

# The Qur'an on Muslim Women's Marriage to Non-Muslims: Premodern Exegetical Strategies, Contradictions, and Assumptions

Shehnaz Haqqani  
MERCER UNIVERSITY

## Introduction\*

In an ethnographic study I conducted previously on Muslim Americans' perceptions of gender, change, and tradition in Islam, 35 out of 40 (~88%) of my participants claimed that the Qur'an explicitly prohibits Muslim women's marriage to People of the Book (hereafter *ahl al-kitāb* or *kitābī* for short).<sup>1</sup> Similarly, in my ongoing research, for which I am conducting detailed interviews with Muslim women who have married or are considering marrying non-Muslims, ~90% of my respondents (27 out of 30 so far) were taught that such marriages are unacceptable according to the Qur'an. Not only do practicing lay Muslims have this perception but, as this article shows, many Muslim scholars and preachers also insist that this is the case. I call into question the certainty with which premodern jurists and exegetes made claims of prohibitions that lay people today continue to make: When I read the Qur'anic verses on intermarriage, there is no explicit or obvious prohibition.

This article interrogates the perception that the Qur'an prohibits women's marriage to the People of the Book by analysing both the verses in question and their interpretations as proposed by exegetes throughout Muslim history and by offering alternative interpretations of those verses. I show that the contemporary discussion of women's interreligious marriage is influenced, implicitly or explicitly, by arguments against women's interreligious marriage that are rooted in a specific sociohistorical and patriarchal context and which relied on interpretive strategies that reinforced those biases. In order to justify the prohibition, premodern Muslim exegetes relied heavily on patriarchal ideas such as male supremacy, and other existing social structures such as slavery; they also relied on *qiyās* ('analogy'), *takhṣīṣ* ('particularising a general statement'), and *ijmā'* ('consensus'). All of these modes of exegesis can be

applied to the same verses and yet produce a different interpretation, one of the aims of this study.

The question of women's marriage to *ahl al-kitāb* appears frequently in online Muslim discussions, forums, blogs, and other Islam-related websites. In these spaces, Muslim women often ask for Qur'anic evidence that they are indeed not allowed to marry Christians and Jews, while men are. Although the responses to their questions vary, indicating that there is no clear contemporary consensus on the issue, the predominant view remains that the Qur'an prohibits such marriages: this is presented as the normative 'Islamic' position and often goes unchallenged by academic scholars of Islam, traditionally trained Muslim scholars and preachers, and lay Muslims.<sup>2</sup> The explanations provided for the prohibition by contemporary scholars and preachers are profoundly influenced by the historical assumptions about marriage on which the prohibition is grounded, such as male superiority to, and authority over, the wife.<sup>3</sup>

Existing scholarship on interfaith marriage in Islam is limited, and much of it accepts the prohibition without interrogation.<sup>4</sup> These studies include a book chapter by Yohanan Friedman that provides the authoritative legal opinions of male scholars before the nineteenth century;<sup>5</sup> Alex Leeman's examination of male Islamic scholars' attitudes towards the subject;<sup>6</sup> and Mohammed Gamal Abdelnour's survey of premodern and modern opinions of male Muslim scholars on marriage to non-Muslims.<sup>7</sup> Three exceptions to the male-centred perspectives are found in a section of a chapter in which Kecia Ali questions the claim that the Qur'an prohibits such marriages;<sup>8</sup> an ethnographic study by Heather Al-Yousuf of British Muslims (men and women) marrying non-Muslims and the ways in which they negotiate with their communities and families to validate their marriages;<sup>9</sup> and Haifaa Jawad and Ayse Elmali-Karakaya's ethnographic study on Turkish-British Muslim women married to non-Muslims in the United Kingdom.<sup>10</sup> In accordance with the findings of this existing scholarship, I challenge the premise that such marriages are Qur'anically prohibited in the first place by providing an analysis of the verses in question as well as the historical rationales of their interpretations.

I focus here on women's marriage to *ahl al-kitāb* because of the gendered nature of the presumed prohibition, unlike the issue of marriage to *mushriks* ('polytheists'), which is Qur'anically not gendered. An exclusive focus on the Qur'anic verses on interfaith marriage is necessary because of misconceptions about what the Qur'an actually states on this topic as well as the lack of scholarship addressing the assumptions and rationales that guide the prohibition. Filling this gap, this article focuses solely on scholarly – historical, modern, and contemporary – opinions on the question of Muslim women's interfaith marriage in response to three Qur'anic verses, with no attention to sociological and other perspectives on the topic.

In what follows, I first provide an analysis of the three Qur'anic verses that deal with interreligious marriage (Q. 2:221, Q. 60:10, and Q. 5:5) and then examine how they were interpreted by four Sunni premodern *mufasssirs* (exegetes). Before moving on to modern engagements with the prohibition, I treat Sayyid Quṭb's (mid-1900s) *tafsīr* as a transition from premodern to modern engagement with this issue. This is because, unlike most other scholars who have provided a complete exegesis of the Qur'an, Quṭb provides rationales that he suggests are logical to support his reading that interfaith marriages are prohibited for women; other scholars before him seemed to take for granted that readers would accept the claim of prohibition without rationalising it. Quṭb is also significant because, like most premodern exegetes, he provides a commentary of the entire Qur'an, which no other modern scholar engaged in this article does, as their discussion on the topic often takes the form of a response to a question on women's marriage to non-Muslims, or research on one specific verse, and is thus limited to a single verse. Quṭb approaches the prohibition similarly to the way that the other modern scholars who support the prohibition do, by making references to contemporary realities. Afterwards, I briefly address two key issues related to the interpretations of the verses in question – Zaynab's marriage to a *mushrik* and the complexity of the term 'People of the Book'. I then analyse the interpretations of the male exegetes, highlighting inconsistencies, gaps, and contradictions in their explanations, and the assumptions that ground their reading that women's marriage to *ahl al-kitāb* is Qur'anically prohibited. Following this, I discuss modern attitudes towards women's interreligious marriage, showing the ways in which premodern context-specific ideas continue to shape current dominant opinions. Finally, I conclude with the various strategies and interpretive tools that Muslim scholars have used to interpret the Qur'an and arrive at the conclusion that women's marriage to non-Muslims is prohibited. I offer examples of how those same tools can be utilised to offer a drastically different – opposite even – interpretation to the question of women's interreligious marriage.

### **Qur'anic Verses on Interreligious Marriage**

Three verses address the question of marriage between Muslims and non-Muslims, revealed in the following order: Q. 2:221 (generally prohibits marriage between Muslims<sup>11</sup> and polytheists), Q. 60:10 (after converting to Islam, neither Muslim women nor Muslim men can stay married to their polytheist spouses), and Q. 5:5 (marriage between Muslim men and *ahl al-kitāb* is permissible).<sup>12</sup> While not crucial to my argument, this order is relevant because of the way that these verses have been interpreted: the first one prohibits marriages to *mushriks*, and if some People of the Book count as *mushrik*, the last verse arguably abrogates the first. These three verses are referenced as Qur'anic evidence for the prohibition on women's intermarriage. In the following section, I aim to show that a reading of the three verses together complicates

the claim that women's marriage to *ahl al-kitāb* is prohibited because two of the three verses (Q. 2:221 and Q. 60:10) apply to men too, and the third (Q. 5:5) does not prohibit such marriages.<sup>13</sup>

(i) Q. 2:221

*Do not marry polytheist women (lā tankihū'l-mushrikāti) until they believe [in one God]: A believing enslaved woman is better than a polytheist, even though she may please you. And do not marry women to polytheists (lā tankihū'l-mushrikāna) until they believe: A believing, enslaved male is better than a polytheist, even though he may please you. They [the polytheists] invite you to hellfire, while God invites you to the Garden of bliss and forgiveness.*

This verse is identical in its prohibition for women and men: neither can marry a *mushrik*.<sup>14</sup> It prioritises belief in one God and appears to be addressed to a Muslim male audience. The only difference between the prohibition for women and men lies in the diacritical marking: *lā tankihū* as a command to men, and *lā tankihū* as a command to (or about) women. The phrase becomes gendered as a result of the gender of the object, the *mushrik*: *mushrikāt* (feminine plural) for men and *mushrikūn* (masculine plural) for women. Moreover, when given the choice between a free *mushrik* person and an enslaved *mu'min* ('believer'), the believer should choose the enslaved *mu'min* because their belief in God makes them preferable to the *mushrik*. That is, a person's faith is more important when it comes to marriage than their social or economic status; in other words, for marital compatibility, similar religious beliefs are more important than social status. The rationale in the verse for the prohibition is that *mushriks* 'invite you to hellfire', implying that they are likely to influence the *mu'min* towards *shirk*, 'polytheism', a major sin in the Qur'an (e.g., Q. 4:48). This prohibition applies to both women and men – i.e., it is not women alone who are advised not to marry *mushriks*. Strikingly, while the verse states that the *mushrik* calls one to hellfire, it does not state that the *mu'min* calls one to heaven; it is in fact God who calls one to heaven in this verse.

(ii) Q. 60:10

*O you who believe! When there come to you believing women refugees (al-mu'minātu muhājirātīn), examine them (imtahinūhunna) ... if you conclude that they are believing women (mu'minātīn), then do not send them back to the deniers (kuffār). They (i.e., the women) are not lawful [in marriage] for them (i.e., the men), nor are the men lawful [in marriage] for them (i.e., the women) ... There is no sin upon you if you marry them ... Do not maintain marriage bonds with the women deniers (wa-lā tumsikū bi-ʿiṣami'l-kawāfirī) ...*

Like Q. 2:221, this verse is explicitly directed towards both women and men: women who leave their communities of *kufr* ('denial of God's oneness') are allowed in marriage to believing men, and their marriages to their previous 'denier' (*kāfir*) husbands are dissolved; believing men, too, may not maintain their marriages with *kāfirs*, or women who commit *kufr*. That is, the prohibition is not gendered – marriage between believers and *kāfirs* is prohibited regardless of the gender of the believer. While the first half of the verse indirectly addresses believing women, the latter half directly addresses believing men, as the verse reads, *Do not maintain marriage bonds (ʿiṣām) with the women deniers*. The root ʿ-ṣ-m connotes 'to adhere to' and 'to preserve', among other similar meanings. As in Q. 2:221, too, the direct audience of this verse is believing men, although women are addressed indirectly. As I show below, this verse is invoked in contemporary conversations about intermarriage for Muslim women in order to oppose women's right to marry non-Muslims, without any mention of the same textual prohibition for men.

Significantly, the category of non-believers mentioned in this verse is not *mushrik* but *kāfir* (pl. *kuffār*); the two terms are not inherently interchangeable. *Kufr* entails the denial of truth, specifically the truth of monotheism from an Islamic viewpoint, while *shirk* denotes the association of multiple or other deities with the one God; thus, *kufr* is more general than *shirk*. However, in this verse, the Qur'an is directly addressing Meccan *mushriks* exclusively, not the People of the Book: the first verse speaks of the *kāfirs* evicting Muḥammad and his followers out of Mecca, a point repeated in verses 8–9, and the fact that the believing women are identified as 'emigrants' in verse 10 indicates that the *kāfirs* in question are the *mushriks* from whom flight to Medina was necessary.

(iii) Q. 5:5

*This day, all things good and pure (ṭayyibāt) are made lawful for you. The food of the People of the Book is lawful for you and yours is lawful for them. And [lawful for you] are muḥṣanāt (chaste or free women) who are believers and muḥṣanāt among the people who received a scripture before you if you give them their due compensation (ujūrahunna) ...*

This is perhaps the most relevant verse to the question of interreligious marriage in the Qur'an, as this is where permission is granted explicitly to men. It is also the verse that has the potential to permit Muslim women's marriage to people of the same religious communities that Muslim men are permitted to marry. The verse allows men explicitly to marry women from the *ahl al-kitāb* but does not prohibit the same for women. Arguably, the permission in Q. 5:5 does not extend to women because it allows intermarriage only to *muḥṣanāt*, a feminine plural that means either 'chaste' or 'free'<sup>15</sup>

(premodern scholars' interpretation of this verse will be discussed below). The Qur'an had the option to use a masculine plural that can apply to mixed-gender groups, such as *muḥṣinīn*, to refer to chaste or free people. However, the verse begins with the phrase *al-yawma uḥilla lakum al-ṭayyibātu* (*all good things are permissible for you all*), *-kum* being gender-inclusive in this context. It thus implies that marriage to the People of the Book is among the 'good things' that have been made lawful. But who is the *-kum* here? One would expect that just as the food of the People of the Book is permissible for Muslims (of all genders), so are marriages with them. That is, if the audience of this verse is a gender-inclusive 'you all', then both women and men are allowed to marry *ahl al-kitāb*. Another observation to be made about this verse, in conjunction with the other two verses discussed, is that it can be read as limiting *only* men's options while permitting women to marry everyone except *mushriks* (Q. 2:221 and Q. 60:10). That is, scholars of the Qur'an have the interpretive authority to assume that all Muslims are allowed to marry all non-Muslims except *mushriks*, and Q. 5:5 limits men further to only People of the Book and Muslims.

In order to consider the possibility that this verse applies to women also, we must understand an important linguistic device in Arabic, *iktifā'* ('sufficiency' or 'truncation'). <sup>c</sup>Abd Allāh al-<sup>c</sup>Alāyī (d. 1990), a Lebanese linguist and scholar of Islam who argues in support of women's marriage to non-Muslims (People of the Book and others), has pointed out that the rhetorical tool of *iktifā'* allows an interpreter to argue that because the verse has already addressed its audience once, it does not need to do so again.<sup>16</sup> Al-<sup>c</sup>Alāyī proposes that since the verse begins by permitting the food of the People of the Book to Muslims and vice versa, 'there is no need for it to repeat the same linguistic emphasis when it moves to intermarriage.'<sup>17</sup> It is sufficient for the verse to say, *So are chaste women from the people who were given the scripture before you*, without needing to explicitly add, 'and your women are lawful to them', because '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'.<sup>18</sup> Al-<sup>c</sup>Alāyī further supports his reading by noting that the Qur'an uses the conjunction *wa-* ('and') to connect food and marriage, indicating the similar permissible status of the two.<sup>19</sup> In other words, it is implausible that this verse is speaking to men alone because that would mean that the part of the verse about food is also directed to men alone, which would lead us to the conclusion that the rules are for men alone.

Contrary to the above argument, the dominant interpretation of the verse is that only the beginning part of the verse, which concerns food, is applicable for all Muslims regardless of gender. It is not obvious, however, that the first part of the verse applies to all Muslims if the latter part is addressed to men specifically; *-kum*, after all, can be either masculine or gender-neutral, and an interpretive decision has to be made for either reading. Some interpreters of the Qur'an insist that it is only 'chaste' women of the People of the Book who are permitted to Muslim men; for them, the chasteness of the

men is irrelevant, and the woman's chasteness is relevant only if she is non-Muslim, explicitly overlooking the Qur'anic phrase *al-muḥṣanātu min al-mu'mināti* (see, for example, the discussion of al-Ṭabarī's commentary below). According to the text itself, chaste women from the believers as well as chaste women from the People of the Book are permitted in marriage. Therefore, if unchaste women are excluded from the category of marriageable women among the People of the Book, then they are also excluded from those women who are marriageable among Muslims. That is, if Muslim men are allowed to marry 'only chaste' women of the People of the Book, then they are also allowed to marry 'only chaste' believing/Muslim women. Finally, even if the permission to marry the *muḥṣanāt* must be read to mean that only men can marry women from the People of the Book, the prohibition against Muslim women marrying the men of the People of the Book is non-existent in this verse. As Kecia Ali points out, 'although Surah 5, verse 5 does not explicitly grant permission for such marriages [women's marriage to *kitābī* men], there are numerous other instances in the Qur'an where commands addressed to men regarding women are taken to apply, *mutatis mutandis*, to women'.<sup>20</sup> One such example is found in Q. 5:6,<sup>21</sup> which explicitly refers to intimacy with one's wives or women (*nisā'*) with regards to attaining ritual purity but is interpreted as applying to women's intimacy with their husbands as well. Another example can be seen in the presumed prohibition on homosexuality for all humans based on one reading of the story of the people of Lot, which is addressed to men specifically and never addresses women's attraction to other women.<sup>22</sup> This latter example suggests that in some instances exegetes took Qur'anic prohibitions exclusively addressed to men as applying to all genders, but Qur'anic privileges afforded to men were read as exclusively for men. In other words, the exegetes' starting point is subjective, not neutral.

Clearly, as I discuss below in detail, interpreters of the Qur'an have the option to interpret Q. 5:5 as being applicable to women, as other such verses often are, but any choice against doing so is a result of the scholar's interpretive agenda and priorities. Yet, while the historical commentators of the Qur'an all differ in the specific points they emphasise, they remain united in their conclusion that Muslim women's marriage to all non-Muslim men is prohibited.

### Interreligious Marriage in the Exegetical Tradition

This section focuses on the interpretations of the three verses found in five exegetical works: the *Asbāb al-nuzūl* ('Occasions of Revelation') of °Alī b. Aḥmad al-Wāḥidī (d. 467/1075), within which I focus on the interpretations attributed to °Abd Allāh b. °Abbās (d. 67/687); *Jāmi' al-bayān 'an ta'wīl āy al-Qur'ān* ('A Collection of Statements on the Interpretation of the Verses of the Qur'an') by Abū Ja'far Muḥammad b. Jarīr al-Ṭabarī (d. 310/923); *al-Jāmi' li-aḥkām al-Qur'ān* ('The Comprehensive Legal Rulings of the Qur'an') by Abū °Abd Allāh Muḥammad b. Aḥmad al-Qurṭubī (d. 671/1273); and *Tafsīr Ibn Kathīr* by Ismā'īl b. Kathīr

(d. 774/1373). As explained earlier, I provide Quṭb's commentary afterwards as a bridge between the premodern and current interpretations of these verses.

I have chosen these scholars for the following reasons. The *asbāb al-nuzūl* narratives attributed to Ibn ʿAbbās, a cousin and a contemporary of the Prophet, offer us a glimpse of what some of the earlier views may have been. I am less interested in whether the narratives are historically accurate and more in the way premodern exegetes understood the Qur'an.<sup>23</sup> Moreover, Ibn ʿAbbās is frequently referenced as an authority by many later commentators, including some of the ones I discuss in this article. Al-Ṭabarī's commentary is detailed, and draws on a wide array of sources, including philological, literary, and exegetical materials, and contains conflicting opinions from other exegetes. Al-Qurṭubī's commentary is useful and relevant because he was a Córdoba writing at a time of relentless conflict with Spanish Christians attempting to reclaim Spain for Christendom; this suggests that his opinions on interfaith relations would be shaped by the political and social climate of his time and context. Additionally, he was especially interested in the legal interpretations of the Qur'an, as is indicated by the title of his work. Since historical scholarly claims about interfaith marriage have had legal implications for contemporary Muslim women, his interpretation remains relevant for Muslim women today. Ibn Kathīr's *tafsīr*, while not widely influential or popular in the medieval period, has gained influence in the modern period, particularly among traditionalist thinkers.<sup>24</sup> Sayyid Quṭb's commentary reflects more recent (nineteenth-century onward) understandings on the issue, and includes references to modern science, modern realities, his own personal deeply anti-Western ideas,<sup>25</sup> and his simplistic assumptions about Western life, many of which even contemporary Muslim American preachers share when discussing Islam and gender. These exegetical engagements offer a variety of interpretive possibilities on account of the different specific issues that each exegete highlights and because of the interpretive choices they make and the methods they employ to arrive at their respective interpretations. While all arrive at the same conclusion, each exegete highlights different aspects of the verses in question and makes interpretive decisions that facilitate his conclusion.

(i) Q. 2:221

According to al-Wāḥidī, Ibn ʿAbbās believed that this verse was revealed in response to Marthad b. Abī Marthad al-Ghanawī's desire to marry ʿInāq, his polytheist concubine from before his conversion to Islam. When he informed the Prophet that he wanted to marry her, this verse was revealed to discourage him from marrying her because of her polytheism. According to another report, the verse was revealed to address ʿAbd Allāh b. Rawāḥa's choice to free a woman he had enslaved and marry her, an act ridiculed by the Muslims because of, presumably, biases against enslaved people. In response to their disapproval, Q. 2:221 was revealed to inform the community that Ibn Rawāḥa had



in fact committed a virtuous deed by marrying an enslaved but believing woman instead of a free but unbelieving woman.<sup>26</sup> The focus of the *asbāb al-nuzūl* reports on this issue is thus on the concept that the ideal spouse for a Muslim person is another believing person, whether enslaved or free, and not a polytheist, and that monotheism should be prioritised over lineage and social status when seeking a spouse.

Al-Ṭabarī focuses on the differences among exegetes over the meaning of *mushrik* and *muḥṣanāt*. While the first term literally means 'one who associates partners (with God)' or 'polytheist', many interpreters of the Qur'an have understood it differently. Al-Ṭabarī notes that commentators have wondered whether this text is about only a select group of *mushriks* or all of them – that is, whether the scope of this verse is limited.<sup>27</sup> Some concluded that it referred to a *mushrik* woman, 'whether she is a polytheist,<sup>28</sup> a Jew, a Christian, a Zoroastrian, or another type of polytheist'<sup>29</sup> – which implies that all of these categories of people are polytheists. He adds that these commentators argued that this ruling was abrogated by Q. 5:5, and an exception was made for the women of the People of the Book to be permitted to Muslim men.<sup>30</sup> Further, some exegetes argued that Q. 2:221 did not apply to the People of the Book, and that *mushrikāt* refers exclusively to 'Arab polytheist women who do not have a holy scripture to recite.'<sup>31</sup> Others claimed that *mushrikāt* applied to all non-Muslim Meccan women, of whom only the People of the Book were later allowed.<sup>32</sup> Al-Ṭabarī's position appears to be that the verse does not apply to women from the People of the Book, who do not count as *mushrik*. Still, he discusses *athars* ('reports') attributed to the caliph ʿUmar (d. 23/644) in which ʿUmar orders Ḥudhayfa and Ṭalha, two of Muḥammad's Companions, to divorce their, respectively, Christian and Jewish wives upon discovering their faith. Ḥudhayfa asks, 'Are you alleging that this is impermissible?' ʿUmar responds that no, he is simply concerned that Muslim men might marry 'whores' (*mūmisāt*) from these religious communities.<sup>33</sup> In other versions of the report, ʿUmar discourages marriage between Muslim men and non-Muslim women to prevent Muslim men from favouring non-Muslim women over Muslim women, a point I will return to later in order to address its relevance to the modern period. Al-Ṭabarī includes another report, also attributed to ʿUmar, stating, 'A Muslim man can marry a Christian woman, but a Christian man cannot marry a Muslim woman'.<sup>34</sup> If this report is indeed historically traceable to ʿUmar – which it may not be, as al-Ṭabarī himself doubts the authenticity of the *athar* and emphasises that it is not a statement of the Prophet himself – it is unclear whether ʿUmar makes this statement before or after his recommendation to Ḥudhayfa and Ṭalha to divorce their wives. A report similar to that detailing ʿUmar's claim that Christian men cannot marry Muslim women is also attributed to Muḥammad: 'We can marry women from the People of the Book, but they cannot marry our women.'<sup>35</sup> Al-Ṭabarī notes clearly that this *ḥadīth* is unreliable because of a weak chain of transmitters (*isnād*) but opts to accept the prohibition on grounds of *ijmāʿ*.<sup>36</sup> Al-Ṭabarī's discussion does not mention other

versions of this report, which use the term *kāfir* and are frequently included alongside mentions of inheritance, as in the statement 'We inherit from non-Muslims but they do not inherit from us, in the same manner that we marry women from their religions, but they do not marry our women.'<sup>37</sup> ʿAbd Allāh b. ʿUmar, ʿUmar's son, however, insisted that marriage between women from the People of the Book and Muslim men was prohibited because 'I do not know of a *shirk* [polytheism] greater than saying that Jesus is their God (*rabb*)'.<sup>38</sup> Al-Ṭabarī's discussion is an excellent demonstration of the ambiguity of select words of the Qur'an that different commentators found debatable, which points to the subjectivity of the conclusions drawn from the text.

Al-Qurṭubī devotes a great deal of his commentary to refuting claims that the *mushrikāt* in this verse include women from the People of the Book. Like Ibn ʿAbbās, he references al-Ghanawī's romantic interest in ʿInāq, which he was denied permission to pursue. Like al-Ṭabarī, al-Qurṭubī notes that scholars disagreed on whether the term *mushrik* encompassed all non-Muslims, including the People of the Book. Still, while marriage to People of the Book is permissible for men, according to some of his sources, it is 'reprehensible' (*madmūm*).<sup>39</sup> Explaining this position, he quotes a statement attributed to Ibn ʿUmar according to which God forbade polytheist women to the believers, because 'I do not know of any *shirk* ('polytheism') greater than for a woman to say her Sustainer (*rabb*) is Jesus.'<sup>40</sup> However, al-Qurṭubī himself rejects this statement because, he notes, Ibn ʿUmar tended to err on the side of caution. Others, al-Qurṭubī continues, claimed that Q. 2:221 includes the People of the Book as a category, suggesting that Q. 5:5 is abrogated by Q. 2:221, but he goes on to insist that this is not possible because Sura 2 was revealed before Sura 5. Al-Qurṭubī goes on to say that another group did not consider 'People of the Book' to be *mushriks* and asserted that marriage to them was permissible because some of the Companions and *tābi'ūn* (the first two generations of Muslims) married women of the People of the Book, identifying some of them as ʿUthmān, Ṭalḥa, Ibn ʿAbbās, Jābir, and Ḥudhayfa. He claims that this is the position maintained by jurists of all regions and that he himself holds this position as well.<sup>41</sup>

Al-Qurṭubī also rejects the claims that ʿUmar b. al-Khaṭṭāb ordered ʿUbayd Allāh and Ḥudhayfa to separate from their *kitābī* wives while admitting that it was 'not unlawful'. He goes on to say that some scholars did not see any conflict between the two verses, in other words that the literal meaning of the term *shirk* does not include the People of the Book. To support his interpretation here, he cites Q. 2:105 and Q. 98:6, both of which distinguish between People of the Book and *mushriks*; in other words, they do not assume that all People of the Book are *mushriks*. These verses read as follows: Neither the *kāfirs* among the *ahl al-kitāb* nor the *mushriks* like anything good to be sent down to you ... (Q. 2:105), and Those among the *ahl al-kitāb* who deny (*kafarū*) and the idolaters (*mushrikīn*) ... (Q. 98:6). He is clear that People of the Book are permitted in marriage to Muslims as long as they are not at war with Muslims, referencing Q. 9:29.<sup>42</sup>

He adds that the statement *an enslaved believing woman is better than a free woman* in the verse served to remind Muslims that marriage to enslaved people was honourable, as they reportedly did not like to undertake such marriages because of fears of tainting their lineage.

It is also in his commentary on Q. 2:221 that al-Qurtubī discusses whether the Qur'an permits marriage between Muslims and enslaved Christians and Jews (his position is that it is permissible, although some disagree) and marriage between Muslims and Zoroastrians. For the latter, his own position is not explicitly stated, but he seems to lean toward the view that sexual relations and marriage with free and chaste Zoroastrian women are acceptable, per Q. 5:5, because they have a scripture; although he cites others, such as Mālik, al-Shāfi'ī, Abū Ḥanīfa, and al-Awzā'ī, who forbid it.<sup>43</sup>

For the remainder of the verse, where marriage between women and *mushriks* is addressed, al-Qurtubī is concerned with whether women can contract their own marriage. His conclusion is that they may not, according to Prophetic reports, and therefore, there is 'no sense in opposing' this position.<sup>44</sup> Where the verse speaks of marriage between *mushrik* men and believing women, he claims that there is a consensus that such marriages are impermissible, as they bring 'shame' (*al-ghaḍāda*) to Islam. His larger point here, recognising a lack of agreement on what *mushrik* means, is that this verse stipulates that a Muslim woman's marriage is valid only when contracted in the presence of a male guardian (*walī*). If God was granting women the right to contract their own marriages, he argues, God would have addressed women directly the way men are in this verse: 'if women had that right, [God] would have mentioned them,' he states.<sup>45</sup>

Ibn Kathīr, too, highlights the different opinions regarding the word *mushrik*. He claims that while Q. 2:221 establishes the prohibition for all Muslims against marrying all *mushriks* (here 'polytheists') as well as *kitābīs*, an exception is later made for believing men to marry *kitābī* women in Q. 5:5.<sup>46</sup> Attributing this position to Ibn 'Abbās, he acknowledges that some exegetes believe that this verse refers exclusively to *mushriks* and not to People of the Book. According to him, the verse was revealed after the Prophet stated, 'The life of this world is but a delight, and the best of delights of this earthly life is the righteous wife'.<sup>47</sup> Ibn Kathīr appears to conclude this from the ending of Q. 2:221, which warns that *mushriks* call a believer to hellfire. He explains that this is because any association with *mushriks* makes one love this life and prefer it to the next, leading to terrible repercussions, presumably *shirk*, the consequence for which is hellfire. He argues for the prohibition of intermarriage for all Muslim women by invoking just part of Q. 60:10, which he uses to argue that Muslim women are not lawful wives for *mushrik* men. He cites Q. 5:5 to argue that this is where God makes an exception for men to marry *some* '*mushriks*', i.e., Christian and Jewish women. Like the other exegetes, he discusses 'Umar's report about his forbidding Muslim men's

marriage to *kitābī* women, but he comments that this report is an anomalous one, probably because it contradicts the majority view.

Sayyid Quṭb's commentary on Q. 2:221 has an introduction that deals with Q. 2:221–242, generally falling under his discussion of the patriarchal family unit, which he insists is the natural and Islamic family model.<sup>48</sup> The reason marriages between Muslims and *mushriks* are prohibited, he explains, is that the two do not share a common belief in God or a common worldview.<sup>49</sup> He acknowledges that God does not forbid Muslim men's marriage to Christians and Jews, but points out that scholarly opinions differ on whether Christians and Jews are *mushrik*. He claims that such interfaith marriage is permissible because the three religions share a faith in the same God, in the oneness of God. However, those Christian and Jewish women who believe that God has a son (Jesus or Ezra, respectively) are not lawful to Muslim men because of their polytheism.<sup>50</sup> Quṭb argues that Muslim women's marriage to non-Muslims, including People of the Book, is forbidden (*mahẓūr*). He rationalises his statement by appealing to the patrilineal idea that children take their father's identity, which he claims is a requirement in the Sharia, and to the reality that, in many societies, the woman moves into her husband's family upon marriage. To him, this means that a Muslim woman would become part of a non-Muslim community and household if she married a non-Muslim and would raise her children in a non-Muslim environment, unlike when a non-Muslim marries a Muslim man.<sup>51</sup> Prior to his discussion on interfaith marriage and the logic behind what he claims is a Qur'anic prohibition on women's interfaith marriage, he speaks of the ills ('curse', in fact, *al-la'na*<sup>52</sup>) of Western, European societies and their treatment of women: the pressure on women to go to work, falsely associated with progress and freedom, he critically states, has led to children being deprived of a mother's love, causing them severe psychological illnesses.<sup>53</sup> Yet, this discussion on the importance of mothers' care for their children stands in tension with his statements about the need for a woman to marry a Muslim man. For example, if children are so attached to their mothers, rather than to their fathers, then why are Muslim men permitted to marry non-Muslims when the men supposedly do not play as important a role in nurturing their children as women do?

(ii) Q. 60:10

While past and present commentators invoke Q. 60:10 to point out that women's marriage to all non-Muslims is prohibited, any prohibition here is applicable to both genders, as noted above. According to a *ḥadīth* attributed to Ibn ʿAbbās, Q. 60:10 was revealed about Subayʿa bt al-Ḥārith al-Aslamiyya, who approached Muḥammad and declared her conversion to Islam in the year of al-Ḥudaybiyya, but her husband Musāfir came after her to take her back.<sup>54</sup> The Treaty of Ḥudaybiyya (628 CE), a peace treaty between Mecca and Medina, allowed for Meccan polytheists who had converted to Islam or left Mecca for another reason to be returned to their Meccan leaders, but it

did not allow Muslims who left Medina to be returned to Muḥammad. Subay<sup>c</sup>a's husband demanded that she be returned to him in accord with this agreement, and the verse was revealed to allow Subay<sup>c</sup>a to stay with the Muslims.<sup>55</sup> In al-Wāḥidī's commentary on this verse, the portion of the verse reading *hold not to marriage bonds with kāfir women* is ignored; instead, al-Wāḥidī claims that Ibn <sup>c</sup>Abbās interprets this verse as addressing the waiting period undergone by Muslim women who leave their *kāfir* husbands: once the marriage bond is broken by her conversion, she is not required to observe a waiting period and can marry (Muslim men) afterwards.<sup>56</sup> How he arrives at this conclusion is unclear, as the verse does not address the question of waiting periods at all, but his conclusion speaks to the interpretive possibilities available, as well as to the changing boundaries of what the interpreters deemed debatable in the Qur'an.

In his commentary on this verse, al-Ṭabarī also refers to the Treaty of Ḥudaybiyya, but he also includes a *ḥadīth* attributed to Ibn Zayd, a Companion, who reported that when the *mushrikāt* fought with their husbands, they would threaten to go to the Muslims, seemingly as a way to get back at their husbands rather than due to a genuine desire to become Muslim. This explains God's command that these women's faith be tested for sincerity. If their faith was sincere, they were not to be returned to their non-Muslim husbands.<sup>57</sup> Unlike Ibn <sup>c</sup>Abbās, al-Ṭabarī does acknowledge the latter half of the verse and provides a detailed commentary on the meaning of the phrase *wa-lā tumsikū bi-<sup>c</sup>iṣami'l-kawāfiri* (*do not maintain marriage bonds with the women deniers*) which, he argues, referencing others who agree, means that Muslims should not remain married to polytheist women. He gives examples of several individuals who left their *mushrik* wives after the revelation of this verse. However, he claims this is not a universal prohibition and is only applicable in the context of this specific treaty between the Muslims and the Meccans.

Ibn Kathīr, like the others, also invokes the Treaty of Ḥudaybiyya but adds that some believe that this verse in fact abrogates the treaty. This is because the treaty had stipulated that if a polytheist turned to Muḥammad's community, they were to be returned to their own community; however, this verse commands otherwise: if a woman from the polytheist community turns to the Muslim community, claiming to be a Muslim, she is not to be returned to the polytheists. The example Ibn Kathīr gives is not of Subay<sup>c</sup>a but of Umm Kulthūm bt <sup>c</sup>Uqba.<sup>58</sup> Reportedly, when Umm Kulthūm converted to Islam, she fled her community and turned to the Muslim community for protection, but her polytheist husband demanded that she be returned to him as agreed in the treaty. Q. 60:10 was revealed in this context to allow Umm Kulthūm to stay with the Muslims, urging Muḥammad to break the treaty in order to protect her. According to Ibn Kathīr, God abrogated the part of the treaty dealing with women, as it had previously stipulated the return of all fugitives from Mecca.

It is in his commentary on Q. 60:10 that Ibn Kathīr speaks about Zaynab's marriage to her *mushrik* husband, Abū al-<sup>c</sup>Āṣ b. al-Rabī<sup>c</sup>: while Muslims were previously allowed to marry the *mushriks*, this verse invalidated all such marriages, including that of Zaynab. As a result, in exchange for her husband's freedom after his being captured by the Muslims, Zaynab was to be returned to her father's home and stay there until her husband converted to Islam. When the two were reunited, according to Ibn Kathīr, their *nikāḥ* was not renewed. It is significant that they did not need a new marriage contract because this would mean that their marriage was never invalidated in the first place.

According to al-Qurṭubī, too, this verse abrogates the conditions of Ḥudaybiyya by prohibiting the Muslims from returning any Meccan women seeking refuge in Medina. He gives examples of women leaving their Meccan husbands to join the Muslims. Importantly, al-Qurṭubī claims that the prophet did not return the women because he pointed out that although the condition included in the Ḥudaybiyya treaty was originally intended to be applicable to everyone, it is now only applicable to men, i.e., only *mushrik* men were to be returned to the Meccans.<sup>59</sup> Al-Qurṭubī asks whether women were even included in the original stipulation and spends a great deal of time discussing scholarly disagreements on the answer. Ultimately, he suggests, the Prophet performed *ijtihād* ('independent reasoning'), and concluded that the women should stay, and God approved of his *ijtihād*.<sup>60</sup> Perhaps expecting the question of why women and men are distinguished here, he claims that God distinguishes between women and men because women have vaginas and softer hearts, and they are indecisive,<sup>61</sup> he also worries that women might be leaving their *mushrik* husbands for illegitimate reasons, rather than because of a genuine love for God or Islam. Like some of the other commentators discussed above, for him no marriage between a believer and a *kāfir*, regardless of gender, is valid in Islam after the revelation of this verse.

Al-Qurṭubī discusses Zaynab's interreligious marriage, claiming that her husband converted either two or six years after her conversion, the time depending on the source. Like Ibn Kathīr, he mentions some sources that note that when she returned to her husband, the two did not renew their marriage. However, al-Qurṭubī clearly struggles with this lack of renewal of the marriage contract. First, he highlights that Zaynab's case is a special one because her marriage had taken place before Islam, treating it as a unique case despite the fact that many other Muslims had likewise married their non-Muslim spouses before Islam. He writes that if the story as told is true, then, according to some of his sources, the entire issue is abrogated by Q. 2:228, which states that husbands are entitled to reinstate the marriage after an initial divorce; he adds that Q. 2:228 is only applicable while the wives are on their waiting period.<sup>62</sup> He does not comment on the fact that a waiting period cannot be two or six years, which is how long Zaynab was reportedly separated from her husband. Moreover, what he

does not seem to admit here is that this would mean that Q. 2:228 applies to non-Muslim husbands and not just Muslim ones.

Al-Qurṭubī generally identifies the *kawāfir* (*kāfirs*) mentioned in this verse as idolators, not People of the Book. He notes that there is disagreement on whether both members of the married couple are originally *mushriks* or whether they are People of the Book, and one spouse converts to Islam. The term *ahl al-kitāb* for him, however, excludes Zoroastrians, as he seems confident that if a Zoroastrian man converts to Islam and his wife does not, then he must leave her. He notes that his sources disagree on whether this includes *dhimmīs* (protected non-Muslim groups living under Muslim rule) or *ḥarbīs* (non-Muslims at war with Muslims, or 'belligerent' non-Muslims). Nonetheless, a woman who converts to Islam should try to convert her non-Muslim husband, but if he does not, she must leave him, just as must a Muslim man. He is clear that the prohibition of intermarriage between Muslims and *mushriks* applies to Muslim women and men, not just one gender.

Sayyid Quṭb agrees with the earlier commentaries, explaining that 'a few women' approached the Prophet for protection. When their polytheist community asked for their return from Muḥammad, the verse was revealed. But he interprets the verse to mean that the terms of the treaty were not applicable to women, only to men, and that the reason the women were not to be returned was fear that they would be persecuted by their polytheist community for accepting Islam.<sup>63</sup> He goes on to highlight the importance of marriage, which 'cannot be properly established when the primary bond of faith is absent'.<sup>64</sup> Since faith must be present in a Muslim marriage – regardless of gender – Muslim men's marriages to unbelieving women are invalidated by this verse, he concludes.

Two significant observations can be made when it comes to the exegesis of this verse. Of the commentators discussed above, only Ibn Kathīr and al-Qurṭubī take up the case of Zaynab, Muḥammad's daughter, who was married to a *mushrik* before the advent of Islam but appears to have remained married to him even after her conversion and his refusal to convert. (I discuss the case of Zaynab below briefly to argue that even the seemingly clear Qur'anic prohibition on marriage to polytheists is more complicated than assumed.) These commentators instead address other issues that do not appear as relevant to the topic, such as whether women must perform the *'idda*, or waiting period, before being able to marry men from the Muslim community and, if so, how long their *'idda* should be, or whether a woman's marriage is valid without the approval of a guardian. That each selected different issues to highlight and prioritise indicates that readers of the Qur'an insert their own assumptions and expectations into the text's meaning. While this act does not necessarily invalidate their conclusions, the interpretive authority that the reader enjoys suggests that other possibilities and conclusions exist and would be equally valid with different assumptions.

(iii) Q. 5:5

According to the interpretation attributed to Ibn ʿAbbās in al-Wāḥidī, this verse is one of the last verses to be revealed, and it makes lawful to Muslim men marriage to free, chaste, believing women in addition to virtuous women who have received scripture before them.<sup>65</sup> However, while the exegesis attributed to Ibn ʿAbbās makes clear that this guideline applies only to chaste women of the People of the Book, he is cited in other reports to have claimed that it applies only to People of the Book under Muslim rule – not to women of the People of the Book living in the regions that are at war with Muslims or are living in a territory controlled by non-Muslims.<sup>66</sup> There seems to have been little agreement on whether it referred only to Christians and Jews, or included Sabians as well, given that the Sabians are considered believers in the Qur'an (e.g., Q. 2:62). Abū Ḥanīfa, for instance, judges permissible the marriage of Muslim men to Christians, Jews, and Sabians, while his disciples did not permit it to Sabians.<sup>67</sup>

For al-Ṭabarī, this verse permits believers – limited here to Muslim men, apparently – to marry free believing women and free women from those communities that have received a scripture (Christians and Jews, al-Ṭabarī notes), from among Arabs and non-Arabs, if the women receive their due dower. He notes that scholars disagree on the exact signification of the phrase *chaste women from among the believers and chaste women from those who have received scripture*. Some suggest, he claims, that this exclusively refers to free women of the People of the Book – ‘whether the woman was abstinent or chaste (*fājira kānat aw ʿaṭīfa*)’,<sup>68</sup> thus not necessarily chaste – so that marriage to enslaved (as opposed to unchaste) women from the People of the Book is prohibited under all circumstances. Notably, in this interpretation, the definition of *muḥṣan* as ‘free women’ regardless of chastity applies to the People of the Book only, not to Muslims, despite the literal text of the Qur'an. Al-Ṭabarī then offers several *ḥadīths* in support of the opinion that the verse permits the marriage of Muslim men only to free, chaste women of the People of the Book. He notes that, according to some, only the women of the People of the Book who are not at war with Muslims and who pay their required *jizya* (tax) are allowed to marry Muslim men.<sup>69</sup> But for others, al-Ṭabarī writes, it does not matter if they are at war with Muslims, or which form of Christianity or Judaism they practiced.<sup>70</sup> After this, his commentary, like those of the other exegetes addressed here, focuses on the idea of ‘chaste’ and ‘believing’ women and does not address the exclusion of the issue of women's marriage to People of the Book. The *ḥadīths* attributed to ʿUmar in which he expresses his dislike of marriages to People of the Book are not included in al-Ṭabarī's commentary on Q. 5:5, but on Q. 2:221. Similarly, al-Ṭabarī does not address the meaning of *muḥṣanāt* in his discussion of Q. 5:5, but he does in his commentary on Q. 4:24, where he offers multiple reports debating whether married women captured or enslaved by the Muslims were sexually permitted to the capturers and enslavers. In the context of his discussion of this verse, one of the meanings of *muḥṣanāt* he provides includes the specification of



chaste and married women who are sexually guarded through marriage (i.e., who guard their vaginas by denying sexual access to anyone who is not their husband), or through purchase, and married women who are either Muslims or from the People of the Book, but not polytheists.<sup>71</sup> Although the Qur'an is not clear about the religion of the *muḥṣanāt* mentioned in Q. 4:24, the legal and exegetical traditions go to some lengths to arrive at the conclusions that they do, reinforcing my argument that the ambiguities in the Qur'an are addressed through interpreters' motivations and reflect their biases, preferences, and priorities.

Al-Qurṭubī, too, discusses extensively who is included in the category of 'the People of the Book' in this verse. According to some, he writes, it refers only the People of the Book with whom Muslims have a treaty, while others insist that it applies to all – the *dhimmīs* and the *ḥarbīs* – because the verse is general. As for his understanding of *muḥṣan*, he defines it to mean, per some existing opinions, a woman who has not engaged in any illicit sexual activity, or, according to others, one who guards her vagina and performs *ghuṣl* ('ritual purification') after sexual activity.<sup>72</sup> Significantly, he summarises the debate around the vowelings of the word *muḥṣan*: some opine that it should be a *kasra*, while others argue it is a *fatha*. This is important because these case endings can determine whether the word is passive or active – if it is *muḥṣan*, the woman herself decides to guard herself, while *muḥṣin* denotes that someone else is in charge of her, hence the enslaved/free distinction. When scholars debate the meaning of the term *muḥṣan*, they generally proceed to decide whether, first, the verse applies to only free or enslaved People of the Book also, and second, are these slaves owned by People of the Book or slaves who are themselves People of the Book. Also significantly, al-Qurṭubī does not address the question of women's marriage to the People of the Book in his commentary on Q. 5:5.

Ibn Kathīr interprets Q. 2:221 as applying to all Muslims' marriage with all non-Muslims, not just *mushriks*, and reads Q. 5:5 as an exception to Q. 2:221 – but for men only. In other words, for him, all Muslims are prohibited from marrying all non-Muslims (as opposed to only *mushriks*, as Q. 2:221 states); however, God made an exception for Muslim men to marry some non-Muslims. When explaining that they are only permitted to marry chaste women of the People of the Book, he emphasises the chastity of the non-Muslim woman, invoking an opinion that if the woman in question had engaged in illicit sexual intercourse prior to the consummation of the marriage, the marriage is annulled.<sup>73</sup> In other words, a non-Muslim woman who is ever involved in illicit sexual activity becomes prohibited to a Muslim man, as she is no longer chaste.

Qutb's discussion focuses on the dowers Muslim men are required to give to the Christian and Jewish women they marry. The dower, he insists, must be paid for a legitimate Islamic marriage (*al-nikāḥ al-shar'ī*), which serves the purpose of protecting the wife, not for an extra-marital relationship that treats the woman as a mistress.<sup>74</sup> He

explains that all restrictions and prohibitions and permissions are for all times and places, unless the Qur'an notes otherwise; all things permitted are permitted because they are 'good' and 'wholesome', he explains, and all things forbidden are generally undesirable for humans anyway.<sup>75</sup> He insists that women's marriage to *ahl al-kitāb* is forbidden. He first argues that the permission for marriage with *ahl al-kitāb* only applies to non-Muslims living under Muslim rule, and then classifies the permission as part of a social set-up based on mutual friendship 'so that hospitality can be exchanged', allowing them to 'enjoy an air of tolerance and friendship'.<sup>76</sup> Despite forbidding the *ahl al-kitāb* men of these communities to marry Muslim women, Quṭb claims that only Muslims are tolerant and friendly towards people of other faiths.<sup>77</sup> Notably, Quṭb is the only exegete among the five studied here who attempts to rationalise the prohibition; the others appear to assume that their readers accept the prohibition and agree that it needs no defence or justification other than a reminder that the Qur'an prohibits it.

The discussion above outlines the interpretations of five exegetes from different time periods, focusing on three verses that are interpreted collectively to prohibit women's marriage to all non-Muslims. These commentators concentrate on different elements of the verses, such as on the meanings of the terms *muḥṣanāt* and *mushrik*. Contemporary Muslims, on the other hand, have no qualms over the meaning of either term: *muḥṣanāt* simply means 'chaste' or 'virtuous', and *mushrik* simply means 'polytheist'. The specific conclusions interpreters of the Qur'an arrive at, then, speak to the different assumptions and priorities of each interpreter's time.

The premodern scholars' interpretations of Q. 2:221 and Q. 5:5 combined suggest that, with regards to marriage, the status of 'deniers' depends on their gender. That is, for Muslim women, all non-Muslims are treated as disbelievers or deniers, even though they are not classified as such; for Muslim men, only polytheists are treated as deniers, an observation that Asma Lamrabet also makes.<sup>78</sup> As they keep noting, almost unanimously, marriage to *mushriks* is not permitted, where *mushrik* somehow means all non-Muslims, but God makes an exception for Muslim men to marry People of the Book. This suggests that Christians and Jews were treated as *mushriks* by some commentators except in the context of marriage to Muslim men. The lengths to which they go to defend their argument that *mushrik* includes all non-Muslims suggests that the scholars began with the premise that women absolutely could not intermarry (and men could) and then read the Qur'an in a way that supported that conclusion, which is not an unusual strategy.<sup>79</sup> Yet, while Q. 2:221 is commonly invoked as the source of this prohibition, the verse is textually exclusive to *mushriks*. One can speculate whether scholars would have interpreted the word *mushrik* to include Christians and Jews in Q. 2:221 if there were no Q. 5:5, since that would mean that men, too, would not be allowed to marry Christians and Jews. Scholars had the option to read Q. 2:221 as inapplicable to Christians and Jews, as al-Ṭabarī acknowledges many actually did, and

Q. 5:5 as applicable to both men and women, relying on the general language of the verse seen in its reference to food, but the majority of the premodern scholars took a path that reinforces a gender and religious hierarchy, which maintains a male privilege of a variety of marital options. Similarly, the fact that the exegetes debated whether the word *muḥṣanāt* in Q. 5:5 meant 'pure, free, chaste' women, not to mention whether the Christian/Jewish women permitted to men in marriage were required to be chaste, speaks to the interpretive choices available to readers of the Qur'an. In a clear demonstration of power, these exegetes decided which Qur'anic terms and guidelines were indisputable mandates and which ones were debatable.

What is also of interest to me in al-Qurṭubī's commentary on Q. 2:221 is that he, like others, takes a Qur'anic verse and makes it about something that it is not obviously about (e.g., guardianship) making his interpretive choices clear. For instance, in his discussion of Q. 2:221, a verse on marriage between Muslims and *mushriks*, he sets out many conditions for guardianship, making his commentary more legal than exegetical. He provides extensive details about which women may be allowed to contract their marriage without a guardian's permission, the social status of a woman and even the skin colour – for example, in the case of a 'noble' woman of high status (*sharīfa*) who has someone other than her own *walī* to contract her marriage, her *walī* can decide whether to affirm or invalidate the marriage; in the case of a 'lowly woman' (*danī'a*), 'such as a freed woman (*mu'ittaqa*) or a black woman (*sawdā'*), or a prostitute, or someone with no status (*wa-man lā ḥāla bihī*)', the *walī* has no choice but to accept the marriage.<sup>80</sup> While he offers the differing viewpoints on the matter of *walī*, the fact that he chooses to interpret the verse to be about whether a woman's marriage is valid without a *walī* is significant. His commentary on this verse shows how norms of freedom, social status, prejudice against people based on social hierarchies, professions, and skin colour are read into the Qur'an in commentaries. The fact that Q. 2:221 does not actually speak of social status, for example, or guardianship, but that the phrase *tunkiḥu'l-mushrikīna* elicits such a detailed discussion on these subjects speaks to the ways that personal and societal biases affect the interpretation and application of the Qur'an. Even if we assume that the Qur'anic text in Q. 2:221 is *suggesting* – not requiring – that a woman's marriage must always be contracted by a male person, the verse certainly does not provide any details of who that person must be and does not distinguish between women of different statuses. Al-Qurṭubī does not provide any Qur'anic basis or logic to explain why women cannot contract their own marriage, instead relying on references to *ḥadīths* and statements by other scholars. Notably, when al-Qurṭubī disagrees with others, he states that the other side's opinion is to be ignored. For example, when discussing whether a son can be his mother's *walī*, referencing Umm Salama's marriage to Muḥammad by her son, he writes, 'Our scholars often cite this as proof, but it counts for nothing'.<sup>81</sup> Such exegetical power leaves readers of the Qur'an to make choices about the meaning and applicability of the

text. It also means that there is reason not to take these commentators' opinions at face value and that contemporary Muslims can generate their own interpretations, making interpretive choices about which terms, phrases, and verses warrant detailed commentaries and which ones are 'clear'.

There are also many logical inconsistencies in these commentaries. For example, one inconsistency in Qutb's interpretation is that given the significant theological differences between Muslims and Christians, one might argue that marriages between these two groups would also be prohibited if one were to accept Qutb's reasoning for the prohibition of marriage between Muslims and polytheists. However, he argues that because of the fundamental belief in the Oneness of God that Muslims share with *kitābīs*, marriage between *kitābī* women and Muslim men is acceptable (although he does not recommend it), barring juristic differences regarding the doctrine of Trinity: he finds it noteworthy to add that Muslim men can marry Christian women despite their belief in the Trinity, because at least they share a belief in God.<sup>82</sup> Here, he fails to explain why this does not apply to Muslim women, too. Similarly, his rationale of the theological differences is also flawed: it does not explain why Muslim men are allowed to marry some non-Muslims. His third rationale, about the religious identity of children that are born into such relationships, does not explain why Muslims are not allowed to marry polytheists: if the rationale for the prohibition involves the religious identity of children, then, using the patriarchal and patrilineal logic that identity is passed down through the father, the religion of the mother, whether she is Muslim, Jewish, Christian, or a polytheist, has no practical significance, and Muslim men should therefore be allowed to marry polytheists. Ultimately, Qutb's discussion, like those of the other exegetes, speaks to the arbitrary theological boundaries that scholars draw when they are convenient, not necessarily when they are logical or scripturally founded.

Finally, Qutb's argument supporting the prohibition on grounds of childrearing fails to account for several issues. Namely, it assumes that religious identity is passed down through the father alone. This is not innate to humans, and not all cultures or religions view it the same way. Judaism, for example, is traditionally passed down through the mother, raising the question of a child's presumed identity in a marriage involving a Muslim father and a Jewish mother. Moreover, this assumption also ignores the modern ideal that both parents (should) play an equal role in childrearing. Curiously, while childrearing has been designated a woman's responsibility, her role in passing on her religion to her children is unacknowledged. Yet, classical jurists appear to have agreed that children take on not necessarily the father's religious identity but that of the Muslim parent, whether that is the mother or the father.<sup>83</sup> Nor did they consider it a woman's responsibility to raise her children; in fact, according to the jurists, a child can legally be raised by a woman other than his or her mother, as in Muḥammad's own example. Perhaps, in an ironic and unintended twist, this patriarchal rationale can be applied to argue that it is Muslim women, not men, who should be allowed to marry

non-Muslims, since, according to the logic posited here, mothers are the ones best equipped with the task of childrearing.

I have shown above that there are inconsistencies in the logic and assumptions of the male exegetes who argue that the Qur'an prohibits women's marriage to People of the Book. I have interrogated their interpretations by highlighting the ways in which the scholars attempt to fill apparent ambiguities or silences in the Qur'an according to their own lenses, and I have concluded that their choice to focus on specific elements of each individual verse while reading all three collectively to conclude something that is not obvious speaks to their interpretive choices and the arbitrariness of what is deemed debatable. Thus, these exegetes have debated the meaning of the word *mushrik*, asking whether People of the Book counted as *mushriks* or believers, and accepting all interpretations provided by premodern scholars as validly Islamic. Essential to this discussion is the historical context within which the scholars concluded that women's marriage to all non-Muslims is prohibited, a topic I take up in the next section. The social context in which the scholars were reading the Qur'an is integral to the conclusions they derived from the three verses, because that context informed their assumptions and thus their conclusions.

### **Marrying a *mushrik*: The Case of Zaynab bt Muḥammad**

Of the various commentators I look at in this article, only Ibn Kathīr and al-Qurṭubī address the issue of Zaynab's marriage to a *mushrik*. Zaynab was Muḥammad's daughter, and she was married to a *mushrik*, but Muḥammad never explicitly condemned their marriage or declared them divorced. While a more detailed discussion is not essential in this study, which focuses on Christians and Jews, it is worth mentioning Zaynab's story briefly because her marriage challenges a literal reading of any of the verses discussed in this study. Zaynab and her husband, Abū al-°Āṣ b. al-Rabī°, who was also her maternal cousin, married before the Qur'an was revealed, and while Zaynab accepted Islam immediately, Abū al-°Āṣ refused and even fought against the Muslims in the Battle of Badr (624/2).<sup>84</sup> When captured by the Muslims, Zaynab granted him refuge and protection at least on one occasion. In fact, when Zaynab publicly declared to her father that she was granting her husband protection, Muḥammad responded with an announcement that he was now authorising Muslims to grant protection to anyone who requested it, even hostile non-Muslims.<sup>85</sup> Although the details of Zaynab's story differ in the various available sources, including whether Muḥammad ever asked her to deny her husband sexual access unless he converted,<sup>86</sup> none of them provide any evidence referencing Muḥammad's order that the two divorce. Some note that after Abū al-°Āṣ' conversion the couple reunited with a new *mahr* and a new marriage, and others (e.g., Ibn Kathīr and al-Qurṭubī) claim that the couple did not need a new marriage contract or *mahr*. This disagreement is significant because it suggests a lack of unanimity on the interpretation that their marriage was

invalidated by Zaynab's conversion, as well as challenging a literal reading of Q. 2:221 and Q. 60:10: it means that the Qur'anic verses were not interpreted literally by Muḥammad when they applied to his own daughter. Muḥammad's two other daughters, Ruqayya and Umm Kulthūm, were married to the sons of Muḥammad's other prominent enemy, Abū Lahab, whom the Qur'an condemns in Q. 111, the sura which is named after him. In their cases, however, Abū Lahab, not Muḥammad or his daughters, annulled the marriages.

I suggest that we take the literature addressing Zaynab's marriage seriously because it offers an important glimpse into commentators' struggle to reconcile a literal reading of the Qur'an with reality.<sup>87</sup> Zaynab's marriage even throws into question whether the issue of marriage between Muslims and polytheists is indeed a matter of politics and alliances, as mentioned below in the discussion of definitions of *mushrik*, given that Abū al-ʿĀṣ was no friend of the Muslims and actively fought Muḥammad and his community. Yet, Zaynab's case is not seen as setting precedent for marriage between Muslim women and People of the Book. My point here is to problematise the claim that the Qur'an is very clear that all Muslims' marriages to non-Muslims other than People of the Book are prohibited, especially since Zaynab's case complicates a literal reading of the prohibition of marriage to *mushriks*. Still, while the explicit prohibition on intermarriage with *mushriks* makes sense in Muḥammad's context, since it was the *mushriks* of Mecca with whom Muḥammad was constantly in conflict, the Qur'an complicates the story of Zaynab. The story suggests that either the marriage did not happen, that she divorced her husband, or that she remained married to him and that this verse is not intended to be applied universally and categorically.

### **Defining the 'People of the Book'**

A detailed discussion of the position of Christians and Jews in the Qur'anic worldview is outside of the scope of this study of gendered prohibition, and much research already exists on what groups constitute the 'People of the Book.'<sup>88</sup> I do, however, want to note the lack of clarity on the part of the commentators addressed in this study when it comes to the status of the faith of the People of the Book. The Qur'an speaks of several non-Muslim groups, namely Jews, Christians, Zoroastrians, Sabians, and polytheists. Extra-Qur'anic sources further categorise these groups into those with whom Muslims have treaties and are not to wage war with (*dhimmīs*), and those who are not a protected class (*ḥarbīs*). Which groups of non-Muslims the Qur'an might be talking about is not clear, and it is left to interpreters to make that decision.

The Qur'an's relationship with the People of the Book is complex. On the one hand, they count as believers, or monotheists,<sup>89</sup> but on the other, Q. 5:73 and Q. 9:30 declare *some* Christians and Jews *kāfirs* for calling Jesus and Ezra (ʿUzayr) the sons of God, respectively.<sup>90</sup> However, neither verse categorically considers all Jews and Christians

*kāfirs*. Other verses in the Qur'an also explicitly promise Christians, Jews, and those who believe (*wa'lladhīna āmanū*) a reward with God and no punishment (e.g., Q. 2:62).<sup>91</sup> The historical exegetical tradition has never unanimously agreed on the status of the People of the Book, as shown in the discussion here about which groups Muslims can marry.

By the time the written classical exegetical tradition emerged, socio-political relations with Christians and Jews had changed, and relations between Muslims and *kitābīs* were different from what they had been during Muḥammad's time. It would appear that meanings of the term 'People of the Book' are theologically, historically, geographically, and politically determined: whether Muslim men can marry the People of the Book or not is a matter of both Muslims' political and other relations at the time with People of the Book and of their religious beliefs. Both conditions must be met in order to for intermarriage to be valid. However, this statement, too, is not without complications, as is suggested by the example of Zaynab's marriage to a *mushrik*. Yet another issue that complicates the meaning of the term 'People of the Book' is the Qur'anic idea of 'those who have received a scripture before you': most religions have some scripture, including both ancient ones like Hinduism and more recent ones like Sikhism. The Qur'an seems to be referring, however, to scriptures revealed through the same source – the monotheistic God shared by Muslims, Jews, and Christians.

### Slavery and Marriage

Why were the scholars so confident prohibiting something that is not Qur'anically founded? Presumably, they did not question their own and their predecessors' assumptions about the prohibition – or offer alternative interpretations – because the idea sounded legally inconceivable to them. Perhaps, as Ayesha Chaudhry argues in the context of Q. 4:34, which has historically been read unanimously as allowing a husband to discipline his wife physically, the scholars did not question their interpretation because such an understanding of the verse fit their shared cosmology, which relied necessarily on gender hierarchy, placing men above women.<sup>92</sup> This makes sense for the apparently majority view that women are forbidden to marry non-Muslims: it made sense that women would not, or should not, be allowed to marry outside the faith because such marriages would disrupt the gender hierarchy on which patriarchies have functioned historically. In fact, this seems to have made so much sense that Ibn Rushd (d. 520/1198) does not address it in his *Bidāyat al-mujtahid* ('The Distinguished Jurist's Primer'). This legal manual addresses the diverse opinions of five Sunni legal schools on reportedly every issue of disagreement up to the twelfth century.<sup>93</sup> That Ibn Rushd does not address the issue of women's marriage to People of the Book illustrates that the scholars had no debate or question in their mind about whether such marriages were lawful. They did not question whether it was worth addressing, because it was so obviously unlawful.

Muslim exegetes and jurists relied on many problematic premises to arrive at the conclusion that women's intermarriages were invalid. Yohanan Friedmann analyses Ibn Ḥanbal's (d. 245/855) justification for prohibiting Muslim women's marriage to non-Muslims on the basis that such marriages are akin to non-Muslims' ownership of Muslims, even if framed as a concern for compatibility:<sup>94</sup>

A marriage of a Muslim woman to a non-Muslim man would result in an unacceptable incongruity between the superiority which the woman should enjoy by virtue of being Muslim, and her unavoidable wifely subservience to her infidel husband. In terms of Islamic law, such a marriage would involve an extreme lack of *kafā'a*, that is, the concept of compatibility between husband and wife that requires that a woman not marry a man lower in status than herself.

In other words, the gender hierarchy that premodern jurists conceptualised favoured men, just as their ideas of religious hierarchy favoured Muslims and meant that a Muslim man could marry a non-Muslim woman but a non-Muslim man could not marry a Muslim woman. Marriage between a Muslim woman and a non-Muslim man would disrupt the hierarchy because both are superior to each other in some way: the wife because she is Muslim, the husband because he is male. However, marriage between Muslim men and non-Muslim women made sense, according to the hierarchy, because he was superior both as a Muslim and as a male.<sup>95</sup>

Ibn Ḥanbal's statement about compatibility deserves some discussion. The claim that the prohibition is, among other issues, a matter of *kafā'a*, or marital compatibility, is not sustainable for several reasons. First, the concept of *kafā'a*, while arguably developed to ensure that a woman marries her equal, was not widely shared by all Muslim jurists or schools of law, affording Muslims the option to opt out of implementing its rules. Also, if the prohibition is concerned with spousal compatibility, why should permission be granted for men to enter such marriages? The juristic assumption in this permission was the Muslim man's superiority over the non-Muslim woman because of Islam's superiority over other religions. It can be argued, in a benevolent-patriarchal sort of way, that historical juristic rules of *kafā'a* are rooted in the wellbeing of the woman and that this is why women could marry only someone equal or superior to them, but never someone inferior. However, I am reluctant to accept the prohibition as rooted in a genuine concern for the wellbeing of the Muslim woman because of the severity of the punishment ordained for any man who broke it. A Muslim man of low social standing who marries a Muslim woman of a higher status is not discussed in the same ways as is the non-Muslim (of any class) who marries a Muslim woman (of any class) is. In fact, 'Severe punishment is ordained for a *dhimmī* who weds a Muslim woman and consummates the marriage; according to a view attributed to Mālik b. Anas, the culprit is even liable to be executed since he broke the



conditions of his *dhimma* treaty'.<sup>96</sup> There is disagreement on the severity of the penalty for the offending *dhimmi*, some scholars even going so far as to say that a collective punishment should be inflicted on all *dhimmi*s if a *dhimmi* has sexual relations with an enslaved Muslim woman.<sup>97</sup> Even if the *dhimmi* converted to Islam after marriage, the marriage was still invalid because it was invalid originally and conversion does not validate an invalid marriage.<sup>98</sup> Scholars also discussed what was to be done in the case where a non-Muslim woman married to a non-Muslim man converted to Islam, the dominant view being that her marriage was annulled. Some even claimed that unless the two spouses convert at the exact same time, the marriage is annulled. According to others, the wife is required to be married to a Muslim man if she converts while her non-Muslim husband is travelling or on a journey, even if he converts to Islam right after returning; others opined that if the non-Muslim husband converts to Islam during her waiting period, the marriage is still valid. Neither the Qur'an nor the *hadiths* discuss these details, but the scholarly tradition goes to immeasurable lengths to answer questions the Qur'an does not offer clear guidance on. These subjective details and the fact that the community thought it worth asking, for example, whether a *dhimmi* who marries a Muslim woman should be put to death along with the woman's guardian who consented to the marriage, makes an important point: that this was not a question of marital compatibility or the wellbeing of the woman, but an infringement on Muslim male privilege and the sexual control of the women in their community.

Kecia Ali has shown that premodern jurists not only viewed marriage as a form of slavery, but also frequently analogised slavery and marriage. Both were seen as forms of control or dominion by one person over another, the husband over his wife, and the enslaver over the enslaved. The language used for contracting marriage was similar to that of purchasing a human to be enslaved, and the language for divorce was parallel to that used to free an enslaved person. In fact, sex between a woman and a man was legitimate only if the woman was either the man's wife or enslaved by him.<sup>99</sup> In the first case, he secured access to her by giving her the dower, in the latter by purchasing her; both cases granted the man some kind of authority or dominion (*milk*) over the woman. For a man no longer to have sexual access to his wife or the woman he was enslaving, the wife had to be repudiated and the enslaved woman manumitted. Given this parallel between slavery and marriage, a man was not allowed to marry a woman he was enslaving.<sup>100</sup> This did not necessarily mean, however, that the husband owned his wife the same way he owned the woman he enslaved, and the status of the wife and the concubine were not the same.<sup>101</sup>

Elaborating on the relationship between slavery and marriage, Ibn Taymiyya (d. 671/1328) expressly states:<sup>102</sup>

*milk al-nikāḥ* [the classical Islamic legal term for marriage, literally 'dominion of marriage'] is a type of enslavement (*naw<sup>c</sup> riqq*), and the

dominion of right-hand possession is absolute enslavement (*wa-milk al-yamīn riqq tāmm*). God allowed Muslim men (*li'l-muslimīn*) to marry the People of the Book, but He did not allow the People of the Book to marry their [the Muslims'] women. This is because marriage is a kind of slavery, as ʿUmar said: 'Marriage is enslavement, so be careful, each of you, with regard to who will enslave his daughter.' Zayd b. Thābit said, 'The husband is master in God's Book,' and recited God's verse *and they found her master (sayyidahā) at the door* [Q. 12:25]. And the Prophet said, 'Fear God regarding women, for they are prisoners with you (*ʿawān ʿindakum*).' So it is permissible for a Muslim to enslave (*yastariqqu*) a *kāfir*, but a *kāfir* is not allowed to enslave a Muslim woman (*muslima*), because Islam is superior and nothing can be above it, just as a Muslim can own (*yamlika*) a *kāfir*, while a *kāfir* can never own a Muslim.

This text is significant in two ways. First, there is an explicit identification of marriage as a form of ownership, a common view held by premodern jurists. Second, the prohibition on women's intermarriage is attributed to God, but with textual reference not to the Qur'an, or even to Muḥammad, but to a statement by ʿUmar. The prohibition is intrinsically tied to ownership, in this case the husband's ownership of the wife through marriage.

Ultimately, it seems that the prohibition on intermarriage is rooted in assumptions of male superiority over women and Muslim superiority over non-Muslims. It is a product of assumptions about women and women's (in)abilities upheld by members of patriarchal, male-dominated societies and promotes the subjugation of women by maintaining harmful gendered stereotypes and practices, such as male dominance and unequal treatment of wives.

### Modern and Contemporary Views on Intermarriage

Although the Qur'anic verses on marriage do not explicitly prohibit marriage between Muslim women and *kitābīs*, many exegetes, both past and contemporary, read them collectively in this way. Only a few modern male exegetes, such as Muḥammad al-Ṭāhir b. ʿĀshūr (1296/1879–1393/1973)<sup>103</sup> and Ḥasan al-Turābī (1350/1932–1437/2016),<sup>104</sup> acknowledge that the prohibition stems not from the Qur'an but from a (male) scholarly consensus. Yet, the arguments, conclusions, and assumptions of scholars of the past continue to be taken as authoritative. They continue to influence the ways that contemporary Muslims approach the issue, and the dominant view remains that Islam prohibits Muslim women's marriage to Christians and Jews. But, unlike the premodern exegetes, all of whom unanimously read the Qur'an as prohibiting women's marriage to non-Muslims, there is diversity in contemporary debates on the issue, and

there are some who support women's choice to intermarry, some who are opposed to it, and some in between.

The current diverse range of views on women's intermarriage include the following: an absolute prohibition on Qur'anic grounds, or based on an assumed consensus of previous scholars; advocacy of its permissibility because of the Qur'an's silence on the subject, or out of necessity or due to changed norms and ethics, such as those relating to gender justice; and a refusal by scholars to conclude whether such marriages are permissible or forbidden, which effectively results in their being discouraged. For instance, fatwas issued by many contemporary Muslim scholars adamantly state that the Qur'anic position is that such marriages are prohibited,<sup>105</sup> whether to *kitābīs* or other non-Muslims. Some scholars even include communists in the category of *mushrik* to whom marriage is prohibited.<sup>106</sup> In April 2017, Junaid Jahangir, a gender justice activist, published an article in the *Huffington Post* on intermarriage.<sup>107</sup> Jahangir presented a list of ten contemporary scholars – nine men and one woman – who support the right of women to undertake such intermarriage, or challenged the prohibition against it. Among those who responded to Jahangir publicly to accuse him of misleading Muslims was Abdullah Ali, an instructor at Zaytuna College, an Islamic institution in Berkeley, California, and at Lamppost Education Initiative, a website committed to 'providing access to high level and relevant Islamic scholarship'. Lamppost hosted a lecture by Abdullah Ali on Facebook Live, during which Ali claimed to explain why Muslim women are indeed not allowed to marry non-Muslims.<sup>108</sup> Ali assured his listeners that he would show that the Qur'an does indeed prohibit women's intermarriage, contrary to what Jahangir and the scholars he cited have argued. Although he cites the three Qur'anic verses this article analyses, he repeatedly relies on 'the historical tradition' to justify the prohibition, explaining that the view permitting such marriages 'is against the historical tradition, which says that a Muslim woman cannot marry a non-Muslim man ...'. Curiously, he reads Q. 5:5 as limiting men's options, since they can marry *only kitābīs* and Muslims,<sup>109</sup> as though the default should be that men be allowed to marry anyone they want. He does not, however, consider the default for women to be permission to marry everyone except *mushriks*. Ali states, without providing evidence, that the verse explicitly outlaws the intermarriage of Muslim women and *kāfirs*, a category which includes Christian and Jewish men, and adds that 'that's an important thing to reflect on'. Moreover, in his discussion of Q. 60:10, Ali neglects to reflect on the verse's prohibition against men staying married to their *kāfir* wives. Ali is not alone in referencing Q. 60:10 in a way that ignores the prohibition on men's intermarriage, despite the fact that the verse is not about People of the Book. As discussed earlier in this article, historical commentators have unanimously agreed that this verse was about Meccan *mushriks* and that it was revealed to address the specific case of women who were leaving their polytheist communities for the Muslim community. Muḥammad

himself had Christian and Jewish wives (or concubines, depending on the source<sup>110</sup>), which is further evidence that contemporary references to Q. 60:10 are not accurate, as they disregard its context, failing to account for its original audience and claiming that it applies to Christians and Jews today, not just Meccan *mushriks* in Muḥammad's time.<sup>111</sup>

The contemporary conversation on this topic, as can be seen in the many responses to this commonly asked question, inconsistently relies on the premodern ideas discussed above, inasmuch as they support the prohibition. These rationales include assumptions about the husband's leadership, authority, and supremacy, the importance of male lineage and irrelevance of female lineage, and a fear of the possibility that a non-Muslim husband might convert his wife to his religion, if he has one.<sup>112</sup> All of these reasons can be questioned, as can the claims about spousal compatibility discussed above. For instance, if women cannot marry non-Muslims because of issues of children's identity and religious upbringing, what of cases in which a couple do not want to have any children, or cannot have children, or have mutually agreed on how to raise their children? If it is because the two are not compatible, contemporary notions of compatibility are different from those of premodern Muslim scholars. For them, marital compatibility was determined by social standing, which involved a heavy emphasis on one's lineage in a way that many contemporary Muslims do not take so seriously, while for others the concept of compatibility is being re-defined to extend beyond lineage and a shared culture, language, or background. As research on *kafā'a* has shown, *kafā'a* does not bear much importance to modern and contemporary Muslims in the ways that it may have used to, on the basis of information gleaned from juristic writings of the past.<sup>113</sup> Premodern Muslim jurists assumed that all Muslim women were incompatible with all non-Muslim men, while all Muslim men could be compatible with all 'chaste' Christians and Jews. Indeed, while the notion of compatibility remains important, it is not governed by the legal rules of Muslim jurists, but instead by contemporary social rules and considerations. Still, the argument of compatibility can be used to contemporary Muslim women's advantage: expanding the definition of compatibility to include intellectual compatibility rather than limiting it to the same social status, for example, would validate many potential interreligious marriages.

Those supporting women's intermarriage include Muslim feminist scholars and academics, political leaders, and religious leaders. For example, on National Women's Day in August 2017, Tunisian President Mohamed Beji Caid Essebsi publicly argued that women should be allowed to marry non-Muslims; the country has now legalised this.<sup>114</sup> While some sources claim that 'Tunisia's authority on Islamic fatwas' supported Essebsi's position,<sup>115</sup> others claim that religious leaders oppose his position because 'the religious texts [are] clear about them'.<sup>116</sup> Asma Lamrabet, a contemporary Moroccan Muslim feminist and author of *Women in the Qur'an: An Emancipatory*

*Reading*, reads the context of Q. 60:10 as ensuring the safety of Meccan women who converted to Islam after they escaped the hostile environment of the *mushrik* community.<sup>117</sup> For Lamrabet, the verse is not intended to place a prohibition on believing women, but to protect them from the hostility they faced in their communities.<sup>118</sup> Other scholars, such as Feisal Abdul Rauf, an American imam at Park51, also support women's marriage to Christians and Jews. He states that not supporting interfaith couples in which the wife is a Muslim may push the wife away from Islam and the Muslim community, and he urges that their marriages be accepted as valid.<sup>119</sup> He supports his position by reminding his readers that the Qur'an does not explicitly forbid women's marriage to Christians and Jews, and that even the Prophet Muḥammad never compelled his daughter Zaynab to leave her *mushrik* husband.<sup>120</sup> Similarly, Imam Khaleel Mohammed, Professor of Religion at San Diego State University, supports a re-evaluation of the prohibition and opposes relying on the Qur'an for explicit permission rather than for prohibitions.<sup>121</sup> Challenging the historical and patriarchal idea of the husband's dominance over his wife, Mohammed concludes that, given contemporary ideas on gender equality, 'an inter-faith marriage can take place on [the] condition that neither spouse will be forcibly converted to the other's religion'.<sup>122</sup>

Among those hesitant to issue a clear opinion on the matter is Khaled Abou El Fadl, Professor of Islamic Studies at UCLA. While he explicitly states that 'I am not convinced that the evidence prohibiting Muslim women from marrying a kitabi is very strong',<sup>123</sup> he suggests that it is *makrūh*, or reprehensible, for both genders because, he observes, the children of such marriages do not often grow up with a strong sense of their Islamic identity; it is therefore best that both parents be Muslim in countries like the USA, where Muslims are a minority.<sup>124</sup> As a traditionally trained scholar of Islam, Abou El Fadl has the religious authority to issue an opinion on the matter even if it contradicts the consensus; yet, he is concerned about the implications of doing so, as well as about the possibility of a loss of religious identity among children of interreligious marriages.

Contemporary scholarly views on intermarriage offer different and new possibilities for Muslims seeking such unions. While the premodern stance remains powerful and convincing for many Muslims, alternative scholarly views not only exist but demonstrate that there is a lack of consensus on the matter. The difference between the historical and contemporary discussion reinforces my argument about the interpretive possibilities afforded to scholars and other readers of the Qur'an in order to arrive at various conclusions of the text. These differences in interpretation of Qur'anic verses based on perspective and context illustrate that exegesis is a deeply human endeavour and that today's context requires female scholars and Muslim women with a stake in the outcome to participate actively in the discussion as well.

### Reapplying the Historical Exegetical Methods

Four interpretive tools are crucial to the historical exegetes' conclusion that the Qur'an prohibits women's marriage to all non-Muslims, not just *mushriks*: *qiyās* ('analogical reasoning'), *takhṣīṣ* ('specification', or 'particularising a general statement'), *ijmā'* ('consensus'), and social norms (arguably *urf*, or 'custom'). Utilising *qiyās*, some scholars have argued that Q. 2:221 prohibits all Muslims from marrying all non-Muslims, not just *mushriks*. Q. 5:5, however, explicitly allows men to marry *kitābīs*, making an exception for men. *Qiyās* allowed scholars to argue that if women were not allowed to marry *mushriks*, they also could not marry *kitābīs* unless explicitly permitted, like men. Another tool that allowed premodern commentators to read a prohibition into the Qur'an is that of *takhṣīṣ*. This hermeneutical tool allows readers of the Qur'an to restrict the interpretation of a given Qur'anic verse to apply to specific individuals, such as men in the case of intermarriage verses.<sup>125</sup> The claim that Muslim women cannot marry non-Muslims results from a position of *ijmā'*,<sup>126</sup> the imagined collective consensus of premodern male scholars and the legal schools. The prohibition is also rooted in gendered and hierarchical assumptions that privilege the worldview of a scholarly male elite and marginalises those of the groups adversely affected by the hierarchies read into scriptures.

I argue that these hermeneutical strategies can either yield other interpretations when applied to this topic (e.g., *takhṣīṣ* and *qiyās*), or are unrealistic and unproductive because of unclear standards (e.g., *ijmā'*). Here, I will show how each tool can be applied to result in the conclusion that women can, indeed, marry non-Muslims. *Takhṣīṣ* can be applied as follows: instead of assuming that the Qur'an prohibits marriage to all non-Muslims but makes an exception for men to marry *kitābīs*, it is equally, if not more, plausible to propose that the Qur'an prohibits all Muslims to marry either *mushriks* alone or all non-Muslims *except* People of the Book. In this alternative reading, contrary to what many commentators argue, Q. 5:5 is not an exception to the rule set out in Q. 2:221 and Q. 60:10, since the People of the Book are not categorically *kāfirs* or *mushriks*, but an exception that allows all genders to marry *some* non-Muslims, specifically People of the Book. Similarly, *qiyās* can be re-applied to analogise that the permission given to men can also be extended to women, because just as Q. 2:221 needed to prohibit marriage to *mushriks* explicitly, so, too, would a verse be needed to clearly prohibit marriage to *kitābīs* – not to permit it as in Q. 5:5 for men.

The next strategy, *ijmā'*, the imagined collective consensus of premodern male scholars and the legal schools, can be used to the advantage of those proposing new, alternative interpretations of women's interfaith marriage. While the term is used commonly by contemporary scholars to argue that their hands are tied on the matter because historical *ijmā'* on the issue is clear that such marriages are prohibited, there are several ways to challenge this claim. First, not only is there a lack of consensus on the meaning of

'consensus' in the Islamic tradition, but the assumption that a consensus is even possible is unrealistic and flawed. 'Consensus' has never meant a unanimously agreed position, but instead refers only to the opinion of those who are perceived as mattering, and excludes those who do not matter and who disagree; indeed, much scholarship has already shown that consensus is not realistically attainable.<sup>127</sup> Whether *ijmā'c* refers to the consensus of a majority of, or all, jurists of a certain time period, or of all times, or rather the opinion of the majority of Muslims, interpreters of the Qur'an must contend with contemporary opinions on the matter – both those held by ordinary practicing Muslims who are implicated in juristic decisions, and those held by religious scholars. What might consensus look like – if it could be achieved at all – if we expanded it to include lay Muslims and prioritised experiential knowledge, and the perspectives and experiences of those negatively affected by this prohibition? As shown in this article, even scholarly interpreters of the Qur'an have not always agreed on the meanings of the three verses relevant to the topic of religious intermarriage. In fact, there is not even scholarly consensus on the meaning of the term *mushrik* or *ahl-al kitāb*. Thus, one must ask, whose *ijmā'c* should we defer to, and from which time period? Such an interrogation of *ijmā'c* can highlight the problems and weaknesses in appealing to a strategy that is inherently problematic. If *ijmā'c* is defined and treated as the consensus of all or even the majority of religious scholars, then, since it is not achievable, it is simply not a valid source of prohibition.

An appeal to current, modern, social norms and gendered expectations is certainly another significant strategy for several reasons. Past interpreters of the Qur'an read and applied these verses in their own contexts, which included the reality of slavery, a preference of endogamous marriage for women, and assumptions of male superiority and female inferiority, as well as of Muslims' superiority over non-Muslims. Today's Muslims, however, can validly argue that gender norms, family dynamics, and other social realities are different enough to allow women to marry non-Muslims. For instance, the assumption of female inferiority is frequently rejected today, at least theoretically. Although gendered assumptions about women's role in marriage persist – such as the idea that they are natural caretakers while the husband is the financial provider – awareness of gender equality, particularly in the contexts in which the question of interfaith marriage is most pertinent (non-Muslim Western countries), is growing. In many cases, wives, not husbands, are financially responsible for their families; in others, both spouses contribute equally to the household. Most certainly, slavery is not a legitimate analogy through which to justify women's status in a marriage. Since slavery is officially abolished universally, exegetical explanations can no longer rely on language that refers so casually to the enslavement of certain peoples to draw parallels between marriage and slavery. Moreover, some of the *ḥadīths* prohibiting or discouraging women's marriage to non-Muslims are linked to 'Umar, and in some of them he provides a rationale for his view that men should not marry any

non-Muslim because they then might give a preference to non-Muslim women over Muslim ones. This sociological rationale cannot be underestimated: it appears that 'Umar's concern was the welfare of Muslim women and their ability to find Muslim husbands for marriage. This is deeply relevant for today's context in that Muslim women living in non-Muslim-majority contexts struggle to find partners to such an extent that some male scholars consider this phenomenon a crisis.<sup>128</sup> Finally, while the exegetical tradition appears to neatly categorise the world into *dār al-ḥarb* and *dār al-Islām* when discussing which non-Muslim women Muslim men can marry, today's reality is different. The world can no longer be neatly divided into these two abodes, given Muslims' universal presence and impact, as well as perhaps changed definitions of 'war', not to mention the reality of Muslims themselves being at war with each other. The social and political context of today's Muslims, therefore, is too complex for Q. 5:5 to be read as excluding Muslim women, or for Q. 2:221 and Q. 60:10 to be applicable to only certain non-Muslims and not others.

### Conclusion

As discussed above, contemporary Muslims invoke three Qur'anic verses, Q. 2:221, Q. 5:5, and Q. 60:10, in their discussions on interreligious marriage in Islam, to explain the mainstream position that the Qur'an prohibits women's marriage to People of the Book (Christians and Jews). This article has provided the commentaries of a number of premodern, modern, and current scholars who have addressed the question of interreligious marriage. All of the premodern commentaries discussed above, as well as those by modern and contemporary scholars who support the prohibition, use these three verses collectively to argue that the Qur'an prohibits women's marriage to all non-Muslims while allowing men to marry *kitābīs*. I have shown that these three verses can also be read as either applying to both women and to men, or as prohibiting marriage between Muslim women and Christian and Jewish men. I have argued that to arrive at the opposite conclusion, however, past jurists and exegetes relied on interpretive tools available to them, such as *qiyās* and *takhṣīs*, and existing social norms. Collectively, these tools allowed them to argue that while Q. 2:221 forbade marriage between all Muslims and *all* non-Muslims (though the verse uses the word *mushrik*, 'polytheist'), this same verse was abrogated by the revelation of Q. 5:5, which allowed men only to marry Christians and Jews. I have taken these same historical interpretive strategies and applied them to these verses to arrive at a different conclusion. That exegetes have picked out certain terms to debate the meanings of these verses shows that readers of the Qur'an may do this with any other word, any other verse in the Qur'an, even if these appear clear and simple, such as the words *mushrik* and *muḥṣanāt*. Which terms are deemed negotiable is therefore clearly a matter of interpretive authority and of priorities. It is noteworthy that historical commentators spoke with such confidence about what God meant, about what was being abrogated,



and about definitions of Qur'anic terms. The contradictions, inconsistencies, and context- or era-specific assumptions not shared by contemporary Muslims, as discussed above, and many other problems in these commentators' conclusions are evidence enough that a re-evaluation of these verses is necessary and that, more importantly, their interpretations are not final.

This article shows that exegesis, being a human endeavour, requires exegetes to work with a range of interpretive possibilities, including operating on certain fluid assumptions and in the context of realities that change. While assumptions are not inherently problematic, they become so when the interpretations resulting from them have negative impacts on people, in this case a gendered prohibition that is not rooted in the Qur'an. Contemporary Muslim readers of the Qur'an, too, carry assumptions and biases that have impacts, and the conclusions they arrive at may be different from those of previous generations, as their views will accord with the contemporary realities of their situation. Such an approach to the interpretive process is an inherent part of the Muslim exegetical tradition, and there is no valid or necessary reason for any one generation to limit itself to past generations' conclusions. Ultimately, since the Qur'an itself does not distinguish between genders in its prohibition on interreligious marriages, any claims to the contrary are indicative more of the reader's biases, preferences, and values than of the Qur'anic text itself.

## NOTES

\* I am indebted to many friends, colleagues, and mentors who have read drafts of this article and given their invaluable feedback: Devin Stewart, Karen Bauer, Kecia Ali, Ali Mian, Johanna Pink, Carolyn Baugh, Elliott Bazzano, and many others. Tremendous thanks also go to the anonymous reviewers whose feedback has made this article much improved. Any errors remain solely my responsibility.

1 Haqqani, 'Islamic Tradition, Change, and Feminism'.

2 Even scholars otherwise recognised as gender egalitarian, such as Khaled Abou El Fadl, hesitate to challenge the claim of prohibition because it is 'unanimously' agreed upon. See Abou El Fadl, 'FATWA'. For the mainstream dominant position on the matter, see al-Qaradawi, *The Lawful and the Prohibited*, p. 203.

3 See, for example, 'Why a Muslim Woman Can't Marry?'

4 Much of the conversation on women's interfaith marriage is currently taking place online in op-eds, news article, blog articles, and other non-academic spaces. Perhaps the most detailed academic study of the premodern secondary sources on interreligious marriage (not exclusive to People of the Book) is Yohanan Friedmann's *Tolerance and Coercion in Islam*. Kecia Ali points to the non-existence of the prohibition in the Qur'an and questions its relevance in contemporary contexts in her *Sexual Ethics and Islam*. Scholarship on the reality of women's interreligious marriage practices remains limited, however, among them An-Na'im et al, *Inter-Religious Marriages among Muslims*, and Jawad and Elmali-Karakaya, 'Interfaith Marriages in Islam'. Significantly, the underlying assumption in the ethnographic research remains that 'Islam' does not allow women to marry non-Muslims, and it is precisely this claim that this article interrogates. Jawad and Elmali-Karakaya for instance, claim that it is incorrect to suggest that the Qur'an does not prohibit such marriages because 'all classical scholars of Islam' have explicitly interpreted

the Qur'anic verses as a prohibition, a statement that itself needs to be challenged. Finally, the most recent discussion on this topic is Abdelnour's 'The Islamic Theology of Interfaith Marriages' (2020), which surveys various Muslim scholarly positions on interreligious marriage for women and men.

5 In Friedmann, *Tolerance and Coercion*.

6 Leeman, 'Interfaith Marriage in Islam'.

7 Abdelnour, 'The Islamic Theology of Interfaith Marriages'.

8 Kecia Ali, *Sexual Ethics and Islam*.

9 Al-Yousuf, 'Negotiating Faith and Identity.'

10 Jawad and Elmali-Karakaya, 'Interfaith Marriages in Islam'.

11 The Qur'anic term in these verses is never 'Muslim' – it is either 'believer' (*mu'min*) or *kum* (pl. 'you', the presumably Muslim audience of the Qur'an). However, I use the term 'Muslim' because it is implied, and because 'believer' could include at least Christians and Jews, but that would not make sense in some of these verses as these believers are sometimes also identified as People of the Book in the Qur'an.

12 Yohanan Friedmann identifies this as the chronological order of the three verses. See his *Tolerance and Coercion*, p. 161. The order seems to be correct according to Behnam Sadeghi's presentation of Mehdi Bazargan's – and his own modified – chronology of the Qur'an, wherein Q. 2:221 falls in Block 183 (of 194) and Group 21 (of 22), Q. 60:10 in Block 184 and Group 22, and Q. 5:4 in Block 194 and Group 22. See Sadeghi, 'The Chronology of the Qur'an', p. 234.

13 Unless otherwise noted, all English translations of the Qur'an are my own.

14 In this article, I translate *mu'min* as 'believer in monotheism' ('believer' for short), *mushrik* as 'polytheist' or someone who associates other deities with the One God Islamic monotheism is founded on, and – when relevant in other verses – *kāfir* as someone who wilfully denies the oneness of God, therefore 'denier'. *Kāfir* is often translated as 'disbeliever', a polemical term by which is meant one who holds the wrong belief or a belief different from the specific community's.

15 The term *muḥṣanāt* has received considerable attention in both classical and modern scholarship on the Qur'an. It appears in Q. 5:5 and Q. 4:24 and is interpreted differently in both. In Q. 4:24, *muḥṣanāt* is generally understood to mean married women. Harald Motzki (1986) (as cited in Joseph Witztum), however, challenges this meaning, noting that other verses in the Qur'an recommend marrying *muḥṣanāt* and even see them as the ideal candidates for marriage. A thorough discussion of this term is not relevant to the focus of this study, as I want to show that contemporary scholars understand this word differently from historical ones. But for a detailed, critical discussion on the meanings of *muḥṣanāt*, see Motzki, 'Wal-muḥṣanātu', and Witztum, 'Q. 4:24 Revisited'.

16 As cited in Abdelnour, 'The Islamic Theology of Interfaith Marriages', p. 9.

17 Abdelnour, 'The Islamic Theology of Interfaith Marriages', p. 9.

18 Abdelnour, 'The Islamic Theology of Interfaith Marriages', p. 9.

19 Abdelnour, 'The Islamic Theology of Interfaith Marriages', p. 9.

20 Ali, *Sexual Ethics*, p. 21.

21 Q. 5:6 reads: *O believers! When you rise up for prayer, wash your faces and your hands up to the elbows, wipe your heads, and wash your feet to the ankles. And if you are in a state of full impurity, then take a full bath. But if you are ill, on a journey, or have relieved yourselves, or have been intimate with your wives and cannot find water, then purify yourselves with clean earth by wiping your faces and hands. It is not God's Will to burden you, but to purify you and complete His favour upon you, so perhaps you will be grateful.*

22 A discussion of the application of the story of the people of Lot to female homosexuality is outside the scope of this study, although I take it as axiomatic that it is a well-known claim that same-sex desire and sexual activity is Qur'anically prohibited according to the current dominant narrative in Muslim-majority contexts. Often, the story of Lot is invoked as justification for the claim. Among the exegetes studied in this article, as one example (the latest of the traditionalist exegetes here), see Sayyid Quṭb's discussion on the story of Lot's people in Q. 7:80–81 (*Fī zūlāl al-Qur'ān*, vol. 7, pp. 100–102). Quṭb applies the story to male and female sexual nature more generally, claiming that women and men are naturally created for one another and either gender's preference for anything else is a deviation from nature, or perversion (*al-inḥirāf*). According to Q. 7:80–81, *And ... Lot when he said to his people, 'Do you commit an indecency that has never been committed before among the worlds? Indeed, you approach men with lustful desire instead of women. You are a transgressing people.'* Other passages related to this story are Q. 11:77–82 and Q. 26:160–173.

23 Berg, *The Development of Exegesis in Early Islam*, pp. 129–143. Also, see, Rippin, 'The Function of *Asbāb al-Nuzūl*'.

24 Saleh, 'Preliminary Remarks', p. 32 onwards.

25 In fact, his anti-Western biases are a result of his study-abroad experience in the United States, which transformed him from a literary critic and novelist into a committed Islamist. See, for example, his *Ma'rakat al-Islām wa'l-ra'smāliyya* ('The Battle Between Islam and Capitalism'), published in 1951.

26 al-Wāḥidī, *Asbāb al-nuzūl*, p. 221.

27 al-Ṭabarī, *Jāmi' al-bayān*, vol. 3, p. 71a.

28 The original Arabic reads *'ābidat wathan*, which literally translates to 'idol worshipper'. I choose this literal translation because it captures the polemics of the word *wathan* in the phrase.

29 al-Ṭabarī, *Jāmi' al-bayān*, vol. 3, p. 711.

30 al-Ṭabarī, *Jāmi' al-bayān*, vol. 3, p. 711.

31 al-Ṭabarī, *Jāmi' al-bayān*, vol. 3, p. 711.

32 al-Ṭabarī, *Jāmi' al-bayān*, vol. 3, p. 712.

33 al-Ṭabarī, *Jāmi' al-bayān*, vol. 3, p. 715.

34 Ibn Kathīr, *Tafsīr*, vol. 1, p. 583.

35 al-Ṭabarī, *Jāmi' al-bayān*, vol. 3, p. 716.

36 al-Ṭabarī, *Jāmi' al-bayān*, vol. 3, p. 716.

37 See, for example, 'A Muslim Inheriting'. Significantly, this statement attributed to scholars explicitly contradicts a report attributed to Muḥammad in which he states, 'A Muslim is not entitled to inherit from a non-Muslim [*kāfir*] and a non-Muslim is not entitled to inherit from a Muslim'. See various versions of this *ḥadīth* at <https://sunnah.com/search?q=A+Muslim+does+not+inherit+from+a+non-Muslim>.

38 Ibn Kathīr, *Tafsīr*, vol. 1, p. 583.

39 al-Qurṭubī, *Tafsīr al-Qurṭubī*, vol. 3, p. 455.

40 al-Qurṭubī, *Tafsīr al-Qurṭubī*, vol. 3, p. 455.

41 al-Qurṭubī, *Tafsīr al-Qurṭubī*, vol. 3, p. 456.

42 al-Qurṭubī, *Tafsīr al-Qurṭubī*, vol. 3, p. 457.

43 al-Qurṭubī, *Tafsīr al-Qurṭubī*, vol. 3, p. 460.

44 al-Qurṭubī, *Tafsīr al-Qurṭubī*, vol. 3, p. 462.

45 al-Qurṭubī, *Tafsīr al-Qurṭubī*, vol. 3, p. 463.

- 46 Ibn Kathīr, *Tafsīr*, vol. 1, p. 581.
- 47 Ibn Kathīr, *Tafsīr*, vol. 1, p. 613.
- 48 Quṭb, *Fī zilāl al-Qurʿān*, vol. 1, p. 281.
- 49 Quṭb, *Fī zilāl al-Qurʿān*, vol. 1, p. 288.
- 50 Quṭb, *Fī zilāl al-Qurʿān*, vol. 1, p. 289.
- 51 Quṭb, *Fī zilāl al-Qurʿān*, vol. 1, p. 289.
- 52 Quṭb, *Fī zilāl al-Qurʿān*, vol. 1, p. 282.
- 53 Quṭb, *Fī zilāl al-Qurʿān*, vol. 1, p. 282. He writes, for example, that both the mother's and children's mental health is sacrificed (*yaḍḥā bi'l-siḥḥat al-naḥsiyya*) merely in exchange for an increase in a family's income. He scolds Western societies for allowing children, the most precious of earth's resources (*aghlā dhakhīra*) to be raised without a mother's love and attention by pressuring women to work. See Quṭb's *Fī zilāl al-Qurʿān*, vol. 1, pp. 291–295 for a detail explanation of the important role mothers play in their children's life and which for Quṭb is later the reason why women are not permitted to marry non-Muslims.
- 54 Ibn ʿAbbās, *Tanwīr*, p. 663.
- 55 al-Wāhidī, *Asbāb al-nuzūl*, p. 154.
- 56 Ibn ʿAbbās, *Tanwīr*, p. 664.
- 57 al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 22, p. 581.
- 58 Ibn Kathīr, *Tafsīr*, vol 8, p. 92.
- 59 al-Qurṭubī, *al-Jāmiʿ*, vol. 20, p. 411.
- 60 al-Qurṭubī, *al-Jāmiʿ*, vol. 20, p. 411.
- 61 al-Qurṭubī, *al-Jāmiʿ*, vol. 20, p. 411.
- 62 al-Qurṭubī, *al-Jāmiʿ*, vol. 20, p. 418.
- 63 Quṭb, *Fī zilāl al-Qurʿān*, vol. 16, p. 470.
- 64 Quṭb, *Fī zilāl al-Qurʿān*, vol. 16, p. 471.
- 65 Ibn ʿAbbās, *Tanwīr al-miqbās*, p. 113.
- 66 E.g., Maududī, *Tafhīm al-Qurʿān*.
- 67 Ali, *Sexual Ethics*, p. 16.
- 68 al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 8, p. 139.
- 69 al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 8, p. 145.
- 70 al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 8, p. 145. The original Arabic reads: *nikāḥ jamīʿ al-ḥarāʾir al-Yahūd wa'l-Naṣārā jāʾiz, ḥarbiyyāt kunna aw dhimmiyyāt, min ayy ajnās al-Yahūd wa'l-Naṣārā*.
- 71 See al-Ṭabarī's discussion of the Battle of Ḥunayn, where Muslims were conflicted over taking ownership of or raping women who were already married to men they knew. Al-Ṭabarī discusses several reports in which it is claimed that selling or purchasing a married woman annuls her marriage, affording the enslaver or purchaser sexual access to her. See al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 6, pp. 562–568.
- 72 al-Qurṭubī, *al-Jāmiʿ*, vol. 7, p. 32.
- 73 Ibn Kathīr, *Tafsīr*, vol. 1, p. 105.
- 74 Quṭb, *Fī zilāl al-Qurʿān*, vol. 4, p. 35. <https://tafsirzilal.files.wordpress.com/2012/06/al-maidah-eng.pdf>.
- 75 Quṭb, *In the Shade*, English translation of *Sūrat al-Māʾida*, p. 28.

76 Quṭb, *In the Shade*, p. 30.

77 Quṭb, *In the Shade*, p. 30.

78 Lamrabet, 'What Does the Qur'an Say?'

79 For example, Behnam Sadeghi shows precisely this – that in the discussion of women's prayer leadership, Muslim scholars operated on the premise that it was prohibited, and then sought evidence to support that claim, evidence that may come from scripture, jurisprudence, or social customs and norms. See, Sadeghi, *The Logic of Lawmaking*.

80 al-Qurṭubī, *Tafsīr al-Qurṭubī*, vol. 3, p. 467.

81 al-Qurṭubī, *Tafsīr al-Qurṭubī*, vol. 3, p. 470.

82 Quṭb, *Fī ḡilāl al-Qur'ān*, vol. 4, p. 296.

83 Ibn Taymiyya's *Majmū' fatāwā* (vol. 10, p. 437) states that the majority of the scholars agreed that a child's religion is that of the Muslim parent's because Islam is exalted and nothing to be exalted above it (*al-Islām ya'lu wa-lā yu'la 'alayhi*). Additionally, in his discussion on intercourse with Zoroastrian women who are taken as captives, al-Shāfi'ī writes that Muslims are not permitted to have sexual intercourse with such a woman if both of her parents are Zoroastrians; this is because the child's religion is believed to be the parents' religion. However, if one of her parents – whether the father or the mother – is a Muslim, then the child, too, is considered a Muslim, and the Muslim captors can have sex with her. See al-Shāfi'ī, *Kitāb al-Umm*, vol. 5, pp. 670–675.

84 al-Ṭabarī, *History*, vol. 39, p. 13.

85 al-Ṭabarī, *History*, vol. 39, p. 13.

86 Claims stating that Zaynab was prohibited sexual access to her husband (but still not divorced) in order to pressure him to convert are unfounded because Zaynab was pregnant at the time of her death. It is more likely that this claim was added later on to Zaynab's biography because the evidence that is provided in this source is Q. 60:10 (see p. 16, n. 57 in al-Ṭabarī, *History*, vol. 39, for example).

87 I am not suggesting that the story of Zaynab as presented in the literature is necessarily historically accurate. That there are discrepancies and contradictions in the account in the various stories it appears in is sufficient reason to question at least some of the details about it. However, I also am not convinced that Zaynab must have absolutely and immediately divorced her husband simply because of Q. 2:221, partly due to a lack of evidence of such an act and partly because literally applying scripture into one's life is not always as simple as it might appear. I thus propose that Q. 2:221 complicates any literal, simplistic readings and assumptions about Muslim-*mushrik* marriages.

88 For scholarship on the Qur'an's relationship with non-Muslims, see McAuliffe, *Qur'anic Christians*; Çoruh, 'Friendship'; Albayrak, 'The People of the Book'; and Waardenburg, *Muslim Perceptions of Other Religions*, specifically chs 5, 8, 9, and 20.

89 According to Fred Donner, 'The Qur'an makes it clear that that the most basic requirement for the believers was uncompromising acknowledgment of God's oneness' (Donner, *Muhammad and the Believers*, p. 59).

90 Q. 5:73 reads as follows: *Those who say God is the third of three (i.e., the Trinity) have certainly denied (kaḡara). There is no deity except God, and if they do not stop saying what they are saying, a painful chastisement will befall those among them who Deny (alladhīna kaḡarū minhum)*, while Q. 9:30 states *The Jews call 'Uzayr (Ezra) a son of God, and the Christians call Christ the son of God. That is the saying from their mouth ... God's curse be on them, how they are deluded away from the truth.*

91 The verse reads: *Those who believe and those who are Jews, Christians, and Sabians, whoever believes in God and the Day of Judgment and does good, they*

*shall have their reward from their Sustainer (rabb), and there is no fear for them, nor shall they grieve.*

92 Chaudhry, *Domestic Violence and the Islamic Tradition*, p. 196.

93 Ali, *Sexual Ethics and Islam*, p. 15.

94 Friedmann, *Tolerance and Coercion*, pp. 161–162.

95 Ali, *Sexual Ethics and Islam*, p. 14.

96 Friedmann, *Tolerance and Coercion*, p. 163.

97 Friedmann, *Tolerance and Coercion*, p. 163.

98 Friedmann, *Tolerance and Coercion*, p. 163.

99 Ali, *Marriage and Slavery*, p. 6.

100 Ali, *Marriage and Slavery*, p. 167.

101 Ali, *Marriage and Slavery*, p. 166.

102 Ibn Taymiyya, *Majmū' fatāwā, Kitāb al-Nikāh*, vol. 32, p. 184–185.

103 First noted by Asma Lamrabet in 'What Does the Qur'an Say?', I have verified this in Ibn 'Āshūr's exegesis of Q. 5:5, where he recognises that the prohibition stems from *ijmā'*. More insightfully, Ibn 'Āshūr criticises previous interpreters for interpreting the word *ama* ('enslaved woman') to mean all women, while not extending the word *'abd* ('enslaved man') to mean all men. According to Ibn 'Āshūr, in his exegesis of Q. 2:221, 'This verse prohibits a Muslim man's marriage to a *mushrik* woman ... As for Muslim women's marriage to People of the Book, the text is silent on it (*al-āya sākita 'anhū*). He goes on to add that the part of the verse that reads 'and do not marry your daughters to the *mushrikīn* until they believe' forbids Muslim women's marriage to *mushriks*, but the verse does not address Muslim women's marriage to People of the Book, and therefore, the prohibition is a result of consensus. See Ibn 'Āshūr, *al-Tahrīr wa-'l-tanwīr*, part 2, bk 1, p. 362.

104 'Interview with Hasan al-Turabi'. Muslim women's interfaith marriage is addressed at 3:10–4:22, with English translation. See also, 'Sudan's Turabi'.

105 Taha Jabir Alalwani's *fatwā*, as discussed and cited in Ali, *Sexual Ethics*, pp. 17–18.

106 See, for example, Khattab, 'The Position of Islam', p. 174.

107 Jahangir, 'Muslim Women Can'.

108 'Why Muslim Women Can't Marry Non-Muslim Men?'

109 'Why Muslim Women Can't Marry Non-Muslim Men?', 28:56–29:29.

110 See, for example, Aysha Hidayatullah on Māriyya the Copt and her status as a wife or concubine of the Prophet ('Māriyya the Copt', p. 221); and Yasmin Amin on Rayḥāna, a Jewish concubine of the Prophet in 'Wives of the Prophet'.

111 I am aware that this could be a slippery slope. I do not suggest that it is clear which Qur'anic verses are merely historically situated and inapplicable in other contexts. I believe the argument of historical situatedness versus the universal applicability of a given Qur'anic verse or injunction is a case-by-case situation that should be up to scholarly and communal discussions.

112 For example, the article 'Why a Muslim Woman is not Allowed to Marry a Non-Muslim Man' on the popular Islam website *IslamOnline* attempts to explain why a Muslim woman is prohibited from marrying a non-Muslim but a Muslim can do so.

113 E.g., Ziadeh, 'Equality', p. 516.

114 Alfatlawi, 'Tunisian President'.

115 Alfatlawi, 'Tunisian President'.

116 Toumi, 'Tunisia Wades into Controversy'.

- 117 Lamrabet, 'What Does the Qur'an Say?'
- 118 Asma Afsaruddin makes a similar argument in 'Qur'anic Ethics of Partnership and Gender'.
- 119 Abdul Rauf, *Moving the Mountain*, p. 133.
- 120 Abdul Rauf, *Moving the Mountain*, p. 133.
- 121 'Can Muslim Women Marry Non-Muslim Men?'
- 122 'Imam Khaleel Mohammed's Defense'.
- 123 Abou El Fadl, 'FATWA'.
- 124 Abou El Fadl, 'FATWA'.
- 125 For more examples of *takhṣīṣ*, see the chapters by Yasmin Amin and Sarah Eltantawi in Reda and Amin, *Islamic Interpretive Tradition*. Eltantawi discusses *takhṣīṣ* in the context of stoning and Amin in the context of child marriage, both noting the ways interpreters of the Qur'an have historically relied on such intellectual acrobatics to arrive at gendered interpretations.
- 126 *Ijmā'*, or 'consensus', generally refers to the majority position in Sunni Islam; however, scholars have debated and challenged its meanings and indeed whether a 'consensus' has ever been formed on issues declared positions of consensus. See, for example, Baugh's discussion on *ijmā'* in the context of child marriage in 'An Exploration of the Juristic Consensus'.
- 127 See, again, Baugh, 'An Exploration of the Juristic Consensus'. Baugh uses the case study of child marriage to show that positions of consensus can change from time periods and generation to generation, indicating that consensus is not attainable.
- 128 E.g., Mohammed, 'Why British Muslim Women Struggle'.

## Bibliography

- Abdelnour, Mohammed Gamal, 'The Islamic Theology of Interfaith Marriages: Between Theology, Law, and Individual Ijtihad', *Interreligious Relations: Occasional Papers of the Studies in Inter-Religious Relations In Plural Societies Programme* 17 (2020), pp. 1–14.
- Abdul Rauf, Feisal, *Moving the Mountain: Beyond Ground Zero to a New Vision of Islam in America* (New York: Free Press, 2012).
- Abou El Fadl, Khaled, 'FATWA: On Christian Men Marrying Muslim Women (Updated)', *The Search for Beauty: On Beauty and Reason in Islam*. Last modified 1 May 2016. <https://www.searchforbeauty.org/2016/05/01/on-christian-men-marrying-muslim-women-updated/>.
- Afsaruddin, Asma, 'Qur'anic Ethics of Partnership and Gender: The Concept of Wilāya in Qur'an 9:71', *CILE Journal* (2014), pp. 30–43. <http://www.cilecenter.org/en/wp-content/uploads/2014/11/Recommended-Article-English-Quranic-Ethics-of-Partnership-and-Gender.pdf>.
- Albayrak, Ismail, 'The People of the Book in the Qur'an', *Islamic Studies* 47:30 (2008), pp. 301–325.
- Alfatlawi, Rosie, 'Tunisian President: Allow Women to Marry Non-Muslims, Inherit Equally', *Al Bawaba: The Loop*. 16 August 2017. <https://www.albawaba.com/loop/tunisian-president-allow-women-marry-non-muslims-inherit-equally-1010572>.

- Ali, Abdullah, 'Why Muslim Women Can't Marry Non-Muslim Men', *Lamppost Education Initiative*, 25 March 2017. <https://www.lamppostproductions.com/marriagenon-muslims/>.
- Ali, Kecia, *Marriage and Slavery in Early Islam* (Cambridge: Harvard University Press, 2010).
- , *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence* (Oxford: Oneworld Publications, 2016).
- Al-Yousuf, Heather, 'Negotiating Faith and Identity in Muslim-Christian Marriages in Britain', *Islam and Christian-Muslim Relations* 17:3 (2006), pp. 317–329.
- Amin, Yasmin, art. 'Wives of the Prophet', in *The Oxford Encyclopedia of Islam and Women*, ed. Natana J. DeLongBas (Oxford: Oxford University Press, 2013), pp. 426–430.
- 'A Muslim Inheriting from a Non-Belligerent Non-Muslim', *IslamWeb*, 2012. <https://www.islamweb.net/en/fatwa/189195/a-muslim-inheriting-from-a-non-belligerent-non-muslim>.
- An-Na'im, Abdullahi Ahmed (ed.), *Inter-Religious Marriages among Muslims: Negotiating Religious and Social Identity in Family and Community* (Global Media Publications: New Delhi, 2005).
- Baugh, Carolyn, 'An Exploration of the Juristic Consensus (*ijmā'*) on Compulsion in the Marriages of Minors', *Comparative Islamic Studies* 5:1 (2009), pp. 33–92.
- Berg, Herbert, *The Development of Exegesis in Early Islam: The Authenticity of Muslim Literature from the Formative Period* (London–New York: Routledge, 2000).
- 'Can Muslim Women Marry Non-Muslim Men?' YouTube Video, 47:17. 23 August 2012. <https://www.youtube.com/watch?v=2Kcp2W9V3C4>.
- Chaudhry, Ayesha, *Domestic Violence and the Islamic Tradition* (Oxford: Oxford University Press, 2014).
- Çoruh, Hakan, 'Friendship between Muslims and the People of the Book in the Qur'an with Special Reference to Q 5.51', *Islam and Christian-Muslim Relations* 23:4 (2012), pp. 505–513.
- Donner, Fred, *Muhammad and the Believers: At the Origins of Islam* (Harvard: Harvard University Press, 2010).
- Friedmann, Yohanan, *Tolerance and Coercion in Islam* (New York: Cambridge University Press, 2003).
- Haqqani, Shehnaz, 'Islamic Tradition, Change, and Feminism: The Gendered Non-Negotiable' (PhD dissertation, University of Texas at Austin, 2018).
- Hidayatullah, Aysha, 'Māriyya the Copt: Gender, Sex, and Heritage in the Legacy of Muhammad's *umm walad*', *Islam and Christian-Muslim Relations* 21:3 (2010), pp. 221–243.



- Ibn ʿAbbas, *Tanwīr al-miqbās*, tr. Mokrane Guezou (4 vols, Amman: Royal Aal al-Bayt Institute for Islamic Thought, 2007). <http://www.altafsir.com/Books/IbnAbbas.pdf>.
- Ibn ʿĀshūr, *al-Tahrīr wa'l-tanwīr* (12 vols, Tunis: al-Dār al-Tūnisiyya li'l Nashr, 1984). <http://hasbunallah.com.au/wp-content/uploads/delightful-downloads/Tanveer-Juz02.pdf>.
- Ibn Kathīr, *Tafsīr al-Qurʾān*, ed. Sāmī bin Muhammad al-Salāmah (10 vols, Riyadh: Dār Tayyiba, 2007). <https://archive.org/details/TafseerAlQuranAlAzeem/TafseerIbneKaseerArabic/page/n583/mode/2up>.
- Ibn Qudāma, al-Maqdīsī Muwaffaq al-Dīn, *Kitāb al-Mughnī* (15 vols, Cairo: Matbaʿat al-Manṣūr, 1968).
- Ibn Rushd, Abū'l-Walīd Muhammad b. Aḥmad, *Bidāyat al-mujtahid* (Beirut: Dār al Maʿrifa, 1986).
- Ibn Taymiyya, *Majmūʿ fatāwā* (32 vols, Riyadh: Maṭābiʿ al-Riyād, 1961).
- ʿImam Khaleel Mohammed's Defense of Inter-Faith Marriage', *Irshad Manji.com*. [https://freethinkingstokie.files.wordpress.com/2012/04/eng\\_bothpages.pdf](https://freethinkingstokie.files.wordpress.com/2012/04/eng_bothpages.pdf).
- ʿInterview with Hasan al-Turabi', *Al-Arabiyya TV*, 10 April 2006. Available at <https://www.memri.org/tv/sudanese-scholar-hassan-al-turabi-elaborates-his-revolutionary-fatwa-muslim-women-and-christian>.
- Jahangir, Junaid, 'Muslim Women Can Marry Outside the Faith', *Huffpost*, 21 March 2017. [http://www.huffingtonpost.ca/junaid-jahangir/muslim-women-marriage\\_b\\_15472982.html](http://www.huffingtonpost.ca/junaid-jahangir/muslim-women-marriage_b_15472982.html).
- Jawad, Haifaa, 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), pp. 128–147.
- Khattab, Mohammad Ali, 'The Position of Islam on Marriage to a Jewish or Christian Woman (Ahlul Kitab)', *Research on Humanities and Social Sciences* 3:2 (2013), pp. 174–184. <https://core.ac.uk/download/pdf/234673414.pdf>.
- Lamppost Education Initiative. <https://www.lamppostproductions.com/>.
- Lamrabet, Asma, 'What Does the Qur'an Say About the Interfaith Marriage', 18 January 2013. <http://asma-lamrabet.com/articles/what-does-the-qur-an-say-about-the-interfaith-marriage/>.
- Leeman, Alex, 'Interfaith Marriage in Islam: An Examination of the Legal Theory Behind the Traditional and Reformist Positions', *Indiana Law Journal* 84:2 (2009), pp. 743–772.
- Maudūdī, *Tafhīm al-Qurʾān – The Meaning of the Qur'an*. <http://www.english tafsir.com/quran/5/index.html#sdfootnote22sym>.
- McAuliffe, Jane, *Qur'anic Christians: An Analysis of Classical and Modern Exegesis* (New York: Cambridge University Press, 1991).

- Mohammed, Syma, 'Why British Muslim Women Struggle to Find a Marriage Partner', *The Guardian*, 18 January 2012. <https://www.theguardian.com/commentisfree/belief/2012/jan/18/british-muslim-women-marriage-struggle>.
- Motzki, Harald, 'Wal-muhsanātu mina n-nisā'i illā mā malakat aimānukum (Koran 4:24) und die Koranische Sexualethik', *Der Islam* 63 (1986), pp. 192–218.
- al-Qaradawi, Yusuf, *The Lawful and the Prohibited in Islam* (Plainfield, IN: American Trust Publications, 1994).
- al-Qurtubī, Abu 'Abd Allāh Muḥammad, *al-Jāmi' li-aḥkām al-Qur'ān*, ed. Abd Allāh b. 'Abd al-Ḥasan al-Turkī (24 vols, Beirut: Mu'assasat al-Risāla, n.d.). <https://archive.org/details/TafseerEQurtubiArabicalJameAlAhkamAlQuran/TafseerEQurtubiVol.20/page/n410/mode/1up?view=theater>.
- , *Tafsīr al-Qurṭubī: The General Judgments of the Qur'an and Clarification of What it Contains of the Sunnah and ayahs of Discrimination*, tr. Aisha Bewley (6 vols, Bradford, UK: Diwan Press, 2018). <https://openmaktaba.com/wp-content/uploads/books/Islamic-English-Books/most-viewed-books/Tafsir-al-Qurtubi-Vol.-1-Vol.-4.pdf>.
- Qutb, Sayyid, *Fī zilāl al-Qur'ān* (6 vols, Cairo: Dār al-Shuruq, 2004). <https://tafsirzilal.files.wordpress.com/2012/06/7.pdf>.
- , *In the Shade of the Qur'an*, tr. Adil Salahi and A. Shamis (18 vols, Leicester: Islamic Foundation, 2003). [https://www.kalamullah.com/Books/InTheShadeOfTheQuranSayyidQutb/volume\\_1\\_surah\\_1-2.pdf](https://www.kalamullah.com/Books/InTheShadeOfTheQuranSayyidQutb/volume_1_surah_1-2.pdf).
- Reda, Nevin, and Yasmin Amin (eds), *Islamic Interpretive Tradition and Gender Justice: Process of Canonization, Subversion, and Change* (Chicago: McGill-Queen's University Press, 2020).
- Rippin, Andrew, 'The Function of *Asbāb al-Nuzūl* in Qur'ānic Exegesis', *Bulletin of the School of Oriental and African Studies* 51:1 (1988), pp. 1–20.
- Sadeghi, Behnam, 'The Chronology of the Qurān: A Stylometric Research Program', *Arabica* 58:3–4 (2011), 210–299.
- , *The Logic of Law Making in Islam: Women and Prayer in the Legal Tradition* (Cambridge: Cambridge University Press, 2013).
- Saleh, Walid, 'Preliminary Remarks on the Historiography of *Tafsīr*', *Journal of Qur'anic Studies* 12 (2010), pp. 6–40.
- al-Shāfi'ī, *Kitāb al-Umm*, ed. Mahmūd Matrajī (11 vols, Manṣūra: Dār al-Wafā', 2001).
- 'Sudan's Turabi – Muslim Women can Marry Christian or Jew', *Sudan Tribune*, 11 April 2006. <https://sudantribune.com/article15563/>.
- al-Ṭabarī, *Jāmi' al-bayān 'an ta'wīl āy al-Qur'ān* (30 vols, Cairo: Dār Hajr, 2001). <https://www.esinislam.com/Quran-And-Tafseer-PDF/Tafseer-At-Tabari-3.pdf>.
- , *The History of al-Ṭabarī, Vol. 39: Biographies of the Prophet's Companions and Their Successors*, tr. Ella Landau-Tasseron (New York: State University of New York, 1998).

- Toumi, Habib. 'Tunisia Wades into Controversy Amid Calls for Equality', *Gulf News*, 15 August 2017. <http://gulfnews.com/news/mena/tunisia/tunisia-wades-into-controversy-amid-calls-for-equality-1.2074823>.
- 'Tunisian President: Allow Women to Marry Non-Muslims, Inherit Equally', *Al Bawaba: The Loop*, 16 August 2017. <https://www.albawaba.com/loop/tunisian-president-allow-women-marry-non-muslims-inherit-equally-1010572>.
- Waardenburg, Jacques (ed.), *Muslim Perceptions of Other Religions: A Historical Study* (New York: Oxford University Press, 1999).
- al-Wāḥidī, *Asbāb al-nuzūl*, ed. Yousef Meri, tr. Mokrane Guezzou (Amman: Royal Aal al-Bayt Institute for Islamic Thought, 2008). <http://www.altafsir.com/Books/Asbab%20Al-Nuzul%20by%20Al-Wahidi.pdf>.
- Why a Muslim Woman Can't Marry a Non-Muslim?', *Dar Al-Ifta Al-Missriyyah*. <http://www.dar-alifta.org/Foreign/ViewFatwa.aspx?ID=6167>.
- 'Why Muslim Women Can't Marry Non-Muslim Men? Shaykh Abdullah Ali'. <http://myemail.constantcontact.com/Why-can-t-Muslim-women-marry-non-Muslim-men-Shaykh-Abdullah-Ali-.html?soid=1102236409107&aid=1WTP8uTGAh0>.
- 'Why a Muslim Woman is not Allowed to Marry a Non-Muslim Man', *IslamOnline*. <https://fiqh.islamonline.net/en/why-a-muslim-woman-is-not-allowed-to-marry-a-non-muslim-man/>.
- Witztum, Joseph, 'Q. 4:24 Revisited', *Islamic Law and Society* 16 (2009), pp. 1–33.
- Ziadeh, Farhat, 'Equality (*kafā'ah*) in the Muslim Law of Marriage', *The American Journal of Comparative Law* 6:4 (1957), pp. 503–517.