

INTERRELIGIOUS RELATIONS

**The Islamic Theology of Interfaith Marriages
between Theology, Law and Individual Ijtihad**

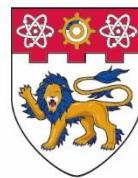
Issue 17: JUNE 2020

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Nanyang Technological University, Singapore

S. RAJARATNAM
SCHOOL OF
INTERNATIONAL
STUDIES



**NANYANG
TECHNOLOGICAL
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INTERRELIGIOUS RELATIONS

**Occasional Papers of
The Studies in Inter-Religious Relations
in Plural Societies Programme**

**The Islamic Theology of Interfaith Marriages
between Theology, Law, and Individual *Ijtihad***

Mohammad Gamal Abdelnour

ISSN: 2661345X

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Abstract

There is a growing body of literature that recognises the importance of revisiting the question of interfaith marriages in Islamic thought. Hence, this paper attempts to illustrate the Islamic theology of interfaith marriages in general, with particular emphasis on exogamy. In doing so, the theological and sociological factors that have led to the traditional consensus on the prohibition of exogamy are explored. The article, firstly, investigates the contributions of al-Ghazālī (d. 1111) and Ibn Taymiyya (d. 1328) in advancing the discussion beyond its contours in formative Islam. Secondly, it engagingly presents the unstudied views of Muḥammad ‘Abduh (d. 1905) and ‘Abd Allāh al-‘Alāyī (d. 1996) on the question of exogamy. Thirdly, it points out that the Islamic legal maxim *sadd al-dharā’i* (blocking the means) cannot stand alone in justifying the prohibition of exogamy, illustrating that the moment a *faqīh* (Muslim jurist) appeals to *sadd al-dharā’i* is the moment they implicitly acknowledge the original permissibility of the question in point. Finally, it brings to the fore the need to revive the tradition of individual *ijtihad*.

Introduction

The question of interfaith marriages has long been a question of great interest and debate. While such marriages carry much potential for the betterment of interfaith relations, the challenges that they face are no less critical. Those in interfaith marriages always have to deal with issues of social involvement and adaptation not only at an individual level, but also among their extended families as well as future children. Despite such challenges, living in a rapidly globalising world in which people from different cultures are increasingly meeting each other means that interfaith marriages will remain common. Hence, in recent decades, there has been renewed interest in understanding and revisiting such a critical question.

Narrowing down the scope to the Islamic theology of interfaith marriages, the question has been of critical importance in contemporary Islamic thought. The criticality of this question goes back to the fact that it is a multi-layered question relating not only to Islamic law, but also Islamic theology and sociology. Although extensive research has been conducted on the legal dimension of the question,¹ not many studies have considered its theological and sociological dimensions simultaneously.² Therefore, this paper attempts to tackle the theological and sociological dimensions of the question.

Methodology

Extending to the zones of Islamic theology, sociology and law, this paper adopts a historical approach to the question of interfaith marriages beginning with formative Islam (roughly its first four centuries), cutting across classical Islam from its fifth to twelfth centuries, and ending with modern and contemporary discussions. Although I believe that this division of history fits the theological and sociological developments of the discussion, I recognise that such divisions are, by definition, arbitrary. Hence, they are just meant to consolidate the discussion and keep the historical context in mind. Otherwise, the warning of G. M. Trevelyan (d. 1962) on this matter should be heeded, when he said: "Unlike dates, periods are not facts. They are retrospective conceptions that we form about past events, useful to focus discussion, but very often leading historical thought astray."³

This paper grapples with the question primarily through the eyes of the following scholars due to the originality of their contributions in discussions on interfaith marriages: al-Ghazālī (d. 1111), Ibn Taymiyya (d. 1328), Muḥammad ‘Abduh (d. 1905) and ‘Abd Allāh al-‘Alāyī (d. 1996). The views of the following figures are also explored: ‘Umar ibn al-Khaṭṭāb (d. 644), his son, ‘Abd Allāh (d. 693), Ibn ‘Abbās (d. 687), Rashīd Riḍā (d. 1935), Maḥmūd Shaltūt (d. 1963), al-Ṭāhir Ibn ‘Āshūr (d. 1973), and Khaled Abou El Fadl. The paper also engages with multiple traditional Qur’ān commentaries as well as theological treatises that are of relevance to the question under review.

Two nuances are worthy of mention. First, unless otherwise stated, the term *ahl al-kitāb*⁴ (hereafter

¹ See, for example, Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence*, Oxford: One World, 2006; Kecia Ali, *Marriage and Slavery in Early Islam*, London and Massachusetts, MA: Harvard University Press, 2010; Abdullahi An-Na'im, *Islamic Family Law in a Changing World*, London: Zed Books, 2002.

² Although Haifaa Jawad and Ayse Elmali-Karakaya in their article, "Interfaith Marriages in Islam from a Woman's Perspective" offer some important findings in terms of theology and sociology, their paper is primarily anthropological and focuses mainly on a certain study group. See Haifaa Jawad and Ayse Elmali-Karakaya, "Interfaith Marriages in Islam from a Woman's Perspective: Turkish Women's Interfaith Marriage Practices in the United Kingdom," *Journal of Muslim Minority Affairs* 40.1 (2020): 128-47.

³ Walter Hooper, *Selected Literary Essays*, 3rd edn, Cambridge: Cambridge University Press, 1980, 2.

⁴ *Ahl al-kitāb* were regarded as "protected subjects – 'peoples of the covenant' (*ahl al-dhīmma*) – and under the jurisdiction of their own laws. They had to pay a special poll tax (*jizya*) but were usually exempt from military service. In the Ottoman Empire (1281–1924), they were organized according to sects or nationalities (*millets*) under their respective bishops, patriarchs, and rabbis, who had civil and criminal jurisdiction over their communities. They often held high financial, clerical, and professional positions in the empire. The treatment of *dhimmi* varied with time and place; they were generally well treated while discriminating restrictions were, however, at times imposed on them, especially under the caliphs ‘Umar II (717–720), Hārūn al-Rashīd (786–809), Mutawakkil (847–861), and the Fatimid caliph al-Hākim (996–1021). Since the 19th century, and with the emergence of nation-states in the Middle East, most countries have given equal citizenship to non-Muslims, and the poll tax obligation has been abolished." Ludwig W. Adamec, *Historical Dictionary of Islam*, 3rd edn, London: Rowman, 2017, 342.

“People of the Book”) is used in this paper in its broadest sense, referring to adherents of monotheistic religions that hold a revealed scripture such as Christians, Jews, Zoroastrians, and arguably – according to some Muslims – also to Buddhists, and Hindus.⁵ Hence, “exogamy” will be used primarily in reference to Muslim women marrying *kitābī* men as such, while “endogamy” is used in reference to Muslim men marrying *kitābī* women. Second, appealing to the Qur'an, the paper frequently engages with the following Qur'anic verses,⁶ for they are often quoted as regulating interfaith marriages for Muslim men and women. The verses are: 2:221,⁷ 5:5,⁸ 60:10.⁹

Early Discussions on Interfaith Marriages

Although the vast majority of early Muslims agreed that a Muslim is allowed to marry a Christian or a Jewish woman, it was always perceived as an undesirable marriage. The case of Hudhayfa ibn al-Yamān's (d. 656) marriage to a Jewish woman serves as a good illustration of this. Hudhayfa was the governor of al-Madā'in during the time of the second caliph, 'Umar ibn al-Khaṭṭāb. Upon hearing this news, 'Umar sent a letter instructing him to divorce her. Hudhayfa sent a reply: “I am not divorcing her until you tell me if marrying her is permissible or impermissible, and what the wisdom is behind that.” 'Umar wrote in his reply: “No, it is not impermissible, however, in the Ajam women there is disingenuity (*fīnna fī nisā' al-'ajam khilāba*). So, if you turn to them [leaving Muslim women], they would have power over your own women.” Convinced by Umar's rationale, Hudhayfa divorced his Jewish wife.¹⁰

While 'Umar's rationale above is primarily based on a sociological ground, i.e. preserving the interests of Muslim women, there was a minority view that disallowed Muslim men's marriage to non-Muslim women based on theological grounds. As an example, whenever Ibn 'Umar ('Umar's son), was asked about marrying a Christian or Jewish lady, he would say: “God has made it unlawful for the believers to marry ladies who ascribe partners in worship to Him (commit *shirk*), and I do not know of a greater *shirk* than that a lady should say that Jesus is her Lord although he is just one of God's servants.”¹¹ Ibn 'Abbās agreed, according to some of the narrations, with Ibn 'Umar, contending that such prohibition extends to Christians and Jews.¹² Two things are in common between Ibn 'Umar and Ibn 'Abbās' position. First, both appealed to the disbelief of the People of the Book due to their assumed association of partners with God. Second, both regarded Q 5:5, which gives allowance to Muslim men to marry Jewish and Christian women, in the light of Q 2:221, which prohibits intermarrying with polytheists.

However, 'Umar's position of the undesirable permissibility of marrying a Christian or a Jewish woman

⁵ We shall later see Ridā's *fatwa* on the definition of *ahl al-kitāb* and the way in which he differs from other scholars.

⁶ Unless stated otherwise, all translations in this paper are from M. A. S. Abdel Haleem, *The Qur'an: A New Translation*, 1st edn, New York, NY: Oxford University Press, 2005 [2004].

⁷ The verse translates: “Do not marry idolatresses until they believe: a believing slave woman is certainly better than an idolatress, even though she may please you. And do not give your women in marriage to idolaters until they believe: a believing slave is certainly better than an idolater, even though he may please you. Such people call [you] to the Fire, while God calls [you] to the Garden and forgiveness by His leave. He makes His messages clear to people, so that they may bear them in mind.”

⁸ The verse translates: “Today all good things have been made lawful for you. The food of the People of the Book is lawful for you as your food is lawful for them. So are chaste, believing, women as well as chaste women of the people who were given the Scripture before you, as long as you have given them their bride-gifts and married them, not taking them as lovers or secret mistresses. The deeds of anyone who rejects faith will come to nothing, and in the Hereafter he will be one of the losers.”

⁹ The verse translates: “You who believe, test the believing women when they come to you as emigrants – God knows best about their faith – and if you are sure of their belief, do not send them back to the disbelievers: they are not lawful wives for them, nor are the disbelievers their lawful husbands. Give the disbelievers whatever bride-gifts they have paid – if you choose to marry them, there is no blame on you once you have paid their bride-gifts – and do not yourselves hold on to marriage ties with disbelieving women. Ask for repayment of the bride-gifts you have paid, and let the disbelievers do the same. This is God's judgement: He judges between you, God is all knowing and wise.”

¹⁰ Ibn Jarīr al-Ṭabarī, *Tārīkh al-rusul wa al-mulūk* Vol. 3, ed. Muḥammad A. Ibrāhīm, 2nd edn, Cairo: Dār al-Ma'ārif, 1962, 588.

¹¹ Ṣahīḥ al-Bukhārī, “68 Divorce”, Book of Divorce, *Sunnah.com*, available at: <https://sunnah.com/bukhari/68/34>.

¹² In Ibn 'Atīyya, *al-Muḥarrar al-wajīz fī tafsīr al-kitāb al-'azīz* Vol. 1, ed. 'Abd al-Salām A. Muḥammad, Beirut: Dār al-Kutub al-'Ilmiyya, 2001, 296.

remained the dominant position. Hence, the four canonical schools of Islamic law (Hanafī, Mālikī, Shāfi‘ī and Ḥanbalī), largely agreed on the permissibility of Muslim men marrying Jewish and Christian women. In his *Tafsīr al-Tahrīr wa al-Tanwīr (The Interpretation of Verification and Enlightenment)*, Ibn ‘Āshūr does not only report this *ijmā‘* (consensus)¹³ on the permissibility of endogamy, but also engages with the question of exogamy, as we shall see later.¹⁴

Nevertheless, Ibn Jarīr al-Ṭabarī (d. 923) introduced an original interpretation to this discussion, arguing that some unnamed exegetes contended that Q 2:221 is neither abrogated nor qualified by Q 5:5, but that Q 2:221 is to be historicised. What is meant by historicisation here is a recognition that the polytheists mentioned in the verse are certain types of *mushrik* (polytheist) who lived in the Arabian peninsula. Al-Ṭabarī then quotes a couple of reports from the Successors’ generation,¹⁵ interpreting this verse to be pointing to the unbelievers who do not hold a Divine Book. Hence, the verse does not apply to the People of the Book. In fact, not only does al-Ṭabarī offer this interpretation as a plausible interpretation, but he also considers it to be the most plausible one.¹⁶

By contrast, although in early Islam most scholars allowed endogamy, none of them allowed exogamy. Khaled Abou El Fadl, puts it this way: “I am not aware of a single dissenting opinion on this, which is rather unusual for Islamic jurisprudence because Muslim jurists often disagreed on many issues, but this is not one of them.”¹⁷ Not only did Muslim jurists, says Kecia Ali, assume that Muslim women could not marry non-Muslim men but also did not deem it important to elaborate on their evidence or rationale.¹⁸ Even al-Ṭabarī who exhausted the possible interpretations of Q 2:221, never touched upon the possibility of exogamy no matter what religion is involved.¹⁹ The same applies to Ibn Rushd (d. 1198), who, although going as far as to discuss the case of women marrying male slaves, never dealt with exogamy in his *Bidāyat al-mujtahid (The Distinguished Jurist’s Primer)*.²⁰

Appealing to sociological and theological superiority, al-Ghazālī, in his *al-Wasīṭ fi'l-madhhab (The Medium in the Jurisprudential School)*, goes in line with the permissibility of endogamy and the impermissibility of exogamy. That is, in an endogmatic marriage the Muslim has the upper hand, while an exogamic marriage is the antithesis. Hence, the permissibility of the former and the impermissibility of the latter.²¹ However, from a theological perspective, there is much more to say about al-Ghazālī’s viewpoint on the question.

Al-Ghazālī, however, seems to have been ambivalent about applying the term *kufr* to the Christians and the Jews. In my view, he differentiates between *kufr* in its ultimate sense (*kufr ‘āmm*) and unbelief in its particular sense (*kufr khāṣṣ*). That is, those who do not believe in the truthfulness of Prophet Muhammad and yet believe in God, like Jews and Christians, have committed the latter *kufr* and not the former. Hence, they cannot be called unbelievers or infidels in the ultimate sense, as they still believe in God. In fact, al-Ghazālī in one his epistles goes as far to consider Christianity a monotheistic religion.²² In his book, *Ghazali and the Poetics of Imagination*, Ebrahim Moosa clarifies this point. He wrote: “when a Christian living in the post-Muhammadan period rejects him as a prophet, such a person is, in Ghazālī’s view, an ‘unbeliever’ – but, surprisingly, he is an unbeliever only to the extent that he rejects Muhammad. The deficiency in his Christian

¹³ *Ijmā‘* generally refers to “the agreement of the community on a particular matter; the third source of Islamic law, technically defined as the agreement of mujtahids (q.v.) in a given age on a particular point of law. Consensus was determined in a back-projected manner, namely, when jurists looked back at earlier generations and observed that there was no disagreement amongst them on a particular point of law,” Wael B. Hallaq, *An Introduction to Islamic Law*, Cambridge: Cambridge University Press, 2009, 173.

¹⁴ Ibn ‘Āshūr, *Tafsīr al-Tahrīr wa al-Tanwīr* Vol. 2, Tunis: Dār al-Tūnisiyya, 1984, 360.

¹⁵ It refers to a “class of people who had been in personal contact with Companions of the Prophet. They were important transmitters of Traditions, as were the *tābi‘i* *al-tābi‘iin*, the next generation of ‘successors of the successors.’” Adamec, *Historical Dictionary of Islam*, 425.

¹⁶ Ibn Jarīr al-Ṭabarī, *Tafsīr al-Tabarī* Vol. 3, ed. ‘Abd Allāh A. al-Turkī, 1st edn, Cairo: Dār Hajar, 2001, 713-15.

¹⁷ Alex B. Leeman, “Interfaith Marriage in Islam: An Examination of the Legal Theory Behind the Traditional and Reformist Positions,” *Indiana Law Journal* 84.2 (2009): 743-71, 758.

¹⁸ Ali, *Sexual Ethics and Islam*, 15-16.

¹⁹ Al-Ṭabarī, *Tafsīr al-Tabarī*, 718-19.

²⁰ Ali, *Sexual Ethics and Islam*, 164.

²¹ al-Ghazālī, *al-Wasīṭ fi'l-madhhab* Vol. 5, ed. Muḥammad M. Tāmir, 1st edn, Cairo: Dār al-Salām, 1997, 124.

²² al-Ghazālī, *al-Munqidh min al-dalāl* Vol. 5, *Majmū‘at rasā'il al-Imām al-Ghazālī*, ed. Ahmad Shams al-Dīn, Beirut: Dār al-Kutub al-‘Ilmiyya, 1988, 44-45.

doctrine does not invalidate the remaining monotheistic belief that he affirms.²³ Hence, there are different degrees of monotheism, and a Christian's belief in Trinity does not mean that he believes that God is numerically three in essence. In fact, Christians themselves admit that this is not what they mean; what they rather mean is that God is one in essence but three in attributes. In their own terminology, God is "One in substance (*jawhar*) and three by way of hypostasis (*uqnūmiya*)."²⁴ Hence, by 'hypostasis' they refer to the Divine attributes.²⁴

Differentiation between *al-kufr al-'āmm* and *al-kufr al-khāṣṣ* is probably the only way with which the views of al-Ghazālī can be reconciled. What I mean is that al-Ghazālī in his *'Iḥyā'* (Revival) as well as in his *al-Iqtisād* (Moderation) stated that the Jews as well as the Christians, let alone the non-monotheistic believers, are all to be regarded as unbelievers, as a result of their denial of the prophethood of Prophet Muḥammad.²⁵ Nevertheless, in his *al-Munqidh min al-ḍalāl* (The Deliverer From Error), where al-Ghazālī discussed the Naturalist philosophers and their way of seeking truth, he contended that the central premises for one to be regarded as a believer are: (1) acknowledging the existence of God; and (2) acknowledging the Last Day.²⁶ Consequently, anyone who believes in God and the Last Day can somewhat be regarded a 'believer'.

This complexity in understanding al-Ghazālī's position on this question goes probably back to his recognition of three different doctrinal systems. He maintained that, for most people, there is only one school to follow, i.e. the one in which one is brought up and educated in. Very rarely, there are people who cannot be contained by one school. For this category of people, there are three systems of intellectual affiliation. First, the school to which the person gives his loyalty against his debaters. Second, the one that the person would only reveal to his students. Third, the one that he would reveal to none but keeps to himself, which he personally and truly believes. With respect to the first two, they "derive from the social and religious milieu in which he was raised and trained."²⁷ As for the third system, it is a matter of privacy between the faithful and his Lord; attained through the faithful's advanced learning and God's opening of knowledge gates to him. Hence, he would only reveal to a person who reached his level of scholarship or to someone who is, at least, capable of grasping it.²⁸

Similarly, Ibn Taymiyya seems to have also been cautious about naming the Jews and Christians *kuffār* in the ultimate sense.²⁹ Responding to the question why it is allowed for a Muslim to marry a *kitābī* woman although they are disbelievers, he said: "marrying a *kitābī* woman is made permissible by Q 5:5."³⁰ The Qur'an addresses *kitābī* as the People of the Book, hence we cannot call them unbelievers as such. He then quoted Q 2:62 which translates: "The [Muslim] believers, the Jews, the Christians, and the Sabians— all those who believe in God and the Last Day and do good— will have their rewards with their Lord. No fear for them, nor will they grieve", to argue that the Qur'an does not deem the People of the Book as *mushrik*, pointing out that Q 9:31³¹ is instead talking about their restrictive polytheism (*shirk muqayyad*), as opposed to ultimate polytheism (*shirk muṭlaq*), for they are, in origin, not polytheists. However, polytheism has later been introduced to their religion. What is more is that God never named them polytheists in the Qur'an but rather ascribed to them falling into certain practices of polytheism.³² Hence, deeming this "falling into" act of *shirk* as ultimate *shirk* is erroneous.³³

However, the reason that God allowed endogamy rather than exogamy is that marriage, to Ibn Taymiyya, is a form of slavery (*al-nikāḥ naw' riqq*). To clarify, Ibn Taymiyya believed that there are two barriers (*mawāni'*) to marriage: *kufr* (unbelief, which is the theological barrier) and *riqq* (slavery, which is a sociological barrier). Although the former is not applicable to the Jews and Christians, the latter is. That is to say that he

²³ Ebrahim Moosa, *Ghazali and the Poetics of Imagination*, London and Chapel Hill, NC: University of North Carolina Press, 2005, 149.

²⁴ al-Ghazālī, *Faḍā'il al-anām min rasā'il hujjat al-islām*, ed. 'Alī Nūr al-Dīn, Tunis: Al-Dār al-Tūnisiyya li'l Nashr, 1972, 49.

²⁵ al-Ghazālī, *al-Iqtisād*, ed Muṣṭafā 'Omṛān, Cairo: Dār al-Baṣā'ir, 2009, 515-16.

²⁶ al-Ghazālī, *al-Munqidh*, 145.

²⁷ Richard Frank, *Al-Ghazālī and the Ash'arite School*, Durham, NC and London: Duke University Press, 1994, 96.

²⁸ Ibid. See also al-Ghazālī, *Fayṣal al-tafrīqa bayna al-islām wa'l-zandaqa*, ed. Sulaymān Dunyā, Cairo: 'Isā al-Bābī al-Halabī, 1961.

²⁹ *Kuffār* is the plural of *kāfir* and its noun is *kufr*. The word *kufr* refers to infidelity, atheism, unbelief, godlessness, blasphemy, profanity, denial and ingratitude. See Adamec, *Historical Dictionary of Islam*, 256.

³⁰ Ibn Taymiyya, *Majmū' al-fatāwā* Vol. 32, ed. 'Amir al-Jazzār and Anwar al-Bāz, 3rd edn, Mansoura: Dār al-Wafā', 2005, 113.

³¹ The verse translates: "They take their rabbis and their monks as lords, as well as Christ, the son of Mary. But they were commanded to serve only one God: there is no god but Him; He is far above whatever they set up as His partners!"

³² Ibn Taymiyya, *Majmū' al-fatāwā* Vol. 35, 132.

³³ Ibid.

likens marriage to slavery, quoting a saying attributed to ‘Umar ibn al-Khaṭṭāb in which he said: “marriage is a form of slavery, let one look carefully for the master he chooses for his dear daughter.”³⁴

Discussing Interfaith Marriages in the Wake of Modernity

Modernity has constituted a danger as much as an opportunity for Muslims to rethink their tradition in a way that may undo the historical and sociological fetters that chained it without doing away with its original essence. That was an inevitable step for a tradition that claims to have a universal message and holds tightly to a book that has an eternal voice transcending the limits of time and space. However, defining the fine line between benefitting from modernity and giving in to it was not an easy task. Hence, reformers such as ‘Abduh had a large influence on the generations to come, as he comes from within the tradition and, at the same time, shows an appreciation of the modern progression.

Similar to al-Ghazālī who redefined central Islamic concepts such as *‘ilm*, *fiqh* and *tawḥīd*,³⁵ ‘Abduh redefined what the term “Islam” itself meant. He was cautious about naming non-Muslims *kuffār*. In his journal, *al-Manār* (*The Lighthouse*), Rashīd Ridā, projecting ‘Abduh’s ideas, argued that the word *kāfir* today applies exclusively to atheists and that Muslims cannot automatically name non-Muslim believers *kuffār*. In fact, he went as far as to say that anyone who calls a non-Muslim a *kāfir* is committing a blameworthy action that goes against the theological ethos of Islam.³⁶ Furthermore, in his interpretation of Q 3:85, commonly translated as “if anyone seeks a religion other than *islām*, it will not be accepted from him: he will be one of the losers in the Hereafter,” ‘Abduh argued that confusing “*islām*” here with Islam is not only inaccurate but also an act of racism. “*Islām*” in this verse is a state of the heart and not merely a title signifying one’s belonging to the religion that is formally called Islam. Referring to this, the Qur’an depicts Abraham (and other Prophets as well) as being a *muslim*. Therefore, the Qur’anic view of a ‘true’ *muslim* is that of one whose faith in God is pure and free from associating partners with Him.³⁷

By redefining what it meant to be a Muslim, ‘Abduh did away with the theological barrier to exogamy. Eliminating this theological superiority comes as a result of appealing to Q 2:62, and not Q 3:85, arguing that the term *islām* has commonly been understood narrowly. Then he quoted and explicated Q 4:123-25, which he translated as follows:

It will not be according to your hopes or those of the People of the Book: anyone who does wrong will be requited for it and will find no one to protect or help him against God; (123) anyone, male or female, who does good deeds and is a believer, will enter Paradise and will not be wronged by as much as the dip in a date stone (124) Who could be better in religion than those who direct themselves wholly to God, do good, and follow the religion of Abraham, who was true in faith? God took Abraham as a friend (125).

Explicating these verses, he quotes al-Tabarī’s exegesis, citing a *ḥadīth* that describes the revelatory occasion of those verses, which gives an account of a verbal contention between Jews, Christians, and Muslims, each asserting claims to ultimate superiority, and provides the perfect context for divine clarification. ‘Abduh realises that those verses address some of the implications of an excessive concern with religious sectarianism and theological racism. Such racism and fanaticism refer to an overestimation of a nominal adherence to one faith and an underestimation of the value of bringing such faith to life by doing good deeds.³⁸

Leaving the theological barrier for the sociological barrier, ‘Abduh believed in the equality between men and women in terms of their religious agency. However, this egalitarian view has not yet been fully actualised in the practice of Muslims. Lamenting the state of today’s Muslims, ‘Abduh wrote that not only did they not benefit from what Islam introduced in terms of the regulation of gender relations but rather went further to the pre-Islamic state of barbarity and looked down on women. Anyone, says ‘Abduh, who reflects deeply on

³⁴ Ibid., 117.

³⁵ al-Ghazālī, *Iḥyā’ ‘ulūm al-dīn*, 1st edn, Beirut: Dār Ibn Ḥazm, 2005, 41-52.

³⁶ Rashīd Ridā, *Majallat al-manār* Vol. 1, 2nd edn, Cairo: Matba’at al-Manār, 1909, 17-19.

³⁷ Muhammad ‘Abduh and Rashīd Ridā, *Tafsīr al-manār* Vol. 3, 2nd edn, Cairo: Dār al-Manār, 1947, 360-61.

³⁸ Ibid., Vol. 5, 432-33.

the Qur'an will soon realise the extent to which Muslims have practically alienated themselves from this original "islām".³⁹ Furthermore, while Q 4:34⁴⁰ is normally taken as the starting point in charting the man-woman relationship, 'Abduh rather took Q 2:228 as such, which states: "Wives have [rights] similar to their [obligations]." Appealing to this verse, 'Abduh rejected analogising marriage to slavery⁴¹ and rather appealed to the Qur'anic concept of covenant (*mīthāq*) between the husband and the wife.⁴²

Although 'Abduh did not particularly address the question of exogamy, two pieces of evidence attest to the fact that he considered exogamy permissible. Firstly, Riḍā clearly stated that while the *fuqahā'*⁴³ agreed on the prohibition of exogamy despite the Qur'anic silence on the question, 'Abduh approved of it.⁴⁴ Secondly, having deconstructed the theological and sociological barriers of interfaith marriages, approving of exogamy is the natural and logical conclusion of such a deconstructive approach.

On the other hand, while 'Abduh did not grapple with the question of who identifies as *kitābī*, his disciple Riḍā did. Riḍā points out that the term refers to adherents of monotheistic religions who hold a revealed scripture such as Christians and Jews. As the Islamic empire grew, Zoroastrians in Iran, Buddhists in Transoxania, and Hindus in India were included in this category, though not unanimously accepted by Muslim scholars. Unsurprisingly, Riḍā belonged to those who broadened the term to encompass the Sabians, Zoroastrians, Samaritans, Mandeans and Sikhs.⁴⁵ He illustrates that the reason the Qur'an only mentioned Christians, Jews, Zoroastrians and Sabians as People of the Book is not that they are the only ones who have *kitāb* but that they were the only four religions with which the Arabs were familiar due to their proximity to Iraq and Bahrain.⁴⁶

Having extended the term People of the Book, Riḍā believed that Muslim men are able to get married to not only Christian and Jewish women but also women of the above religions.⁴⁷ Answering a question that he received on Muslim men marrying Chinese, Japanese, and Indian women, be they *kitābī* or otherwise, Riḍā illustrates that if we say that all those Muslim men who married Chinese women went out of the fold of Islam, even though many Chinese women converted to Islam at their hands, then we are in a theological paradox. That is, the reason God prohibited marrying polytheistic women is that they call to Hell while God invites to Heaven. If this is the rationale, then, Riḍā argued, Q 2:221 does not apply to them.⁴⁸

It is worth stating here that neither was Riḍā unique in his broadening of the term People of the Book nor were al-Ghazālī, Ibn Taymiyya, and 'Abduh in their disapplication of the term *shirk* to the Jews and Christians. In his *al-Bahr al-rā'iq, sharḥ Kanz al-daqā'iq*, Ibn Najīm al-Ḥanafī (d. 1563) reports that the former was also the view of 'Alī ibn Abī Ṭālib.⁴⁹ Even more distantly, many Ḥanafī jurists broadened the term *ahl al-kitāb* to include the Sabians and Zoroastrians.⁵⁰ As for the latter, Muḥammad ibn Muḥammad al-Khākī al-Ḥanafī (d. 1348-1349), is reported to have said that the relied-upon view (*al-aṣāḥḥ*) in the Ḥanafī school is that the term *shirk* in its ultimate sense does not apply to the People of the Book.⁵¹

On the other hand, given that there is not a single verse in the Qur'an that conclusively prohibits exogamic marriages, prohibitors needed to develop other auxiliary principles to support their position. Hence, they primarily resorted to the principle of *sadd al-dharā'i*. *Sadd* literally means 'blocking', implying blocking the means to an expected evil. A typical case for this is "when a lawful means is expected to lead to an unlawful

³⁹ Ibid., Vol. 2, 375-81.

⁴⁰ A common translation of this is: "Men are the protectors/maintainers of women."

⁴¹ 'Abduh and Riḍā, *Tafsīr al-manār* Vol. 2, 375.

⁴² Muḥammad 'Imara, *al-Islām wa al-mar'a fī ra'y al-imām Muḥammad 'Abduh*, Cairo: Nahdat Miṣr, 2007, 22.

⁴³ The plural of *faqīh*, who is an "interpreter of Islamic jurisprudence (*fiqh*). The *fuqahā'* function as judges, jurisconsults, and muftis, giving legal opinions (*fatwa*). The institution of the *faqīh* became important in the 10th century, but it lost its importance in parts of the Islamic world where the traditional system was supplanted by European codes and courts," Adamec, *Historical Dictionary of Islam*, 129.

⁴⁴ 'Abduh and Riḍā, *Tafsīr al-manār* Vol. 2, 351.

⁴⁵ Ibid., Vol. 6, 187-90.

⁴⁶ Ibid., 188.

⁴⁷ Ibid., 193-194.

⁴⁸ Ibid., 193.

⁴⁹ Ibn Najīm al-Ḥanafī, *al-Bahr al-rā'iq, sharḥ Kanz al-daqā'iq* Vol. 3, ed. Taslīm al-Dīn al-Hindī, Beirut: Dār al-Kutub al-Ilmiyya, 1997, 181.

⁵⁰ Ibid., 183-184.

⁵¹ Ibid., 182.

result, or when a lawful means which normally leads to a lawful result is used to procure an unlawful end.”⁵² For instance, Mohammad H. Kamali notes, ‘*khalwah* or illicit privacy between members of the opposite sexes, is unlawful because it constitutes a means to *zina* (fornication) whether or not it actually leads to it’. This concept is anchored upon the idea of deterring an evil before it actually takes place.⁵³

Thus, mixing with non-Muslim women was thought to lead to the weakening of the faith of Muslim men and jeopardizing that of their future children. Hence, blocking the means that may lead to this end would be to say that interfaith marriages are not permitted. ‘Abduh looked at this question from a completely different angle, thinking that the potential beneficence of interfaith marriages would rather increase understanding and compassion between the *kitābī* religions, including Islam.⁵⁴ ‘Abduh here appeals to the meeting points between Islam and the People of the Book, illustrating that it is faulty to equalise the People of the Book with polytheists when God has frequently placed them with Muslims.⁵⁵ Then he quotes Q 2:136,⁵⁶ 3:64,⁵⁷ and 29:46⁵⁸ to endorse his view.⁵⁹ More distantly, ‘Abduh and Riḍā pointed out that the animosity caused between Islam and the *kitābī* religions is primarily politically and institutionally motivated. That is, the political and religious leaders in those monotheistic traditions have been driven by fanaticism and other non-religious motifs.⁶⁰ This is not to say that ‘Abduh thought the theological differences between the three faiths are irrelevant, but rather that such differences are reconcilable if real and open communication is maintained.⁶¹

If a Muslim may say that *kitābī* religions have been distorted, ‘Abduh argued, the same may well also be said about Islam, quoting a saying of Prophet Muhammad in which he prophesises: “You would tread the same path as was trodden by those before you inch by inch and step by step so much so that if they had entered into the hole of the lizard, you would follow them in this also. We said: God’s Messenger, do you mean Jews and Christians (by your words)? He said: Who else (than those two religious groups)?” ‘Abduh then contended that the only essential difference is that Muslims still have their book unchanged in terms of its literal preservation; however Muslims have also deviated in its interpretation as well as application.⁶²

Contemporary Deliberations

‘Abduh’s transformative thought about interfaith marriages did not meet a responsive ear in the twentieth century. More distantly, those who considered themselves as continuing his line of thought did not take this issue beyond its traditional territory. For instance, Maḥmūd Shaltūt (Al-Azhar’s Grand Imam 1958-1963), who is seen as the chief representative of ‘Abduh’s reformist ideas in the twentieth-century, argued that it is completely prohibited for a Muslim woman to get married to a non-Muslim, contending that this is one of the questions of consensus amongst Muslim scholars and the knowledge of which is taken for granted. Hence, any Muslim who believes otherwise, goes beyond the boundaries of Islam.⁶³

Moving from exogamy to endogamy, Shaltūt presented the two views of ‘Umar and Ibn ‘Umar, taking a middle path by bringing the discussion back to sociology. If *qawāma*, i.e. family’s leadership, is given to the man, then endogamy should be fine and can even be desirable, for it can serve in conveying the message of

⁵² Mohammad H. Kamali, *Principles of Islamic Jurisprudence*, 3rd edn, Cambridge: Islamic Texts Society, 2005, 269.

⁵³ Ibid.

⁵⁴ Muḥammad ‘Abduh, *Risālat al-tawḥīd*, ed. Muḥammad ‘Imāra, 1st edn, Beirut and Cairo: Dār al-Shurūq, 1994, 151.

⁵⁵ ‘Abduh and Riḍā, *Tafsīr al-manār* Vol. 2, 355.

⁵⁶ The verse translates: “So [you believers], say, ‘We believe in God and in what was sent down to us and what was sent down to Abraham, Ishmael, Isaac, Jacob, and the Tribes, and what was given to Moses, Jesus, and all the prophets by their Lord. We make no distinction between any of them, and we devote ourselves to Him’.”

⁵⁷ The verse translates: “Say, ‘People of the Book, let us arrive at a statement that is common to us all: we worship God alone, we ascribe no partner to Him, and none of us takes others beside God as lords.’ If they turn away, say, ‘Witness our devotion to Him’.”

⁵⁸ The verse translates: “[Believers], argue only in the best way with the People of the Book, except with those of them who act unjustly. Say, ‘We believe in what was revealed to us and in what was revealed to you; our God and your God are one [and the same]; we are devoted to Him’.”

⁵⁹ ‘Abduh and Riḍā, *Tafsīr al-manār* Vol. 2, 355.

⁶⁰ Ibid, Vol. 2, 357.

⁶¹ Ibid, Vol. 3, 326.

⁶² ‘Abduh and Riḍā, *Tafsīr al-manār* Vol. 2, 356.

⁶³ Maḥmūd Shaltūt, *al-Fatāwā*, 18th edn, Cairo: Dār al-Shurūq, 2011, 276-77.

Islam to the wife and showing her its merits. However, if the man's leadership is lost and his children are left within the hands of the wife, then allowing such a marriage is going beyond the boundaries of Islam. Shaltūt then expressed his grudges about the state of many Muslim men of his day who felt inferior to their European partners; hence they left the running of their affairs to them, which essentially resulted in misguiding the family by raising the children according to Christian or Jewish religious norms.⁶⁴ He went further to invoke the government to issue laws that prohibit such marriages when the religious and national identities of Muslim men are weakened through their non-Muslim wives. Convinced that preserving religious as well as national identity is one of the most basic obligations in Islam, he argued that those marriages have been destructive to the Muslim community, when Muslim men had their religious as well as national identity dissolved and assimilated to Western cultures.⁶⁵ Coming from a reformist mindset, those views seem peculiar. However, the sociological context may well help explain such strong views. That is, Shaltūt occupied his position in Al-Azhar when Nasser's nationalism was at its peak and many Muslim scholars were reacting to the ramifications of the colonial powers that had invaded the Muslim lands.

Shaltūt finally argued that preventing such marriages by law, or at least restricting them, is more important than 'defining the minimum legal age for minor marriages; it is more important than restricting polygamy and divorce; it is more important than critiquing the concept of the wife's *House of Obedience* when the wife refuses to obey her husband'.⁶⁶ Shaltūt invoked all those calls as they were prevalent in his time. So, he is directing the attention of the government to what he perceives a more harmful threat, which is interfaith marriages. Again, he invoked nationalism, for he thought that interfaith marriage in his day was aimed at westernizing Muslim communities and dissolving their sense of identity.⁶⁷

Shaltūt's position is maintained by Al-Azhar till today. For instance, when Shaykh Ali Goma'a, Egypt's former mufti (2003-2013), was asked about exogamy, he contended that "it conflicts with the general rules and practices of Islam which are accepted by Muslims." He added that the prohibition of Muslim women's interfaith marriage has become the subject of a consensus that is based on the Qur'an and thus, such marriages are not deemed acceptable and are not subject to further juristic interpretation. Similarly, the current Grand Imam of Al-Azhar, Ahmed El-Tayeb, gave the same answer in a speech in the German parliament.⁶⁸

Conversely, while Shaltūt thought that interfaith marriages can undermine national identity, the late Lebanese 'Abd Allāh al-'Alāyī⁶⁹ had the opposite view. Al-'Alāyī maintained that prohibiting interfaith marriages stands as a stumbling block to national unity.⁷⁰ As a traditionally trained scholar, al-'Alāyī advanced the discussion in terms of the legal and theological hermeneutics and offered the following insights:

Firstly, he argued that the scholarly consensus on the invalidity of exogamy is not binding, for it is a late consensus (*ijmā' muta'akhir*), as opposed to early consensus (*ijmā' mutaqaddim*). That is, early generations of Companions and jurists never reached a consensus on this question. Hence, for the late consensus to be binding, it has to be accompanied by a decisive proof.⁷¹

Secondly, he critically engages with Q 2:221, arguing that the verse uses two fluid words '*mushrik*' and '*khayr*'; both carry no decisive connotation. Taken at their face value, '*mushrik*' would historically apply to Arab polytheists, and the word '*khayr*' engenders nothing but 'preference'; that is, 'it is better for a believer to marry a believer'. Furthermore, if we say that '*mushrik*' here applies to *kitābī* as well, then a Muslim man cannot

⁶⁴ Ibid., 279-80.

⁶⁵ Ibid., 280.

⁶⁶ Ibid., 280-81.

⁶⁷ Ibid., 281.

⁶⁸ Jawad and Elmali-Karakaya, "Interfaith Marriages in Islam from a Woman's Perspective," 134.

⁶⁹ He "is the foremost Arab linguist and Lebanese Sunni cleric whose book on the reform of Islamic laws was banned in most, if not all, Arab countries. In this book, *Ayna al-khaṭa'*? (Where is the error?), al-'Alāyī states that *shari'a* should be continuously renewed because if it stops renewing itself it dies. He also gives a new interpretation to penal measures in Islam, and declares the impermissibility of *al-kanz* (literally, "treasure," but here referring to the accumulation of fortunes by individuals). al-'Alāyī also calls for the unification of Islamic legislation between Shi'as and Sunnis and finds no contradiction between Islam and secularism, although he rejects the common Arabic word for secularism ('almāniyya, mistakenly written and pronounced in Arabic as 'ilmāniyya) and suggests instead *al-hillāniyya* as a better word in Arabic for secularism. Al-'Alāyī's socialist economic views and his secular writings, however, have alienated him from religious establishments and Arab regimes," As'ad Abu Khalil, "A New Arab Ideology?: The Rejuvenation of Arab Nationalism," *Middle East Journal* 46.1 (1992): 22-36.

⁷⁰ 'Abd Allah al-'Alāyī, *Ayna al-khaṭa'*? 2nd edn, Beirut: Dār al-Jadīd, 1992, 114.

⁷¹ Ibid.

get married to a Christian woman too, otherwise the Qur'an would be contradicting itself. Hence, neither the proponents nor the opponents of interfaith marriages can reach a *conclusive* ruling here when all these possibilities are at play, for Muslim jurists are in agreement that if the proof is rife with plausible interpretations, then claiming decisiveness is untenable.⁷²

Thirdly, he maintained that appealing to Q 60:10 is also problematic, for the verse only addresses a particular case in Islamic history and cannot be taken beyond this historical context. To give a context, this verse tackles the treaty that Muhammad concluded with Meccan polytheists at Hudaybiyya. According to the terms of this treaty, any Meccan who became a Muslim and fled to Medina to join other Muslims, after the terms of the treaty had been agreed to, should be sent back to Mecca. Conversely, if a Muslim from Medina had forsaken his faith and joined the disbelievers from Mecca, he may not return to Medina.⁷³ The verse in question was then revealed instructing Muslims to examine the veracity of the faith of immigrant women. If their faith was ascertained and thereby, they are not supposed to be returned to disbelievers. Moreover, taking the *hadīth*: ‘there is no emigration after the conquest (of Makkah)’ into account, rulings of emigration do not apply anymore, says al-‘Alāyī.⁷⁴

Critics may say, argued al-‘Alāyī, that the vast majority of jurists are in agreement that what matters is not the particularity of the occasion of revelation but rather the generality of the words of the Qur'anic verse. Al-‘Alāyī objects by saying that even the words in this verse are particular from beginning to end, i.e. the verse uses the term ‘*muhājirāt*’ (female emigrants) which reflects a particular historical term that cannot be taken beyond its time and space. However, if we push it to the extreme and consider this term to be loosely generic, it will apply today to persecuted Muslim women rather than all Muslim women.⁷⁵

Fourthly, as for Q 5:5, al-‘Alāyī asserted that this is the most relevant Qur'anic verse. He does not only say that this verse attests to the validity of endogamy, but also to exogamy, illustrating that what caused scholars to misunderstand this verse is ignoring the rhetorical tools of the Arabic language used in this verse. To explain, the Arabs had a rhetoric strategy which is called *iktitāf* ('sufficiency'). To clarify, this verse addresses two types of allowances: food and intermarriage with the People of the Book. Since it started with food by saying: “the food of those given the Scripture is lawful for you, and your food is lawful for them”, there is no need for it to repeat the same linguistic emphasis when it moves to intermarriage. Hence, it was sufficient for it to say: “So are chaste women from the people who were given the Scripture before you”, without needing to say: “and your women are lawful to them”, as it is clear from the context that the same rule applying for food applies also to marriage and hence the Qur'an is putting both together. He then says that this is a rhetorical tool the Qur'an uses frequently.⁷⁶

Again, critics may say, according to the principles of legal theory, concision where elaboration is needed engenders restriction (*al-iqtisār fī maqām al-bayān yufid al-haṣr*). That is, if the Qur'an did not add “and your women are lawful to them”, then this means that allowability, unlike food, is limited to endogamy rather than exogamy, since this is a context that demands clarification rather than ambiguation. Al-‘Alāyī responds by saying that this is true only if the Qur'an did not use the conjunction ‘*wa*’ (and). That is, according to the Islamic legal theory also, using the conjunction ‘*wa*’ engenders a similarity between the two statements in point: food and intermarriage.⁷⁷ However, if a Muslim woman chooses to err on the side of caution by avoiding exogamy, then this is a separate and a personal question.⁷⁸

Al-‘Alāyī was not alone in taking an exegetical approach to the question of exogamy; Ibn ‘Āshūr also engages with exogamy exegetically.⁷⁹ Although he does not go as far as al-‘Alāyī, he challenged the exegetical foundations upon which the assumed prohibition is anchored. He illustrated that although there is no scriptural basis to the prohibition of exogamy, scholars had unanimously agreed on its prohibition on the basis of either

⁷² Ibid., 114-15.

⁷³ Ṣahīḥ al-Bukhārī, “53 Peacemaking,” Book of Peacemaking, Sunnah.com, available at: <https://sunnah.com/bukhari/53/9>.

⁷⁴ al-‘Alāyī, *Ayna al-khaṭa?*, 115.

⁷⁵ Ibid., 115-16.

⁷⁶ Ibid., 116.

⁷⁷ Ibid.

⁷⁸ Ibid., 120.

⁷⁹ Ibn ‘Āshūr, *Tafsīr al-Tahrīr* Vol. 2, 360-63.

the Sunna, analogy (*qiyās*),⁸⁰ or *ijmā'*. He proceeds to say that appealing to *ijmā'* is the strongest of the three bases here due to the absence of clear-cut *ḥadīth* on the question and that analogising *kitābī* to *kuffār* is not free from exegetical problems. He then ended by appealing to a sociological ground. That is, a woman is susceptible to the influence of her husband and hence exogamy becomes dangerous.⁸¹

Concluding the discussion with a contemporary voice, Khaled Abou El Fadl's *fatwa* is worth consideration. El Fadl was asked the same question, yet he took it to a different level beyond sociology and theology by invoking what I term individual *ijtihad*. He first expressed his conviction that the evidence backing the prohibition of exogamy is not very convincing. Quoting him, "in all honesty, personally, I am not convinced that the evidence prohibiting Muslim women from marrying a *kitābī* is very strong. Muslim jurists took a very strong position on this matter; many of them going as far as saying if a Muslim woman marries a *kitābī* she is as good as an apostate. I think, and God knows best, that this position is not reasonable and the evidence supporting it is not very strong."⁸² Yet, by this he does not give full approval to exogamy, but rather says that he moves it from the realm of the 'prohibited' to the realm of the 'unrecommended'. Then he directs our attention to a sociological question, stating, "I have reached this position after observing that the children of these Muslim/non-Muslim marriages in most cases do not grow up with a strong sense of their Islamic identity. It seems to me that in countries like the US, it is best for the children if they grow up with a Muslim father and mother. I am not comfortable telling a Muslim woman marrying a *kitābī* that she is committing a grave sin and that she must terminate her marriage immediately."⁸³ On the same page, another woman asked if she would be a *kāfir* by marrying a *kitābī*. He gave the answer below:

To be directly responsive to your question, do I believe that a woman who marries outside of the Muslim faith is a *kāfir*? The answer is no, I do not. Do I believe that it is advisable to marry someone outside the faith? No, I do not. In religious terms, it is among the issues that I would consider *makrūh* (disfavored) for both Muslim men and Muslim women. This is based on a *sociological reality*⁸⁴ that children who grow up with parents not sharing the same faith grow up in a state of confusion, which they resolve often by being faithless. Or if they have any faith, it tends to simply be agnostic. In my over 30 years in the West, working in case after case, all stories begin with love, dreams, and high hopes. Ten, twenty, thirty years later, from my experience and the experience of so many that I have dealt with, the ending is not happy.⁸⁵

The only advice I can give you is to ask yourself what role does your faith play in your life? Will you be happy if you are unable to submit to God with your partner according to the teachings of Islam? And how important is it to you that your children are raised firm in their conviction about prayer, fasting, the shahada, and all the other essentials of the faith? Only you can provide the necessary honesty in responding to these questions. When all is said and done, whatever your decision is, I sincerely pray with all my heart that Allah blesses you, aids you, guides you, and that you have success and happiness in your life. And when all is said and done, it is only Allah that can judge you, your intentions and your actions. As is my firm conviction, only Allah knows best.⁸⁶

Whether we agreed with El Fadl's *fatwa* or not, he is to be commended for his boldness to tackle this question when many contemporary scholars developed a pass-over attitude on such a matter despite its urgency. As Jawad and Elmali-Karakaya pointed out, "Western Muslim scholars who are qualified and have

⁸⁰ Qiyās (reasoning by analogy), an extension of personal judgment (*ra'y*) "is one of the Four Pillars of Islamic Law. By analogical reasoning, general principles found in the Koran, the Traditions (Sunnah), and the consensus of the doctors of law (*ijmā'*) are employed in judging a case. For example, the Qur'anic prohibition of wine applies to all intoxicating substances, including narcotic drugs, because they have a similar effect, even though they are not mentioned by name in the Koran." See Adamec, *Historical Dictionary of Islam*, 357.

⁸¹ Ibn 'Āshūr, *Tafsīr al-Tahrīr* Vol. 2, 360-63.

⁸² Khaled Abou El Fadl, "FATWA: On Christian Men Marrying Muslim Women," *The Search for Beauty: On Beauty and Reason in Islam* (1 March 2016), available at: <https://www.searchforbeauty.org/2016/05/01/on-christian-men-marrying-muslim-women-updated/>.

⁸³ Ibid.

⁸⁴ Emphasis is mine.

⁸⁵ Ibid.

⁸⁶ Ibid.

massive support among the community members, and who could influence Western Muslim views, have decided to stay quiet or to keep a low profile.” For instance, Hamza Yusuf, despite his influence, “has not made any public statement on the subject.” Similarly, Abdulhakim Murad, “was not willing to get involved in this debate, responding: “unfortunately I do not think I am an expert in any aspect of this (subject).”⁸⁷ However, Ibrahim Mogra directs our attention to the fact that “more Muslim women are marrying non-Muslim men. As such, he stressed, we need to “discern how scholars can deal with this question, and what guidelines and support theologians and jurists can offer to assist those who are in this situation.”⁸⁸

Nevertheless, it is worthy of mention that the Tunisian government’s allowance of exogamy, backed by its own *dār al-iftā’*, divided the ‘Tunisian society (for and against) and was faced with a near unanimous rejection from other Muslim countries, especially Egypt. Al-Azhar, the highest religious authority in the Sunni world, published a statement refusing to acknowledge the decision and stated “that Essebsi’s decision does away with religion rather than renewing it.”⁸⁹

Conclusion and Recommendations

This paper set out to investigate the factors that have led most Muslim scholars to assume the prohibition of exogamic marriages with the People of the Book. It has identified two key factors at play: theological and sociological. The theological barrier is reflected in the assumption that the People of the Book are unbelievers and hence their men cannot marry believing Muslim women. The sociological barrier lies with analogizing marriage to *riqq* and hence a Muslim woman should not be made like a maid for an unbeliever.

Although the paper covered several figures, particular focus was given to al-Ghazālī, Ibn Taymiyya, ‘Abduh and al-‘Alāylī in accordance with the novelty of their contributions. It has been shown that while al-Ghazālī and Ibn Taymiyya challenged the theological barrier by arguing against the ultimate disbelief of the People of the Book, they maintained the sociological barrier. However, the most critical finding to emerge from this paper was presenting the unstudied views of ‘Abduh and al-‘Alāylī who challenged the above two factors. ‘Abduh rejected naming *kitābī* as *kuffār* as well as the analogy between marriage and *riqq*. Al-‘Alāylī deconstructed the exegetical underpinnings leading to the prohibition of exogamic marriages. Consequently, they both argued for the allowability of exogamy with the People of the Book.

The above findings provide the following insights. First, although this paper invites any Muslim woman to think twice before engaging in an exogamic marriage and to carefully consider its challenges, it points out that this should not motivate us to prohibit it when the Scripture is silent about it. This is for us not to conflate our own legal preferences with God’s divine Will. Otherwise we would put ourselves at the risk of exceeding our limits with God’s authority as the only Lawgiver. This conclusion takes Q 10:59 as its starting-point, which states: “Say, ‘Think about the provision God has sent down for you, some of which you have made unlawful and some lawful.’ Say, ‘Has God given you permission [to do this], or are you inventing lies about God?’”

Second, there is a critical need to weaken the discourse that has made Islam appear as a black-and-white religion. By this I refer primarily to the discourse that has left no space for grey areas in Islam where the individual’s discretion is invoked. This is the type of thought and culture that needs to exist before we move to relax or restrict endogamy or exogamy. Prophet Muhammad has made it clear that Islam is not black-and-white when he said: “that which is lawful is clear and that which is unlawful is clear, and between the two of them are doubtful matters about which many people do not know...Truly in the body there is a morsel of flesh, which, if it be whole, all the body is whole, and which, if it is diseased, all of [the body] is diseased. Truly, it is the heart.”⁹⁰ This important *hadīth* tells us that there are grey areas in Islam where one needs to take responsibility and discern according to his/her individual religiosity.

Third, *weakening* the black-and-white rhetoric would eventually lead to *awakening* the individual discretion in a way that domesticates *ijtihad* when it comes to the non-apodictic matters of Islam. The concept of *ijtihad* has always been thought of as a scholarly practice. However, there is a need to rethink how an

⁸⁷ As quoted in Jawad and Elmali-Karakaya, “Interfaith Marriages in Islam from a Woman’s Perspective,” 135.

⁸⁸ Ibid., 135.

⁸⁹ Ibid., 130.

⁹⁰ al-Nawawī, “Hadīth 6,” 40 *Hadīth Nawawī*, , available at: <https://sunnah.com/nawawi40/6>.

individual Muslim can also relate to it when there is no scriptural reference. This conviction is driven by a *hadīth* in which the Prophet said: “Consult your heart...even though people have repeatedly given their legal opinion.”⁹¹ Awakening such a concept is extremely needed especially in the Western world, where such questions are existential and affect the lives of many Muslims.

Finally, scholars who tend to stamp exogamy with prohibition conventionally appeal to the concept of *sadd al-dharā’i'* (blocking the means) as an exegetical strategy. However, *sadd al-dharā’i'* alone cannot stand as a justification for the prohibition of exogamy for two reasons. First, defining what *dharā’i'* are is per se a subjective endeavour. Namely, what is *dharī'a* (singular of *dharā’i'*) for one scholar may well not be *as such* for another. Second, the moment a scholar appeals to *sadd al-dharā’i'* is the moment he acknowledges the original permissibility of the question at hand, for what is impermissible by God is already blocked and needs no further blockage by the *faqīh*. Otherwise, the *faqīh* risks exceeding his limits with God to become himself a legislator. The above two reasons are extremely important, for many scholars have used *sadd al-dharā’i'*, with a degree of arbitrariness and prejudice. Al-Qarāfī (d. 1285) alluded to the fluid nature of this exegetical device and its contingency on context. He wrote: “Know that as it is obligatory to block the means, it is also [sometimes] obligatory to unblock them.”⁹²

⁹¹ al-Nawawī, “Hadīth 27,” 40 *Hadīth Nawawī*, available at: <https://sunnah.com/nawawi40/27>.

⁹² al-Qarāfī, *Sharḥ tanqīḥ al-fuṣūl fi ikhtiyār al-maḥṣūl fi al-‘uṣūl*, Beirut: Dār al-Fikr, 2004, 353.

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