

The Assembly of Muslim Jurists of America
20th Annual Imams' Conference



Houston – United States

Interfaith Marriages

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"الأراء في هذا البحث تعبر عن رأي الباحث وليس بالضرورة عن رأي أمجا"

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INTRODUCTION

Interfaith marriages in the US seem to be on the rise, with as many as 42% of marriages in the last 25 years having been between people of different religions.¹ This increase is likely as a combined result of changing attitudes towards religion, increased intermingling, and increased social acceptance. Most Muslim communities in the US have interfaith couples, and many imams have likely officiated such a wedding. Although historically, Muslim men sometimes married Jewish or Christian women, and these marriages were considered valid by most Sunnī jurists, today we face not only different circumstances in the West, but other forms of interfaith marriage – such as Muslim men marrying Buddhist women, and Muslim women marrying Christian men – that are not necessarily approved by traditionally-trained jurists. This paper addresses the fiqh of interfaith marriage in general, with a focus on application in the Western context. The paper begins by presenting 2 key Qur’anic verses, then addresses five related issues, then moving to discuss practical and utilitarian conditions, before concluding with a summary and guidelines / advice for imams.

1 Caryle Murphy, “Interfaith marriage is common in U.S., particularly among the recently wed”, *Pew Research Center*, June 2 2015, <https://www.pewresearch.org/short-reads/2015/06/02/interfaith-marriage/>; Riley, Naomi Schaefer. 'Til Faith Do Us Part: The Rise of Interfaith Marriage and the Future of American Religion, Family, and Society. (Oxford University Press, USA, 2013), *xiii*.

TWO VERSES

There are two key Qur'an verses on interfaith marriage.

وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَ وَلَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا وَلَعَبْدٌ مُؤْمِنٌ خَيْرٌ مِنْ مُشْرِكٍ وَلَوْ أَعْجَبَكُمْ أُولَئِكَ يَدْعُونَ إِلَى النَّارِ وَاللَّهُ يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ وَيُبَيِّنُ آيَاتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ (221)

“And do not marry polytheistic women until they believe. And a believing slave woman is better than a polytheist, even though she might please you. And do not marry polytheistic men [to your women] until they believe. And a believing slave is better than a polytheist, even though he might please you. Those invite [you] to the Fire, but Allah invites to Paradise and to forgiveness, by His permission. And He makes clear His verses to the people that perhaps they may remember.” Q.2:221

الْيَوْمَ أُحِلَّ لَكُمْ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حَلَلٌ لَكُمْ وَطَعَامُكُمْ حَلَلٌ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أَجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسَافِحِينَ وَلَا مُتَّخِذِي أَخْدَانٍ وَمَنْ يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ عَمَلُهُ وَهُوَ فِي الْآجِرَةِ مِنَ الْخَاسِرِينَ

“This day [all] good foods have been made lawful, and the food of those who were given the Scripture is lawful for you and your food is lawful for them. And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you, when you have given them their due compensation, desiring chastity, not unlawful sexual intercourse or taking [secret] lovers. And whoever denies the faith - his work has become worthless, and he, in the Hereafter, will be among the losers.” Q.5:5

Q.2:221 prohibits Muslims – both men and women – from marrying *mushriks*, and the explicit sense of Q.5:5 gives permission for Muslim men to marry *kitābī* women. These two verses raise a few issues that we must get to the bottom of in order to arrive at the Islamic verdict(s) about interfaith marriage:

- (I) What is meant by *mushrik*?
- (II) What is meant by *kitābī*?
- (III) What is the relationship between, and applicability of, the two verses?
- (IV) What are the conditions under which marrying a *kitābī* woman is allowed?
- (V) Can Muslim women marry *kitābī* women?

(I) Implication of 'mushrik'

The general meaning of *mushrik*, as someone who associates partners with Allah, is clear. In the context in which the verse was revealed, *mushrik* was understood to refer to the idolatrous Arabs in the time of the Prophet. However, is the verse restricted in its applicability to only them (in which case it is not applicable today, because there is no *mushrik* remaining in the Arabian Peninsula), or is it of general applicability to every *mushrik* (in which case it would apply to Hindus today)? The first interpretation is reported from Qatāda and Sa'īd ibn Jubayr, and the second from Ibn Abbās.²

The preferred view is that the verse applies to every *mushrik*, based on the following.³

- (i) the rationale given later in the verse, "Those invite [you] to the Fire," for certainly the incompatibility between a monotheistic and polytheistic worldview
- (ii) the general principle العبرة لعموم اللفظ لا بخصوص السبب (what is taken into account is the generality of the wording, not the specificity of the cause [of revelation]).

A further issue is whether the term *mushrik* includes the *kitābī*. Even though the Qur'an clearly attributes *shirk* to some *kitābīs* (e.g. belief in the divinity of Jesus is described as *shirk* in Q.5:72), other verses mention *mushrik* and *ahl al-kitāb* as two distinct categories (e.g. Q.2:96, 3:186, 22:17, 98:1, 98:6). Thus, as suggested by Shaykh Muḥammad Abū Zahra, *mushrik* in Qur'anic terminology is a term for idolators, who "have no scripture [not even a corrupted book], and therefore no deterrent restraining them, nor anything preventing them from plunging unrestrictedly into evil."⁴

(II) Definition of *kitābī*

There is scholarly consensus (*ijmā'*) that Jews and Christians – followers of the Torah and Injīl, as suggested by Q.5:65-66 and Q.6:156 – are considered *ahl al-kitāb*, and the famous schools of fiqh restrict the category to these two communities. However, there has been some debate over whether *ahl al-kitāb* includes any other religious communities.

Zoroastrians (*majūs*)

It is reported in a hadith that the Prophet offered Zoroastrians the option to pay the *jizya* tax (which is mentioned in the Qur'an (Q.9:29) as applicable to *kitābīs*), but with the caveat that their it is not allowed for Muslims to eat their slaughtered meat not to marry their women. However, there are three potential problems with this narration:

- (i) it is *mursal* (i.e. a break in the *isnād* which renders it weak according to many scholars).

² Al-Ṭabarī, *Jāmi' al-Bayān* (Makkah, Dār al-Tarbiya wa-l-Turāth, n.d.), 4/362-5.

³ For arguments for the opposing view, see 'Arif 'Izz al-Dīn Hassūna, *Zawāj al-Muslima bi-ghayr al-Muslim* ([Kuwait]: Dār al-Mirqāh, 2022), 25-65.

⁴ Abū Zahra, *Zahrat al-Tafāsīr* ([Cairo]: Dār al-Fikr al-'Arabī, n.d.), 716.

- (ii) it contains a weak narrator, Qays ibn Muslim.
- (iii) some versions of the narration do not mention the exception (of their meat and women not being *ḥalāl*).⁵

Furthermore, there are other narrations from Caliph Ali that use the label *ahl al-kitāb* for the Zoroastrians,⁶ and Zoroastrian belief is indeed that the Avesta is a book from the One God (*Ahura Mazda*) to Zarathustra.⁷

Nevertheless, the practice of the majority of early jurists is in accordance with this hadith. Abū Thawr, the companion of Imām al-Shāfi‘ī, disagreed, and allowed Muslim men to marry Zoroastrian women.

Others

Shaykh Rashīd Riḍā opined that the Qur’an has only mentioned those religions that the Arabs of the time were familiar with, and also that the prohibition of marrying a *mushrik* in Q.2:221 should be interpreted, based on the context, as only applying to Arabian polytheists. He thus concludes, in light of the Qur’anic fact that Allah send messengers to all nations, that the Qur’an is silent on whether Muslim men can marry Buddhists, Hindus, etc. He mentions that Muslims in China had practiced this in the past, and this contributed to the spread of Islam. He does clarify that he disapproves of marriage to non-Muslim women in the modern context, because it often turns out badly.⁸

I am not aware whether his fatwa was acted upon to any significant extent at the time, but in 2003, a marriage was officiated between a Muslim man and Confucian woman, attended by some Muslim scholars and clerics.⁹

(III) Relationship between the two verses

‘Abdullāh ibn ‘Umar, when asked about a man marrying a Christian or Jewish woman, said, “Allah has forbidden marrying polytheistic women, and I do not know of any polytheism greater than for a woman to say her Lord is Jesus, or one of the [other] servants of Allah.”

Nevertheless, a number of Companions (ṣaḥāba) – among them ‘Uthman, Ṭalḥa, Ibn ‘Abbās, Jābir, Hudhayfa – and Successors (Tābi‘īn) – among them Sa‘īd ibn al-Musayyib, Sa‘īd ibn Jubayr, Mujāhid, Tāwūs, ‘Ikrima, al-Sha‘bī and al-Ḍaḥḥāk – considered marrying women of the People of

⁵ The narration is reported by ‘Abd al-Razzāq, Ibn Abī Shayba, and Ibn Sa‘d via al-Wāqidi. For the analysis, see: al-Zayla‘ī, *Nasb al-Rāya*, ed. Muhammad ‘Awwāma (Beirut: Mu‘assasat al-Rayyān, 1418/1997), 4/181; al-Shawkānī, *Nayl al-Awḥār*, ed. ‘Iṣām al-Ṣabābatī ([Cairo]: Dār al-Ḥadīth, 1413/1993), 8/64.

⁶ al-Shawkānī, *Nayl al-Awḥār*, 8/64.

⁷ J. Kellens, “AVESTA i. Survey of the history and contents of the book,” *Encyclopaedia Iranica*, III/1, pp. 35-44, online at <http://www.iranicaonline.org/articles/avesta-holy-book> (accessed on 31 July 2024).

⁸ Riḍā, *Tafsīr al-Manār*, 6/186-96. For some actual anecdotes of Muslim men who married non-Muslim women with bad outcomes, see: ‘Abdullāh al-Ghumārī, *Daf‘ al-Shakk wa-l-Irtiyāb ‘an Tahrim Nisā’ Ahl al-Kitāb*.

⁹ McBrien, Julie, and Annelies Moors. *Muslim Marriage and Non-Marriage: Where Religion and Politics Meet Intimate Life*. (Leuven University Press, 2023), 296-7.

the Book as permissible, and this is the majority view among Sunnīs, including the four schools, as well as the Ibāqīs. However, the dominant view among the Shia (both Zaydī and Twelver) is that marrying Jewish or Christian women is not permissible (although there are some Shia who disagree).¹⁰

The stronger opinion is the first, i.e. permissible. It is unlikely that Q.2:221 abrogates Q.5:5, because it is generally acknowledged that Sūrat al-Mā`ida was revealed much later than al-Baqara, and hence it makes more sense to say that the prohibition of marrying a *mushrik* woman was (partially) abrogated by the permission of marrying Jewish and Christian women; that is, if we assume that the term *mushrik* includes kitābīs. As for Ibn `Umar's view, it can be attributed to piety and opting for precaution.¹¹

Nevertheless, the issue is not totally clear-cut (*qaṭ`ī*), because we may not be able to prove the chronology of the *sūras* with 100% certainty, and there are also narrations and hadith (mainly in the Shia books) suggesting the view of the minority. A Sunnī narration to this effect is the following:

“The Messenger of Allah *nahā* (prohibited or discouraged) all categories of women except for [those] among the *muhājir* Muslim women, and he prohibited every woman of a religion other than Islam.”¹²

Furthermore, Ibn `Umar's view, that Q.5:5 should be interpreted in light of Q.2:221 – i.e. that it is only allowed to marry kitābī women who do not commit *shirk* (e.g. a monotheistic Jewess or unitarian Christian would be allowed, but not a Trinitarian Christian – remains a viable possibility.

(IV) Stipulations for *kitab*

Muhsin

Q.5:5 explicitly imposes the condition that the *kitab* woman married by a Muslim man should be *Mehsana*.¹³ The early authorities of *tafsir* differed whether this means free-women (as opposed to slave-women), or chaste (as opposed to fornicatresses).¹⁴ The majority of scholars took the first interpretation, and therefore prohibited Muslim men from marrying enslaved kitābī women.¹⁵ The possibility remains that it means both 'free' and 'chaste',¹⁶ but we have another verse that prohibits marrying an unchaste person:

10 For citations from the books of the Sunnī and Shī`ī schools, see: Abū Muḥammad al-Ḥasan ibn `Alī al-Kattānī, *Ḥukm al-Zawāj min al-Kitābiyya*.

11 See: al-Ghumārī, al-Qurṭubī, and others.

12 Al-Ṭabarī, *Jāmi` al-Bayān*, 4/364.

13 Al-Kisā`ī recited this word in the active (rather than passive) participle: *muhṣina*. The implication remains the same, for these are two sides of the same coin: *muhṣina* implies that she keeps herself chaste, whereas *muhṣana* implies that she is kept chaste by her faith. See: Ibn Zunjūla, *Kitāb Hujjat al-Qirā`āt* (Dār al-Risāla), 196-7

14 Al-Ṭabarī, *Jāmi` al-Bayān*, /581-7.

15 Shawkānī, *Fath al-Qadir*.

16 Riḳā, *Tafsīr al-Manār*, 6/182.

الرَّانِي لَا يَنْكُحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَالزَّانِيَةُ لَا يَنْكُحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ وَحُرِّمَ عَلَيْكَ الْمُؤْمِنِينَ

“The fornicator shall marry none but a fornicatress or an idolatress, and the fornicatress -- none shall marry her but a fornicator or an idolator; that is forbidden to the believers.” Q.24:3

It is important to note that this stipulation, of chastity, applies not only to Kitābī women, but also to Muslim men and women. Although the statistics for premarital sex among Muslims in the US (42-65%) are lower than in the general American populations (95%), this is still remarkably high, and if we allow for the possibility that some Muslims lie about pre-marital sex due to their sense of shame (which can be case even in anonymous surveys) then the true percentage could be even higher.¹⁷ But even if we take the conservative estimate of 42%, this means that the odds of a prospective Muslim spouse having committed fornication are almost 1 in 2; a sobering statistic. So, what are the requirements for a Muslim (man or women) to marry a potential spouse who is otherwise marriageable but has committed fornication? There is one unanimously-agreed condition (repentance) and one disputed condition (a waiting period) that might apply specifically in the case of a woman who has committed fornication. Before we discuss each of these in more detail, we can point out that there is a minority view (attributed to ‘Ā’ishah and Ibn ‘Abbās, and maintained by the Ibādīs) that if a man and woman fornicated with other, then they can never get married.¹⁸

Repentance توبة

Based on the verse Q.24:3, it is prohibited, by agreement of the scholars, for a Muslim man (or woman) to marry an unrepented fornicatress (or fornicator). Nevertheless, according to the majority of scholars, such a marriage (provided the other conditions for validity are satisfied) is valid (although sinful). The Ḥanbali school says that the marriage is invalid, unless the fornicator/ress has repented, and the Ibādīs insist on invalidity even after repentance.¹⁹

Does one have to inform potential spouse that one has committed fornication in the past? By default, the answer is no, based on the following two hadiths.

كل أمتي معافى إلا المجاهرين، وإن من المجاهرة أن يعمل الرجل بالليل عملاً، ثم يصبح وقد ستره الله عليه فيقول: يا فلان عملت البارحة كذا وكذا، وقد بات يستره ربه، ويصبح يكشف ستر الله عنه

“All of my followers will be forgiven except those who expose [their sins]. An example of exposure is that a man who commits a [sinful] deed by night, then in the morning, although Allah has concealed [the sin from people’s knowledge], he says (to people): ‘I committed such and such sin

17 For Muslim statistics, see; Sobia Ali-Faisal, “What’s Sex Got to Do with It? The Role of Sexual Experience in the Sexual Attitudes, and Sexual Guilt and Anxiety of Young Muslim Adults in Canada and the United States”, *Journal of Muslim Mental Health* 10:2 (2016), 27-41, <http://dx.doi.org/10.3998/jmmh.10381607.0010.202>; and Adamczyk, A., & Hayes, B. E., “Religion and Sexual Behaviors: Understanding the Influence of Islamic Cultures and Religious Affiliation for Explaining Sex Outside of Marriage”, *American Sociological Review*, 77:5 (2012), 723-746, <https://doi.org/10.1177/0003122412458672>. For the 95% figure in the general American population, see: Lawrence B. Finer, “Trends in premarital sex in the United States, 1954-2003”, *Public Health Rep.* 2007 Jan-Feb;122(1):73-8. doi: 10.1177/003335490712200110.

18 Attafayyish, *Hamayān al-Zād*, 11/210-11.

19 Al-Baysawī, *Mukhtasar* ([Muscat?]: Wizārat al-Turāth al-Qawmī, 1397/[1977]), 182. However, some Ibādīs apparently share the majority view, as in Attafayyish, *Hamayān al-Zād ilā Dār al-Ma’ād* ([Muscat?]: Wizārat al-Turāth al-Qawmī, 1411/1991), 11/210.

last night,' while Allah had kept it a secret. During the night Allah had concealed it, but in the morning he lifts off Allah's cover from himself."²⁰

أَيُّهَا النَّاسُ؛ قَدْ آنَ لَكُمْ أَنْ تَنْتَهُوا عَن حُدُودِ اللَّهِ. مَن أَصَابَ مِن هَذِهِ الْقَادُورَاتِ شَيْئًا، فَلْيَسْتَتِرْ بِسِتْرِ اللَّهِ؛
 "O people! The time has come for you to observe the limits of Allah. Whoever has committed any of these vile things should be behind the Allah's cover."²¹

Ibn 'Abd al-Barr said,

الستر واجب على المسلم في خاصة نفسه إذا أتى فاحشة

"Concealing [a sin that occurred] is obligatory for the Muslim with regard to himself when he has committed a shameful deed."²²

An exception would apply if the potential husband stipulated that the woman should be a virgin, but even in that case, she would not have to explicitly say that her virginity was lost as a result of fornication. Also, if knowledge of the fornication spread to other individuals, and there is a likelihood of the news of it eventually reaching the potential spouse, then it would be advisable to pre-empt that by acknowledging the fact to the potential spouse, along with reassuring them that one has repentance. Some scholars advise informing the potential spouse of premarital sex in all cases; a Ḥanafī mufti writes,

"The purpose of marriage is to live with one's spouse with love, respect and peace. Honesty plays an integral role in achieving this. Many family disputes stems from the partners losing trust in each other due to the lack of honesty. Virginity is a crucial aspect of marriage. If you do not divulge this information, it is possible that this information could have implications on the future of the marriage. Therefore, you should mention that to the person coming to see you. You could explain [to] him that you have repented of the past."²³

Nevertheless, the preferred view is the first one (i.e. that it is normally not advisable to reveal the fornication) based on the 2 hadiths mentioned earlier.

Waiting Period

The jurists disagreed on whether a woman who committed fornication is subject to a waiting period.

- (a) The Ḥanafīs, Shāfi'īs and Zaydīs say there is no waiting period (*'idda*), "because the *'idda* has been legislated to preserve lineage, whereas lineage is not [legally] established with fornication."²⁴

However, if the woman is pregnant as a result of the fornication, then the Ḥanafīs and Zaydīs

20 Narrated by Bukhārī and Muslim.

21 Narrated by Mālik.

22 Ibn 'Abd al-Barr, *al-Tamhīd* ([Morocco], *Wizārat 'Umūm al-Awqāf wa-l-Shu'ūn al-Islāmiyya*, 1387/[1968]), 5/337.

23 Mufti Ebrahim Desai, "Fatwa: must inform prospective spouse if made zina before?", 7/5/2005, https://askimam.org/public/question_detail/13184

24 *Al-Mawsū'at al-Fiqhiyya al-Kuwaytiyya*, 29/338; *Mawsū'at al-Fiqh al-Islāmī* (Cairo: Wizārat al-Awqāf, 1387/[1967]), 5/187.

(unlike the Shāfi'īs) prohibit the husband from having sexual intercourse with the woman until she delivers, based on the hadith:

لا يحلُّ لامرئٍ يؤمنُ باللهِ واليومِ الآخرِ أن يسقيَ ماءهُ زرعَ غيره

"It is not allowed for a man who believes in Allah and the Last Day that his water should irrigate the cultivation of someone else."²⁵

Imam Muḥammad ibn al-Ḥasan (in the Ḥanafī school) said that if she is not pregnant:

لا أحبُّ له أن يطأها ما لم يستبرئها

"I dislike for him to have sexual intercourse with her until he ascertains that she is not pregnant (استبراء, *istibrā*’)."

Although this seems to imply a recommendation for *istibrā*’, Ibn ‘Ābidīn argues that a strong case can be made that it implies obligation, and some Ḥanafīs have taken this position.²⁶

(b) The official view of both the Mālikīs and Ḥanbalīs is that the woman is subject to a normal *‘idda* of three cycles, in order to ascertain that she is not pregnant (استبراء), so that the husband’s child can be distinguished from the child from the fornication.

(c) There is another view in both the Mālikī and Ḥanbalī schools, that the waiting period in this case is only one menstrual period, based on the hadith:

لا توطأ حاملٌ حتى تضع، ولا حائلٌ حتى تحيضَ حيضةً

"One should not have sexual intercourse with a pregnant woman until she delivers, nor with a non-pregnant woman until she menstruates once."²⁷

A weakness of this third view is that this hadith is in regard to a specific context (concubines in war-time, which does not apply today), and so it is questionable to extend its applicability to the case of the fornicatress.

An imam who needs to issue a fatwa on this issue in his community is free to choose one of the first two views, based on the circumstances, taking into account his own *madhhab*, and the *madhhab* of the people involved. Nevertheless, the point raised by the Mālikīs and Ḥanbalīs, regarding distinguishing the husband’s child from a potential child from the fornication, deserves to be taken into account, given the financial consequences, for if we are sure that the child is not the husband’s, then he would not be responsible for the child’s expenses. Therefore, there is a preference for the second view (obliging a waiting period). There is room for taking the third view, especially for a Ḥanafī (and for a Shāfi’ī too, by way of precaution احتياط), because even though the applicability of the hadith ("...until she menstruates once") is questionable, it is obvious that one

25 Narrated by Ibn Hibbān. Arnā’ūt graded it as *ṣaḥīḥ*, and al-Albānī as *ḥasan*. The husband is still required to pay the wife’s expenses. Ibn ‘Ābidīn, *Radd al-Muḥtār* (Cairo: al-Babī al-Ḥalabī, 1386/1966), 3/48.

26 Ibn ‘Ābidīn, *Radd al-Muḥtār*, 3/49-50.

27 Narrated by Abū Dāwūd, Aḥmad, and al-Dārimī. Arnā’ūt graded it as *ḥasan* in one version and *ṣaḥīḥ li-ghayriḥ* in another, and al-Albānī *ṣaḥīḥ li-ghayriḥ*.

menstrual cycle is sufficient to determine whether the woman is pregnant.²⁸

Historical

According to the Shāfi'ī school, *those who were given the Scripture before you* (Q.5:5) excludes – for the purposes of meat and marriage, but not for *jizya* – any Jews who adopted Judaism (and similarly any Christians who embraced Christianity) after their scripture was abrogated or corrupted.²⁹ For example, it is true that the Crimean Khazars converted to Judaism *en masse* in the 8th-9th century CE,³⁰ then according to the Shāfi'īs, their meat and women are not *ḥalāl* for Muslims, because they were not *given* the Scripture; rather they *took* it after it had been doubly-abrogated (by the Injīl and then by the Qur'an). Anyone who converted to Judaism after Jesus started to preach the Injīl, or anyone who converted to Christianity after the birth of Islam (such as most African Christians) would similarly be disqualified. For the non-Shāfi'ī majority, ancestry is not taken into account.

The Shāfi'ī view is more cautious, but it would often be difficult, especially for the average Muslim, to determine when the ancestors of a potential kitābī woman entered into the religion. This difficulty could be compounded in the case of someone of mixed ancestry, something that is much more common nowadays compared to in the medieval world where the norm was for people to live within and marry within their own ethnic group. A strict Shāfi'ī could still opt to perform DNA testing, but this is not accessible to all people, and could be considered a hardship or *takalluf* (going too far).

The majority of jurists do not impose this stipulation of ancestry, and the following Qur'anic verse can be cited as support,

“Whoever among you allies with them is among them.” Q.5:

Furthermore, we know (through reports connected to the *tafsīr* of “No compulsion in religion,” Q.2:256 لا إكراه في الدين that some Arabs had their children raised as Jews or Christians, because they considered these religions better, and that when the parents found out about Islam, they wanted to force the children to accept Islam but the Qur'anic verse forbade them to do that. Also, some of the Jews of Madina were pure Arabs. There is no record of the Prophet ﷺ or the Righteous Caliphs ever treating these Arab Jews and Christians different than their ancestral co-religionists.³¹

28 This is also the view of Ibn 'Uthaymnīn. *Al-Sharḥ al-Mumtī'*, 13/332. Some Zaydis also apparently obligate *istibrā'*, but I have not been able to ascertain whether they stipulate one menstrual cycle or three. Muḥammad ibn 'Alī al-'Alawī al-Kūfī, *al-Jāmi' al-Kāfi* (Ṣa' da: Mu'assasat al-Muṣṭafā al-Thaqāfiyya, 1435/2014), 4/49-50.

29 Nawawī, *Rawḍat al-Ṭālibīn* (Beirut/Damascus, al-Maktab al-Islāmī, 1412/1991), 7/138-8.

30 This point is debated. See: Stampfer, "Did the Khazars Convert to Judaism?" *Jewish Social Studies*, 19:3 Shaul (2013), 1-72; Gil, Moshe. "Did the Khazars Convert to Judaism?" *Revue des Études Juives*, 170:3 (2011), 429-441; Brook, Kevin, "Chapter 6: The Khazars' Conversion to Judaism" *The Jews of Khazaria*, 3rd ed., (Lanham, MD, Lowman & Littlefield, 2018).

31 Riḍā, *Tafsīr al-Manār*, 6/179-80.

Beliefs

How much should beliefs be taken into consideration to determine if someone is actually Jew or Christian? If someone self-identifies as Jew (or Christian) this is normally enough, regardless of the extent to which they are practicing their religion. This applies even if they hold beliefs of *shirk* (such as Trinity), because many Christians at the time of the Prophet ﷺ were already holding such unacceptable beliefs, and yet the verse Q.5:5 gives permission to marry *kitābī* women without stipulating anything about their beliefs. This is the view of the majority of scholars.

However, if a woman was raised Christian (or Jewish) but then explicitly renounced the faith (such as by announcing herself to be atheist, or by converting to a non-Abrahamic faith) then it would not be allowed to marry her, because she is no longer *kitābī*.

‘Ali said, “Do not eat the meat slaughtered by the Christians of Banū Taghlib, for they have not retained anything of their Christianity except drinking wine.”³²

Ḥarbī

Many jurists that if a *kitābī* woman is *ḥarbi* (i.e. she is from a nation at war with the Muslims)³³ then it is impermissible to marry her. This is also a fatwa reported from the *ṣahābī* Ibn ‘Abbās, and the *Tābī‘īn* Abū ‘Iyāḍ and al-Ḥakam.³⁴

As evidence for this position, the Ḥanafī scholar al-Jaṣṣāṣ cited the Qur’anic verse:³⁵

لَا تَجِدُ قَوْمًا يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ يُوَادُّونَ مَنْ حَادَّ اللَّهَ وَرَسُولَهُ

“You will not find a people who believe in Allah and the Last Day having affection for those who oppose Allah and His Messenger....” Q.58.22

In other words, the Muslim is not allowed to marry a *ḥarbi* – one who actively opposes Allah and the Prophet, because this will necessarily involve having affection for her (given that the bond of marriage is based on “affection and mercy” (مَوَدَّةً وَرَحْمَةً) Q.30:21).

This view of impermissibility is explicit in the Ḥanafī and Mālikī schools. The Ḥanafī jurist Ibn al-Humām says, “It is reprehensible by consensus to marry a Harbi Kitabi woman, due to the [resulting] laying open of the door of tribulation, entailing such things as the possibility of attachment necessitating [the Muslim] taking up residence with her in the warring nation, and exposure of the child to assimilating the traits of the people of unbelief, and [exposure] to captivity, as may occur if she is captured while pregnant, such that the child would be born in captivity.”³⁶ Ibn ‘Ābidīn, after quoting this, comments, “[This] conveys reprehensibility of close-

32 Al-Shāfi‘ī, *al-Umm* (Beirut, Dār al-Fikr, 1403/1983), 4/300.

33 In this regard, see Q.60:8-9.

34 Al-Ghumārī, *Daf‘ al-Shakk*.

35 al-Jaṣṣāṣ, *Aḥkām al-Qur‘ān*, 2/411.

36 Ibn al-Humām, *Fatḥ al-Qadīr*, 3/135

prohibition (*karāhah al-taḥrīm*) for [the verdict on marrying] a *ḥarbī* woman."³⁷ Imam al- Qurṭubī says, on behalf of the Mālikī school, ""As for marrying [women] of the People of the Book when they are *ḥarbī*, it is not permissible."³⁸

The official Ḥanbalī position is that such a marriage is allowed, but a number of Ḥanbalī jurists prohibited it.³⁹ For the Shāfi'īs, marrying a *ḥarbī* kitābī woman is strongly disliked (whereas marrying a non-*ḥarbī* (i.e. *dhimmi*) is also disliked, but not as strongly).⁴⁰ We may also note that scholars in general are agreed that it is at minimum disliked for even two Muslims to marry in a land of war, because of the increased chance of the children growing up as non-Muslim.⁴¹

We should note the term *dār al-ḥarb* is a category developed by medieval jurists, and its applicability to the modern world can be disputed. Nevertheless, there are some cases that are less ambiguous, where a particular country is actively at war with Muslims. The case of Palestinian writer and poet Mahmoud Darwish's affair with an Israeli woman Tamar Ben-Ami, is relevant here.⁴²

(V) Muslim women marrying *kitābī* men

The preferred view (explained earlier) is that *mushrik* does not include *kitābī*, and this might suggest (since Q.2:221 apparently only prohibits marriage to *mushrik* men) that it is permissible for a Muslim woman to marry a *kitābī* man, because:

- (i) this is not explicitly prohibited, and furthermore:
- (ii) the default is that any regulations applicable to men are applicable to women (and vice-versa) – unless there is explicit evidence to the contrary, based on the hadiths,

إِنَّمَا النِّسَاءُ شَفَائِقُ الرِّجَالِ

"Women are the counterparts of men,"⁴³

قال النساء للرجال: أسلمنا كما أسلمتم وفعلنا كما فعلتم، فتذكرون في القرآن ولا نذكر! وكان الناس يسمون المسلمين، فلما هاجروا سمووا المؤمنين، فأنزل الله: إن المسلمين والمسلمات

"The women said to the men, 'We accepted Islam just like you accepted Islam, and we did [the same deeds] as you did, but you are mentioned in the Quran whereas we are not mentioned!' ... so then Allah sent down [the verse] "Indeed, Muslim men and Muslim women for them Allah has prepared forgiveness and a great reward. [Q.33:35]"⁴⁴

37 Ibn 'Ābidīn, *Radd al-Muḥtār*, 4/45.

38 al-Qurṭubī, *al-Jāmi' li-Aḥkām al-Qur'ān*, 3/69.

39 Al-Mardāwī, *al-Inṣāf*, 8/136.

40 Al-Ramlī, *Nihāyat al-Muḥtāj*, 6/290.

41 *Al-Mawsū'at al-Fiqhiyya al-Kuwaytiyya*, 20/207-8.

42 The affair apparently ended when Ben-Ami joined the Israeli army. There are rumours that she was a Mossad agent or spy, but Dexter Pahmer, in an article "No, Mahmoud Darwish Didn't Fall in Love with a Mossad Agent" on medium.com, dated Jan 10 2023, claims this is not true.

43 Narrated by al-Tirmidhī and Abū Dāwūd. Al-Arnā'ūṭ graded it as *ḥasan li-gharibi*, and al-Ishbīlī and al-Albānī said it is *ṣaḥīḥ*.

44 Ibn S'ad, *Ṭabaqāt*, ed. 'Alī Muḥammad 'Umar (Cairo: L Khānjī, 1421/2001), 10/190. For similar narrations, see: al-Suyūṭī, *Al-Durr al-Manthūr* (Beirut: Dār al-Fikr, n.d.), 6/508.

- (iii) a two-fold argument based on *maṣlahā* (benefit/utility)
 - a. that this makes our fiqh more comprehensible to outsiders (in particular: non-Muslims amongst whom we are living), especially in a secular society where the default is legal parity between men and women. In other words, a non-Muslim may question the logic of why a Muslim man can marry a kitābī woman but a Muslim woman cannot marry a kitābī man, and this could lead to social and communal friction, and could potentially even be an obstacle to someone becoming Muslim because they feel Islamic regulations are arbitrary (do not make sense) and unjust
 - b. Allowing such marriages opens the desirable possibility that the Muslim woman's Islam will be a positive influence on the kitābī man leading him eventually to become Muslim.
- (iv) The social and political context and norms have changed drastically since medieval times, with the result that the dangers of such a marriage, that were pointed out by earlier scholars, no longer apply. In particular:
 - a. The constitutions of many Western countries guarantee freedom of religion, so the kitābī husband cannot force his Muslim wife to leave Islam, and many non-Muslims today are religiously tolerant.
 - b. Gender norms (in the West, as least) have changed, such that the husband's authority is more curtailed than it has been traditionally.
 - c. The danger of the children of such a marriage not being Muslim is low, because statistics indicate that children are more likely to follow the religion of the mother (48%) than of the father (28%), probably largely because the mother often plays a leading role in religious upbringing.⁴⁵

The fatwa that a Muslim woman can marry a kitābī man was first issued in 1978, by Shaykh 'Abd-Allāh al-'Alāyili (d. 1996), the Azhar-educated Mufti of Mount Lebanon, within a small book containing some of the his fatwas. Due to backlash from other scholars, the book was pulled from the market in the mid-1980s, but then a second edition was published in 1992. In 2006, the Sudanese politician and scholar Shaykh Ḥasan al-Turābī (d. 2016), gave a similar fatwa, and although at least one Muslim woman acted on his fatwa,⁴⁶ his peers condemned the fatwa and warned the public against it, and it failed to gain popularity. In 2013, the Liberal Muslim Association (LIB e.V.) in Germany, headed by Syrian-German Islamic Studies school-teacher Lamya Kaddor, issued a declaration, in response to an actual case of a German Muslim women who

45 Pew Research Center, Oct. 26, 2016, "One-in-Five U.S. Adults Were Raised in Interfaith Homes", accessed online from <https://www.pewresearch.org/religion/wp-content/uploads/sites/7/2016/10/Mixed-Religions-full-report.pdf>.

46 Al-'Arabiyya news, "Sudāniyya Muslima tatazawwaj min Masīḥī istinādan li-fatwā al-shaykh al-Turābī", 22 May 2006, <https://www.alarabiya.net/articles/2006%2F05%2F22%2F23957>.

wanted to marry a Christian man, that this was permissible. Since then, some specialists in fiqh have agreed with this view, increasing its credibility in the eyes of the general public. They are: Dr Ruhayl Ghurābiya (Associate Professor of Fiqh at Jordan University) in 2016, Tunisian Chief Mufti ‘Uthman Biṭṭīkh who endorsed the government’s 2017 call for this, and Dr Āmina Naṣīr (Professor of Theology and Philosophy at the Alexandrian branch of al-Azhar University, and member of the Egyptian Parliament) in 2020.⁴⁷ In the Shī‘ī world, this view was declared in 2017 by the Lebanese émigré to Najaf (Iraq), Ayatollah al-Sayyid ‘Alī al-Amīn, who is known both for his liberal views and his calls for dialogue between Sunnīs and Shīah.⁴⁸

However, the vast majority of Sunnī and Shī‘ī jurists maintain the view that it is prohibited, and moreover invalid, for a Muslim woman to marry any non-Muslim man (including a kitābī), and this is the stronger view. The primary (and strongest) piece of evidence for this majoritarian view is the verse of the Quran,

اَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَاِمْتَحِنُوهُنَّ اللَّهُ أَعْلَمُ بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ حِلٌّ لَهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ
 “O you who have believed, when the believing women come to you as emigrants, examine them. Allah is most knowing as to their faith. And if you know them to be believers, then do not return them to the disbelievers; they are not lawful [wives] for them, nor are they lawful [husbands] for them” Q.60:10

Those who disagree say that this verse is specific to the Muslim women who were emigrating from Makkah in the time of the Prophet Muhammad ﷺ. The Makkans were persecuting Muslims and trying to get them to leave their faith, and hence the context suggests that the word *al-kuffār* (the unbelievers) here, even though the wording appears to be general, refers specifically to the Arabian polytheists. Indeed, Imām al-Shāfi‘ī mentions this as one of the possibilities for interpreting this verse, and the default implication of the definite article (ال) is specificity rather than universality.⁴⁹ Nevertheless, it is more appropriate to take the verse as being of general applicability (i.e. that it applies to all non-Muslims⁵⁰), based on the following:

- (i) The wording of the verse suggests that the prohibition of marriage is tied to religion,⁵¹ rather than emigration or persecution, otherwise Allah could have said, for example, “And if you know them to be believers, then do not return them to the

47 Amr Emam, “Quran Does Not Forbid Muslim Women From Marrying Non-Muslim Men: Professor Of Islamic Philosophy At Al-Azhar University, Amna Nosseir”, *New Age Islam*, 29 November 2020, <https://www.newageislam.com/debating-islam/amr-emam/quran-forbid-muslim-women-marrying-non-muslim-men-professor-islamic-philosophy-al-azhar-university-amna-nosseir/d/123640>

48 This paragraph is summarized from: Hassūna, *Zawāj al-Muslima bi-ghayr al-Muslim*, 5-6.

49 Al-Shāfi‘ī, *al-Umm* (Beirut: Dār al-Fikr, 1403/1983), 5/168; al-Taftazānī, *Sharh al-Talwīh ‘alā al-Tawdīh* (Cairo, Muḥammad ‘Alī Ṣubayh, 1377/1957), 1/101.

50 Note that, although the verse uses the term *kuffār* (rejectors of Islam/disbelievers/unbelievers), faith and disbelief/unbelief are internal states, impossible for other people to know, and hence for purposes of fiqh, the jurists categorize people based on external indicators: anyone from whom no signs of Islam – such as uttering the *shahāda*, or praying with Muslims, or having been born into a Muslim family – have been seen is judged, for the purposes of fiqh, to be a *kāfir* (meaning: non-Muslim), even if they have not rejected the message of Islam. Applying the regulations of non-Muslims to an individual in this world therefore does not necessarily imply that they will be eternally in Hell.

51 Ibn ‘Ashūr, *al-Taḥrīr wa-l-Tanwīr*, 2/344.

persecutors; they are not lawful [wives] for them, nor are they lawful [husbands] for them.”

- (ii) The principle, العبرة لعموم اللفظ لا بخصوص السبب (what is taken into account is the generality of the wording, not the specificity of the cause [of revelation]).
- (iii) Scholarly consensus (*ijmā'*) has been reported by a number of scholars, regarding the prohibition of Muslim women marrying not only *mushrik* men, but any non-Muslim men. If *ijmā'* has occurred, then *qiyās* that leads to a contradictory conclusion should be left aside, because *ijmā'* is stronger than *qiyās*.⁵²

Imām al-Qurṭubi says, “The ummah is in consensus that a polytheist may not have intercourse with a Muslim woman by any means.”⁵³

Imām al-Shāfi'ī says, in the words of his opponent, “People have united in [ruling] that it is not permissible for a man from among them [i.e. *kitābī*] to marry a Muslim women.” Al-Shāfi'ī does not dispute the validity of the consensus; rather he affirms that this prohibition is based on the Qur'an.⁵⁴

The scholars who hold the first view have one of three replies to the claim of *ijmā'*:

- a) Either they do not accept the authority of *ijmā'*, as is apparently the case with al-Turābī and al-'Alāyilī. For such people, the discussion must be restricted to the evidence from Qur'an and hadith (and *qiyās*), because it is unlikely that one will be able to convince them to accept the authority of *ijmā'*.
- b) Or, they accept the authority of *ijmā'* but are not convinced that *ijmā'* has occurred on this issue, like Ghurābiya. A non-scholar who holds such a view can be reminded of Imam al-Shātibī's (d. 790H) advice, “If a scholar has given a verdict which stands apart from the majority of scholars, then let your belief be that the truth is with the largest group of *mujtahids*.”⁵⁵
- c) Or, they claim the *ijmā'* is restricted to the case where the non-Muslim man will not respect the faith of the Muslim woman, which is the view of al-Amīn. The rebuttal to this would be that those who reported consensus here did not mention this condition, and therefore to infer the condition is speculation.

52 For citations from *uṣūlīs* (legal theory scholars) to this effect, and further discussion of this, including alternative *qiyās* that is contradictory, see: Hassūna, *Zawāj*, 141-151.

53 al-Qurṭubi, *al-Jāmi' li-Aḥkām al-Qur'an* (Cairo: Dār al-Kutub al-Miṣriyya, 1384/1964). 3/72.

54 Al-Shāfi'ī, *al-Umm*, 5/169. For other citations of *ijmā'*, see Hassūna, *Zawāj*, 107.

55 Shātibī, *Al-Muwāfaqāt*, ed. Mashhūr 'Alīy Salmān, Dār Ibn 'Affān, 1997/1417, 5/140.

- d) Or, they acknowledge that *ijmā'* has occurred, but claim that the consensus was contextual (i.e. the consensus was applicable in a particular environment and setting), and now that circumstances have changed, the issue can be re-opened to *ijtihād*. This is acceptable in principle, but it is debatable whether the dangers have disappeared and there is now overwhelming *maṣlaḥa* in allowing such marriages.⁵⁶

NOTE: Some scholars bring in a rationale-based analysis here: that Q.2:221 (even though it is primarily about prohibition of marriage to polytheists (*mushriks*), the rationale (عَلَّة) given in the verse, “They invite to the Fire,” is applicable to kitābī men as well. Ibn ‘Āshūr explains the words, “They invite to the Fire,” as implying that they invite to its causes (أسباب; i.e. things that will lead the Muslim to the punishment of the Fire) even if the non-Muslim does not realize that, because “there is love and fondness between the spouses that call for them to please one another.”⁵⁷ Admittedly, this argument is conclusive, because it is clear that this rationale applies also to the kitābī wife of a Muslim man, whereas most jurists allow this marriage. Even though some scholars tried to reason around this, by saying, for example, that “women usually follow men in their choices, and imitate them in religion,” or that the husband has a stronger influence on the wife than vice-versa,⁵⁸ this in turn raises issues of the validity of patriarchal norms in society, and therefore will not be convincing to many people living in the West (both Muslims and non-Muslim), given that societal norms have changed (as mentioned above). Hence, I do **not** advise using this line of argument.

Practical Considerations

Pros

1. Such marriages can expose the kitābī to Islam, enabling them to see its beauty. Such people often end up advocating for and defending Islam, and might eventually convert to Islam themselves.
2. Interfaith marriages, in some case, can help immigrants assimilate into American society (which is admittedly a double-edged sword), or at least learn the language and culture better.
3. The spouses and their children will be more tolerant of difference.

Theological Cons

⁵⁶ For a more detailed discussion, see, Ḥassūna, *Zawāj*, 107 ff., 151-9.

⁵⁷ Ibn ‘Āshūr, *al-Taḥrīr wa-l-Tanwīr*, 2/344.

⁵⁸ Al-Kasānī, *Badā’i’ al-Ṣanā’i’* (al-Matbū’āt al-Islāmiyya bi-Miṣr, 1327-8/1909-10), 2/271; Ibn ‘Āshūr, *al-Taḥrīr wa-l-Tanwīr*, 2/345.

A Pew study has shown that, "Adults in religiously mixed marriages are, by and large, less religious than their counterparts who are married to spouses who share their faith."⁵⁹ However, part of the reason for this could be that they were already less religious before going into the marriage.⁶⁰

Shaykh 'Abdullāh al-Ghumārī lists the following dangers, on the basis of which he deduces that marrying kitābī women is prohibited based on *sadd al-dharā'i'* (blocking the means to harm):

1. The Muslim husband may show reverence to the crucifix, out of courtesy to his wife.
2. The kitābī woman might not perform *ghusl* after menstruation, nor would her husband order her to do so, and so he would have intercourse with her while she would be in perpetual ritual impurity.
3. Most kitābī woman do not adhere wear hijab.
4. That Christians [nowadays generally] do not maintain virginity, nor care about it, such that their virginity may be lost before they marry the Muslim.
5. That Christian women might stipulate upon their Muslim husbands that their daughters would follow her in her religion. His acceptance of this condition constitutes unbelief (*kufr*), even if no daughters are born.

Regarding #3, in all fairness, many Muslim women do not wear hijab either, although many of them do still maintain a heightened sense and spirit of modesty.

We should note that #4 is a generalization, and although many Christians today engage in premarital sex, there are a sizeable number of religious Christians who still abstain.

#1 and #4 are theological, and probably the most serious, and there are even cases of Muslim men leaving Islam (and embracing Christianity, for example) for the sake of the wife. And it would be incomprehensible for the Muslim to be happy with his children being other than Muslim.

"Whoever desires a religion other than Islam, it will never be accepted from him, and in the Hereafter he will be among the losers." Q.3:85

Social Dynamics

Naomi Riley, in her academic monograph on interfaith marriage, points out the following consequence of Muslim men marrying outside the faith, "The number of men marrying out has actually created a severe gender imbalance, leaving many Muslim women without partners."⁶¹

Furthermore, children growing up in interfaith household will receive mixed messages, and might become confused. If both parents are Muslim, it makes it more likely that the children will be Muslim.

⁵⁹ Pew Research Center, "One-in-Five U.S. Adults Were Raised in Interfaith Homes: A closer look at religious mixing in American families", <https://www.pewresearch.org/religion/2016/10/26/one-in-five-u-s-adults-were-raised-in-interfaith-homes/>

⁶⁰ "While 84 percent of those who described themselves as "not very religious" regarded interfaith marriage as acceptable, less than half of "devout" respondents did." Riley, *Til Faith Do Us Part*, 145.

⁶¹ Riley. *Til Faith Do Us Part*, 158.

Divorce

There are mixed statistics on whether interfaith marriages are more likely to end in divorce. According to a 2010 Washington Post article, "people who had been in mixed-religion marriages were three times more likely to be divorced or separated than those who were in same-religion marriages."⁶² But another study, states that although "intrafaith couples tend to have a higher degree of relationship stability than other couple types; although, once other factors are controlled for, this effect is no longer statistically significant."⁶³ Nevertheless, even the latter study found that "religious attendance ... can lower stability in interfaith and mixed couples," which suggests that the observant Muslim in an interfaith marriage will likely have a less stable marriage. Other studies have found that, "a spouse's religious identification may be undermined in an interfaith marriage," and "marital satisfaction has been found to be related to spouses' shared values."⁶⁴ Definitely, a marriage is more likely to succeed if the spouses share the same values, beliefs and practices, and the bonds that bind them are likely to be deeper and stronger.

CONCLUSION AND ACTION POINTS

1. The stronger position is that is permissible to marry kitābī women. Nevertheless, the jurists of the famous madhhabs have explicitly stated it is better to abstain from this permission. Ibn 'Āshūr has pointed out that this is intimated in Q.5:5 itself, because Allah has mentioned the permissibility of marrying "chaste women from among the believers" (which was never under dispute) before mentioning the permissibility of marrying "chaste women from among those who were given the Scripture before you."
2. We have seen that there are many potential pitfalls and dangers in interfaith marriage, especially in the West where Muslims are living as minorities, such that the Muslim spouse's religion and that of the children is jeopardized more strongly that in a Muslim country and environment. Therefore, based on the principle دفع المفاسد أولى من جلب المصالح (averting harm takes priority over seeking benefits).
3. The stronger position is that Muslim women are not allowed to marry non-Muslim men, but in light of point #2 (as well as the views prohibiting Muslim men from marrying outside the faith – whether absolutely or in the current context – the overall picture becomes more egalitarian.
4. In light of #2, I personally generally decline to perform an interfaith marriage. However, for

62 Naomi Schaefer Riley, "Interfaith marriages are rising fast, but they're failing fast too", June 6, 2010, <https://www.washingtonpost.com/wp-dyn/content/article/2010/06/04/AR2010060402011.html?hpid=sec-religion>

63 Christopher Boulis and Benno Toggler, "Religion as a Determinant of Relationship Stability", *Journal for the Scientific Study of Religion*, 63:2 (2024), 281-306.

64 Fishman, Patricia A. "Interfaith marriage, religious orientation, and dyadic adjustment." Master's thesis, (Northern Illinois University, 2010), 1, 47. See also Riley, 'Til Faith Do Us Part, 130.

those (unlike myself) who are official imam as a mosque, this is not at all advisable. When I decline, I typically explain the reason (pointing out that I hope that this couple will be an exception to the problems), but I also refer them to another Muslim officiant;. If you, as official imam for your community, refuse to perform an interfaith marriage, the couple will likely go and get a civil marriage, and also will be less likely to come to the mosque in the future. So, you should perform the marriage ceremony (at least, if the groom is Muslim and the bride Jewish or Christian, and I suggest you leave aside the Shāfi'ī view about Jewish/Christian ancestors), **but** also insist on a counseling session before the marriage, where you have them discuss issues such as how the children will be taught Islam, etc. A pre-nuptial stipulating that the children must be raised as Muslim, might be advisable.⁶⁵

5. I cannot in good conscience tell you to officiate a marriage of a Muslim woman to a non-Muslim man, because in my judgment, the view allowing that is too weak to act on (i.e. a mistaken *ijtihād*). However, my tentative advice is to inform them that I cannot perform this marriage because of my view on the matter, but I would love to see them at the mosque in the future. We want to keep them close to the Muslim community. If your relative or close friend is having such a marriage, I'd suggest attending the reception (not the ceremony) with the intention of keeping the channels of communication and advice open. Again, we don't want them to drift even further.

"In marriages where the mother is Muslim and the father is not, it is easy to see how the family might begin to move away from the Muslim community since technically their marriage is forbidden."⁶⁶

6. If the non-Muslim man wants to covert before marrying the Muslim woman, then there are two views:
 - a. You should do your best to verify that this is not a charade, i.e. that he is genuinely theologically inclined to Islam, not merely converting outwardly in order to marry the woman. Al-Ghumārī writes,

"I was asked about a man who wanted to marry a Muslim woman, and therefore pronounced the Testification before a qadi. I replied that the marriage is neither permissible, nor valid, and that the man's pronouncement of the Testification does not suffice to enable him to marry the girl, because it was not true Islam; rather it was for the sake of marriage.

"O you who believe! When believing women come to you emigrating, examine them."

Ibn 'Abbas said, "Examine her by asking her to swear by Allah that she has not come forth out of hate for her husband, nor love for a Muslim man, nor in the hope of acquiring land, nor to escape

⁶⁵ Legal experts can comment better as to whether a judge would uphold this condition.
⁶⁶ Riley, *Til Faith Do Us Part*, 161.

some act she committed, nor to seek the world, and that she only came forth seeking Islam and out of love for Allah and the Prophet."

So, the Islam of someone who accepts Islam [merely] in order to marry a Muslim woman is not valid."⁶⁷

- b. The other view is that such interrogation should not be performed, because the Prophet would accept the verbal testification of faith from people and leave their secrets to Allah. Even if the man is insincere, he might grow into faith, like the Bedouins in Q.49:14. This is the view I incline to.

⁶⁷ Al-Ghumārī. *Daf' al-Shakk*.