

Cross-Religious Marriages in Islam: Interview with Rafiq Yousef, Egypt

The following interview was held between members of the “German Institute for Islamic Studies” (If), and the Egyptian lawyer, Rafiq Yousef:

Ifi: “Do Islamic Marriage Laws permit a marriage between a Jew or Christian, a ‘protectee’ (Arabic: Dhimmi) and a Muslim Woman?”

R. Yousef: “No, that is forbidden in Islamic Marriage laws.”

Ifi: “For what reason?”

R. Yousef: “The Koran forbids such marriages with the following words: ‘You shall not wed pagan women, unless they embrace the faith. A believing slave-girl is better than an idolatress although she may please you. Nor shall you wed idolaters unless they embrace the faith A believing slave is better than an idolater, although he may please you. These call you to the fire; but God calls you, by his will, to paradise and to forgiveness. He makes plain his revelations to mankind so that they may take heed.’ (surah 2:221)

The usual interpretations of this instruction is that a Muslim may not marry an ‘unbeliever’, that is to say, a woman who does not believe in Islam. However, in the Surah ‘The Table’ (surah 5:5) Muslim men are permitted to marry the women of “Those who possess the Scriptures”, that is, Jewish and Christian women, as the Jews and Christians have also received Holy Scriptures from God. ‘All wholesome things have this day been made lawful for you. The food of those to whom the book was given is lawful for you, and yours for them. Lawful for you are the believing women and the free

women from among those who were given the book before you, provided that you give them their dowries and live in honour with them, neither committing fornication nor taking them as mistresses. He that denies the faith shall gain nothing from his labours. In the world to come he will surely be among the losers.’ (5,5) This instruction is not compatible with concepts of equality, but is, according to Muslim belief, the word of God, and must be observed.”

Ifi: “How is this instruction worked out in practice? Are people more likely to convert to Islam?”

R. Yousef: “The aim of this instruction is the expansion of the Muslim brotherhood, as children born from Christian/Islamic marriages are automatically counted as Muslims. When a Christian woman marries a Muslim she may retain her faith, but lives with her husband according to the conditions of Islamic Sharia, and often with Muslim in-laws (parents, brothers and sisters of her husband) – that is to say, she is living constantly in an atmosphere where she is prompted to take on the Islamic faith. Many women then convert to Islam, as, in case of divorce or death of her husbands, they would be excluded from any inheritance rights, and would also forfeit any right to have access to her children.

There are however fatwas (legal decrees) which forbid marriage with foreign Christian women who live in the west, as the general atmosphere in these countries

is not considered to be conducive for the children to grow up as Muslims.¹”

IfI: “How do Muslim theologians justify the law forbidding a Jew or Christian from marrying a Muslim woman?”

R. Yousef: “In a fatwa (legal decree) with the number 138, from the influential al-Azhar University in Cairo, this injunction is justified with the explanation that the Islamic understanding of marriage is based on mercy, affection, and harmony of the emotions. This harmony cannot be attained if the husband is not a Muslim. Also, Islam is a religion that “honours” other monotheistic religions, and commands its followers to believe in all prophets. A Muslim may not therefore forbid his wife to attend a church or synagogue. This respecting of the wife’s religion secures the welfare of the family, which Islam strives to attain.²”

When a Muslim husband permits his wife to exercise her religion, the welfare of the family is secured. If, however, a non-Muslim marries a Muslim woman, he is not able to respect her religion. A Muslim, for his part, respects the early revelatory religions, and believes in all divinely commissioned prophets. On the other hand, a non-Muslim does not believe that the prophet Mohammed was sent from God, and does not respect Islam. One concludes, in such cases, that he will tend to lend credence to “rumours” and “lies” directed against Islam and its prophets. Even if he does not admit to this in the presence of his wife, she will always have the feeling that he despises her religion. The mutual respect between husband and wife, so vital for the foundation of every marriage would therefore be

missing. This would either lead to divorce, or a strained marriage.³”

[Note: In this fatwa the word “respect” is used with two different meanings. Islam “respects” the Christian faith, in the sense that it believes that God has, in the past, sent revelations to Christians. Christians have however according to Muslim theology, along with the Jews, falsified these revelations, and turned to idolatry and unbelief. The Christian faith is therefore seen by the Koran and Muslim theology as counterfeit and distorted. Christians are generally speaking condemned to the punishment of hell if they do not abandon their belief in the Trinity, and the divinity of Jesus Christ. This attitude does not convey the idea of “respect” in terms of recognition of the faith, but rather a degrading, or at the best, a tolerating of Christianity. It is possible for a Christian husband to respect the Islamic faith of his wife, even if he does not share it himself. In this sense, the author of the fatwa puts “not sharing” the Islamic faith on the same level as “not respecting.” In this sense, a Muslim does also not “respect” the Christian faith, as he does not share it, and his Holy Scriptures, i.e. The Koran, explicitly rejects it is wrong.]

IfI: “You mentioned a theologian who passed a ‘fatwa’ – what is a ‘fatwa’, and who can pass one?”

R. Yousef: “A fatwa is a judgement concerning a point of law, which is passed by an authority who is familiar with Islamic law, in other words, a Mufti. Islamic law, Shariah, is seen in its entirety as the law of Allah, is valid for all areas of life, private and public, and is of the utmost importance for pious Muslims in their everyday life. The foundations of Shariah were already laid during Mohammed’s lifetime. Shariah consists of decrees from the Koran, and legal pro-

¹ View such fatwas online, at www.islam-online.net/fatwa/arabic/FatwaDisplay.aspx?hFtwaID=1385 or at www.islaminstitut.de.

² See Mahmoud Zakzouk, Questions concerning Islam. Cairo 1999, p. 115.

³ See Zakzouk, Questions concerning Islam. p. 116.

nouncements taken from Islamic text tradition (The ‘Sunna’ – that is, everything that Muhammad affirmed, said and did) and later formed into handbooks by the four established schools of law (Arabic: madhahib) and possessing binding authority for all believers. In the law books from his respective school of law, a Muslim can find detailed instruction covering virtually all areas of life. These various regulations prescribe his religious duties, what he may eat, how he should dress, how he should treat his family etc... The role of a mufti is to give guidance in individual cases as to how, in his opinion, the law should be applied; that is to say, the mufti interprets the law for an individual case, according to the laws contained in his legal compendium, which has been compiled by his particular legal school.

To exercise this authority, a Mufti must possess profound knowledge of Islamic law and theology, as well as personal integrity and an ability to form his own personal conclusions in order to resolve any conflicts or problems that may arise. It is possible for women as well as men to become muftis, as well as physically disabled people (blind or dumb) as opposed to the office of judge, which is in most countries only open for men.”

Ifi: “What significance does a ‘fatwa’ have? Do differences exist between Sunnites and Shiites?”

R.Yousef: “A fatwa is a legal pronouncement as an answer to a question put by an enquirer to a Mufti. There are big differences between various fatwas in terms of how binding or compulsory they are considered to be. A legal decree passed by a Shiite authority possesses a high degree of binding authority, and must be obeyed by the enquirer. If he seeks further advice he must apply to the same mufti. In Sunnite Islam however, the fatwa does not have a compulsory nature, and does not have to be obeyed by the enquirer. If he is

not satisfied with what he hears, he is permitted to apply to another authority for a second opinion, or simply ignore the fatwa. The legal declarations passed by the Fatwa College of the Theological University of al-Azhar in Cairo carry a great deal of weight in the Islamic world as do the fatwas of Saudi-Arabia.”

Ifi: “How do the Muslim authorities in Egypt view marriage between Christians and Muslims?”

R. Yousef: “According to Egyptian law (Article 32, law number 27/1985) Muslims are forbidden from marrying women who belong to the ‘Idolaters’ (e.g. Hindus or Buddhists) and also the ‘Magicians’ and ‘Fire-Worshippers’ (Zoroastrians) and the followers of various astrological sects – in other words, with all women whose faith is not based on a holy book, or do not belong to “those who possess the book” (Jews and Christians)⁴. An Egyptian may therefore marry a Jewish or Christian woman, but not from any other faith, regardless of whether she is a foreigner or not, or whether or not she lives in a Muslim state. (Article 31, law number 27/1985)⁵ A Muslim woman in Egypt can only marry a Muslim – she may marry neither an ‘Idolater’ (unbeliever) or a Christian or Jew. If she does marry one of these, the marriage is legally invalid.” (Article 122, law number 27/1985)⁶

Ifi: “Why is the situation in Turkey different to that in Egypt? Why do Muslim women sometimes marry non-Muslim men?”

⁴ See Josef Prager. Egypt. In Bergmann/Ferid Internationales Ehe und Kindschaftsrecht. Egypt. Frankfurt am Main 1993, p. 37.

⁵ Josef Prager. Die Religiösen Eherecht – Islam, pages 1-20 in Bergmann/Ferid Internationales Ehe – und Kindschafts Recht. Frankfurt am Main 1993, p. 37.

⁶ See Prager, ebd. p. 43.

R.Yousef: “In Egypt (as well as most other Arabian countries) Islam is the State Religion, and National Law has to be brought into harmony with Sharia, or Islamic Law. This connecting of National Law with Sharia was strengthened as a result of changes to the Constitution in 1980, after which Sharia was declared not just to be a source for National Law, but the main source. These changes affected many areas of life, and in particular the areas of family and inheritance.

The Turkish legal system has, in comparison to other Islamic countries, gone through a scarcely believable process, in which Sharia, as basis for National Law,

has been completely done away with. Turkey, as a Republic, deliberately avoided the designation “Islamic” at its founding, through Kemal Ataturk in the years 1923-1924. During reforms at the beginning of the 20th century significant changes were made to family law, and Swiss Civil Law became the “Father” of Turkish family law. Polygamy was declared illegal. Thus, family law in Turkey differs significantly from that in other Islamic countries.”

Ifi: “Thank you very much for the interview.”

Islamischer Feminismus als Erneuerungs- und Modernisierungsversuch

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Insbesondere seit dem 11. September 2001 ist der extremistische Islam vermehrt in den Blickpunkt der Weltöffentlichkeit geraten. Während die Auffassungen der Islamisten und Extremisten in den Medien vielfach thematisiert werden, kommen liberale Muslime meist weniger ausführlich zu Wort. Eine Form des liberalen Islam ist der islamische Feminismus. Er zeichnet sich durch folgende Aspekte aus:

Kennzeichen des islamischen Feminismus

1. Die Plattform des islamischen Feminismus ist vor allem die moderne arabische Literatur. Die Romanheldin ist oftmals eine Frau, die die religiösen, tra-

ditionell-gesellschaftlichen Konventionen nicht akzeptiert und dagegen rebelliert. Sie lehnt sich gegen diese Normen auf und sucht wirkliche Freiheit und erfüllte Liebe.

2. Islamische Feministinnen suchen ihre Identität als Orientalinnen innerhalb des Islam. Westliche Normen und Wertvorstellungen lehnen sie in der Regel bewusst ab, akzeptieren aber auch die patriarchalen Auffassungen ihrer Kultur nicht. Ihre Identitätssuche kommt auch in der Poesie zum Ausdruck, z. B. in dem Gedicht „Ich“ von der Irakerin Nasik Malai-ka. Dort heißt es: „Wer bin ich? fragt das Selbst.“

3. Islamische Feministinnen lehnen es ab, den Islam als gewalttätige Religion zu definieren. Sie unterscheiden zwischen