

ISLAMIC THOUGHTS ON INTERFAITH MARRIAGE IN LOCAL AND GLOBAL CONTEXT

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Abstrak

This paper discusses the ulama thoughts regarding interfaith marriages, especially between Muslims and non-Muslims. Interfaith marriage is a phenomenon that has occurred since the early days of Islam. Prophet Muhammad and some of his companions are including those who practiced it. In the early development of Islam, this issue was an important theme for discussion. Verses and hadiths related to inter-religious marriages come to the fore.

Talking about inter-religious marriage is closely linked to the issue of *ahl al-kitab*/The People of the Book. The interpretation of this terms, *ahl al-kitab*, becomes a key to determine the law of interfaith marriages. This paper will discuss the various views of scholars related to the interpretation of the term *ahl al-kitab* and their views on inter-religious marriages in the local context (Indonesia) and globally.

Keywords: *Interfaith marriage, ahl al-kitab, interpretation, the people of the Book.*

Introduction

"There is no verse in the Qur'an which expressly prohibits Muslim women to marry non-Muslims men". (Ulil Abshar Abdalla)

That was a bit of chirp from Ulil Abshar Abdalla in his Twitter post in May 2013. That series of twitter posts, or more familiarly called kultwit (kuliah twitter/twitter lecture), immediately received wide response, either pro or con. Discussions on inter-religious marriage has lasted a long time ago. And the discussion increasing dynamically from time to time, including discussions triggered by Ulil's statement above.

We live in a world that very much plural. There are various tribes, races, nations, and also religions with multiple languages and traditions. As Allah said in Quran Surah Al-Hujuraat verse 13 that He created human male and female, and made human into tribes and sub-tribes that human may recognize one another (Ali, 2004, p. 613). People interact and connect each other in their life. God made human variously, this variousity should not be the cause of dispute and hostility, but the reason to race in goodness (Solikin, 2013, p. 122)

One of the characteristic of living thing is breeding, beside breathing and growing. Human purposes of breeding -as a living thing- is survival from extinction, maintaining species, and getting descendant. Based from this, human then created family. Family is the smallest social structure. A group of family named clan, a group of clan named community, a group of community named tribe, and then ethnic, race, nation and so on. In social structure there are agreement, hope, expectation, rules, norm, tradition, etc. This is what so called cultural system. So human or individual or person, social structure and cultural system is the three layer of ,society`.

To form a family, in case of breeding as one of the characteristic of living thing, there must be man and woman. A man (woman also) usually has dream woman to be his spouse, based on his social experience, religion, education and so on. He will try to find love of his life and then marry her to begin a new family. The problem is, a man can not always control whom he will love to when the feeling comes up, although he already had a plan. And this is happened in woman also. So, for human position as social creature who life in plural society, we can find various couple or family around us. A family that consist of different culture, race, nationality, and even different religion. Interfaith marriage is inevitable. Globalization necessitates that an encounter not only occur between people of one religion, but also the different religions (Ghozali, 2012). The topic will be more focused on a family that consist of different religion because the husband and the wife is coming from different faith from the beginning.

Interfaith marriage or intermarriage is an unavoidable fact among human life, based from the explanation above. According to Seamon, in case of Christian non-Christian marriage, it happened all over the globe for centuries. Historically, it is not only Jews who objected to intermarriage. Under Constantine in the fourth century, those who intermarried faced the death penalty. Moreover Seamon writes that in medieval times, Christians were not allowed to dine with Jews, let alone marry them. And in 1222, an English deacon who converted in order to marry a Jewish woman was burned at the stake (Seamon, 2012, p. 1).

In Islamic history, interfaith marriage as social fact is not a new issue. It already happened since the era of Prophet Muhammad PBUH, and then the era of Companion, until now (Mutakin, 2015, p. 4), Prophet Muhammad, married to Maria al-Qibtiyyah binti Sham'un, comes from Anse area, Dishut, Egypt. A slave that awarded by the Governor of Egypt, Muqawis, after the battle of Khaibar. With Maria al-Qibtiyyah, Muhammad blessed with a son

named Ibrahim. Muhammad also married Safiyah binti Huyai bin Akhtab bin Shu'aib bin Tha'labah. His pedigree to Aaron, brother of Moses. She has Jewish blood from Bani Nadhir.

Uthman bin 'Affan, the Companion, also marry Christian woman Naylah binti al-Farafisah al-Kalabiyyah who then convert to Islam. Also Hudhaifah bin al-Yamani who marry Jewish woman from Mada'in, then Talhah Ubaidillah who marry Christian woman and more companion who did this interfaith marriage, especially during Islam expansion to many area outside Madinah (al-Zuhaili, 1984, pp. 153-155).

More over, eventually interfaith marriage already exist since long time ago before the era of Muhammad, and it was mentioned in Quran, for example the marriage of Prophet Noah/Nuh and Prophet Luth/Lot. Also the story of Siti Asiyah/Asiya who marry Pharaoh/Firaun. Firaun is not only a non Muslim, in fact he also declare him self as god (Suma, Kawin Beda Agama di Indonesia, 2015, pp. 97-98).

Why this topic is important to be discussed is because, although this phenomena is already happened since the Prophet Muhammad era until now, the interpretation toward al-Quran especially interfaith marriage verses is dinamic. There are always more than one opinion to interpret the verses. The thoughts is alway develop. So the discussion is still far to end.

And this is not only happen in Islam world. Christianity, Bhuddism, Hinduism, Judhaim also make this topic as an object of discussion. Many thoughts about this topic come from dinamic discussion among the scholars, thinkers, researchers etc. Their thoughts become guidance for people to act. Governments, as the ruler makers, also consider their opinion to make positive laws in their countries, for marriage is part of family law that every government should manage.

In order to draft a certain regulation, government, in this case the legislative, need to make a team involving experts, schollar and all those who have competence in the topic. So a regulation in every country should describe the thoughts developed over there. That is why the law of a certain issue maybe different among countries, including interfaith marriage issue.

Classical Ulama Interpretation on the Term *Ahlul-Kitab* and Their Thoughts on Interfaith Marriage

Ahlul-Kitab, 'the people of the Book', are two Arabic words *Ahl* and *Kitab* put together. *Ahl* by itself means relative, folk, family, kin, kinsfolk, wife, people, members, followers, adherents, etc. (Baalbaki, 1995, p. 204)

The word *Ahl* comes from the root-word *Ahala* which means to get married (Zakariya, 2008, p. 150) or also from *Ahil* (pl. *Mahul*) which means inhabited or populated. *Ahl* (pl. *Ahalin*) is also used to denote relationship. When one says *Ahli*, it should be understood to be referring to his family.

While *Kitab*, which is the other word used in the term *Ahlul-Kitab*, comes from the root word *Kataba* which means to write down. *Kitab* as used in this meaning are pieces of writing put together. *Kitab has been* absorbed in Bahasa Indonesia, the meaning is book, scripture, or revelation of God that is recorded (Penyusun, 2008, p. 281). That is why *Kitab* also means The Books of revelation.

The word *Kitab* is used in the Holy Qur'an for the Divine Books revealed to various Prophets. The Books of revelation which have survived so far are the Book of the Jews which is called the *Tawrat* (Torah), the Book of the Christians which is known as the *Indjil* (Gospels or Bible) and the Book of the Muslims which is the *Holy Qur'an* (Fattoum, 1988, p. 32).

Thus, *Ahlul-Kitab* is a term used in the Holy Book for Jews and Christians, as believers of a revealed religion, to distinguish them from the heathens (*ummiyun*) who lived during Prophet Muhammad's time. The following verse (69) in *Surah al-Ma'idah* explains clearly who the people of the Book were, when it says:

‘Say O people of the Book! You stand on nothing until you observe the Torah and Gospel and what has now been sent down to you from your Lord. And surely, what has been sent down to thee from thy Lord will increase many of them in rebellion and disbelief; so grieve not for the disbelieving people.’ (Ali, 2004, p. 128)

In Indonesian Dictionary published by the Language Center of the Ministry of National Education of Indonesia, the term *Ahlul-Kitab* is defined as person who hold onto the teachings of *Holy Kitab* that is not Islam (Penyusun, 2008, p. 21).

By studying the Qur'an, the Muslims observed in the (term) *ahlul-kitâb* a belief in God's authoritative address to humanity throughout history. They recognized that the same word was being addressed to them now, in their own language and through their own Prophet. (Madigan, 2001, p. 213)

Further debate relating the term *Ahlul-Kitab* is about the limitation. Is it only refer to Christian and Jews or also to other 'Holy Book' believer such as Hindu, Buddhist, etc. There are differences among ulama, they perform their opinions with their own arguments.

Just like in *Encyclopedia.com* that define *Ahlul-Kitab* as Arab term used to designate those who practice a revealed religion (Judaism, Christianity, and later Zoroastrianism, Hinduism, and even Buddhism) and who are accorded the status of *dhimmi* in a Muslim country. Christians and Jews enjoy a certain reciprocal respect, in the sense that each possesses a portion of the truth to which the three monotheistic religions lay claim (Group, 2017).

In this case, the Ulama of four *madzhab* of having a different opinion:

Hanafi and some of Hanbali followers stated that anyone who believes one of the Prophet, or a book that was revealed by Allah SWT then include the *ahlul-kitab*/People of the Book (not just Jews or Christians).

Shafi'i schools of thought argues that the definition of *Ahlul Kitab* is refer only to the Jews and Christians of Israelite descent (Prophet Ya'qub/Jacob), it means that the *ahlul-kitab* were limited to a nation of Isra'il descendants. Therefore, other nations in this world who embrace Judaism or Christianity, is not considered *ahlul-kitab* (Christians in Indonesia, based on this second opinion, is not considered *ahlul-kitab*) (at-Thobari, 2006, p. 472)

Imam Malik bin Anas in his *Al-Muwatta'* implies that the Zoroastrian excluding *Ahlul-Kitab*, by basing on the hadith of the Prophet when a companion ask about how to treat people of *Majusi*/ Zoroastrians:

From Abdurrahman ibn 'Auf, he said, the Prophet and said: "Treat them as treating the *Ahlul-Kitab*." What Prophet meant is the *Majusi*/ Zoroastrians.

It means that *Majusi* is different from *Ahlul-Kitab*, therefore the companions were ordered to give equal treatment to the *Ahlul-Kitab*. Besides *Majusi*, in the Qur'an and Hadith also known other terms: *Shabi'in*, and *Mushrikeen*. Other non-Muslims are Hindu, Buddhist, and Confucian (Arifin, 2010, p. 158).

In addition to that, Rashid Rida, a contemporary scholar from Egypt has widened the definition of *Ahlul-Kitab* to include Zoroastrianism as well as idolaters in India and China. The reason is their holy scripture promotes the oneness of God. Another interesting view is as being expressed by Quraish Shihab an Indonesian scholar. He is of the view that *ahl al-kitab* refers to all Jewish and Christian people in any period regardless where there are and not

limited to the children of Israel only. The reason is because the use of such terminology in the Holy Qu'ran is limited to Jewish and Christian people. (Shihab, 1996, p. 365)

Relating the law of a marriage between Muslim man and *Ahlul-Kitab* woman, some ulama said that it was permitted, based on the word of Allah in Surah Al-Maidah verse 5:

"..., and lawful for you are (to marry) chaste believing women and chaste women from among those who were given the Book before you, ..." (Ali, 2004, p. 116)

Ibn Qudaamah in his work *Al-Mugnie* explained further on the differences of opinion regarding marriage of Muslim men with *Ahlul-Kitab*, there is a history from Umar, Ustman, Talha, Hudhayfah, Salman, Jabir, and other Companion, all of them permit marriage of Muslim men with *Ahlul-Kitab*. Even Talha and Hudzaifah practiced it. Thus this permission has been *ijma'* of shahabat/companion. Ibn al-Mundhir said that if there is a *riwayah* of the classic scholars who forbid/prohibit such kind of marriage (between a Muslim man and *Ahlul-Kitab* woman), then the *riwayah* is considered invalid (Arifin, 2010, p. 158).

Even Syaikh Sulaiman ibn Muhammad ibn Umar al-Bujayrami states if the choice is between an *Ahlul-Kitab* woman and a Muslimah slave, it is more advisable to marry the *Ahlul-Kitab* woman and forbidden to marry Muslimah slave (al-Bujayrami, 1996, p. 95).

Ulama who argue that the prohibition of marrying unbelievers and infidels have been canceled by Surah al-Maidah [5]: 5 which allows Muslim men to marry women of *ahl al-kitab*. The scholars argue that these three verses are both revealed in Medina.

However, the first verse (al-Hashr/Al-Mumtahanah verse 10 and al-Baqarah verse 221) are early revealed, so it is possible to be cancelled by the third verse (al-Ma'idah verse 5). Ibn Kathir quotes Ibn Abbas through Ali bin Abi Talha said that the women of *ahl al-kitab* exempt from al-Baqarah verse 221. In other words, the prohibition of marrying idolaters and unbelievers as stated in al-Baqarah: 221 and al-Hashr: 10 have been *takhshish*-ed (specified) by al-Maidah: 5.

This opinion is also supported by Mujahid, Ikrima, Said bin Jubair, Makhool, al-Hasan, al-Dhahhak, Zaid bin Aslam, and Rabi 'bin Anas. Tabatabai held that the ban was limited to those *Watsani* (pagans), and do not include those of the Book (*ahl al-kitab*). There are also discussion about who are *ahl al-kitab*, what religion considered as *ahl al-kitab*, and are *ahl al-kitab* still existing nowadays. Thinkers such as Muhammad Ali, Muhammad Rasyid Ridha, Muhammad Abduh, Kamal Muchtar, Adsurrachman Al-Jaziri, Ibrahim hosen, etc have different thoughts about this issue (Sirman Dahwal, 2016, p. 95-96)

Some books list the Companions of the Prophet who perform interfaith marriages, which are Uthman bin 'Affan, Talha bin Abdullah, Hudhaifa ibn Yaman, Sa'd ibn Abi Waqash, and so on. According to Ibn Qudaamah, Hudhayfah married Zoroastrianism woman. Meanwhile, according to Muhammad Rashid Ridla, Hudhaifa did not marry Zoroastrianism, but Jewish woman.

Other scholars argue otherwise. Surah al-Baqarah verse 221 which prohibits Muslim men to marry women idolaters became the basis for them to be absolutely forbids marriage between Muslim men to the *ahl al-kitab* woman. And marry not idolatrus women until they believe; even a believing bond-woman is better than an idolatrus, although she may *highly* please you. And give not *believing women* in marriage to idolaters until they believe; even a believing slave is better than an idolater, although he may *highly* please you. These call to the Fire, but Allah calls to Heaven and to forgiveness by His command. And He makes His Signs clear to the people that they may remember (Ali, 2004, p. 36).

This verse prohibits moslem to marry idolatresses (*musyrik*, man or woman). Also QS al-Mumtahanah [60]: 10 that forbid moslem to marry the disbeliever (*kafir*). While QS al-Ma'idah

*5+: 5 which allow moslem man to marry *ahl al-kitab* (people of the Book) woman, according to this group, is abrogated (*mansukh*) by the two previous verses. (Ghozali, 2012). It is statistically impossible if two 'prohibition' verses is abrogated by one 'permit' verse. They argue that terms *musyrik*, *kafir*, and *ahl al-kitab* are synonyms, so that a prohibition of one term is also applied to its synonyms.

According to An-Nahaas, the abrogation (*naskh*) of al-Maidah: 5 by al-Baqarah: 221 that used by Ibnu Umar as a *daliil* is unaccepted, for al-Maidah: 5 is the verse that revealed later. Theoretically, a previous (revealed) verse is abrogated only with a later (revealed) verse (Suma, 2015, p. 118).

The scholar from this group refers to the act of Umar ibn Khattab. Ibn Kathir narrates that when Surah al-Mumtahanah: 10 revealed, Umar ibn Khattab divorced his two disbeliever wives, they are Bint Abi Mughirah of Bani Umayya ibn Makhzum and Umm Kulthum bint Amr bin Jarwal of Khuza'ah.

Umar used to whip people who marry *ahl al-kitab*. Umar angry because he fears the actions of some people who marry *ahl al-kitab* will be followed by other Moslems, so that Muslim women can not be chosen by Moslem man. However, Umar's anger did not change the minds of some Companions of the Prophet who still marry *ahl al-kitab*.

But, there was a famous story when Umar wrote to Hudhaifa to divorce his *ahlul-kitab* wife. Hudhaifa asked Umar, "do you think that a marriage with a woman of *ahlul-kitab* is forbidden?". Umar replied, "No. I'm just worried. " So, Umar answer shows that his disagreement is not based of the text of the Quran, but more about prudence and vigilance.

It is what later known as the method of *Sadd al-Dzari'ah*. It is one method of interpretation or excavation of Islamic law, which in its application always rests on the concept of *maslahah* with its varieties. This method is more preventive, because everything that initially implies allowed (*mubah*/permissible) is become prohibited (*haram*) because of the impact of such actions that leads to *mafsadat*/damage.

Etymologically, the word *dzari'ah* means "the road that leads to something". Meanwhile, according to scholars of *usul fiqh* term, as stated in Wahbah al-Zuhaily' work: *Ushul al Fiqh al-Islamy*, *dzari'ah* is "everything that could deliver and be a way to something that is prohibited by *sharia*". Therefore "the way that can lead to something that is forbidden by *Sharia* is closed (*sadd*) or prevented or avoided. (Imron, 2010, pp. 67-68)

According to al-Qarafi, *sadd al-dzari'ah* significantly mean cutting the damage road (*mafsadah*) as a way to avoid such damage. Although an act is free from elements of damage (*mafsadah*), but if the act is a way or means to the damage (*mafsadah*), then we have to prevent such actions. With a matching expression, according to al-Syaukani, *al-dzari'ah* is an issue or case that at birth allowed but will lead to a prohibited act (*al-mahzhur*).

In his *al-Muwafaqat*, al-Syathibi stated that *sadd al-dzari'ah* is rejecting something that allowed (*jaiz*/allowed but not required) to not deliver to something forbidden (*mamnu'*). According to Yahya Mukhtar and Fatchurrahman, *sadd al-dzari'ah* is closing a road that leads to forbidden acts. Meanwhile, Ibn al-Qayyim al-Jawziyya said, such road or such intermediaries can be anything that is prohibited or allowed. (Hariyanto, 2011)

In *Al-Majallah al-Ahkam al-'Adaliyyah*, the formulation of legal codification in the field of Islamic civil law created during the reign of the Ottoman Empire, the Qa'idah of Usul Fiqh number 14 said *la masaagha li al-ijtihad fi Mawrid al-nash* (Where the text is clear, there is no room for interpretation/*ijtihad*). So the opinion that allows a marriage of *ahlul-kitab* men with Muslim women on the basis of equality and pluralism, can not be justified.

Although some scholars-as mentioned above- allow marriages between Muslim men with the *ahlul-kitab* women, but it must be known that their agreement on the allowance level is at level *Makruh/Makrooh/* a disliked or offensive act. It means that for which the person who does not do it out of obedience will be rewarded, but the one who does it will not be punished. (Sabiq, 1992, p. 101) (Al-Sabiq, 1940, p. 76) (Hussain, 2012, p. 31).

In addition to this, many scholars opine that, that type of marriage is detestable (*Makrūh*). This is with regard to some circumstances. The most essential of them is that the laws and rules guiding the types of food a Muslim should eat, the type of drink he should have, the ethical values that should be followed in a Muslim home is strongly and likely to be hindered by such marriage. Many of the unlawful foods forbidden in Islam may be delicious to the Christian or Jewish woman living under a Muslim man. As a result of this, her children for the Muslim man may not be properly trained Islamically. Thus, breeding mediocre Muslims/half-baked Muslims or non –Muslims out of a Muslim home. (Yusuf, 2013, pp. 17-18)

The detail is as follow (al-Zuhaili, 1984, p. 6656):

1. *ahlul-kitab* women (*Kafir Dzimmi*)
 - a. *Jumhur Ulama* consist of Ulama from Madzhab Hanafi and Madzhab Syafi'i, stated that marrying *ahlul-kitab* women is *makruh*.
 - b. While ulama from Madzhab Hanbali stated that marrying them is *khilaf al-aula* (the undesirable. It is less than optimal in term of reward, but there is no harm in doing it (Hussain, 2012, p. 31)).
2. *ahlul-kitab* women (*Kafir Harbi*)
 - a. Ulama of Madzhab Hanafi believe that it is *haram/unlawful* to marry them if they are in the land of infidels (*dar harbi*), because they can open the door *fitnah/defamation*.
 - b. Ulama Madzhab Maliki dan Syafi'i stated that it is *makruh*
 - c. And according to Madzhab Hanbali it is *khilaf al-aula*.

Modern Thought and some Positive Law on Interfaith Marriage

About who are considered as *ahlul-kitab* is as the previous discussion. The above conclusion are the opinions of classical scholars. Parallel to the space and time and social change, the discussions on interfaith marriage is also develop. The theme is still around who the *ahlul-kitab* are? Are they only the Jews and Christians? And whether Muslim women could marry *ahlul-kitab* men?

One cleric from Indonesia named Abdul Hamid Hakim has a new interpretation of the concept of the *ahlul-kitab*. But Hakim, using a fairly authoritative argument by holding the opinion of the modern scholars such as Rashid Rida says, that the concept of *ahlul-kitab* not only limited in scope to the Jews and the Christians *an sich*, but also to certain other religious communities. The reason, according to his analysis who cites the *tafsir* of *al-Manar* argue, that their books, such as the scriptures of Confucians, Hindus and Buddhists, even to the religion professed by the Japanese is often called the Shinto religion, all of them belong to the category of the "*samawiyyah*" book. That is, it could be the books containing the principles of monotheism, although in reality the history of the existence of the scriptures of these religions has been a kind of "irregularities" and "change" in terms of both editorial and content and doctrines (Nasrullah, 2016, pp. 56-58).

This opinion is in line with the thought of some young Muslim thinkers in Indonesia that are included in the Liberal Islam Network (JIL), Ulil Abshar Abdalla dan Abdul Moqsih Ghazali are including those that think so. Even according to Ulil, the permissibility of marrying

ahlul-kitab is not only for Muslim men, but for a Muslim woman to marry a *ahlul-kitab* man is also permitted. The reason is that there is no verse in the Qur'an which expressly prohibits Muslim women to marry with non-Muslims men.

Dr. Khaleel Mohammed said that, To be sure, most Muslims would argue that the Qur'an is true for all time and all places. If we go by that logic, then we must acknowledge that the Qur'an is still sympathetic to your dream of marrying a Christian man. Even though he is a Christian, the Qur'an does not hold that against him. For while mentioning that there are Christians who take Jesus as God, Islam's main document calls this '*kufur*' (disbelief/ingratitude) rather than '*shirk*' (polytheism). It's a significant distinction because, in another verse, the Qur'an also states that Christians who do good deeds have the right to enter heaven. Christian creedal beliefs are the same for both male and female followers of Christianity, so how can the Qur'an allow marriage to the Christian woman but not to the Christian man? The evidence indicates that the main hang-up is the problem I emphasized above -- that the religion of the male spouse becomes dominant (as also evidenced in the Book of Ruth in the Hebrew Bible).

In our day, since Qur'anic Islam (as opposed to the Islam of the male jurists) must acknowledge the radical notion that women are equals of men, that women have legal rights, and that those rights include placing conditions on the marriage (what you and I would term a 'pre-nuptial agreement'), then an inter-faith marriage can take place on condition that neither spouse will be forcibly converted to the other's religion. As long as that condition is respected, you and she have my blessing. On the question of children, certainly there will be some religious confusion. But as a Muslim scholar, I can tell you that the Qur'an advocates the use of the heart and mind in forming opinions. If both parents are faithful to their interpretations of the Creator's will, then the children will make informed decisions when they come of age. (Mohammed, 2012)

According to Nayel Badareen, many of these Islamic laws are outdated and unfair to women, which is why he proposes a reform. He hope to educate others to not be intimidated by Islamic law, which should not be considered static or frozen in time. Islamic law, according to Badareen, is there to serve a community and its members. However, these laws have been in the books since the 10th century with minor changes since then. However he always respects the efforts of the past and current Muslim scholars who wrote the Islamic laws (*fiqh*), but he call for reform of these laws, particularly the ones which consider women to be inferior to men. (Badareen, 2015)

Nonetheless, the positive law in Indonesia remains ban interfaith marriage, as in the Compilation of Islamic Law (KHI) which is very clear mentioned:

Article 40: "it is forbidden to execute a marriage between a man and a woman because of certain circumstances:

Paragraph c: a woman is not Muslim."

Article 44: "A Muslim woman is prohibited to carry a marriage with a man who is not Muslim." (Arifin, 2010, p. 158)

This is likely because the majority of Muslims in Indonesia is Shafi'iyah, of course it becomes one of the consideration on legal drafting in Indonesia.

As mentioned above, that the *madzhab* Shafi'i has same opinion with *jumhur Ulama* about the *Makruh* law on marrying a *ahlul-kitab* woman. But there are requirements that so the law becoming *Makruh*, in the sense that when it does not qualify then the law will turn out to be *haram/unlawful*.

Requirement in question is that a *ahlul-kitab* woman had to be coming from a family that goes into Jews or Christians before their teachings distorted. (al-Syirbini, 1997, p. 187).

This means that they must come from *ahlul-kitab* that does not distort its teachings. If seen in the fact, it will be very difficult and even impossible to get such *ahlul-kitab*. Thus indirectly, Shafi'i schools forbid marriage with *ahlul-kitab* for the current context.

This opinion is addressed by Ulil with his statement that the authenticity of the teachings of a religion can not be measured by the standard of other religions, the teachings of Christianity has been agreed by his people long before Islam came, the Christian Doctrine (especially The Doctrine of Trinity) has already formulated on Council of Nicaea in 325 AD, and that was the doctrine practiced by Christians until today. (Abdalla, 2013).

Back to the opinion of *madzhab* Shafi'i, if the context is Indonesia, so the idea is chosen by Indonesian Ulema Council (MUI) and designated as the decision Fatwa Number: 4/MUNAS VII/MUI /8/2005 About Interfaith Marriages, where the contents of fatwa was set:

1. Interfaith marriage is unlawful and invalid.
2. Marriage of Muslim men with *ahlul-kitab* women, according to *qaul mu'tamad*, is unlawful and invalid. (Nashr, 2016)

Similar Fatwa also stated by Mujlisul Ulama of South Africa responding the question of marriage with *ahlul-kitab*. The foregoing discussion on the question of marriage to Jewish and Christian women while they maintain their respective faiths is an extract from 'Ma'ariful Qur'aan', Marriage to Women of 'Ahlul-Kitaab' 11 the Commentary of the Qur'aan, by Hadhrat Mufti Muhammad Shafee (Rahmatullah alayh), the previous Grand Mufti of Pakistan and India. The correct Islamic view has been clearly explained by Mufti Sahib. No one should therefore be in doubt about the dangers inherent in marriages across the religious line notwithstanding the fact that marriage to women who are in fact members of the Ahl-e- Kitaab is initially permissible. However, since the initial permissibility has become encumbered with numerous Imaan-threatening dangers, it is no longer permissible to marry such women whilst they retain their religions of kufr and shirk. (Africa, No Year)

In Malaysia, the Fatwa Committee National Council of Islamic Religious Affairs has decided during the 14th Muzakarah (conference) in 1977 that the definition of people of the scripture is the Jews or Christians. (Islam, 2014, p. 41)

According to Yusuf Qaradhawi in his book entitled '*Hadyul Islam Fatawi Mu'ashirah*' the original rule pertaining to marriage with ahl al-Kitab is permissible. However, he mentioned that Umar al Khattab was not in favour of such marriage. Yusuf Al Qaradhawi further mentions that interfaith marriage is permissible so long as the prospective wife is professing a religion which promotes oneness of God. However, nowadays it is not an easy task to identify a religion other than Islam which promotes the concept of Tawhid. It is also imperative to mention that such marriage is not allowed if the woman belongs to the Jewish or Christian people who blatantly wage war against Islam. (Islam, 2014, p. 44)

Conclusion

1. Interfaith marriage is a phenomenon that occurred long ago in which the human race between religions meet and interact, this phenomenon continues despite religious laws allow or forbid it.
2. In Islam, discussing interfaith marriage law is closely related to the discussion on the definition of *ahlul-kitab*.

3. According to the Hanbali and Hanafi schools, term ahlul-kitab includes all religious people who have a Holy Book. Not only Christians and Jews. Meanwhile, according to Shafi'i and Maliki scholars, ahlul-kitab is only limited to the Christians and Jews.
4. All schools agreed on the permissibility of a Muslim man to marry a ahlul-kitab woman. Permissibility level here is Makruh. Nevertheless there remains ulama who forbid it and reflected in the positive law in Muslim countries today.
5. In recent developments, the opinion of contemporary Islamic thinkers about interfaith marriage are divided into 3 groups:
 - a. Group that ban interfaith marriage absolutely, even with ahlul-kitab.
 - b. Groups that allow interfaith marriage, between Muslim men and ahlul-kitab women. ahlul-kitab in question is the Jews and the Christians.
 - c. Groups that allow interfaith marriage. Ahlul-kitab is not limited to Jews and Christians, but all religions that have the Holy Book and believe in the universal God. For example Hindu, Buddhist, Sinto and so forth. And according to this group, the permissibility of interfaith marriages are not only for Muslim men to ahlul-kitab women, but also permissible for Muslim women to ahlul-kitab men. This group, according Ulil called group of liberal-progressive Muslim thinkers.

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