural filiation and thus consecrating a biologically impossible filiation (E. Barraud, 2009, p. 305). It is sometimes considered as a last resort. With this in mind, it is often seen as a default solution. Intrafamilial *kafala* is a solution to their situation, allowing them to exercise full parenthood within their couple. The child thus becomes the repairer of this absence by which the couple will save face (Goffman, 1973).

The decision of the intrafamily *kafala* is the subject of conflict and negotiation between the members of the family. Sometimes, it is the families (maternal lineage) who encourage the couple to take the steps of *kafala*.

4. Reasons for the use of intrafamilial *kafala*

There are several reasons why a parent may want to give their child in intrafamilial *kafala*. Divorce, parental separation or pregnancy out of wedlock are practically reasons that push families to entrust their children to couples in need of children. The idea that a parent can voluntarily and freely give up his child is little conveyed but it is often done behind closed doors. Changes in family organization can lead parents to want to give up their child to create alliances and console an infertile couple. It is customary for a family member, who is luckier in the number of his offspring or in the distribution of the sexes, to give one of his children to a parent facing reproductive difficulties. Close pregnancies can also influence the decision to give birth to a close relative. Many births give birth to the same sex, as girls or boys.

However, it is important to understand the reasons why couples looking for a child use to take care of a child within the kinship. In the words of our interlocutors, it seems that infertility is no longer experienced as the main obstacle to "becoming a parent." The announcement of infertility does not seem to be linked to a process of mourning parenthood, but rather experienced as an event that postpones a s'child project that is not renounced. The couple wishes to adopt because of their infertility to exercise the parental role and escape from the gaze of the other considered out of social norms. However, the mere desire to have a child is considered a valid and sufficient reason to adopt and for which the parents (donors) feel useful by making a significant contribution. Adopting a child from the same family refers to a strong precedence given to the biological links recommended by the family environment from which the parent who will receive the child, is taken as a natural parent. The use of terms such as "natural" or "real" parents to designate the biological family of the adopted child tends to relegate the *kafala* "to a second-order bond." This bond between a child and his or her adoptive parents is self-evident, as if it were a natural result of the process of begotten (Bowie, 2004; Lévy-Soussan, 2002).

In addition, the steps of the *kafala* of an abandoned child to the specialized bodies (nurseries) are considered slow and often refused. This becomes a strong reason to abandon these steps and resort to their own family by making an intrafamily *kafala* application to the large family and then to a legal body. For some, the abandonment of these steps is implicitly added to the view of the family and social environment with regard to a *kafala* of an abandoned child placed in nurseries, conceived as an illegitimate child. Couples wishing to raise a child give up so that society cannot point to a double shame: being sterile or having taken in a child perceived as "the

child of sin" that can hinder his integration into society. These couples are reluctant. This reluctance is often accompanied by the fear of this child "stranger and of unknown origin." This reluctance also raises a concern about not being able to take care of this child from elsewhere. Our interviewees express a concern that they will not be able to demand rigorous discipline for the sake of not hurting him which could have the feeling of abuse. For these couples, it is difficult to integrate a totally foreign person into a parental network. To avoid ambiguity, some are using new practices, such as breastfeeding. Naima's story shows us that this woman lived infertility for twelve years. She has adopted two children: the first is her nephew and the second is an abandoned child. For her, the best way to have peace is through breastfeeding as an integration mechanism. Not being biologically his mother and failing to breastfeed his child herself, it was his brother's wife who was able to breastfeed him. Therefore, her two children are therefore brother and sister through breastfeeding known as milk kinship. Also, the breastfed child cannot marry not only his nanny, but also the mother, daughters, sisters, nieces as well as the paternal and maternal aunts of his nurse. This practice makes it possible to recognize the child as such in the large family. From then on, the child will have a biological mother (unknown; a mother who adopted him and a woman who breastfed him. Beyond that, intrafamilial *kafala* restructures the relationship and extends inbreeding relationships by transforming the nature of parental relationships. Breast milk is the vector of the transmission of moral values explains why the nanny is chosen accordingly. "It appears that the study of the physiological representations of filiation and alliance in a Muslim society requires a conversion of gaze towards a substance other than blood, milk. This fluid, which in Islam depends closely on sperm, seems to be the primary physiological vector of identity" (Fortier, 2001, p. 117). It represents the common genetic baggage shared by members of the same family" (Ouellette, 1998). This link is seen as a vector for the transmission of family values and characteristics (Fine, 2001, p. 69).

Other motivations encourage the couple to take charge of a child within the kinship. It can be done at the time of crisis, during an unfortunate family event: this is the case of a child who has lost an entire family because of a road accident. Only the child remained alive and had it adopted by his aunt who lost her three-month-old child. This is the example of Djamila who adopted his nephew following the loss of his parents. She said:

In a terrible accident, we lost my sister, her two children and her husband. My nephew walid was the only one who came out alive... it happened after a month when I lost my newborn while it took me eight years to have it... knowing that during those years I adopted Nabila, a child from the nursery. I wanted to have a second child... and in the face of the death of walid's parents, the whole family agreed to keep walid with me and take care of him and ... (sighs)... catch up with the lost child... the four of us are now living and we are all happy. Djamila, 45, Housewife.

The intrafamilial *kafala* necessarily has the function of alleviating the s'child illness in the couple. Adopting a child from the same family is often seen as a solution to childlessness. This appears to be the culmination of several years of waiting that often include long years marked by various attempts to resolve infertility. It is also a way to concretize their parental project and to access a family life the human qualification and the altruistic dimension of the gesture are recurrent in the discourse of our respondents. Intrafamilial *kafala* is represented as a practice of gen-

erosity and a humanitarian act. On the other hand, some *kafil* couples distance themselves from the idea, although widely spread among the general public, that adoption is a commendable, even charitable gesture. A perception that according to them completely ignores the fact that the use of intrafamily *kafala* is first and foremost motivated by the desire to start a family. It rejects any financial form thus keeping the richness of social relations and interpersonal relations.¹¹

One of the main characteristics of intrafamilial *kafala* is the consensual aspect of the transfer of the child from the biological parents to the adoptive parents deemed confident and responsible. By the way, *kafala* as a synonym for education, the emphasis is on the person than on the bond. A father who raises his brother's child does not expect financial assistance from him. But it serves to expand the kinship group, family and bonds between members. Parental responsibility turns into lifelong relationships.

Intra-family *kafala* is a humanitarian act that satisfies two basic needs; the need to love and protect others and the need to be loved and protected. That said, the concern of the adopted child within his new family is the search for a confident closeness on which he can count during his sentences. The satisfaction of this need provides the child with an emotional reassurance towards his *kafil* parents, which will allow him to build emotional bonds with them. These attachment ties are important factors for its development. And any dissatisfaction with the need to be protected weakens the bonds of attachment and hinders the harmonious development of the child. The need to merge the objective of adopting the child with the primary mission of his protection is a way of protecting his rights and interests" (Ouellette & Goubau, 2009).

5. Building an attachment bond

Motivated by the desire for kinship, the arrival of the child within the family is a great event, because it fills a great void and animates the life of the sterile couple, The emotional bond felt in the *kafil* parent develops into a bond of attachment (Bowlby, 1992).

This bond is therefore built on the basis of a deep desire for a child and the exercise of parental role. It is characterized by exchanges of glances, verbal and non-verbal communications and the well-being that can be derived from it. The emotional behaviour that emerges from the parents' relationships with the child develops gradually.

Therefore, parenting, caring for a child as a parent should, ensuring that the child's needs are met in all spheres of his or her development, is based on what might be called "practical" kinship, as Florence Weber (2005) calls it. What defines a parent is therefore not limited to the recognition of the existence of a blood link, but also to the implementation of this link.

The *kafil* parent therefore develops a sense of attachment to the child. He feels defined and valued as a parent according to the role he plays but especially the emotional bond by their daily presence with him. It is the emotional and physical bond that unites them. Parenting practice can be shown in several tasks. "The functions of parenthood are realized by feeding, raising, protecting, educating and exercising authority over the child" (Godelier 2004) which refer to the daily care of the child by his legally recognized parents.

We can understand that the intrafamilial *kafala* represents a process of construction of parental positions in a space of putting into practice parental relationships to identify different

¹¹ In our corpus, we have not found cases using child donation for reasons of poverty.

categories of actors with a parental function. "These functions devolved to parents are thus assumed by individuals in the position of parents, without them necessarily being defined as such in socially and legally delimited kinship relationships, as is the case for in-laws" (Neyrand, 2007, p. 74). The concept of parenthood exerts pressure on that of kinship insofar as the exercise of parental functions leads to the claim of a legal status of father or mother (Cadoret, 2006, p. 54). The parental responsibility of the parent *kafil* towards the child *makfoul* is recognized as such by the family and social environment. This feeling is characterized by a certain "sense of ownership and control." For some, there is concern and uncertainty about the likelihood of the child returning to his or her parents of origin. Our interviewers mention that from the reception, the parents consider the child as their own. Beyond that, a new parental identity appears. *Kafil* parents stand out from biological parents because of the experience of infertility. They are trying to rebuild a new parental identity and mourn their fertility.

However, the sense of attachment can be weakened and weakened when the child spends his first years in school. According to the couples interviewed, the success or failure of the adoption of children could be demonstrated only after the recognition of the importance of emotional ties in the construction and development of the personality of individuals (Djerbi, Sadouni, Bouatta, 2018). *Kafil* parents are also confronted with the ideology of belonging ties. Some respondents report, for example:

Colleagues often say to me: Ah! Your child is so much like you; you might think it's the child you gave birth to... I explain to them that it is my niece, my sister's daughter whom I adopted from birth, and it is normal that she looks like me.

The rank of belonging is conceived as a metaphor for what people in the same family have in common. The anthropologist Agnès Martial 2006. for her part, shows that "the cultural system of representation of kinship ties values the natural dimension of the bonds between parents, through the idea that blood is a vector of transmission of identity as well as the support of affective relationships, the reason for the powerful bonds of solidarity uniting parents and children, whose relationships are marked by evidence and irreversibility. (A. Martial, 2006, p. 53)

The influence of the ideology of blood ties is determined when it comes to the child's schooling. The child will find that he does not have the same name as his father. The family name inscribed each in a male ancestry. "The addition of the spouse's surname may cause discomfort and appear unjustified by the adopted children themselves" Martial 2006). In Algerian law, the blood bond is the sole source of the right to the name. The concordance of names in *kafala* does not attribute to the *makfoul* child, the genealogy of his *kafil*. But it affiliates the child socially and legally to his *kafil*. It attributes this social recognition to him. The Algerian legislator gave the *kafil*s the possibility of offering their name to the children they took in without erasing the original name. It is possible to match the name of the *kafil*s to that of the child, not to hide the nature of their relationship with the child but to facilitate administrative procedures for children. Kamel testifies that he used the concordance of names for his daughter. He said:

[...] It's easier especially for school, you don't have to explain why your child doesn't have the same name as you when he calls you dad. At first, at school, the teachers know my daughter Nour is a daughter of my sister-in-law whom I adopted, but her classmates

don't know it, and so they don't understand what it is, so for them it's weird. (Kamel, 49, carpenter).

This symbolic transmission of the name is one more step in the accession of *kafil*s to the status of parents. However, this does not preclude the possibility that ¹²there are a number of nuclear families using legal means fraudulently as a substitute for full adoption, thus creating a contradiction between law and reality. Infertile couples today rely on another palliative process that consists of a discreet arrangement between the two parties to which a couple declares a child handed over by their parents as their own.¹³ This is a full adoption overriding the ban. The complicity of certain professionals and the use of secrecy are necessary for the fiction of a natural family to be played. Civil status fraud sheds light on the gap between the law and social aspirations. This transgression of the laws demonstrates the need not to deviate from the system, but obliges them to conform to the dominant normative model.

The rules of law do not always coincide with the observed reality (Barraud, 2009, p. 2013). Here as elsewhere, "couples confronted with the drama of infertility have always been able to circumvent or even break the laws, opting for forms of total or partial adoption of a child of the family or foreigner. The still current phenomenon of illegal adoptions testifies to a gap between the law and social aspirations, and demonstrates how the stigma placed on infertile couples, this imperative need not to deviate from the normative system, forces the transgression of laws to better conform to the dominant model" (Y. Ben Hounet, C. Therrien, 2021, p. 4). For the couples interviewed, this remedy makes it possible to avoid harming the child's psychological and social development and to escape from the stigmatizing gaze of society towards him.

It can be an obstacle to the development of this feeling when the child's inability to attach himself is interpreted by the *kafil* parent as rejection on the part of the child. The parent may be hurt to find that the child does not return his or her affection. He may judge that the child is difficult and experience disappointment (Soulé and Lévy-Soussan, 2002). According to sociologist Florence Weber (2006), the feeling of attachment is constantly evolving and is reaffirmed through moments of crisis. These seizures occur especially when the *makfoul* child becomes a teenager. He can question his universe by seeking to forge his own identity.

In linguistic terms, *kafoul* children make arrangements in the use of the words to say "dad" and "mom" at all. Children call their parent *kafil*s by the terms "*daddy, mama.*" As for their parent, they often add their first name; example: "*Dad Ali, mama Amina.*" This way of saying basically shows the distancing as to the status of each of these parents in relation to the child. Among other things, the child is informed at a very young age of the reasons surrounding his *kafala*. The two parents meet to exchange information about the child namely: comment on his photos taken at family parties and celebrities, his daily actions (his way of doing things).

Kafil parents often wonder when and how to inform their child that they are not their biological parents.

¹² The family system is moving from the traditional type known as the "extended family" to a type that was formerly rare but now becoming dominant, in this case the so-called "nuclear family" or "conjugal family." We are witnessing a mutation of a system where several nuclear families share the same roof and are subject to the same authority towards a system where the nuclear units live autonomously.

¹³ It is women who give birth outside marriage.

Some consider that it is not necessary to reveal everything to the child in order to protect him from suffering. Others think it is important to be vigilant and attentive to what the child is trying to know. Because we must not forget that the majority of children are still small children. Assia said:

There are words to use, that's clear. And how far we have to reveal the difficult sides of the thing, maybe we shouldn't do it right away. How to say it? When? With what words? For me I told my son that his mother Nadia was too sick to take care of you and that's why we take care of you, "without adding more details."

On the other hand, others consider that this announcement must be made with the help of a psychologist or in the form of a game of small staging without breaking the emotional bond. This practice allows the maintenance of direct or indirect contacts, or the exchange of information between the *kafils* family and the family of origin (Berry, 1993).

Finally, the intrafamilial *kafala* lived in good conditions, is a relevant way for the recovery of attachment bonds in the child. These bonds are important factors in the development of the individual, emphasizing that any dissatisfaction with the need to be protected weakens attachment ties and hinders harmonious development from birth to adulthood. Relational experiences during childhood are internalized and developed for the representation of oneself and others, in order to anticipate all reactions of the other and also to explore the different environments that surround him.

6. Conclusion

The study of intrafamilial *kafala* and the way in which it is mobilized, appears to us as a dynamic logic of parental and social relations. The elements addressed in this study describe to what extent kinship and *kafala* constitute an immense anthropological project to be grasped in order to understand the mutations and permanences of society. These facts illustrate to what extent the intrafamilial *kafala* represents a social construction to compensate for the absence of children. For the Algerian family, adopting a child from parenthood corresponds to a cultural and social norm recognized by law, which attaches importance to family ties between parents to care for their child before allowing someone outside the family network to take care of him and remove him from his family roots, cultural or religious. The child's own parents agree to show solidarity to couples affected by infertility, being family members, through a *kafala* application signed before a notary. *Kafils* build a family bond that they also want to be lasting and permanent. The intrafamilial *kafala* has therefore come to respond to the reality of childless couples to question the fundamental principles of the reference family model. It is a bond that is strengthened over time and would be the assurance of an old age filled and supported by the descendants, a bond that nothing could break and permanently honored after death. This alternative corresponds to a help for the couple and also symbolizes the affection between parents, as well as the relationships of solidarity that result from it by strengthening the social ties between the members of a family.

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