

## INTERFAITH MARRIAGE IN ISLAM: A FEMINIST APPROACH TOWARD THE QU'RANIC ETHICS OF ISLAMIC MARRIAGE

### EL MATRIMONIO INTERRELIGIOSO EN EL ISLAM: UN ENFOQUE FEMINISTA HACIA LA ÉTICA CORÁNICA DEL MATRIMONIO ISLÁMICO

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**Abstract:** According to Islamic law regardless of the school of thought, interfaith marriage is prohibited, except in the case of a Muslim man marrying a scriptural woman (Kitabiya)<sup>1</sup>, on the contrary, a Muslim woman may not marry a non-Muslim man. For some Muslim scholars, there is room for an exception in which a Muslim woman may marry a non-Muslim man, only under one condition: the conversion of the non-Muslim man into Islam. However, feminist scholars and thinkers such as Asma Barlas (2002)<sup>2</sup>, Asma Lamrabet (2016)<sup>3</sup>, and Amina Wadud (1999)<sup>4</sup>, argued that these rules are more restrictive to both Muslim women and non-Muslim men who wish to marry, and that the arguments used by Muslim thinkers and often adopted and followed by ordinary Muslims to justify the continued acceptance of these rules are incompatible with women's rights and freedom. For them, Muslim women should have a marital choice status like their Muslim male counterparts. The goal of this research paper is to critically discuss the sources from which this rule is derived, and the process through which it is interpreted by feminist thinkers and Muslim scholars.

**Keywords:** Intermarriage, Islamic marriage, Islamic rules, Moroccan marriage law, Moroccan family code.

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<sup>1</sup> Kitabiya is a woman who believe in a revealed book, a term for a Christian or a Jewish woman.

<sup>2</sup> See Barlas, Asma. (2002). *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an*. Austin: University of Texas Press.

<sup>3</sup> See Lamrabet, Asma. (2016). *Women in the Qur'an. An Emancipatory Reading*. Translated by Myriam Francois-Cerrah. Lancastershire: Kube Publishing/Square View.

<sup>4</sup> See Wadud, Amina. (1999). *Qur'an and Women-Rereading the Sacred Text from a Woman's Perspective*. Oxford: Oxford University Press.

**Resumen:** Según la ley islámica, independientemente de la escuela de pensamiento, el matrimonio interreligioso está prohibido, excepto en el caso de que un hombre musulmán se case con una mujer escritural (Kitabiya), por el contrario, una mujer musulmana no puede casarse con un hombre no musulmán. Para algunos eruditos musulmanes, hay lugar para una excepción en la que una mujer musulmana puede casarse con un hombre no musulmán, sólo bajo una condición: la conversión del hombre no musulmán al Islam. Sin embargo, académicas y pensadoras feministas como Asma Barlas (2002), Asma Lamrabet (2016) y Amina Wadud (1999), argumentaron que estas reglas son más restrictivas tanto para las mujeres musulmanas como para los hombres no musulmanes que desean casarse, y que Los argumentos utilizados por los pensadores musulmanes y a menudo adoptados y seguidos por los musulmanes comunes y corrientes para justificar la aceptación continua de estas reglas son incompatibles con los derechos y la libertad de las mujeres. Para ellos, las mujeres musulmanas deberían tener un estado civil de elección como sus homólogos masculinos musulmanes. El objetivo de este artículo de investigación es discutir críticamente las fuentes de las que se deriva esta regla y el proceso a través del cual es interpretada por pensadoras feministas y estudiosos musulmanes.

**Palabras Clave:** Matrimonios mixtos, matrimonio islámico, reglas islámicas, ley matrimonial marroquí, código de familia marroquí.

## 1. Introduction

Religion is a set of cultural systems and beliefs that dominate human life and control every aspect of society, including family, economy, education, politics, and other social aspects. Religion in pre-Islamic Arabia was mixed, the predominant religions at that time were polytheism, Hinduism, Buddhism, Manichaeism, Zoroastrianism and Iranian religions. All of these religions are based on the belief that non-human entities, including animals, idols, plants, and inanimate objects or phenomena, possess a spiritual essence (Culture and Religion in Pre-Islamic Arabia, n.d.). However, with the advent of Islam in the 7th century, monotheists produced a paradigm shift in beliefs and practices, Islam, Christianity and Judaism were among the three great monotheistic religions. These three religions were based on belief in one God for all people everywhere (Leong, 2019)<sup>5</sup>. Indeed, monotheism is the conscious choice of a person committing himself or herself and putting his or her faith in that god instead of any other one.

The main similarities among these three religions are: Three of them descended from Abrahamic religion, are their belief in one god (monotheism), tracing their origin from Abraham, and all considering Jerusalem a holy city. Judaism was founded by leader Abraham around 2000 B.C., which is the oldest monotheistic faith. Christianity

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<sup>5</sup> See Ying, Leong. (2019). One God one Religion. Retrieved from [https://www.researchgate.net/publication/333194735\\_One\\_GOD\\_One\\_Religion](https://www.researchgate.net/publication/333194735_One_GOD_One_Religion)

was built around the figure of Jesus, who was crucified around 30-31 A.D. in Jerusalem. After his death, his followers came to believe in him as Christ, the Messiah. Islam was founded in Arabia by the prophet Mohamed between A.D. 610 and AD. 632. Although these three religions are monotheistic, they believe in one God, there are some differences between them. The monotheism practiced by Islam and Judaism is different from that of Christianity. Christians believe and recognize the divinity of Jesus, while Islam and Judaism do not. For Islam, Christianity is a tri-theist religion rather than a monotheistic religion because it has a trinitarian understanding of the one true God because of Jesus's divinity (Hoover, 2009).

Islam was started in Arabia and is the largest religion, with a population of '1.97 billion adherents, making up about 25% of the world population, according to an estimation in 2022' (Islam by country. n.d.). It has become the dominant religion surpassing Hinduism and Buddhism. Islam takes the Quran as a whole scripture, and most Muslims would say that the Quran is true all the time and, in all places, and we can hardly find a phenomenon out of its rules and regulations. Marriage norms, food habits, dressing customs, festivities, and politics are influenced by Islamic rules and regulations.

Such rules governing interfaith marriage between Muslim women and non-Muslim men has become a taboo issue in major debates between Islamic scholars and feminist thinkers. However, little attention has been paid to this kind of marriage, as most researchers have focused mainly on the marriage of a Muslim man to a non-Muslim woman (Ata 2009; Cerchiaro 2019–2022; Cerchiaro et al. 2015; Woesthoff 2013). In this article, I shall investigate the origins of the prohibition of Muslim women's interfaith marriages in Islamic law by discussing the arguments put forward by traditional and contemporary Muslim scholars. Moreover, I will examine how feminist scholars interpret these arguments and criticize them.

Through this article, I shall demonstrate that the argument used by Muslim scholars and adopted by ordinary Muslims to justify the prohibition of interfaith marriage between Muslim women and non-Muslim men is unsubstantial and incompatible with feminist ideas and thoughts about marriage. Indeed, in this research, I do not attempt to construct legal arguments in opposition to standard views, but rather to review and critique how these views are reproduced and defended.

## **2. Theoretical framework**

### **2.1. Marriage in Islam: Definition and purposes**

Marriage is an important part of society; it is a bond for the continuation of humanity and generation. In Islam, marriage supposedly 'is a precondition for entering into legitimate sexual relationships' (Dahl, 1997, p. 52). According to the Quranic ethic, 'Marriage refers to a contract between a man and a woman, whom he can lawfully get

married to, with the goals of creating a joint life and procreation. Allah the Almighty describes marriage in Quran as a *mithaq Ghalith*, which means ('a strong covenant'): 'And We have taken a strong pledge (Mithaq Ghalith) from you' (Quran 4:21)' (Shahu, n.d.). According to Sahih Muslims<sup>6</sup>, marriage in Islam refers to 'a relation between a man and a woman that is recognized by custom or law and involves certain rights and duties, both in the case of the parties entering the Union and in case of the children born of it' (Sahih Muslim, n.d.)<sup>7</sup>

The majority of Islamic schools of thought, including the Shafii<sup>8</sup>, Hanafi<sup>9</sup>, Maliki<sup>10</sup>, and Hanbali<sup>11</sup> schools of thought, agree that the original ruling on marriage is recommended (*Sunat*), while the Zahiri<sup>12</sup> School of Law states that the original Hukm<sup>13</sup> of marriage is obligatory, meaning that one shall marry at least once in his life (Zahidul, 2014, p. 38).

According to Islam, marriage can be justified by three main reasons. The first one is to fulfil sexual desire, which is human nature, by getting married one can enter legalized sexual intercourse and avoid adultery (Zahidul, 2014, p. 38). The second reason for marriage is to ensure the preservation and continuity of humanity, as demonstrated in Surat Anisae, where Allah stated 'O mankind! Be careful of your duty to your Lord, who created you from a single soul and it created its mate and from them has spread abroad

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<sup>6</sup> Sahih Muslim is a collection of sayings and deeds of prophet Muhammad peace be upon him (also known as the Sunnah)

<sup>7</sup> Sahih, Muslim. (n.d.). KITAB AL-NIKAH THE BOOK OF MARRIAGE. Retrieved from [https://www.iiu.edu.my/deed/hadith/muslim/008\\_smt.html](https://www.iiu.edu.my/deed/hadith/muslim/008_smt.html)

<sup>8</sup> Safi'i is one of the four Sunni schools of religions law, the Safi'i jurists argued for the unquestioning acceptance of the Hadith ( traditions concerning the life and utterances of the prophet Muhammad) as the major basis for legal and religious judgments and for the use of analogical reasoning when no clear directives could be found in the Quran or the Hdith. The consensus of scholars of the community (ijma) was accepted but not stressed.

<sup>9</sup> Hanafi is one of the four traditional major sunni schools of islamic law. Although the Hanafi school acknowledges the Quran and the Hadith ( narratives concerning the prophet Mohammad's life and sayings) as primary sources of law. It is noted for its extensive reliance on systematic reasoning in the absence of precedent.

<sup>10</sup> Maliki is one of the four Sunni schools of law, based on the teaching of the imam Malik ibn Anas , it stressed local Medinese community practice as the lens through which to understand the legal implications of the Quran and the Hadith. The Maliki were open to a logical reasoning and applied juristic discretion ( istihsan) to ensure the beneficial legal outcomes.

<sup>11</sup> Hanbali is one of the four sunni schools of religious law, the Hanbali emphasized the authority of the Hadith and of the recedent set by the early generations of Muslims. It was deeply suspicious of speculative legal reasoning and analogy and rejected their use to overrule haiths or to contravene early precedent.

<sup>12</sup> Zahiri is a Sunni school of islamic jurisprudence founded by Dawud al Zahiri in the 9 th century it is characterized by strict adherence to literalism and reliance on the outward meaning of expressions in the Quran and Hadith literature, the consensus (ijma) of the first generation of Muhammad 's closet companions ( sahaba), for sources of Islamic law ( shari'a); and rejection of analogical deduction ( qiyas).

<sup>13</sup> Hukm in the Quran the word hukm is variously used to mean judgment, authority , or God's will

a multitude of men and women '(An-Nisa' (4:1)).<sup>14</sup> Another reason for marriage is related to the spiritual and legal basis of a family; family members including the husband, wife, and children should adopt an Islamic way of life. In other words, the husband should treat his wife and children well and provide religious and worldly education to their children. The wife, on the other hand, should be loyal to his husband and try her best to satisfy his needs as well as those of her children (Zahidul, 2014, p.38). Thus, all three reasons are the grounds for a valid marriage and the basis for bringing the family closer to Allah.

## 2.2. Interfaith marriage

Interfaith marriage refers to a marriage between a man and a woman possessing different religions. In her article on "Concepts and Terminology in Interreligious Marriage" Ruth Shonle Cavan 1970 defines interfaith marriage as 'a marriage between two individuals who are members of culturally incompatible groups, sub societies, or societies, with emphasis on individuals adjustment to each other to reach harmony, and also as a group that emphasis cultural and religious differences' (Cavan, 1970. pp. 311-320).<sup>15</sup> Sometimes people get confused and think that interfaith marriage is synonymous with intercultural marriage and mixed marriage (Sewenet, Tessagaye, Tadele, 2017, p. 355).

An interfaith marriage can be divided into two types: The first type of interfaith marriage is the marriage among a Muslim man and a non-Muslim woman. The second type of interfaith marriage is a marriage between a Muslim woman and a non-Muslim man. Concerning the first type of interfaith marriage can be valid in terms of one condition, if the non-Muslim women belong to the people of the book Christian or Jewish (Interfaith marriage, n.d.),<sup>16</sup> and can be considered invalid if non-Muslim women are polytheists, atheists, or idolaters. In the Quran, there is only one verse that tackles the issue of marriage between Muslim men or Muslim women and unbelieving men or women. Allah says:

Do not marry idolatresses (al mushrikāt) till they believe, and certainly a believing maid is better than an idolatress even though she would please you, and do not marry idolaters (al Mushrikīn) till they believe (hata yūminū), and certainly a believing slave is better than an idolater, even though he would please you. These invite to the Fire, and Allah invites to the Garden and

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<sup>14</sup> An-Nisa' (4:1) Retrieved <https://www.islamicstudies.info/tafheem.phd?sura=4>

<sup>15</sup> Cavan, S.R. (1970). "Concepts and Terminology in Interreligious Marriage". *Journal for the Scientific Study of Religion*, Vol. 9, No. 4, 311-320. Retrieved from <https://www.jstor.org/stable/1384577>

<sup>16</sup> Scholarly Community Encyclopedia. *Interfaith marriage*. Retrieved from <https://encyclopedia.pub/entry/31205>

forgiveness by His grace, and makes clear his revelations to mankind so that they may remember (Qur'an Baqara 2:221).<sup>17</sup>

This qur'anic verse prohibits the marriage of Muslim men or women to a polytheist (almushrikat). At the time of the prophet Muhammed, polytheists were engaged in a war against Muslim communities; as a result, the prophet Muhammed migrated to the medina to escape persecution. Under difficult circumstances, including verbal and physical abuse, polytheist women escaped and immigrated to the medina to avoid their husbands' maltreatment and torture, and they joined the prophet's Muslim community. Polytheist refugee women must demonstrate their sincerity as Muslims who must be tested before entering the Muslim community. At that time, the prophet signed an agreement called the *Al Hundaybya* Treaty with the opposing tribe of Quraish<sup>18</sup> to stop the war for ten years, insisting on the idea that the polytheist woman who would join the Prophet in Medina without the permission of her legal tutor should be sent back to Mecca, but because of the maltreatment that the polytheist women received from their hostile environment, the prophet refused to send these women back to the enemies, while the agreement was maintained for men (Lamrabat, 2013).

The verse also pointed out that Muslim men and women should marry a believing slave rather than a rich arrogant polytheist. Islam is best known for its tolerance of slaves, and the prophet Muhammed encouraged Muslims to value people regardless of their social class.

However, the second type of interfaith marriage is the marriage of Muslim women to non-Muslim men. As it has already been mentioned in the previous Qur'anic verse, the marriage of Muslim women to a polytheistic man is forbidden. Although the Qur'anic verse is addressed to both Muslim men and women on equal footing, it does not clearly define the concept of believing men and women to whom Muslim men and women are allowed to get married, which kind of believers, either those who have just converted to Islam or those who believe in one god, including believers in other monotheistic religions. In the Quran verse 5 chapter, 5 Allah states that:

as to marriage, you are allowed to marry the chaste from among the believing women and the chaste from among those who have been given the Book before you (are lawful for you); provided that you have given them their dowries, and live with them in honor, not in fornication, nor taking them as secret concubines ( Qur'an Al-Maidah (5:5)).<sup>19</sup>

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<sup>17</sup> <sup>17</sup> Baqara 2:221 Retrieved from <http://quran.com/2/221?translations=20,84,101>

<sup>18</sup> Quraych refers to grouping of Arab clans that historically inhabited and controlled the city of Mecca and its Kaaba.

<sup>19</sup> Al-Maidah (5:5) Retrieved from <https://legacy.quran.com/5/5>

In their interpretation, Muslim scholars assume that this verse only addresses men and does not include women; according to them, the marriage of a Muslim man with a non-Muslim woman (people of the book), either Christian or Jewish, is permissible, while they went further to claim that the marriage of Muslim women with non-Muslim men (people of the book) is forbidden (Bangstad, 2004, p. 350). However, even the verse does not explicitly and directly indicate and states that. Indeed, Muslim scholars derive this rule and the prohibition of marriage from their life experiences, social context, and social circumstances, giving their interpretation of this rule based on all of these factors, so according to Muslim scholars, Muslim women are not permitted to marry outside their faith. Therefore, permission was only given to men to marry people of the book, but such permission was not mentioned in the Qur'an for women (Leeman, 2009).<sup>20</sup>

### 2.3. Civil marriage vs Islamic marriage

Often the marriage between Muslim women and non-Muslim men especially those women who live abroad starts as a civil marriage, this kind of marriage refers to a documented and registered marriage with the applicable court of the state and the law between two persons registered in the civil records of the state or its residents, this kind of marriage is based on the abolition of religious, sectarian, and religious beliefs. According to this marriage, it is not forbidden to link the followers of the Islamic religion to the followers of Christianity or Judaism, and vice versa. It is acceptable to both parties, the husband and the wife, in the presence of witnesses, the clerk of the contract, and those who are married enjoy their full civil rights, socially, politically, and economically, and it is not permissible for anyone to go against that because to do so this would be considered a violation of the law of the state that allowed this kind of marriage (Civil Marriage, 2010).<sup>21</sup>

Contrary to civil marriage, Islamic marriage refers to a marriage that takes place in the presence of a clergy person whether they are priests or sheiks<sup>22</sup> of mosques, this kind of Islamic marriage is known by different names: in literary Arabic *عقد القران* ('matrimony contract'), *نكاح* ('marriage'). This kind of marriage requires *قبول* in English ('acceptance') of the groom, the bride, and the consent and the consent of the custodian *الولي* the ('guardian') of the bride, the guardian of the bride is preferably to be a male free Muslim unless the bride is of the Christian or Jewish faith; in such cases,

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<sup>20</sup> Leeman, A.B. (2009). "Interfaith Marriage in Islam: An Examination of the Legal Theory Behind the Traditional and Reformist Positions". *Indiana Law Journal*.

<sup>21</sup> Civil marriage. (2010). In *Wikipedia*. [https://en.wikipedia.org/wiki/Civil\\_marriage](https://en.wikipedia.org/wiki/Civil_marriage)

<sup>22</sup> Shiekh refers to a leader of a Muslim organization.

the bride should be given away by someone from her religious background ( marriage in Islam, n.d.).<sup>23</sup>

#### **2.4. Muslim scholars' interpretation of interfaith marriages between Muslim women and non-Muslims**

Most Islamic scholars particularly traditional ones including Taha Jabir Alalwani and Jamal Badawi, Ibrahim al-Nakha'i, al-Shi'bi, and Hammad ibn Abi Sulayman ( Ali, n.d. pp. 46- 48) once agreed on the prohibition of an interfaith marriage between a Muslim woman with a non-Muslim man, and according to them, this prohibition is based on different reasons: First, such authorization was not given to women in the Quran and this can be highlighted in the following Quranic passage, ' And do not give (believing women) in marriage to idolaters until they believe, and certainly, a believing servant is better than an idolater, even though he should please you.' (Qur'an 2:221).<sup>24</sup> Second, Muslim women would face oppression if they married a non-Muslim man, as the man is considered as the master the head of the house, his religion would become dominant, and he would impose his religion on his wife (Leeman, 2009, p. 762). In his defence of inter-faith marriage, Dr. Khaleel Mohammed stated that one of the issues that made Muslim scholars oppose interfaith marriage for women is the historical context assumption ' the tribal context, the woman, once married, accepted the husband as a master. She, in turn, accepted the religion of his tribal chief' (Khaleel,( n.d.). p. 1). Thus, a woman's acceptance of her husband's dominance may convince her to convert from her Islamic religion.

Third, the Quran is true for all times, conditions, and situations; for traditional Islamic scholars, the Qur'anic rule prohibiting interfaith marriage was intended to address all times and situations ( Zahidul, 2014, p. 36) even when circumstances change. Fourth, preservation of the *Ummah*,<sup>25</sup> the Ummah is somehow preserved through the offspring of Muslim men, in all cultures, family lineage is passed through the father and in the case of an interfaith marriage between Muslim women and non-Muslim men, this would impact the growth of the Ummah as a whole (Abou El Fadl, 2010). Fifth, religion stems from the father; most often children are given the names of their fathers, and in such marriages, children are brought up in the religion of their unbeliever father (Abou El Fadl, 2010). Last but not least, loss of rights, Islam has guaranteed certain rights to women which cannot be implemented and respected by the unbeliever husbands, these rights include: ' the right to freely practice her faith, the

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<sup>23</sup> Mariage in Islam. (n.d.). In *Wikipedia*. Retrieved from [https://en.wikipedia.org/wiki/Marriage\\_in\\_Islam](https://en.wikipedia.org/wiki/Marriage_in_Islam)

<sup>24</sup> Abaquara ( Qur'an Verse (2:221) from <https://corpus.quran.com/translation.jsp?chapter=2&verse=221>

<sup>25</sup> Ummah refers to the whole community of Muslims

right to مهر ('dowry')<sup>26</sup>, the right to keep her name after marriage, the right to retain her earnings, the right to have her husband provide for her and their children, etc.' (Abou El Fadl, 2010).

However, some modern Muslim scholars try to drive a new interpretation of interfaith marriage rules, and conclude that there is no clear permission or prohibition in the Qur'an with respect to interfaith marriage between Muslim women and non-Muslim men. One of those scholars is Dr. Khaleel Mohammed who criticizes Islamic scholars' argument prohibiting interfaith marriage based on the historical assumption that Muslim women must accept the religion of the non-Muslim partner, however, Dr. Khaleel Mohammed pointed out that women today have equal rights to men and they are different from women living in the time of the Qur'an's revelation, 'those later would have been culturally unable to assert and to place conditions on the marriage' (Khaleel, n.d.). He argued that 'an inter-faith marriage can take place on condition that neither spouse will be forcibly converted to the other's religion' (Khaleel, n.d.). He went further to claim that interfaith marriage is acceptable if the couples make a contract that the wife 'will in no way be forced to accept a religion other than Islam, that the children will be brought up according to her [Islamic] beliefs, and that no negative image of Islam will be presented to her . . .' (Khaleel, n.d.).

More importantly, Dr. Khaleel Mohammed opposed the traditional Islamic scholars who argued that the Qur'anic rule prohibiting interfaith marriage was intended to address all times and situations even the circumstances changes, asserting that the Qur'anic rule circumstances today may justify a change in the rules (Khaleel, n.d.). In his article, Leeman used the argument prohibiting interfaith marriage was intended to address a specific situation, then a change in of Abu Al Fadl who states that 'construing Islamic law to prohibit interfaith marriage for Muslim women requires an appeal to some extra qur'anic source to supplement qur'anic verse. Each verse that prohibits interfaith marriage specifically refers to مشرکات ('unbelievers'); the class of unbelievers that include polytheists, idolaters, and atheists.' For him, 'these verses do not prohibit marriage to people of the book' (Leeman, 2009, p. 758).

Dr. Hassan al-Turabi, a Sudanese Islamist leader has recently issued a fatwa on interfaith marriage and he pointed out that there is no rejection in the Quran against interfaith marriage and he stated that such marriage is valid since nothing in the Quran and Sunnah سنة ('prophet Muhammed sayings') declare that, he affirmed that he could not find a single word that prohibited such marriage in either the Quran or the Sunnah (Turabi, n. d. ). Other scholars like Mahdi Zahraa, a professor in the School of Law and Social Sciences at Glasgow Caledonian University in Scotland, claimed that the exception allowing interfaith marriage between Muslim men and women from people

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<sup>26</sup> Mehr is the obligation, in the form of money or possessions paid by the groom, to the bride at the time of Islamic marriage

of the book ( Christian or Jewish) should be inclusive and it should be applied equally to both sexes, since there is no clear prohibition in the Quran prohibiting Muslim women to marry non-Muslim men from the people of the book, this evidence can speak strongly in favour of tolerating such marriage and interpret it 'flexibly according to the needs of time and space' ( Mahdi, n.d.). Indeed, modernist and reformist Muslim scholars recognize the need to re-interpret and re-understand the meaning of sacred texts in parallel to the modern context and notions of gender equality, women's rights, and universal values.

## **2.5. Feminist scholars' interpretation of interfaith marriage between Muslim women to non-Muslims**

As previously mentioned, religious traditionalist jurisdictions have banned interfaith marriage between Muslim women and non-Muslim men and they consider such marriage sinful. However, most feminist scholars oppose religious traditional jurisdictions, claiming that their arguments about interfaith marriage between Muslim women and non-Muslim men are ignoring women's autonomy in selecting spouses as well as non-Muslim men's right to choose religion. Most feminist scholars believe that Islamic scholar's prohibition of interfaith marriage is not valid because it is not based on clear and convincing arguments, reinterpretations and judgments (Al-Hibri, 2000; Lamrabet, 2013; Leeman, 2009). More importantly, there is nothing in the Quran that dictates such prohibition that stands as a symbol of inequality in the modern era.

Feminists scholars like Acar indicated that there is no clear prohibition in the Quran banning interfaith marriage between Muslim women and non-Muslim men people of the book (Christian or Jewish), he claimed that Surat Mumthaina 10 is about the polytheist of Mecca; It prohibits the marriage of Muslim women with a polytheist man but it doesn't declares explicitly something against the marriage of Muslim women with non-Muslim men. He went further to state that the interpreted argument used by Muslim scholars about the prohibition of such marriage was based on the social and political conditions of their time, these later were based on the patriarchal system and they are no longer relevant to our current society. He stated that such prohibition cannot be applied to women at present because of their education and independence and their abilities to participate in all aspects of society (Acar, n.d.).

In her Ph.D. thesis on interfaith marriage, Eskin stated that Muslim women's prohibition of interfaith marriage based on Surat Mumthaina was not valid since the verse doesn't say anything about people of the book as it addresses polytheists. She determined that Mumtahaina 10 is about women who sought refuge in Medina and it doesn't say anything about Muslim women who choose to stay married to their polytheistic men without seeking refuge ( Eskin, S, 2007). Moreover, Aktan emphasised that Surat Mumtahana 10 explicitly reinforce a person's freedom of religion, and this can be highlighted in the way women seek refuge in Muslim country

and converted to Islam, those later were honored and respected, the same thing should be done with Muslim women who seek refuge in a non-Muslim country and want to convert to another religion, their desire and choice should be respected. Aktan used the argument of Gormez who declares that the prohibition of an interfaith marriage between Muslim women and people of the book is based on the *إجماع* ('consensus of the Muslim scholars') but not in the Quran or *سنة* ('prophet Muhammed sayings') because those later did not want Muslim women to be integrated into another religion except Islam (Aktan, H, 2002).

In the same vein, Mulia stated 'there is no verse in the Quran that firmly and resolutely forbids or allows interreligious marriage. If there is no clear law, the original law is that it is permitted' (Mulia, 2009, p. 274). She pointed out that Muslim societies are based on patriarchal values and gender stereotypes which consider women as weak and whose belief is easily manipulated. She went further and argued that interfaith marriage should be based on a mutual contract that must be signed before the marriage is performed that confirms and endorse mutual respect of both spouses' religions and appreciation of the rights of freedom to perform their religious teaching and beliefs (Mulia, 2009).<sup>27</sup>

In her article about 'interfaith marriage in comparative perspective', Recep Cigdem 2015 stated that "if a non-Muslim wife can follow her religion and get rid of the pressures of her Muslim husband, why Muslim women should not keep her religion during her marriage with Ahl-Kitab man<sup>28</sup>" (Cigdem, 2015, p. 77). According to him, Muslim scholars should change their views and assumptions toward Muslim women they should start seeing them as powerful, they should ensure that Muslim women may lead the non-Muslim men to understand Islamic religion, and maybe convert to Islam, and in case the non-Muslim husband expresses his unwilling to convert, he will simply develop a kind of hostility toward Islam (Cigdem, 2015, p. 77).

The Islamic scholars' assumption that in interfaith marriage between Muslim women and Ahle Alkitab (people of the book), children would be brought up in the religion of their unbeliever father, maybe wrong because it is only based on one side, both the father and the mother can equally influence their children on religion. However this influence should not be dominant over the other, and both parents should not impose their religions on their children and ask them to follow, rather parents should give their children the freedom to choose. Moreover, children can get more

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<sup>27</sup> Mulia, Siti Musdah. "Chapter 9. PROMOTING GENDER EQUITY THROUGH INTERRELIGIOUS MARRIAGE: Empowering Indonesian Women". In *Muslim-Non-Muslim Marriage: Political and Cultural Contestations in Southeast Asia*, edited by Gavin W. Jones, Chee Heng Leng and Maznah Mohamad, Singapore: ISEAS Publishing, 2009, pp. 255-282. <https://doi.org/10.1355/9789812308221-012>

<sup>28</sup> Ahl alkitab refers to people of the Book in Islamic thought, those religionists such as Jews, Christians, and Zoroastrians.

information about their parent's religion from different sources including parents, books, the internet, television, etc. ) then they can choose either the religion of the mother or father of their free will. However, adopting the religion of one of the parents without questioning, is refused by Quran and this can be illustrated in Surat Al Baqara ' And whenever it is said to them ( the unbelievers ), follow what God has sent down, they say, rather we follow what we found our fathers to follow. Even though their fathers had no sense at all, nor did they follow the right path' (Baqara 2 /170).<sup>29</sup>

Other feminists scholars claim that men's dominance over women in Islamic countries no longer implemented in modern societies, where women start to gain more power and impact, and men become no longer necessarily regarded as a head of the household. In her analysis of the dominant interpretation of verse 2: 221 that prohibit interfaith marriage Aziza al- Hibri (2000) claimed that this verse must be interpreted in its historical patriarchal context of total obedience of female to their husbands. However, marriage is based on mutual understanding, love, respect of other personality, identity, race and religion. Indeed, Interfaith marriage between Muslim women and non-Muslim men (people of book) should not be banned if there is no clear evidence mentioned in the Quran or سنة ( 'prophet Muhammed sayings') instead it should be permissible and no restrictions should be imposed on the couples if they want so (Al-Hibri, 2000, pp. 68-69).

In the case of circumcision, feminist scholars like Nawal El-Saadawi and Aziza Kamel argued that 'circumcision is a distortion of what God created because God is satisfied with his creation' (as cited in Alddeeb Abu-Sami, 1995, p. 81) according to them, Islamists scholars have to forget some verses in the Quran that support this, like ' he perfected everything he created ' ( Qur'an 32: 7).<sup>30</sup> Therefore, if the non-Muslim man rejects getting circumcised, but he accepts to convert to Islam only by saying the شهادة ('testimony')<sup>31</sup>, this can be accepted, and he must be welcomed to Islam. Non-Muslim men should not feel obliged to do something they don't want, they must have the full freedom to choose, even if circumcision is considered an Islamic ritual and without it, marriage remains invalid.

### 3. Critical reflections

The dominant purposes of this article seems to demonstrate the weakness in most arguments used by Islamic scholars who oppose such marriage based on historical patriarchal assumptions and contexts and gender stereotypes about male dominance

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<sup>29</sup> Baqara Qur'an ( 2 /170) from <https://corpus.quran.com/translation.jsp?chapter=2&verse=170>

<sup>30</sup> Qur'an 32: 7 from <https://islam.ru/en/content/story/dictionary-attributes-allah-almighty>

<sup>31</sup> Testimony that there is no god but Allah

over women. These assumptions are no longer accepted and recognized in our modern society where women are considered competent, dominant, independent, and more influential. Moreover, the reasoning and arguments used by Muslim scholars to prohibit such marriage do not take into consideration the emotional and practical difficulties that this rule may cause women. After all, scholars start to think about these difficulties and as a result they start thinking about reconsidering the traditional rule of prohibiting interfaith marriage between Muslim women and non-Muslim men (Al-Toma 2017; Hasan 2012; Imam 2001; Cairo 2011; Al-Judai 2004).

The prohibition of an interfaith marriage between non-Muslim men and Muslim women is not based on any Quranic or saying of the prophet (Hadith), but rather it is based on the mutual agreement of Islamic scholars. Indeed, the Quranic verse which addresses this topic does not indicate any rotational for prohibiting this marriage, Moreover, the Quranic verse does not explicitly prohibits the marriage of Muslim men or women to the monotheistic religion, but rather it only prohibits the marriage of Muslim men or women to المشركين ('polytheists'), from which we can conclude that both men and women are permitted to marry people of the book.

As to marriage, you are allowed to marry the chaste from among the believing women and the chaste from among those who have been given the Book before you (are lawful for you); provided that you have given them their dowries, and live with them in honor, not in fornication, nor taking them as secret concubines (Qur'an (5:5)).<sup>32</sup>

Indeed, Muslim scholars' argument to prohibit such marriage between Muslim women and رجل كتابي ('men of the book') is unsubstantial because if the verse prohibits the marriage of Muslim women to رجل كتابي ('men of the book'), such marriage is also forbidden for Muslim men. Indeed, Muslim scholars' interpretation of Quranic verses that tackle the topic of interfaith marriage between Muslim women and men of the book should provide a new lens through which to engage feminist exegesis and gender approach while dealing with verses discussing interfaith marriage.

Undoubtedly, interfaith marriage can be exposed to many challenges and misunderstandings because of cultural and religious differences in tradition and rituals, this may happen in all marriages whether the spouses are from the same religion and culture or they are from different religions and cultures. However, mutual understanding, love, and respect shared by both spouses for each other's religion and tradition are the keys to a successful interfaith marriage between a Muslim and a non-Muslim (people of the book).

#### 4. Yasmine's story and background

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<sup>32</sup> Al-Ma'idah Qur'an (5:5) from <https://quran.com/5/5>

Morocco is one of the Islamic countries that follow the Islamic religion. Most Moroccans follow Sunni Islam,<sup>33</sup> belonging to the Maliki school <sup>34</sup>of Islamic jurisprudence. Apart from religion, Moroccans are considered a migrant population, as almost four million Muslim Moroccans live around the world, and this is what ensures and creates a kind of openness and tolerance towards other cultures and religions.

Because of the increasing number of Moroccan's migrating to the west, there is a growing interest in Muslim's interfaith marriage. Even though Moroccan marriage law has certain tolerance toward interfaith marriage, it is sparse. For Moroccan Muslim men interfaith marriage is permissible only with women of the book, but for women, it is prohibited; if it occurs, and if it takes place, it must be done within a frame of rigorous religious procedures, including the conversion of the foreign husband to Islam and the announcement of his Islam through a set of measures. Most Moroccan women who enter this kind of marriage try to follow these Islamic procedures and end up conducting an Islamic marriage, while others find that these procedures are difficult and prefer civil marriage over Islamic ones.

Many Moroccan women, whether inside or outside Morocco, prefer to marry foreigner non-Muslim men, either Christian or Jewish, and they perform civil marriages for several reasons. The first reason is related to a personal goal: Moroccan women dream of migrating abroad and living there because they think that they will have a better life abroad. The second reason is based on love and romance; many Moroccan women fall in love with non-Muslim men because they find them more supportive and kind and believe that they will never abandon them, no matter how much the circumstances change or become difficult. The last reason is related to age; it seems difficult for many Moroccan women who live abroad to find a Moroccan man there. As they become older, their desire to get married, and to have children increases; therefore, they end up marrying a non-Muslim man even though they do not meet the Islamic religious conditions.

In this context, Yasmine's story stands as an example of many Moroccan women who want to marry non-Muslim men. Yasmine was a twenty-eight years old Moroccan Muslim young woman. Before my conversation with her, I had come across her at a primary school where she works as a football coach. Yasmine was born a Muslim, her father and mother had also been born Muslim. Her father was a doctor and her mother was a teacher. In March 2014, Yasmine met a young man from Sweden named Jane. In

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<sup>33</sup> Sunni Islam (/ˈsuːni, ˈsʊni/) is the largest branch of Islam, followed by 85–90% of the world's Muslims. Its name comes from the word Sunnah, referring to the tradition of Muhammad. More information can be found in [https://en.wikipedia.org/wiki/Sunni\\_Islam](https://en.wikipedia.org/wiki/Sunni_Islam)

<sup>34</sup> The Mālikī (Arabic: مالكي) school is one of the four major schools of Islamic jurisprudence within Sunni Islam. It was founded by Malik ibn Anas in the 8th century. The Maliki school of jurisprudence relies on the Quran and hadiths as primary sources.

a short time, Yasmine has stolen his heart. By the end of 2014, Jane asked for Yasmine's hand, at that time Yasmine told Jane that he would have to convert to Islam first, but Jane refused. Yasmine decided that she could not force him to leave a religion that he loved so much, at the same time she was also not willing to conform to his religion which is Christianity. Yasmine stated that " I knew that my family would not stand for it" she further stated that " I come from a middle-class conservative family who could not accept such marriage, my mother and my father and other relatives could not accept it, and if I did it, I would be rejected and alienated from my family and it would be hard for me to bear that" Yasmine told me that her neighbours warned her that she will be in hell if she lives a life of interfaith marriage. She stated " I often think over the life that I would live, whether it is approved by God or conversely, disliked by him "

Yasmine went to the Sheikh<sup>35</sup> to ask him for advice, the Sheikh told Yasmine that if he refused to convert to Islam this marriage will not be blessed. Yasmine talked with Jane and she explained to him that it is necessary to convert to Islam if he wanted to marry her and that conversion must be done by two things; First, the recitation of the Shahadah ( declaration of faith ) in the presence of the registration officer and two male Muslim witnesses. Second, the person must be circumcised before marriage. After many discussions and tears, Yasmine failed to convince Jane.

However, Jane also managed to convince her to make a civil marriage, but she rejected it since her parents initially opposed such marriage. Yasmine did not want to end her relationship with Jane because she loved him so much, but since interfaith marriage between Muslim women and non-Muslim men is not recognized by her Muslim community, it becomes impossible for her to carry such a relationship. Yasmine removed the idea of marriage from her mind and she separated from Jane.

## 5. Conclusion

Yet as this article has demonstrated, inter-faith marriage between Muslim women and non-Muslims seems very problematic. With the increased number of interfaith marriages between Muslim women and non-Muslim men today, it is the right time to have the intellectual courage to tackle and debate such issue, we should no more hide behind unconvincing arguments but rather voice our ideas and beliefs forward. If the Quran does not directly address the marriage of Muslim women to Kitabi men, what rationale exists for continuing to prohibit such marriage in the first place? Since the Quran is the primary source of divine guidance to humanity as well as the basis for so many Muslim thoughts, any attempt to formulate an argument or ethic should be based on and engaged with the revealed text. The story of Yasmine highlights the limit of tolerance in the Muslim community toward interfaith marriage between Muslim

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<sup>35</sup> Sheikh is a formal title for an Arabic man of a high priest, who is respected for his piety and religious knowledge.

women and kitabi men. However, through this article, I would like to argue that we should go back to the deep meaning of the qur'anic verses that talk about interfaith marriage and interpret them according to our nowadays context and globalized and multicultural societies, we should recognize that our world has been deeply changed, as the role of men and women has been changed since 20 s. As there is no clear prohibition of an interfaith marriage between Muslim women and kitabi men in the Quran, such marriage should be considered permissible, and the interfaith couples should have full respect and understanding of each other religions and seek compromise with respect to rules and practices that are of lesser importance to them, the interfaith couples also should agree on their children's education, that is to say, when their children grow up, they should have the full right and freedom to choose the religion desired by them.

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