

Question:

Assalaamu Alaikum

MARRIAGE OUTSIDE ISLAM - Some rules and laws for the Muslim man and woman.

Please advise
Jusakalkarn

Answer:

Assalamu Aleikum

It is not permissible for a Muslim woman to marry a non-Muslim man.

It is permissible for a Muslim man to marry a Christian/Jewish woman strictly under these two conditions:

1. She is a true Christian/Jew – not by name and/or ancestral background.
2. She did not renegade from Islam and become a Christian/Jew. NB. Due to some threatening factors, it is discouraged to marry a Christian/Jewish woman. It is perhaps for these factors that Hadhrat Umar (Radhiyallaahu Ánhu) stopped Muslims during his reign of power to marry Christian/Jewish women.

If there is a difference in religion after marriage then four possibilities may arise.

1. Both spouses were non-Muslims and both simultaneously accepted Islam.
2. Both were Muslims and both simultaneously became Murtads (renegade from Islam).

In the above two situations the Nikah remains intact.

One becomes a Muslim and the other remains a non-Muslim. This situation is of two types. The husband accepts Islam and the woman remains a non-Muslim. If the woman is an Ahlul-Kitaab (Christian or Jew as described above) then the Nikah is intact but if she follows some other faith then in an Islamic state the following procedure will be adopted:

The Qaadhi will invite her to Islam: if she accepts then the Nikah will be intact, but if she refuses or maintains silence then the Qaadhi will annul the marriage. If this situation occurs in a non-Islamic State then upon the woman spending three menstrual cycles, the Nikah will be instantly annulled.

The wife accepts Islam and the husband remains a non-Muslim. If it is in an Islamic State the Qaadhi will invite him to Islam. If he accepts then the Nikah will remain. If he rejects or maintains silence then the Qaadhi will effect a separation. In a non-Islamic State the woman will be divorced upon three menstrual cycles. The woman will then have to observe another three menstrual cycles on observing Iddat.

In the situation where one of the spouses renegades. This is of two types.

1. If the husband renegades then the marriage is instantly annulled.
2. If the wife renegades then - according to the preferred opinion - this does not effect the Nikah. She will still be his wife. However, until she does not accept Islam the husband cannot cohabit with her.