

Interfaith Marriages : A Comparison of Religious and Social Perspectives

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***Abstract:** Globalization is a growing phenomenon affecting all aspects of human life including religious affiliation of people. The technological advancements have overlooked the geographical boundaries and given birth to multicultural societies where people are getting into interfaith relations. Women are contracting marriages spawning outside the folds of specific faiths, their motives can be varied however the end result remains as it is, i.e. “interfaith marriage”. International Human rights movements, convention and treaties are quickly transforming the existing balance (i’tida’l) between the genders towards equilibrium. Recent social and cultural changes have altered marriage (consequently the family) in the West to a significant degree, while Islamic marriage or family institution could not remain uninfluenced. Muslims are facing a divided society; those who favor the modern thoughts and those who want to stay attached to their traditions and cultures. Interreligious marriages include complex legal and social issues as diverse legal systems are involved. The aim of this paper is to compare the both religious and social perspectives in the light of their primary sources.*

Key Words: Globalization, interfaith marriages, Muslim women, family institution, Islamic Law.

Introduction

The ¹ institution of marriage and family serve as the foundation stone in any culture or society, particularly in Islamic society; for that reason great attention has been paid to its contours within the Sharia. Both genders are allocated special roles to be performed in the family as well as in society whereby Islamic Law (*Shari'ah*) gives a lot of protection to a woman yet with a varied perception that is mainly founded upon functionality rather than entire equality, something that is commonly understood as prejudiced against a woman if look through an equality lens. ²

International Human rights conventions/ treaties ³, gender based movements and customs are rapidly transforming the existing balance involving the genders towards equilibrium and as a result many of Muslim societies in different parts of world facing challenges of these social and cultural changes in different ways. ⁴

Recent developments in areas of Human rights have altered marriage (consequently the family) in the Western societies in particular, to a significant degree, at the same time the institute of family (marriage) in Islam could not remain uninfluenced.⁵ The areas/issues falling under family laws cannot be separated from human rights concerns. Both laws are much related subjects of "International law" which were earlier dealt under different "conventions and treaties", either as part of "family laws" or under "conflict of laws", but now it has emerged as specialized discipline of "human rights" in itself with reference to "International Family Law".⁶

When institution of family or marriage is taken as the basis of any society then the real situations cannot be remained unnoticed. Men and women in different regions of globe are getting married spawning away from the folds of specific belief or faith, the causes of such act can be different but the ultimate result remains as it is; i.e. interfaith marriage.

It is hereby intended to make inquiries into the issue of interfaith marriages and a right of a woman to choose a spouse from a viewpoint of a Muslim woman in today's world. The paper therefore will attempt to present the different perspectives in the matter, both classical and the modern, on one hand and on the other will try presenting the dilemmas faced by Muslim women in multicultural secular societies. This research paper has been distributed into a two parts. The first one discusses the social and religious perspective of Muslim Marriage, contemporary challenges whereas the second one explores the multiplicity and development of juristic opinions on the issue considering the *fiqhi* scholarship from early jurists to the contemporary views. The purpose of this work is to critically analyze contemporary trends in marriage practices particularly with special reference to social and religious impact that necessitates a deep analysis of the issues, to minimize social and conceptual adverse effects for upcoming generations. Primarily qualitative research methodology⁷ along with "socio-legal method" is utilized, and to some extent analytical approach has also been followed where needed. Analysis of literature it has been observed that classical Muslim jurists⁸ (within Muslim states) have extensively dealt with the issue and had a very rigid approach but recent trends show a transition of approach wherein the modern jurists⁹ have shown a flexible approach based on the prevalent social practices and socio-political dynamic faced by women in different societies and polities.

Marriage and Religion

Human behavior is controlled by rules of right and wrong based on some religious or social codes. Prior to the globalization religion played an important role in determining attitudes of people in different geographic locations and resultantly we saw many and varied socio-cultural norms. But with the development of "globalization" or the "notion of global village" has made the mutually dependent world and faith's effect on belief of individuals has been destabilized, where people or even states cannot exist without being influenced by what is going on elsewhere. In spite the erosion to religious

commitment; it still plays an important role in shaping human attitude and behavior towards each other.¹⁰

Marriage is now become a commercialized occasion. Not only in western but Muslim states like Pakistan has adopted traditions and custom which are alien to Islam like dowry, mix gathering, marrying people from particular caste adopting non Islamic traditions hindering or changing the attitudes towards marriage.¹¹

Marriage in Islam

“Marriage” (*nikah*) in Islam is considered as a holy agreement religiously and socially.¹²

According to Ameer Ali, “marriage is an organization for the protection of the society. This is made to protect the society from foulness and unchastely”.¹⁴ Marriage, according to Muslim belief, is a ‘sacred Covenant’ or ‘*Mithaq-e-ghalid*’, “A solemn pact between man and woman soliciting each other’s life companionship which in law takes the form of a contract (*aqd*)”. It is also a Sunnah of Holy Prophet (SWT), which is something much more than just a rule or definition of Contract Act 1872 for Muslims. A marriage is also mandatory on a person who is physically and financially able to contract marriage.¹⁵

Social Changes challenging Muslim Marriage.

The impact of technological advancements and the notion of Globalization has fashioned a social atmosphere where public interaction has significantly increased for numerous reasons, altering the social conduct, old ethical values and priorities are changing, resulting augmented number of social relation including “interfaith marriages”. Women around the world for various motives are contracting these relations including “Muslim women”. In the past it was limited to the elite category of societies which was involved in such social contracts (marriages) but now, in this era, even middle class of a society or families are also confront this issue.¹⁶

One of the significant aspect of the problem is transformation of women’s role within families specially where she is either equally or more

contributing in family earnings than her spouse. It gives her more authority and control in family matters.¹⁷

The women are now more cognizant about significance of education and career than ever before. In many cases females are progressing more than males among different societies and consequently it is becoming problematic for females including Muslims mainly middle class to find a reasonable life-partner from the relatives or communities, prompting them to look out of their families or communities and in some cases even faith. Lack of Knowledge about Islam among parents and communication between parents and children is also one of the contributors where parents are generally failing to explain the Islamic values and limits to their offspring.¹⁸

Culture changes everything and social behaviors and practices cannot stand apart from law making in the society and when taking into consideration the notion of globalization the idea of westernization cannot be taken away from the mind. Recent Western way of life, Coca Cola, Angelina Jolie and free marketing ideas like many other trends are the creation of these notions which has bounded the world from all sides and has put diverse cultures into close proximity (and at times within a family), consequently we see multicultural societies.¹⁹

In addition to multiculturalism, one more claim of human rights campaigners is the so called equality among the both the genders indulging more or less all cultures of the world. Modern human rights era, after adoption of UDHR in 1948, took a sharp turn and made human rights a parameter for every wrong and right. "Human rights law" generally emphasizes on the conduct of a state of its subjects however the "family law" is recognized and protected under "international human rights". But, the "human rights" have step by step getting into contact and clash with "family laws". "Human rights norms" are applied to "family law issues" across the globe as result of "treaty ratification" sometime supporting "domestic laws" and sometimes going against it. In addition to this, if the state may not ratify a treaty but "international human rights norms" can exert influence on legal

behaviors and can become guidelines ²⁰as in case of US where IHR norms are not combined in their domestic law however is influencing it because of increased influence of the international human right norms on US Courts, visible in *Roper V. Simmons*. ²¹

The legal status of such marriage contracts is not only the point of apprehension but it involves more collateral law related issues such as “rearing and custody of the children of these couples, divorce, maintenance, inheritance” etc. Eventually the religion becomes a point of differences among such couples and practice varies on case to case basis, sometimes couples adhere their specific faiths, some time they do not adhere any of the religion. This tendency is so frightening and if the females are not provided their actual status and these and such kind of issues would keep going on rapidly. Essential measures are mandatory to be under taken at basic level to minimize such difficult problems.²²

Interfaith Marriage in Abrahamic Religious Traditions

Interfaith Marriage in Judaism

An interfaith marriage is a marriage of a non-Jew to a Jew, i.e., one born of Jewish parents, or whose mother alone was Jewish, or who has become a proselyte in accordance with Jewish law²³. Conversion from the Jewish religion, both in the case of a Jew by birth and of a proselyte who reverts to his "evil" ways, has no halakhic significance in respect of the law on mixed marriages. For "an Israelite, even if he has sinned, is still an Israelite." The prohibition against marrying a gentile is also explicitly stated in the period of the return to Zion: "And that we would not give our daughters unto the peoples of the land, nor take their daughters for our sons" ([Neh. 10:31](#); see Maim., *ibid.*). It was also inferred from the passage in Deuteronomy that in a mixed marriage there is "no institution of marriage," i.e., mixed marriages are not legally valid and cause no change in personal status (Kid. 68b; Yev. 45a; and codes)"²⁴.

From the bible (Deut. 7:3):

"neither shalt thou make marriages with them: thy daughter thou shalt not give unto his son, nor his daughter shalt thou take unto thy son,"

It is inferred that "marriage with a non-Jew is forbidden as a negative precept by the Torah (Av. Zar. 36b; Yad, Issurei Bi'ah 12:1–2; Sh. Ar., EH 16:1)". This given passage refers to the "seven nations" ("The Hittite, and the Girgashite, and the Amorite, and the Canaanite, and the Perizzite, and the Hivite, and the Jebusite," Deut. 7:1).

As per one of the opinions, "the prohibition applies only to intermarriage with those seven nations"²⁵. Other opinions maintain that the prohibition specifically applies to all gentiles since after the prohibition "neither shalt thou make marriages".

The biblical passage further says: "For he will turn away thy son from following after Me" (Deut. 7:4). This serves "to include all who would turn [their children] away" ("Av. Zar. 36b; Yev. 77a; and codes")²⁶.

Interfaith Marriage in Christianity

In the "Pan-Orthodox Conferences from 1961 onwards", constructive opinions have been given with reference to mixed marriages. Their summary is given as follows:

1. "A marriage between an Orthodox and a non-orthodox Christian is prohibited according to the Church canons, but it may be blessed according to the Orthodox principle of 'economy' in loving concern for those involved, with the express condition that the children of the marriage will be baptized and brought up in the Orthodox Church. The local autocephalous Orthodox Churches may decide how they apply this principle as it occurs".
2. "A marriage of Orthodox Christians with non-Christians is absolutely prohibited by the canons of the Church. But the local autocephalous churches may decide to act in pastoral benevolence towards the orthodox member in each individual case"²⁷.

The views of the Russian Orthodox Church are very interesting in this regard. The conditions in which the Church of God exists on earth

today, in the matter of interfaith marriages between Christians and non-Christians, impel us to return to the Church practice of the first centuries of the Christian era. During these centuries the Church was favorable to mixed marriages, following the apostolic command (I Cor.7,12-14,16). In these verses, the apostle Paul recommends that such marriages should not be dissolved, in the hope that the believing member will save the unbelieving spouse²⁸. "If any brother has a wife who is an unbeliever and she consents to live with him, he should not divorce her. If any woman has a husband who is an unbeliever and he consents to live with her, she should not divorce him²⁹. For the unbelieving husband is consecrated (sanctified) through his wife, and the unbelieving wife is consecrated (sanctified) through her husband." "How do you know you will not save your husband?" St Paul argues, "Or how do you know you will not save your wife?" With this thought in mind, the Russian Orthodox Church applies the principle of "economy" and tolerates mixed marriages. The term "economy" means that the Orthodox Church does what it believes to be in line with God's plan of salvation.

It should be noted, however, that other autocephalous orthodox churches and the "Armenian Apostolic Orthodox Church" are not following this Russian Orthodox practice as of now³⁰. The Protestant view regarding marriage is same due to same biblical foundations but the interfaith marriage is adopted as civil law requirements of the state.

Interfaith marriage in Islam

Interfaith or interreligious marriage is one of prevailing issues creating a rift between traditionalists and modernists within the Muslim community. Many Muslim families and states are facing the challenge of social and cultural change affecting their family structure. ³¹Inter faith marriages can be categorized in to two major kinds.

1. "Marriage between a Muslim Man and a Non- Muslim Woman"
2. "Marriage between a Muslim Woman and Non- Muslim Woman"

“Marriage between a Muslim Man and a Non- Muslim Woman”

This kind of marriage may further have different status depending on the faith of the Non-Muslim Woman. If the woman is amongst people of the book the marriage is valid. But if she is not from people of the book the marriage is not valid.

“Marriage between a Muslim Woman and Non- Muslim Man”

A marriage between Muslim woman and a non-Muslim Man (whether from people of the book or not) is invalid according to the four schools of thought in Sunni schools and Shia’ fiqh as well. Thus it is termed as prohibition of Muslim Woman marrying a Non-Muslim man through *Ijma*. The verse which provides the ruling is being mentioned below.

Such interfaith marriages, according to established rule, are not permissible. A Muslim female getting married to a non-Muslim male (*Kafir*) is unanimously agreed that it is prohibited. However, it is conditionally permitted with people of books (*ahl al-kitab*) i.e. the followers of Judaism and Christianity in some cases. Furthermore, the classical (*mutaqaddimeen*) and few contemporary (*muasereen*) religious scholars differ as to the legality of this kind of marriages.³² The traditionalists adhere to classical *Shari’a* rulings:

- A Muslim man may marry a Christian or Jewish woman but no other unbeliever;
- A Muslim woman may not marry a non-Muslim under any circumstances

Traditionalists contend that the Holy Qur’an both textually (*Nassan*) and inferentially (*foruan*) confines marriage outside the religion whereas modern scholars interpret with a view of changing social circumstances of time.³³

The Holy Quran in following verses which are mostly cited deals with interfaith or interreligious marriage for men:

- 1) *“Do not marry unbelieving women until they believe: a slave woman who believes is better than an unbelieving woman, even though she may allure you. Nor marry (your girls) to unbelievers until they believe: a slave man who believes is better than an unbeliever even though he allures you. Unbelievers do (but) beckon you to the Fire. But Allah beckons by His Grace to the Garden (of Bliss) and forgiveness, and makes His Signs clear to mankind: that they may receive admonition.”*³⁴
- 2) *“This day are (all) things Good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. (Lawful unto you in marriage) are (not only) chaste women who are believers, but chaste women among the People of the Book, revealed before your time, when ye give them their due dowers, and desire chastity, not lewdness, nor secret intrigues. If anyone rejects faith, fruitless is his work, and in the Hereafter he will be in the ranks of those who have lost (all spiritual good)”*³⁵
- 3) *“O ye who Believe! When there come to you believing women refugees, examine (and test) them: Allah knows best as to their Faith: if ye ascertain that they are Believers, then send them not back to the Unbelievers. They are not lawful (wives) for the Unbelievers, nor are the (Unbelievers) lawful (husbands) for them. But pay the Unbelievers what they have spent (on their dower). And there will be no blame on you if ye marry them on payment of their dower to them. But hold not to the guardianship of Unbelieving women: ask for what ye have spent on their dowers, and let the (Unbelievers) ask for what they have spent (on the dowers of women who come over to you). Such is the Command of Allah: He judges (with justice) between you. And Allah is Full of knowledge and Wisdom.”*³⁶

While interpreting majority of *fuqaha* (Muslim jurists) in Islam are unanimously agreed upon the point that *nikah* (marriage) of Muslim women with an infidel (*Mushrik*) is not valid whether consummation has taken place or not. According to them, “it is a *Batil* marriage *ab inito* and no legal rights and obligations arise from such a contract”.³⁷

But in case of interfaith marriage with people of books, there is difference of opinion, based on interpretations and social conditions.

For those who oppose interfaith union of Muslim women argue;

Even men may marry from people of Books but with condition of her being virtuous³⁸. Islam recognizes two category of unbelievers first people of books (Jews and Christians) who are not believer as deviated from right path but still they follow some common part of Islamic faith related to previous divine religion though distorted. The other category is that of atheists, polytheists, idolaters. Marriage with the latter is clearly prohibited³⁹. Permission to marry women of People of Books cannot be generalized especially when he has an option of marrying Muslim female⁴⁰. Even these marriages of Muslim males were prohibited during the period of caliph Umer (RA).⁴¹

Marriage of a Muslim man with Christian or Jew women is exceptionally permitted with some clear terms related to future religious practices to be followed by them⁴². A legal maxim that bears relevance here is that “A rule cannot be based on an exception neither it can be extended to another set of circumstances” Hence even if it is argued that the Quranic texts are silent on marriage of a Muslim with a Non-Muslim man, then the general rule being that marriage must occur within the faith, however, men have been granted an exception to marry chaste women from among the People of the Books. The same treatment cannot be allowed to Muslim women as that would amount to extending an exception.⁴³

They further argue that it is against the objectives of *Shari'ah*. For them man is given upper hand in family and the marriage (*nikah*) of a Muslim lady to a non-Muslim in probability would lead her to *Kufr*

(infidelity) which is against protection of *Dīn* (the religion of Islam) and “is therefore prohibited on the ground that the women usually follow the ways of their husbands”.⁴⁴

On the other hand protection of progeny a women in interfaith marriage even with *Ahl al-kiatâb* (the people of the book) can be a cause of negation of this objective of *Sharī‘ah*.⁴⁵ Giving non-Muslim man “superiority” over a Muslim female is therefore not acceptable and will be against the basic spirit of Islam⁴⁶. Moreover, the rule of prohibition is applicable in *Nikah* and *‘Ibâdah* (worship). This well-known doctrine does not need any clarification or argumentation as it is one of the prerequisites of *Hukam al-sharī‘* (Islamic Rule).

Conclusion

In the era of globalization, a phenomenon of International family law has emerged, changing the concept of marriage from social affair to personal and commercial affair, where religion has given way to secularism and faith has lost its relevance. Human interaction has overcome geographical boundaries and interfaith marriages are a reality. The interfaith marriage needs special attention from Muslim jurists in context of social change which is elaborated above to the extend required. Since the topic is one of the burning issues nowadays and very vast, it requires a thorough analysis separately with special reference to Muslim Jurisprudencia of interfaith marriages. The authors are committed (with the grace of God) to write an independent paper on the suggested topic in continuation to this paper for a conclusive view.

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⁷ “Qualitative research involves collecting and analyzing non-numerical data (e.g., text, video, or audio) to understand concepts, opinions, or experiences. It can be used to gather in-depth insights into a problem or generate new ideas for research”. (<https://www.scribbr.com/methodology/qualitative-research/#:~:text=Qualitative%20research%20involves%20collecting%20and,generate%20new%20ideas%20for%20research.>)

It is an empirical research where the data are not in form of numbers(Punch,1998,p.4) Qualitative research is multi method in focus, involving an interpretive, naturalistic approach to its subject matter. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them.(Denzin and Lincoln 1994, p. 2)

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