

It is obvious that by adopting a daughter's son a man could guard against contentions for the hand of his daughter, and defeat the designs of rapacious relatives; nevertheless, instances of adoption of a grandson (son of a daughter) on the part of a grandfather are rare (Wyse on Is. viii. 36).

**7. Decay of the institution of adoption.**—Was it possible under Athenian law to adopt a daughter? A woman could not perpetuate in her own person the house and its cult, which was one of the main objects of adoption. Nevertheless, examples of the adoption of a daughter are found. Isæus furnishes two examples of the adoption of a niece by will (xi. 8 and 41); but in the first case the niece was perhaps also heiress *ab intestato*, apart from the adoption, and it is also doubtful whether the adoption was not *inter vivos*. A third example puzzles the lawyers (Is. vii. 9: *διέθετο τὴν οὐσίαν καὶ ἔδωκε τῇ ἐκείνου μὲν θυγατρὶ, ἐμῇ δὲ μητρὶ, αὐτοῦ δὲ ἀδελφῷ, διδοὺς αὐτὴν Λακραιοῖδῃ*). It is generally taken to mean that in his will Apollodoros adopted his half-sister, who was also his heiress *ab intestato*, thus acquiring the right of a father to dispose of his daughter in marriage (*Att. Proc.*<sup>2</sup> 505, n. 75). But Apollodoros had not become the adoptive father of the girl when he made his will and settled the marriage, since the adoption was only to take effect in the event of his death on foreign service (an event which did not occur).

The adoption of a daughter (*θυγατροποιτα*), certainly not contemplated in earlier times, but never expressly forbidden, probably grew to be practised (though to what extent we know not) largely as a family manoeuvre, as public sentiment became less strict, and the definitely religious aspect of the institution tended to fade from view. There are other traces of this change. Thus in the fragmentary speech of Isæus in defence of Euphiletos there is a reference to the adoption of non-Athenians irregularly for personal reasons (Is. xii. 2: *διὰ πέναν ἀναγκαζομένους ξένους ἀνθρώπους εἰσποιεῖσθαι, ὅπως ἀφελῶνται τι ἀπ' αὐτῶν δι' αὐτοῦς Ἀθηναίων γεγονότων*). Similarly, the necessity of providing a male descendant came to be felt less strongly. It is clear that many Athenians in the 4th cent. B.C. died unmarried and without troubling to adopt a son (Is. xi. 49; Demos. xlv. 18). The Code of Gortyna exhibits the same change. It is by no means certain that by it adoption was not permissible even when a man already had both sons and daughters. Its less stringent regulations concerning heiresses (*πατρωνίδκοι = ἐπίκληροι*); the fact that the next-of-kin might, as at Athens, shirk his spiritual duties to the deceased if he cared to waive his claim to the estate; the ease with which the bond created by adoption could be broken (by simple announcement from the stone in the Agora before the assembled citizens); and, above all, the fact that the adopted son might eventually decline his inheritance (which was his only on the express condition that he took over all the spiritual and temporal obligations of the deceased)—all testify to the gradual transformation and decay of the old institution.

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**ADOPTION (Hindu).**—The adoption of a son (*putrasaṅgraha*) amongst the Aryan Hindus, as observed by Sir R. West, is essentially a religious act. The ceremonies in an adoption, as described in the Sanskrit lawbooks, resemble the formalities at a wedding; adoption consisting, like marriage, in the transfer of paternal dominion over a child, which passes to the adopter in the one case and to the husband in the other. One desirous of adopting a son has to procure two garments, two earrings and a finger-ring, a learned priest, sacred grass, and fuel of sacred wood. He has next to give notice to the king (or to the king's representative in the village),

and convene the kindred, no doubt for the purpose of giving publicity to the transaction, and of having the son acknowledged as their relative by the kindred. The adopter has to say to the natural father, 'Give me thy son.' The father replies, 'I give him'; whereupon the adopter declares, 'I accept thee for the fulfilment of religion, I take thee for the continuation of lineage.' After that, the adopter adorns the boy with the two garments, the two earrings, and the finger-ring, and performs the *Vyāhṛti-Homa* or *Datta-Homa*, i.e. a burnt-sacrifice coupled with certain invocations, apparently from the idea that the conversion of one man's child into the son of another cannot be effected without the intervention of the gods. The learned priest obtains the two garments, the earrings, and the finger-ring as his sacrificial fee. Where the ceremony of tonsure [see TONSURE (Hindu)] has already been performed for the boy in his natural family, a special ceremony called *putreṣṭi*, or sacrifice for male issue, has to be performed in addition to the burnt-sacrifice, in order to undo the effects of the tonsure rite. The motive for adoption assigned in the Sanskrit commentaries is a purely religious one, viz. the conferring of spiritual benefits upon the adopter and his ancestors by means of the ceremony of ancestor-worship. The Code of Manu (ix. 138) has a fanciful derivation of the word *putra*, 'a son,' as denoting 'the deliverer from the infernal region called *put*.' In the same way, it is declared by *Vasiṣṭha* (xvii. 1) that 'if a father sees the face of a son born and living, he throws his debts on him and obtains immortality.' Another ancient text says, 'Heaven awaits not one who has no male issue.' These and other texts, laudatory of the celestial bliss derived from the male issue, are cited by eminent commentators in support of the obligation to adopt on failure of male posterity. The importance of this practice was enhanced by writers on adoption, who declared as obsolete in the present age (*Kalīyuga*) the other ancient devices for obtaining a substitute for a legitimate son of the body, such as appointing a widow to raise issue to her deceased husband, or a daughter to her sonless father, or legitimatizing the illegitimate son of one's wife, etc. These writers are unanimous in declaring that none but the legitimate son of the body (*aurasa*) and the adopted son (*dattaka*) are sons in the proper sense of the term and entitled to inherit. Adoption, no doubt, has continued, down to the present day, one of the most important institutions of the Indian Family Law, and its leading principles, as developed in the writings of Indian commentators, are fully recognized by the British courts, and form the basis of the modern case-law on the subject. On the other hand, it must not be supposed that the religious motive for adoption in India has ever in reality excluded or prevailed over the secular motive. The existence of adoption among the Jainas and other Hindu dissenters, who do not offer the oblations to the dead that form the foundation of the spiritual benefit conferred by sons, proves that the custom of adoption did not arise from the religious belief that a son is necessary for the salvation of man. In the Panjāb, adoption is common to the Jats, Sikhs, and even to the Muhammadans; but with them the object is simply to make an heir.

LITERATURE.—Stokes, *Hindu Law Books*, Madras, 1865; G. Bühler, 'The Sacred Laws of the Aryans, part ii. in *SBE*, vol. xiv.; West and Bühler, *A Digest of the Hindu Law*, 2 vols., Bombay, 1884; Mayne, *Hindu Law and Usage*, Madras, 1900; G. Sarkar, *The Hindu Law of Adoption*, Tagore Law Lectures, Calcutta, 1891; Jolly, *Recht und Sitte*, Strassburg, 1896. See Hindu section of art. SLAVERY, LAW AND LAW-BOOKS, INSTITUTIONS.

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**ADOPTION (Japanese).**—Adoption, now widely prevalent in Japan, is not a native institution. It