Tying the knot: a Feminist/Womanist guide to Muslim marriage in America

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In memory of Dr. Debra Majeed,
scholar, sister, and inspiration.

We belong to God and to God we return.

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BISMILLAHI AL-RAHMAN AL-RAHIM

Introduction

Tying the Knot: A Feminist/Womanist Guide to Muslim Marriage in America is for people considering and planning for getting married and being married, with all the promise and pitfalls those endeavors entail. It is a follow up to the open-access reader *Half of Faith: American Muslim Marriage and Divorce in the Twenty-First Century* (2021). *Half of Faith* collected previously published and new materials on legal, social, and ethical dimensions of American Muslim weddings, marriage and divorce. While including material from a range of perspectives and addressed to varying audiences, it was primarily analytical and descriptive. The all-new work published here, however, takes its cue from Zahra Ayubi's practical final essay in that volume, "What to Consider if You're Considering Divorce."

Why a feminist/womanist guide? Feminism is a contentious term in many circles, Muslim and non-Muslim. Oceans of ink have been spilt wrangling over how to define feminism and how broadly to draw its sphere of concern when pursuing equality, justice, and human flourishing. Numerous books parse the differences between Muslim feminism and Islamic feminism, and there are voluminous scholarly and activist writings by people operating from within those frameworks.

Notwithstanding the enduring presence of self-identified feminists working in Muslim-majority societies and from Islamic principles and convictions, there have been decades of debate about whether or not feminism is a useful or meaningful term for Muslims—indeed, for anyone other than white women in North America and Europe. Feminism has often been, and too often still is, complicit with colonialism and racism. Those contributors who identify as feminists seek to change that.

If feminism is controversial, womanism is too-seldom known. Womanism, as envisioned by pioneer Alice Walker, is about producing knowledge and generating political power from the standpoint of Black women's experiences. There is a strong tradition of Christian womanist thought. Muslim womanism is a phrase and a framework coined by contributor Debra Majeed, building on and with the work of her womanist colleagues. In her book *Polygyny: What it Means When African American Muslim Women Share Their Husbands* (2015), she wrote: "As an interpretive tool, Muslim womanism challenges scholars and others to speak holistically about Islam and the diverse experiences of its female adherents," documenting "the agency and moral formulas African American Muslim women construct and pass on to succeeding generations from within the social conditions of membership in both a racial class and religious group that are marginalized in the United States." She went on to highlight its relevance specifically for her work: "Muslim womanism is an epistemology, or way of knowing, that positions the experiences and wisdom of women at the forefront of any consideration of Muslim family life."

In this book, we center Muslim women's experiences and needs, with African American Muslim women's realities and wisdom the primary focus of some chapters. Our work collectively acknowledges a sense of alarm about marriage and divorce in many Muslim contexts. Families worry about young people finding suitable spouses—with suitability often defined in sexist ways. All sorts of people worry about women marrying late—and about the emergence of new means of finding spouses, including meeting people from a variety of backgrounds via apps. In the face of the perception that there has been a worrisome rise in divorce rates among Muslims, some community leaders have begun to urge or require premarital counseling or conversations to help marriages succeed. All of this matters. But our focus is not on remedying the supposed collapse of the traditional family or shoring up the shaky pillars of the Muslim community. Instead, we think having honest conversations about needs, hopes, and desires in and for marriage, along

with pragmatic negotiations around the logistics of partnered life, can help individuals, families, and communities thrive.

The contributors to this volume do not all agree on everything nor do we expect readers to necessarily agree with us. Our ethic is informed and thoughtful engagement with a range of perspectives. We have more questions than answers. Those questions have emerged from our years—in some cases, decades—of engagement with diverse Muslim communities and organizations. In the essays collected here, all written for this book, we draw on both our relevant academic expertise and our practical experiences to help frame and consider issues that arise in what is a complicated and fraught as well as exciting and joyful life transition. The chapters in this book span the gamut from weddings to widowhood, treating the latter as something anyone embarking on marriage should consider.

Some readers may be distressed by our matter of fact references to polygynous marriages. Others may object to the chapter on LGBTQ marriage or be bothered by the fact that contributors address mut'a or interfaith marriages where Muslim women marry non-Muslims. Are we really feminist? Are we really Muslim? Our reasoning is simple: American Muslims are in polygynous marriages, in mut'a marriages, in queer marriages, and in religiously mixed marriages. Some are in marriages that are simultaneously more than one of these things! We're not interested in policing the boundaries of feminism or womanism or Islam. Instead, we aim to provide useful tools for Muslims seeking just and healthy relationships. Some of these articles will be of interest primarily to one portion of our diverse American umma, using terms and terminology unfamiliar to outsiders. In such cases, consulting suggested readings and resources can help, as can online search engines.

There are big questions about what Muslim marriage is for in a country that, unlike most, allows religious officials to solemnize marriage, and has a contradictory mix of Christian-based yet officially secular policies guiding marriage. What is the purpose of Muslim marriage in contemporary America? Is it to make sex lawful in the eyes of God? To gain family or community recognition of a relationship? To obtain legal or social legitimacy for children? Is it for rights and benefits from the state, whether that's preferential tax status, health insurance, or facilitating straightforward inheritance? Is it about the bond between spouses — an interpersonal affirmation of commitment? Marriage can be any or all of these things, as the chapters which follow demonstrate.

Tying the Knot builds on the analytic approaches laid out in and beyond *Half of Faith* to provide strategies for American Muslims considering marriage and planning weddings. These chapters draw on our expertise as American Muslim cis women and non-binary "scholar-activists" (Gisela Webb's term) from diverse racial, sectarian, and professional backgrounds. Building on previous work or private files we have drawn on in our own community engagements over the years—or in the case of one chapter, from a new participant-research project—these articles are short, accessible, and informed by scholarly conversations while being practical in approach. Those interested in exploring further are directed to the essays in *Half of Faith* and its copious references to other work.

The chapters in *Tying the Knot* approach marriage and weddings from different, sometimes overlapping, perspectives. They are grouped loosely into three categories. The first chapters address spouse selection, including decisions and negotiations about whether to get married and what kind of wedding to have. The second set focuses more directly on premarital conversations, marriage contracts, and wedding ceremonies. The final chapters present voices of experience, conveying wisdom and guidance from married and widowed women for those now embarking on that journey. None of this, of course, should be construed as legal advice; only qualified attorneys familiar with individuals' specific needs and situations can provide that guidance.

Juliane Hammer writes about the challenges of intercultural and/or interracial marriages, including the ways anti-Black racism and colorism may arise in conversations over spouse selection. She considers practical negotiations over matters such as language, food, and clothing for weddings (and married life) and suggests ways that interethnic, intercultural, and interracial relationships can be enriching for individuals, families, and Muslim communities.

Shehnaz Haqqani writes with an overview of the issues confronting interfaith couples—especially Muslim women planning to marry non-Muslim men, who may confront family or community opposition and may find it challenging to find an officiant. In an accessible Q&A format, she addresses relevant textual sources and interpretive strategies and presents the experiences of her research participants.

Based on their extensive community experience, Shereen Yousuf and Nousheen Yousuf-Sadiq consider how mut'a, a form of contractually time-limited marriage primarily practiced among Jafari Shi'a Muslims,

is being used and how it can benefit and harm young women in particular. They offer loving, realistic advice that accepts mut'a's legitimacy while remaining cognizant of its pitfalls within patriarchal contexts.

Zaynab Shahar writes about LGBTQ marriage, addressing the range of social, familial, and spiritual issues that arise when those who do not fit the normative model seek to marry; they also address the practical challenges of planning queer Muslim weddings.

As a prompt to writing a nikah contract, Zahra Ayubi offers a list of questions covering crucial topics for new spouses, including splitting chores, negotiating finances, deciding on contraception and childrearing, and navigating extended family relationships and interpersonal conflict. She emphasizes that the process of arriving at consensual agreements on sometimes difficult issues lays groundwork for a healthy marriage.

Asifa Quraishi-Landes offers a template for conversations about marriage contracts—not legal advice, but the starting point for further conversations between potential spouses. She outlines promising strategies as well as dangers to avoid, providing examples from a variety of model and actual contracts from an array of times and places.

Drawing on my experience officiating Muslim marriages in various contexts, I write about how those planning a wedding can think through the legal and social issues that arise in selecting an officiant and planning a ceremony. I conclude with some D-I-Y guidance for those new to officiating.

Aminah Beverly Al-Deen reports on conversations with middle-aged African American Muslim women from several communities, asking what they wish they'd known when marrying and what they'd do differently in retrospect, to discern wisdom for those entering into marriage: how women can protect their rights and interests by having important conversations with potential spouses and by drafting and safeguarding appropriate marriage contracts.

In her chapter, written before her sudden illness and passing in March 2022, Debra Majeed presents the results of her 2021 Muslim Widows study, looking at how African American Muslim widows' experiences of support and hardship can guide individuals, religious leaders, and communities to better practices and policies for supporting widows

and protecting their interests. She also considers what Muslim widows' wisdom can offer to those getting married.

In addition to contributors' vital work, the final product owes much to the excellent design work of Komal Zehrah and careful copyediting by Boston University doctoral student Ateeb Gul. The guidance and support of Eleni Castro at Boston University Libraries has been essential, as has been the administrative support from Wendy Czik at the BU Department of Religion and Tamzen Flanders at the BU Center for the Humanities. In addition to funds from my faculty research account, this reader was supported by the BU Center for the Humanities; the Humanities Research Fund, Associate Dean's Discretionary Fund, Department of Religion, and Office of Diversity and Inclusion at BU's College of Arts and Sciences; and the Institute for the Study of Muslim Societies and Civilizations, a program of the Center for Religion and World Affairs (CURA) at BU's Pardee School.

Along with my collaborators, I hope this book will be helpful as a resource for navigating a life passage that can be among the most challenging and rewarding of this world's endeavors.

Kecia Ali

April 2022/Ramadan 1443

Note on translation, transliteration, and sources: in keeping with our pluralistic approach, each contributor has chosen whether and how to use Arabic and other non-English terms in their chapters as well as what form references to other publications and resources take.

Intercultural/Interethnic/Interracial Marriages (and Weddings): Reflections and Considerations

JULIANE HAMMER

Any Muslim wedding has a contractual dimension as well as several social ones. The wedding, whatever form it takes, is an announcement of the contract and commitment of the two partners to each other, which is how it is also linked to extended families on both sides and to communities. Through family and community, marriage partners are also connecting each other to wider cultural contexts. Even though the notion of Muslim marriage puts the emphasis on religion, there is always also culture to consider. In what follows, I offer some reflections on the specific dynamics and challenges of intercultural as well as interethnic and interracial marriages. I then sketch out some questions to consider in planning an intercultural/interethnic/interracial wedding.

Culture is a social construct which means that it is created, maintained, negotiated, and interpreted by people connected to it. Notions of culture help us understand the social, political, and religious contexts we live in and are formed by, but we also all contribute to its construction. Similarly, religion, for Muslims specifically Islam, is produced through human negotiation, through interpretation, through practice, and in the context of a community. U.S. Muslims regularly discuss the relationship between religion and culture, most often in order to claim that religion is a stable category, and an inherently good one, while culture can be called upon either as a resource for or an obstacle to something. American Muslims discuss the idea of a distinctly "American Islam" in their communities all the time, often as a pure (or purer) form of Islam that is not bogged down by cultural differences and adjustments. Alternatively, this American Islam has also been understood as a distinct form of culture-informed Islam, similar to talking about South Asian Islam, Indonesian Islam, Egyptian Islam, etc.

Here we already see an association of culture such as South Asian or Egyptian with notions of country of origin but also ethnicity. Ethnicity refers to shared cultural characteristics such as language, ancestry, practices, and beliefs, with ancestry being especially important. Clearly, cultures are linked to ethnicities and vice versa, and both ethnicities and cultures can be linked to the idea of a country as the home of a nation. To be sure, cultures can be associated with countries, with language, with customs, with food, with clothing, and with a host of other dimensions. And many communities throughout the world consist of people who are identified with several of the ethnic and racial categories we employ in the U.S. Many countries are home to people and communities of different ethnicities and also different subcultures. I offer these clarifications to point out how complicated these considerations are and how messy the

negotiations of culture in relation to Islam is before we even get to any of the practical aspects.

I use the term interracial in the title with some trepidation as it might legitimate the idea that racial categories are somehow a biological reality. Race is a social construct. Current ideas about race emerged from modern European ways of thinking. Europeans constructed a racial hierarchy that linked certain characteristics beyond skin color to intellectual and physical abilities and enabled colonial domination of those located below white people in that hierarchy. Racial hierarchies are by definition racist towards those below the top as they are used to justify subordination, marginalization, and oppression. The United States as a country has a particular history of racism, especially anti-Black racism, that lies at the foundation of systems of inequality. While Muslims experience anti-Muslim hostility and racism based on the fact that the majority of them are Brown and Black people, racism exists in Muslim communities as well, which is linked to the wider American society. Anti-Black racism, often linked to questioning the religious authenticity of African American Muslims, is longstanding, widespread, and a problem in need of addressing.[1]

Interracial and interethnic marriages were illegal in many U.S. states until the 1967 landmark ruling by the Supreme Court in a case brought by the Loving family against the State of Virginia. In 1967, around three percent of all marriages in the U.S. were classified as interracial. According to a Pew survey, in 2015, 17 percent of all newlyweds were in interracial or interethnic marriages,[2] but the overall percentage has only grown to approximately nine percent in the past 50 years. I point out these general statistics to indicate that interracial marriages are still not very common in the U.S. According to the latest census, it matters which ethnic and racial communities spouses come from, and which ones are paired in a marriage. There are dramatic variations by gender, and by state and county as well.[3]

These statistics show that questions about interethnic and interracial marriage are not unique to Muslim communities even if they play out in

1 See the important work of the Muslim Anti-Racism Collaborative: https://www.muslimarc.org/

2 https://www.pewresearch.org/social-trends/2017/05/18/intermarriage-in-the-u-s-50-years-after-loving-v-virginia/

3 https://www.census.gov/library/stories/2018/07/interracial-marriages.html

specific ways in them. Muslims are increasingly open to discussing (and rejecting) racism, including in our communal and religious spaces. We recognize racial and ethnic diversity as valuable and strive for inclusive religious practice. However, racial and ethnic prejudice and superiority claims often surface in relation to spousal selection in specific and problematic ways. Muslims are willing to pray in community with those of different racial and ethnic backgrounds, but express concern when a family or community member finds their future spouse and they turn out to be from a different background. Marriage is where the rubber hits the road, so to speak, and where attitudes to other ethnic and racial communities are put to the test. Concerns about potential spouses from a different ethnic or racial background are often expressed in the idiom of culture which is why the discussion of culture above is so important. Such concerns take the form of questions about compatibility and communication between spouses and their comfort with extended families from different backgrounds. Sometimes, specific issues are raised, such as worries about the preservation of languages other than English and whose food customs will prevail in the new household. Frequently, these concerns are connected to future children — which language(s) will they learn to speak, which food will they eat, and which "culture" will they be most familiar with?

In a 2009 ethnographic study in several mosques in New Haven, Connecticut, Zareena Grewal found that "(t)he intersections of race, class, gender and religion emerge as Arab and South Asian Muslim Americans talk about interracial marriage and preferences for lighter-skinned mates. Muslim American children of immigrants test the boundaries of what constitutes an eligible spouse by drawing on religious sources that challenge their parents' ideologies of colour and racial prejudices. Islam serves as a common moral ground between generations that came of age in different cultures, creating a space for negotiating conflicting visions."[4] Grewal confirms that racial prejudice exists but also shows how the younger generation negotiates their spousal selection by emphasizing the importance of religious fit and compatibility which in turn pushes back against the prejudice of their parents' generation. By pushing back in religious terms, these younger Muslims have a strategic advantage against racial prejudice: they put their parents in a position where they cannot argue that Islam is less important than race or culture.

4 Zareena Grewal, "Marriage in Colour," *Ethnic and Racial Studies* Vol. 32 No. 2 (February 2009): 323-345. See also Mohja Kahf's novel, *The Girl in the Tangerine Scarf* (Carroll and Graf, 2006).

In addition to the racist structures permeating U.S. society, Muslims who come from elsewhere in the world often also bring various forms of colorism to the conversation about spouses and marriage. Colorism here means a preference for lighter-skinned spouses from the same or a different ethnic background with the hope that children from such a marriage would be lighter-skinned as well. To be sure, colorism and racism in spousal selection are not unique to Muslim communities and societies, but rather are part of a global (and American) phenomenon linked to Eurocentric racial hierarchies. Colorism is a form of racism that is also often connected to classism especially in connection with marriage and spousal selection. Colorism in American Muslim communities leads to discrimination against individuals with darker skin. White supremacist beauty standards can negatively affect the self-perception and confidence of those with darker skin — and, when espoused by others, limit their marriage options.

Both colorism and racism may be expressed as genuine concern for the next generation while still perpetuating shaming and exclusion. It is not hard to see that such attitudes are often born from the experiences of racism, exclusion, and discrimination that many Muslims themselves have had but that fact does not excuse the harm they inflict on others in perpetuating their preference for lighter-skinned partners for themselves or their children. As Nailah Deen wrote in 2020: "We cannot defeat racism if we continue to allow cultural biases to govern who we love or who we let our children marry,"[5] thereby similarly making the connection between racism and notions of culture in the form of cultural bias. Her account of the Muslim marriage market tells several stories, including her own, of matchmaking experiences and attempting to find a marriage partner; racism and ethnocentrism show up in each of them. These are anecdotal and ethnographic representations of a widespread phenomenon that anyone considering marriage in U.S. Muslim contexts should seriously consider; if for nothing else, then at least so they are not taken by surprise when these issues arise.

Lest the reader be left with the impression that intercultural, interracial, and interethnic marriages are primarily a source of conflict, I want to point out the many beautiful stories to be found in our communities — stories of building a family together that reflects and values what both partners bring to the marriage and recognizes it as an added benefit

5 https://www.aljazeera.com/opinions/2020/8/20/the-hidden-racism-of-the-muslim-marriage-market

rather than a deficit or problem. Rather than seeing blended traditions, customs, and practices as the discontinuation or even destruction of culture that is imagined as stable but also static, they can be viewed as enriching a relationship and participating in the creation of new cultural formations. Families can speak several languages as is demonstrated amply in, for example, the South Asian context. Learning the other partner's language can be an expression of love that also facilitates more layered and nuanced communication. Alternating or fusing different cuisines can enrich the family menu and instill pride in the diverse foods that are introduced and enjoyed.

The intimacy of sharing a life in a marriage may well be one of the greatest opportunities to learn about culture, defy racist and colorist attitudes and practices, and open the door for a new generation that can experience intercultural, interethnic, and intercultural families as a blessing rather than a problem. Compromise and openness are key. A spouse in an intercultural marriage who expects one culture to be dominant in the practice of the family, based on some notion of authenticity or superiority, necessarily pressures the other spouse into disavowing theirs and surely creating resentment as well as cultural disorientation. I speak from my own experience as a white German Muslim, married to my Turkish partner, when I say that it took me a long time to accept that I would never be able to "become Turkish" and that I have something to offer from my complicated mélange of German (non-Muslim) culture. To be sure, I did not experience pressure to adopt Turkish culture from my partner, but somehow put that expectation on myself partly because I thought of his Turkish Muslim culture as superior because of its Muslim dimension that my German cultural configurations could not offer me. We also treated the US context in which we live as somewhat of a neutral ground for our negotiations of cultural practices.

Linking religious authenticity or superiority to a particular culture is certainly not unheard of in Muslim communities. Arabic-speaking Muslims have been known to claim closer proximity to the birthplace of Islam and to the Prophet Muhammad, who was an Arab. Muslims from Muslim majority countries have claimed to have grown up more authentically Muslim than those who became Muslims as adults (converts or reverts) or who grew up in minority Muslim communities. On the other hand, white converts, especially the ones who are male, are fetishized as marriage partners by some because they provide proximity to whiteness and somehow imply heightened recognition of the value of Islam as a religion.

My research also shows that other factors can constitute a challenge to those Muslims, especially Muslim women, who are trying to find a spouse within their ethnic or cultural community: as gender norms and practices shift worldwide, Muslim men from immigrant backgrounds, even in the second generation, often prefer marrying younger as well as less educated women, leaving highly educated and professional women with a smaller pool of possible spouses. We see again here that these issues are not unique to Muslim communities: men preferring younger women over women their own age and avoiding women who are more educated than they are, or who earn more money, seems to be a universal societal challenge that has in many contexts led to a decline in marriage and a turn to other forms of relationship.

In order to support my move from the pitfalls of intercultural, interethnic, or interracial marriage to its promise of being a blessing, I offer some suggestions to consider in preparation for an intercultural/interethnic/interracial wedding. As I noted above, religion and culture are always connected, and I don't think it is possible to encounter religion without culture altogether. All religious norms and practices appear in particular cultural (and also geographical and historical) contexts and thus religion is always reflected in and refracted through culture. This fact explains the diversity of Muslims in their attitudes, their norms, and their practices — and I see this diversity as a great strength of the Muslim ummah. The reverse statement is also true, however: cultures are changed by and refracted through ideas of what religion is. Both Islam and culture are everchanging in relation to each other and it is people who are changing them. This makes it important for partners, in preparing for matrimony, to reflect together and to map out convergences and differences in expectations and values.

Wedding planning is so stressful to all involved because a wedding is a reflection of values, both religious and cultural, and because it involves families and communities. In my contribution to Half of Faith, the companion volume to this one, I wrote about three different Muslim weddings as examples of how different each Muslim wedding is from the next.[6] Two of my three examples in that chapter involved people from different racial and ethnic backgrounds, and even the third, a South Asian American Muslim wedding, brought out the intricacies of

6 Juliane Hammer, "Weddings: Love and Mercy in Marriage Ceremonies," in Kecia Ali, ed., *Half of Faith: American Muslim Marriage and Divorce in the Twenty-First Century* (Boston: OpenBU, 2021), pp. 4-16, https://hdl.handle.net/2144/42505

intracultural matrimony. At that wedding, I was told by the uncle of the groom that there is no such thing as a Pakistani wedding, as different regions in Pakistan, different ethnic and linguistic communities, all have different traditions and practices that are considered essential, not to mention how they change when Pakistanis move to America. At that point in the evening, at that wedding, I had tried and failed to even identify or understand the purpose of some of the things that were taking place and had also heard at least one aunt complain that something that had just occurred was not in line with a proper Pakistani wedding.

The fact that weddings involve families and communities rather than just the two spouses getting married makes different approaches, opinions, and expectations more clearly visible and yet potentially harder to negotiate. The negotiation starts with the question: who is actually going to plan the wedding — the couple, their parents, other family members, a professional wedding planner? The answer to that question might not be the same from the perspective of the two partners. This is probably true for any wedding, but especially so for an intercultural or interracial one. Once settled, many other aspects of the wedding need to be decided, including food, dress, gift giving, dress, whom to invite, and what traditions and practices to include.

A second step should be to consider whose opinions the couple cares about — after all, the wedding is a communal event, an official announcement of the mutual commitment and thus more for the family and community than for the couple themselves. How will disapproval from individuals, or one family, or community be handled?

It is a good idea to conduct some informal research within both spouses' families and attached communities on wedding practices and traditions. Are there examples, preferably recent ones, to consider and learn from rather than reinventing the wheel? Which practices or traditions are considered essentials (and by whom) and which are optional?

- Food is a central element of a wedding — will food come from one of the cultural and ethnic cuisines or both? Is there a fusion option? Or a third, neutral one?

- What are the spatial arrangements — at the wedding celebration as well as at the nikah? Who is invited to which? Are families' places together or intermingling? What are gendered spatial expectations? Can any of the families' expectations be defied if they

are not shared by the couple in order to shift community practices? Will there be music and/or dancing? If one spouse's family of origin or their community does not include music or dancing in their customary practices, but they take place at the wedding, will there be an explanation? This can be a wider question about the wedding as a whole as well: can it be an educational opportunity? Does it make sense to address it in this way, maybe even in the wedding invitations or as part of the programming?

- What types of clothing choices does the couple want to make — blended, each spouse based on their own cultural background, or neutral third option?

- How will gift giving be handled?

- What traditions and customs as part of the wedding are valued, what purpose do they have, and can they be explained during the wedding to those unfamiliar with these practices?

I am a great believer in communication, in openness to different perspectives, and in approaching any challenges as a learning experience as well as a bonding experience for both spouses as partners in the project of marriage. And I sincerely hope that going forward, Muslims in interethnic, intercultural, and interracial relationships will be able to experience them as enriching rather than extra-challenging. If Muslim marriage is to remain relevant, our communities will need to come to terms with the kaleidoscope of cultural and religious perspectives, experiences, and practices that help our communities thrive.

A Guide for Muslim Women's Marriage to Non-Muslim Men

SHEHNAZ HAQQANI

Introduction

The permissibility of Muslim women's marriage to non-Muslim men is one of the most common questions asked of Muslim scholars and preachers. It also is the most common question I receive from my readers and vlog viewers. I have been investigating this topic from Islamic legal, exegetical, and ethnographic perspectives since 2016, examining both the textual tradition on the matter as well as the reality on the ground in the United States. Because many Muslims uncritically accept the claim that marriage between Muslim women and non-Muslim men is prohibited, arguments to the contrary are not always received well. When I wrote on the topic in 2017, challenging the predominant view, the response was deeply gendered. Muslim women were generally grateful, and the most negative response I received from them was that they were not convinced; the negative comments from men, however, were far worse in tone and language. Many men who were outraged seemed unwilling to share the privileges they believed the Qur'an had granted exclusively to them. Many Muslim women have since then emailed me to express appreciation for the article as well as to ask for more resources on the subject. This chapter is a response to their requests. I hope to reach Muslims who are thinking about interreligious marriages, or are already in one, to help them navigate some of the questions to reflect on as they explore their options.

This chapter does not seek to offer any "true Islamic" answers to questions about interfaith marriage but to help readers, particularly those to whom this question is personally and directly relevant, understand the issues at hand and offer practical guidance for negotiating its difficulties. When Muslim women ask me what Islam "really" says about their marriage to non-Muslims, they often specify that they are not interested in what Muslim men, whether scholars or preachers or ordinary believers, have to say, or what the "cultural" view is, but what God wants. They want to know whether God would approve of their marriage. While there is not always a neat boundary between "culture" and "Islam," this powerful question speaks to their relationship with Islam and a genuine desire to do what is right according to God.

Clearly, Muslim women seek, and deserve, knowledge about Islam that centers their realities and experiences, that is rooted in justice, and that interrogates patriarchal interpretations of the Qur'an. They deserve an Islam that does not betray their values of justice and compassion, which is what they argue Islam ultimately is for them. In my ongoing research

on this topic, American Muslim women express their frustrations about dealing with imams, scholars, and other experts to whom they reach out for religious validation of their marriage. These women are interested in logical, rational, and Islamic explanations for why such a marriage might be unacceptable to God, especially when some of them are surrounded by marriages that are deeply unethical — e.g., secret marriages, abusive marriages, polygamous marriages, older men married to much younger women, and so on. They tell me that they have never come across a convincing reason behind the presumed prohibition. Contemporary Muslim scholars and imams must therefore figure out how to address these questions in meaningful ways that speak to these women's concerns and do not alienate them.

The fact that opinions prohibiting such marriages resurface on the internet frequently suggests that, while the dominant opinion remains that women's marriage to non-Muslims is prohibited, it is widely questioned. In practice, Muslim women do marry non-Muslims — but they can face immense struggles in the process. These struggles include rejection from family and ostracism by their communities. If they are connected to a country where such a marriage is illegal, issues regarding inheritance claims (theirs or their partner's and children's) and child custody are affected as well, as they can be deprived of both. They also struggle to find an imam to officiate their marriage, which is often important for convincing family members of the Islamic validity of the marriage. In my interviews with Muslim women who have married non-Muslims, for example, my American respondents with ties to Muslim-majority countries speak of the legal and social implications of their marriage even when the groom converts to Islam. These include a government's requirement that the non-Muslim husband be subjected to invasive physical examinations to assess his health on the pretext of his ability to satisfy the woman; or not being allowed to share a hotel room with their non-Muslim spouses when visiting their families. In addition to the possibility of such legal repercussions, many of my respondents lost family, friends, and/or community for their choice to marry a non-Muslim, although in some cases the estranged re-appeared in their lives and apologized years later.

In the remainder of this essay, I attempt to address some of these issues in a Q&A format. Much of what I discuss below is a product of my conversations with Muslim women in interreligious marriages — and their perspectives, rooted in both personal experience and their research on the issue, can provide us with some useful data to consider as we re-

evaluate this topic. I focus on questions such as why Muslim women intermarry, the religious justifications of such marriages, and some practical advice for those seeking it. This guide specifically addresses the question of marriage between women and men, where the gender disparity in interpretation manifests.

Q: Why would a Muslim woman consider marrying a non-Muslim man?

A: There are many reasons why a Muslim woman might consider marrying a non-Muslim. In my research, the women who married non-Muslims did not grow up with the expectation or assumption or even possibility that they would marry a non-Muslim; neither did they think of non-Muslim men as better than Muslim men. The most common reasons appear to be that they met someone who happened to be non-Muslim, they fell in love, and then decided to get married; or the woman faced many challenges and struggles in relationships or marriages with Muslim men, having originally never considered non-Muslim men as possible husbands, and eventually decided that expanding her pool to include non-Muslims would lead to higher chances of her finding someone compatible.

Muslim women sometimes struggle to find Muslim husbands — because the Muslim men or their families whom they come across seem to consider them too old, too opinionated, too educated, too career-oriented, etc. As a result, these women look for men who can appreciate those qualities in them, and some such men they come across are not Muslim. The commonsensical observation that Muslim women struggle to find compatible (Muslim) husbands is acknowledged by various imams in contexts where Muslims live as minorities, who offer different solutions to what they agree is a crisis. In 2010, for example, the Scottish scholar Shaykh Jamil issued a *fatwa* disallowing Muslim men in Scotland to marry women outside of Scotland, or to return to their homelands for brides, when there is an overwhelming number of available Muslim women in the country. In his book *Moving the Mountain: Beyond Ground Zero to a New Vision of Islam in America* (2012), Imam Feisal Abdul Rauf of New York makes a similar observation about the situation in the U.S. and proposes that to increase Muslim women's options and opportunities to marry, they must be allowed to marry Christians and Jews the way Muslim men are. These male scholars' insights further validate what women know experientially.

Q: But doesn't the Qur'an forbid women from marrying non-Muslims?

A: Generally, Sunni Muslims agree that the Qur'an explicitly permits men to marry some non-Muslim monotheistic women ("People of the Book") but neither prohibits nor explicitly permits women to marry non-Muslim monotheists. Some contemporary scholars of Islam understand this silence to be permission (e.g., Hasan al-Turabi (d. 2016) of Sudan; Abdullahi Ahmed An-Na'im, a Sudanese scholar who has taught in the U.S. for decades; Moroccan scholar Asma Lamrabet; Imam Feisal Abdul Rauf of New York; Amna Nosier, al-Azhar University professor and member of the Egyptian Parliament; and many others), but most consider it a prohibition. Other scholars, such as Ibn 'Ashur (d. 1973) of Tunisia in his commentary on Qur'anic verse 5:5 and Khaled Abou El Fadl of UCLA, who is from Egypt, have also pointed out that the prohibition is not in the Qur'an, although Ibn 'Ashur does not consider Muslim women's marriage to non-Muslims permissible. Abou El Fadl considers interreligious marriage *makruh* (disliked, discouraged, but not impermissible) for both women and men. The standard Shi'i position, meanwhile, is that men may contract fixed-term (*mut'a*) marriage, but not *nikah*, with women from the People of the Book.

Three verses address the question of marriage between Muslims and non-Muslims: Qur'an 2:221 is generally understood to prohibit marriage between Muslims and *mushrik*s (literally, polytheists or "idolaters," a pejorative term for some non-Muslims), a point I will get to later; Q. 60:10 states that conversion to Islam invalidates marriage between Muslim men and women and the *kuffar* ("disbelievers" generally but, given the context, best understood as Meccan polytheists); and Q. 5:5 permits marriage between Muslim men and women from the People of the Book. While all three are referenced as Qur'anic evidence for the prohibition on women's intermarriage, a careful reading of the three verses together complicates the claim that women's marriage to People of the Book is prohibited, since two of the three verses (Q. 2:221 and 60:10) apply to men too, and the third (Q. 5:5) does not address Muslim women's marriages at all.

Q: Is there any way that marriage between a Muslim woman and a non-Muslim can be scripturally supported or justified?

A: Yes, there are plenty of exegetical and Islamic legal tools and strategies that scholars use when interpreting the Qur'an. We can apply many of

those same tools to allow us to conclude that women's marriage to (at least some) non-Muslims is permissible. Here, I will outline four such tools briefly; these same tools have ironically been used in the *tafsir* tradition to prohibit such marriages. They are *qiyas* (analogical reasoning), *takhsis* (specification, or particularizing a general statement), *ijma'* (consensus), and *'urf* (custom, social norms). While these tools are often used in *fiqh*, or Islamic jurisprudence, *fiqh* and *tafsir* (commentaries on the Qur'an) often overlap. There is a whole set of interpretations in the legal schools that rely on what is in the Qur'an and Sunnah, as well as on social and cultural norms. Interpretations of the Qur'an are always influenced by prevailing social norms. What we identify as "Islam" can refer to the Qur'an and/or the Sunnah, and often means interpretations of one or both of these sources as well as *fiqh*.

Many scholars argued that Q. 2:221 prohibits all Muslims from marrying all non-Muslims, not just polytheists, but that Q. 5:5 makes People of the Book an exception for men only. Some scholars argued by analogy that if women were not allowed to marry polytheists, they could not marry People of the Book unless explicitly permitted, like men are; in other words, in order for women to be allowed to marry People of the Book, the Qur'an would have explicitly allowed it the way it did for men. However, I propose that the same tool can be re-applied to analogize that the permission to men can be extended to women because just as Q. 2:221 needed to prohibit marriage to polytheists explicitly, so too would a verse be needed to prohibit marriage to People of the Book. Moreover, while some scholars argue that a lack of explicit permission is a prohibition, there are multiple instances in the Qur'an where a verse speaks to one gender exclusively but is applied in practice to all genders (e.g., Q. 5:6, specifically addressed to men about ablution rituals but interpreted to apply to women as well despite the masculine language, such as "if you have had (sexual) contact with women").

Another tool that allowed pre-modern commentators to read a prohibition into the Qur'an is that of *takhsis*, or specification. It 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. But *takhsis* can also 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 People of the Book, it is equally plausible to propose that the Qur'an prohibits marriage for all Muslims to either polytheist*s* alone or to all non-Muslims *except* to People of the Book, for any gender. In this alternative reading, Q. 5:5 is not read as an

exception to the rule in Q. 2:221 and 60:10, since People of the Book are not categorically *kuffar* or *mushrik*, but as an exception for all genders to marry *some* non-Muslims, specifically People of the Book. This approach is more consistent with other interpretations of the Qur'an because it shows that the same rules apply to Muslims regardless of gender, such as in Q. 5:4 on the food permissible to Muslims regardless of their gender, or Q. 5:6 on rules of ablution applicable to all genders despite the gendered language of the verse.

The prohibition of Muslim women's marriage to men from the People of the Book also results from a position of *ijma'*, the imagined collective consensus of pre-modern scholars and the legal schools. *Ijma'*—defined as consensus, although sometimes understood as the majority opinion—can be reapplied as follows. 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-upon position; only the opinion of those who matter, making claims of consensus politically motivated as they inherently exclude those who disagree. There are many issues on which there is assumed to be clear consensus when in fact many disagreements exist, such as on the issue of child marriage, whether witnesses are required for a marriage, whether a *wali* (guardian) is necessary for a woman's marriage, whether women can lead mixed-gender prayers, and so on.

Whether *ijma'* refers to the consensus of a majority of or all jurists, of a certain time period or of all times, interpreters of the Qur'an must contend with contemporary opinions on the matter — of both ordinary practicing Muslims who are implicated in juristic decisions as well as scholars. Moreover, interpreters of the Qur'an have not always agreed on the meanings of the three verses relevant to this topic. In fact, they did not agree even on the meaning of the term *mushrik* or *kitabi (*a person of the People of the Book), a point to which I'll return shortly. Thus, one must ask: whose *ijma'* and from which time period? What might consensus look like—if it could be achieved at all—if we defined *ijma'* to include lay Muslims, counting especially those who are affected by a given rule? What would it mean to prioritize for the sake of *ijma'* experiential knowledge, the perspectives and experiences of those negatively affected by the prohibition on Muslim women's intermarriage?

Finally, we can appeal to current, modern, social norms and gendered expectations as we re-evaluate the prohibition. Past interpreters of the Qur'an read and applied these verses in their own contexts, which included the reality of slavery, a preference for endogamous (in-group) marriage for women, and assumptions of male superiority and female inferiority as well as of Muslims' superiority over non-Muslims. Hopefully, we agree that women are not inferior to men, nor Muslims superior to non-Muslims, and most certainly, slavery is not a legitimate parallel to justify other forms of social and familial hierarchy.

Q: Why are only marriages to People of the Book acceptable?

A. To respond to this question, I want to first emphasize that there is no one uniform, clear idea in the Qur'an, Sunnah, and the Islamic tradition about religious identity and religious categories. People we identify today neatly as polytheists, monotheists, believers, disbelievers, etc. are not consistently viewed as such in the Qur'an or the tradition. While Q. 2:221 prohibits Muslims' marriages to *mushrik*s, two important issues arise. First, the Qur'an, Hadiths, or even the Islamic legal and exegetical traditions do not agree on who counts as a *mushrik* or polytheist; for some exegetes, it was specific to Meccan polytheists because of their contentious relationship with the Muslims; for others, a *mushrik* is anyone who believes in multiple deities; yet for others, it included anyone who was/is not Muslim, Christian, Jew, or Sabian; and so on. Indeed, some saw Trinitarian Christians as, theologically, *mushrik*s. Second—and this is significant—the Prophet Muhammad's daughter Zaynab was married to a Meccan *mushrik* named Abu al-'As until long after the revelation of Q. 2:221. While the historical sources disagree on whether she divorced him, there is no evidence that Muhammad required her to divorce him. My point here is to problematize 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 *mushrik*s.

Moreover, classical and historical scholars of the Qur'an did not agree on who is included among People of the Book. They often interpreted the category to mean those who have a revealed scripture, which would include many religious groups, such as Hindus, Zoroastrians, and Sikhs. Not all scholars, however, permitted marriage between Muslims and Zoroastrians, even though the latter are monotheists. All this shows that many factors influence scholarly interpretations of the Quranic text and how it applies to Muslim life.

Q. Are there practical reasons for the prohibition on Muslim women marrying non-Muslim men?

A: Here are some common arguments against the practice, and the flaws in those arguments:

1. "The husband is the head of the household, the primary decision-maker at home, and therefore, a Muslim woman married to a non-Muslim man will have to obey him."

   These statements make assumptions about male dominance and female submission that are not rooted in Islam—or in reality. They certainly are not the ideals that we should be striving for in a fair, kind world. Even if they were true and universally applicable, we should be working to replace them with better assumptions. In my research, all the women who have married non-Muslims speak beautifully of their husbands, using words like compassionate, cooperative, ethical, and loving to describe their relationship. These words are echoed by many women married to Muslims.

2. "Children take on the father's religious identity."

   There are several problems with this statement. First, if women spend more time with their children, as is expected of them in American ideal and practice as well as much Muslim thinking, then it is the mother's beliefs that are likely to have more influence on the children. In fact, this patriarchal rationale could be used to argue that it is Muslim women, not men, who should be allowed to marry non-Muslims, since according to this logic mothers are the ones best equipped for childrearing. Second, Islamically, one has to proclaim belief to be a Muslim, and one's father's religious identity does not determine one's own. Third, some couples are unable or do not desire to have children, making this concern irrelevant.

3. "A Non-Muslim husband might not respect a Muslim wife's rights."

   This statement assumes that Muslim husbands necessarily respect their wives' rights more than non-Muslim ones do. No one religious or cultural group of people has a monopoly on respect for women's rights. There is no evidence for the claim that Muslim men are better husbands to Muslim women than non-Muslim ones. Moreover, many Muslim wives struggle in abusive marriages

to Muslim men, as do many non-Muslim women married to non-Muslim men. Setting aside abusive relationships, marrying within a tradition doesn't remove all grounds for disagreement over religious values and practices: even between Muslim spouses, there may be disagreements and negotiations over how to practice Islam. Additionally, other religious leaders make identical claims about their men: for instance, the Pope has been quoted as arguing that Catholic women should not marry non-Catholics because only Catholic men can truly honor their rights. Clearly, then, it is not just Muslim male scholars who think of other Muslim men as more suitable for Muslim women, making this attitude subjective and likely rooted in a sense of one's superiority over others.

Once we begin to view marriage as a partnership, where the two partners are on an equal, horizontal footing, with neither above or below the other but both interdependent, then the objections above cease to apply.

Q: This is all very interesting but how does it affect me if I'm considering marrying a non-Muslim? What advice should I take into account as I make this decision?

A: There are many questions to ask yourself as you consider whether and how to marry your non-Muslim partner, most of which apply to anyone getting married. (See Zahra Ayubi's chapter in this book on those premarital conversations.) These include: What are your and your partner's negotiables and non-negotiables? What values are you both willing to compromise and negotiate on, and which ones are absolutely not open to debate? For instance, perhaps your partner drinks alcohol or eats pork and you do not; have you had a conversation with your partner about whether pork or alcohol will be allowed in your home? If your family's support is important to you and they threaten not to attend your wedding if you marry a non-Muslim, is your partner willing to convert nominally to make the process slightly easier? Have you discussed whether your children, if you decide to have any, will be raised with a specific religion or some combined values?

My research participants advise that a Muslim woman should know with certainty which relationships matter to her and which ones she can compromise on. It is important to set boundaries for oneself so that one does not suffer in a false dichotomy, being forced to choose between parents/family/friends and a life partner. If your relationship with your family is important to you and you want them involved in your wedding,

it might be helpful to have a conversation with them about your needs and your reasons for why you want to marry your partner — and also make your family feel heard and listen to their concerns and anxieties about having a non-Muslim family member. Finally, recognize that relationships and people evolve, so it's important to have compassion for people as they struggle to make peace with who you are, who you want to be, and what they want. Still, while your marriage may result in many losses and many gains, remember that you will not lose the relationships that matter most. Know which ones those are and be strategic about keeping them.

Q. What are some strategies that Muslim women have found helpful in convincing their parents to support their interreligious marriage?

A. Many women struggle for years to get their family's blessings and support to marry their non-Muslim partner. The parents and other family members nearly always come around, albeit after much debate and convincing. In my research, the most common thing is for the non-Muslim man to nominally convert — taking the *shahada* at the time of or before the wedding, even if the couple privately agrees that he will not be expected to practice. This allows most families to accept the marriage. Most explained that their parents cared more about what the community and other people would think than what God would think; once they were convinced that the marriage was religiously acceptable, they agreed to it. Some of my respondents who did not ask their partner to convert had an imam of their own ethnic/racial background speak to their parents to assure them of the Islamic validity of the marriage; some provided their families with resources and Islamic arguments that support their choice; and many of them waited for years until the parents had processed their feelings and emotions about their daughter's interest in a non-Muslim. In most cases, my respondents tell me that their parents ended up loving their fiancés or husbands when they got to know them.

The reality is that for many families who struggle to accept their child's (daughter's or son's) choice to marry a non-Muslim, it is not always about Islam but about cultural and language differences, about familiarity. They might react just as grudgingly to their child's choice to marry someone of a different cultural or racial background than their own, even with a shared religion. Indeed, my research participants have noted that they do not struggle in their marriages due to any religious differences because they share the same fundamental values;

most, however, have noted that cultural differences sometimes cause challenges and disagreements. This is not to suggest that religious differences are irrelevant but that cultural differences are at least as important as religious ones.

Conclusion

Muslim women are marrying non-Muslims despite the popular assumption that such marriages are prohibited. Because these marriages are not considered valid by many other Muslims and are illegal or unrecognized in most Muslim-majority countries that some American Muslim women may be connected to, women can face many challenges in the process of marrying their non-Muslim partners. The good news, however, is that attitudes towards women's interreligious marriages are evolving for the better, as such marriages are more common today than in previous generations. There is a lot of work still left to do in the Muslim American community to normalize women's intermarriage so that those who choose it are not unnecessarily burdened. But as some of the participants in my study have pointed out, the prohibition has more to do with social and cultural value systems than with Islam, and a popular opinion among humans is not the same as the command of God.

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LGBTQ Muslim Marriage Praxis and Queer Ethics of Relation

ZAYNAB SHAHAR

"queer not as being about who you are having sex with, that can be a dimension of it, but queer as being about the self that is at odds with everything around it and has to invent and create and find a place to speak and to thrive and to live."

—bell hooks

Introduction

In the summer of 2019, I attended a lesbian Hindu-Muslim wedding. Standing in a packed wedding hall, I watched my friend engage in an elaborate wedding ceremony adapted for an interfaith lesbian couple. When it was time for the Muslim portion of the ceremony, Imam Daiyee Abdullah stood up and swiftly facilitated the signing of the *nikah* (written contract). With each step, Daiyee took the time to explain each aspect of the process to the non-Muslims in the audience. As Daiyee Abdullah's softspoken voice struggled to echo throughout the wedding hall, I briefly wondered about the future of LGBTQ Muslim weddings; namely, who would officiate them when Daiyee eventually retires. To anyone who is an LGBTQ Muslim, it's no secret that Daiyee Abdullah has remained a visible mainstay in our community. Daiyee has traveled across the country to attend to the various religious rites and spiritual needs of LGBTQ Muslims: officiating both weddings and funerals, as well as helping LGBTQ Muslim communities create local safe spaces, being the spiritual backbone of the MASGD LGBTQ Muslim retreat. Yet at some point, Daiyee will want to retire, and LGBTQ Muslims will have to fill the void.

While such an eventual loss might seem insurmountable, I think a key aspect of Daiyee's legacy is empowering LGBTQ Muslims with the skills and knowledge necessary to lead fulfilling spiritual lives. Daiyee has been a tremendous source of support and a possibility model for many of us, so now it is our turn to take the reins and ensure that successive generations of LGBTQ Muslims have access to spiritual care. It is in this spirit that I offer this essay on LGBTQ Muslim marriage.

My Positionality

Before diving into how I understand queer Muslim marriage praxis, I find it important to locate myself in this ongoing conversation about what it means to consider queer marriage within the vast landscape of U.S. Muslim communities. I approach the topic of queer marriage as an unmarried solo polyamorous person. Solo polyamory means that I do not have a primary partner, nor do my relationships exist within a hierarchy of primary and secondary partnerships. Instead, as my friend K.C. Slack once described, I view my relationships as constellations in a galaxy that all have their unique importance. Within that galaxy, I have had romantic and queer platonic relationships coexist side by side, one no more important than the other.

When I started practicing polyamory a little over a decade ago, there were few mainstream books and resources that took seriously how living in a world organized by white supremacy, racial capitalism, and cisheteropatriarchy impacts the way people relate to each other. Discussions of ableism, classicism, anti-blackness, transphobia, colonialism, imperialism, fatphobia, etc. were completely omitted in popular literature on ethical polyamory or ethical non-monogamy.

Amidst the dearth of information; I began to form my own ethics of relation. My ethics of relation for doing solo polyamory takes seriously how intersecting oppressions and imbalances of power, resources, information, etc. show up in my life and in my relationships. Intersecting oppressions, imbalances of power, and unequal access to resources not only shapes the different needs and values of my partners; it also shapes the articulation of those needs as well. The language and practices of relating to each other that functionally reinforce structural oppressions are necessarily ubiquitous. They are the default in a world that thrives on oppression.

For example, it is easy for a person to express possessiveness in a romantic relationship — the idea that a partner functions under the realm of a person's complete control. For many, this is a normal aspect of romantic relationships, and it doesn't register as abusive behavior. It is not easy to examine how possessiveness is a learned behavior rooted in white supremacist cisheteropatriarchy. It is also not easy to consider how possessiveness doesn't actually resolve the underlying feelings of abandonment, insecure attachment, and distrust that are often at its roots. It takes work and imagination to cultivate new skillful means in how we relate to each other, ones that do not simply default to the "master's tools," as Audre Lorde might say, simply because they are so ubiquitous and commonplace. Therefore, the thoughts I provide in this chapter are an attempt to carve out a *queer Muslim marriage praxis*.

I also think it is important to clarify that this is not a chapter justifying LGBTQ Muslim marriage. Many resources already attempt to reframe the intersections of gender identity, sexual orientation, and faith through affirming grammars of permissibility and validity. The scholarship of Junaid Jahangir and Scott Kugle, among others, is oriented towards arguing for same sex marriage's permissibility from the standpoint of Islamic law and tradition. Such scholarship is necessary in helping LGBTQ Muslims on their journeys towards identity integration, self-acceptance, and feeling represented within the Islamic tradition. By

deconstructing history, theology, Islamic law, etc. as containing queer possibilities, LGBTQ Muslims get to see themselves as part of the Islamic traditions that shape Muslim worlds, as opposed to heretical subjects that otherwise threaten the fabric of the social order. While discussions about the permissibility or validity of LGBTQ Muslims are necessary, they are not inherently designed to provide the praxis of what it means to live out integrated identities and values. At the same time, we need to see ourselves represented in the folds of tradition and history, and we also need skillful means for how to live as LGBTQ Muslims in the present and in the future. This essay is oriented towards creating a queer Muslim marriage praxis for the present and the future.

When and Where I Enter

I am a co-founder and the Director of Spiritual Education for Masjid al-Rabia. Masjid al-Rabia is an LGBTQ-affirming mosque located in Chicago, serving local Muslims in person and Muslims worldwide through online programming. Between facilitating Qur'an study, organizing informational sessions for reverts/converts, and the occasional *khutba*, I regularly encounter LGBTQ Muslims who are eager to understand Islam in all of its depths and folds. Many who attend Masjid al-Rabia events are desperately searching for "safe" spaces to glean bits of "Islamic knowledge" without having to out themselves and face social excommunication from a local community. Others are Muslims born into the faith who are attempting to reconcile their sense of self with childhood religious trauma, usually from exposure to patriarchal and homophobic interpretations of the Sunnah framed as authoritative, traditional, and absolute. Yet these two seemingly disparate groups of people share a common thread, bound together by the aphorism that in Islam marriage is "half of your deen" or half of what it means to practice faith. Both groups are interested in understanding how to reconcile "traditional" definitions of Islamic marriage with the very complex and multi-faceted politics around queer marriage and marriage equality.

Many LGBTQ Muslims express deep concerns that Muslim marriage represents an irreconcilable contradiction between being LGBTQ and being Muslim. They are keenly aware that *traditional* Muslim marriage can only mean one of three things. For one, traditional Muslim marriage is understood as an institution where cis/het men and women are thought to be the only participants. Furthermore, outside of the standard formulation, traditional Muslim marriage is thought by cis/het Muslims to be a "cure/remedy" for existing as an LGBTQ Muslim. Lastly,

traditional Muslim marriage can act as protective cover, where LGBTQ Muslims engage in beard marriages that appear cis/het on the surface. Beard marriages can function as protection for one or both partners who don't feel safe coming out. (I say more about beard marriages below.)

These contradictions and tensions can be a major source of anxiety. If marriage is truly half of our faith, but traditional marriage is only for cisgender heterosexual Muslims, or a cure for our existence, then where does that leave LGBTQ Muslims? How can LGBTQ Muslims live out what is thought to be a central aspect of faith if we are precluded from the definition of what it means to be married? What does it mean to engage the institution of marriage, not as a false curative for LGBTQ existence but as an affirmation of the love and commitment between partners?

Queer Muslim Marriage as an Ethics of Relation

Instead of talking our way into a cisheteropatriarchial tradition, I'd like to instead articulate how queer Muslim marriage praxis is necessarily an ethic of relation. Marriage is certainly a covenant with legal, spiritual, and material implications. Yet what underlies the many laws, principles, and practices of traditional Muslim marriage is a larger concern about the ethics of relation that make marriage distinctive from other relationships. Muslim communities are made up of married couples, parents, friends, business partners, politicians and citizens, educators and students, doctors and patients, lawyers and clients, as well as spiritual authorities and laypersons. From the standpoint of the tradition, it is important to have ethico-religious as well as practical distinctions between the different types of relationships that occur within Muslim communities. While there is certainly overlap, not all relationships are understood and function in the same way. A marriage is different from a parent-child relationship. Both are types of relationship, yet require completely different ethical considerations. It can be argued that the ethics of what it means to be a good parent are similar to what it means to be a good partner, especially since both are integral parts of the traditional family unit. Yet it is largely understood that parenthood and partnership are not the same thing, and as such Islamic traditions discuss them differently.

Different ethics of relations, and their articulation within Islamic traditions, largely reflect an underlying concern about care ethics: how people care for each other within different types of relationships. When it comes to traditional marriage, differences in care ethics are largely ascribed to differences in gender roles: "women do x, men do y, and

the wires shouldn't be crossed between the two." What this painfully cisheteronormative interpretation often misses is the many ways our faith articulates an imperative for care as an integral aspect of what it means to believe in Islam. *To endeavor in care work with the same niyyah (intention) we bring to prayer is integral to how we understand and enjoin in God's divine providence.* When I talk about the spiritual imperative towards care in *khutba*s and Qur'an study sessions, I aim to push past popular conceptions of care ethics as rote duties that we do because we're supposed to. Instead, understanding the spiritual imperative towards care begs us to reflect on how we understand the interconnection between ourselves, our loved ones, our community, and our Lord.

Not care as in "I have to, lest I burn in hell" but care as in "I am divinely enjoined to care for others, for it is through the interdependence of life that I come to know God and divine providence."

Practical Considerations for Queer Muslim Marriage:

First, it is important to think about *why* you want to get married. Think about what LGBTQ Muslim marriage symbolizes to you. Take the time to be honest about any aspects of being married you might have idealized up against the legal, practical, and spiritual realities of marriage as an institution. An important question to consider is: how does being married differ from being in a long-term relationship? Arguably, if you take out the dimension of civil/legal marriage, the line between marriage and dating for LGBTQ Muslims blurs considerably. So, it is important to consider whether there is more than a just-noticeable difference between being married and being in a long-term relationship.

If there is a difference between marriage and long-term relationships, then consider whether you and your partner value understanding marriage as a spiritual and/or a legal institution. Ask the hard questions about how each of you understand what it means to be married. Do your understandings of marriage differ from your partner's? Are those differences irreconcilable? If marriage is a spiritual endeavor, then how will your relationship to your partner and to God evolve once you are married? This is where discussions about shared spiritual values are important. It is easy to assume that getting married signals existing underlying shared spiritual values. This couldn't be farther from the truth. A wedding is usually one day, whereas marriage, save for *mut'a* marriage, is understood to last a lifetime. Moreover, it is also easy to assume that the details can be hashed out just before signing a *nikah*. Yet

before finalizing the details of the wedding and walking down the aisle, it is important to consider how shared spiritual values might inform married life.

We Have All the Tools

Once you have discussed what marriage means and you still want to get married, consider the practical aspects of a wedding. If one partner is Muslim, will you have an interfaith wedding? Who will officiate your wedding and who will serve as witnesses? Are there cultural wedding traditions that you or your partner would want to incorporate (like jumping the broom)? How much money do you plan to spend on the ceremony? Is it important to have a *nikah* and a dowry? All of these elements raise questions, not only about the process itself but also about the legitimacy of the process in relation to cis/het Muslim marriage.

As LGBTQ Muslims, it might be tempting to copy cis/het Muslim behaviors down to the letter so that your practice of Islam will appear "legitimate." I imagine that for many, marriage is no different. The legitimacy of LGBTQ marriage is a huge point of concern for religious and secular LGBTQ folks alike. When it comes to marriage in Islam, I am here to tell you that not even all cis/het people agree about the terms and conventions guiding traditional Muslim marriage, as evidenced by the existence of this open source anthology. I have cis/het Muslim friends, and it is through them that I have learned the many ways Muslims committed to gender justice elect not to participate in the aspects of traditional Muslim marriage that feel irreconcilably patriarchial. Many folks opt out of having a *wali* (a guardian who negotiates on behalf of the bride) because it feels like a negation of their individual agency. Many don't have a dowry that the groom must pay because it feels too close to the arc of chattel slavery.

There are ways to subvert or shift aspects of traditional Muslim marriage that don't fit the context of LGBTQ Muslim marriages. For example, there is no need for someone to be the "bride" and someone to be the "groom" if doing so infringes upon the gender identities of the couple. Similarly, it is not required that one partner be the sole breadwinner/financial provider while the other partner plays Susie Homemaker in a Hijab. If you are intent on having a *wali* but don't have a blood-related cis/het man, ask someone you trust deeply to act in your best interests. Conversely, if you don't want your autonomy infringed upon, don't have a *wali*. It is truly that simple. You can simply come to the *nikah* table as partners who are willing to negotiate means of mutual support that

take into consideration salaries, socio-economic class, student loan debt, medical debt, cost of living expenses, care capacities, etc. It simply requires creativity and willingness from both partners.

Once you are married, the effort shifts to how you and your partner will work to sustain the relationship. How will you navigate difficulty and the unexpected once the honeymoon period is over? As pop-psychologists are fond of saying, when disagreements happen, do you know how to fight fair? Do you know how to be heard, express hurt, actively listen, etc. without going below the belt? Do you have different ways of mediating conflict, recognizing that conflict resolution is not one-size-fits-all? Do you have access to outside resources, like LGBTQ and/or culturally competent couples therapists or relationship counselors? It is tempting to ask friends or family to weigh in, but there is a necessary beauty to having someone far removed from the relationship serve in that role. Before walking down the aisle, have a series of conversations about what it means to fight fair, disagree, and communicate in moments of conflict and tension. (While primarily geared toward cis/het couples, the chapter by Zahra Ayubi in this volume gives some good questions to begin with.)

Ethics of care have been a running theme throughout this essay, and I would be remiss if I didn't tell readers to take seriously how disability and access intimacy might show up in your marriage. Often, disability and access needs get belted under the "in sickness and in health" line of marital vows. It assumes a future where there is a possibility of disability or illness, not an active present where disability necessarily shapes the contours of a relationship. It also assumes that the love a couple shares is strong enough to weather the onset of disability and/or chronic illness, that there are no practical considerations involved other than a determination to be together.

Yet the existence or sudden onset of disability and chronic illness quickly raises questions of finances, health insurance, social security-disability benefits (SSDI), etc. It is an open secret that marriage equality doesn't extend to couples where one or both partners utilize SSDI. Consider whether you or your partner have health insurance at work that is open to LGBTQ couples. If one partner relies on SSDI, how will you supplement that care upon getting married?

Disability and chronic illness also raise hairy questions about care work in interpersonal relationships. In an ableist society, there is an

underlying assumption that the non-disabled spouse will necessarily do all the heavy lifting. Yet this not only assumes that both partners are not disabled, it also assumes that the non-disabled partner automatically has the skills and bandwidth to take on that level of care work. As Leah Lakshmi Piepzna-Samarasinha notes in *Care Work: Dreaming Disability Justice*, it is not uncommon for people to have irreconcilable (access) needs. If that's the case, you will have to work to find solutions that honors the tension between access needs and different care capacities. But that can only happen through an honest, thoughtful conversation about disability and chronic illness.

Finally, I would be remiss to discuss care ethics and not talk about children. Before getting married, it is important to discuss whether you and your partner want children — presuming you don't already have them. If you want, or have, children, then do you agree on how Islam will factor into their lives? Do you and your partner share the same values insofar as children's education, non-violent parenting methods (sometimes referred to as positive parenting), children's healthcare, family involvement, etc. are concerned?

Additionally, the question of civil protections looms large over LGBTQ parents, punctuated by the current wave of anti-trans bills tumbling down the pipeline targeting transgender adults and children. If you want to have children, you need to consider whether the ability to parent your children safely will be protected. Do you have people who could serve as legal guardians if something happens to both of you? If so, is that documented anywhere (will, estate planning, etc.)? Do you live in a state that honors second-parent adoption? Do you live in a state that is attempting to pass anti-trans or even anti-LGBTQ legislation; and, if so, what are the potential implications for your family? I don't want to make it seem like raising children in LGBTQ community is solely a thing of dire straits. At the same time, there are real practical considerations to raising kids that go deeper than forfeiting the gender reveal party. Take the time to figure out whether or not children are an important part of your marriage and what that may look like.

Downright Terrible Reasons to Pursue Queer Muslim Marriage

At the top of my list of terrible reasons to pursue queer Muslim marriage, getting married in the hopes of finding acceptance in mainstream Muslim community ranks the highest. There are some LGBTQ Muslims who believe that the road to equality/toleration of queer Muslims in

mainstream Muslim spaces is paved in assimilationist behavior. This line of thinking is not particularly unique to LGBTQ Muslim liberation. Mainstream LGBTQ organizations have long made the argument that if LGBTQ people can present themselves as respectable citizens, then society at large will grant them the same rights and privileges afforded to married cisgender heterosexuals. Similarly, earlier LGBTQ Muslim advocacy sometimes appealed to the moral sensibilities of cis/het Muslims by arguing that LGBTQ Muslims are fundamentally no different than cisgender heterosexual Muslims, save for gender identity and sexual orientation. We pray daily, fast for Ramadan, pay zakat, read the Qur'an, dress modestly, get married, and raise families. Therefore, if we are "just the same" except for being queer and/or trans, there is no logical reason why cis/het Muslims should discriminate against LGBTQ Muslims.

It is one thing to get married out of genuine desire, another to get married in the hopes that cis/het Muslims will accept you. Discrimination knows no glass ceiling. There is no amount of "respectable" or "authentically Islamic" behaviors LGBTQ Muslims can perform that will guarantee acceptance into cis/het Muslim communities. You can be queer-Muslim-married with a white picket fence down the street from the most traditional mosque in town, and there is still a chance you will not be invited to the Eid day brunch.

Getting married, or practicing your faith, with the hopes of gaining acceptance by cis/het Muslims is a lost cause. It also creates a focus where there shouldn't be. When we center cis/het acceptance and assimilation in our actions, we do ourselves the disservice of displacing God in our divine intentions while making an idol out of people who shouldn't wield disproportionate amounts of power in our communities. To choose queer Muslim marriage, as a religious institution and ritual, is to stand before our beloved community and ask that our love be blessed by God. We should not sully this very serious endeavor by hoping that queer Muslim marriage might bring us that much closer to an assimilatory notion of acceptance.

Tangential to this is the practice of queer Muslims beards. There are many LGBTQ Muslim who do not disclose their identities to their family members, yet still experience familial pressure to find a husband or wife and get (cis/het) married. To resolve this quagmire without "coming out" and potentially facing the consequences, some LGBTQ Muslims will seek out a "beard" partner. By marrying a beard partner,

a LGBTQ Muslim can effectively "pass" as in a married cis/het Muslim relationship, while the actual terms of the relationship remains purely platonic (save possibly for reproductive purposes). It is not uncommon to see posts on LGBTQ Muslim forums where, for example, a gay Muslim man is seeking a lesbian facing similar familial pressures to marry for queer Muslim beard marriage. The underlying assumption here is that by both parties being queer Muslims and in similar circumstances, there is mutually assured risk and safety.

I understand the logic behind these marriages. LGBTQ Muslim life often means balancing personal desires against familial, religious, and cultural expectations. We want to be who we are, but we don't want to lose our families or communities. It is a tough line to toe. Yet, I am hard pressed to wholeheartedly endorse queer Muslim beard marriages. While beard marriages might function to keep people safe temporarily, they don't solve the underlying problem: the pressure to get married according to cis/het norms. If Islam is a religion where there is no compulsion in belief, that logic undergirds the rituals and practices that encompass belief in Islam. This means there can be no compulsion in marriage, and to pressure people into marriage actually goes against what it means to believe in Islam. I don't expect LGBTQ Muslims who find themselves in this situation to hold this burden alone. We all have to do what keeps us safe. Instead, the issue of compulsion in marriage is one that cuts across Muslim communities, and can be a point of unity. Compulsion in marriage is no more beneficial for LGBTQ Muslims than it is for cis/het Muslims. Together, all Muslims can work to engender divestment from coercive religious and cultural pressures towards marriage, as part of working to fix the very serious problems with how Muslim marriage is understood in the popular imagination.

Temporary Pleasure, Permanent Effects: Practical Advice on *Mut'a* Marriage

SHEREEN YOUSUF & NOUSHEEN YOUSUF-SADIQ

Despite attending comprehensive Islamic school classes at the mosque every weekend for years, the first time one of us learned of *mut'a* was in high school, when a group of Sunni Muslim peers accused those who, like us, follow Ja'fari Shiism of supporting something called temporary marriage. The accusation was both jarring and confusing. What was marriage if not permanent, and how did this group of young adolescents come up with such a bizarre concept? Caught between horror and fascination, we learned more about *mut'a*, a practice that actually finds its foundation in the Holy Qur'an.

Mut'a is indeed defined as temporary marriage. It has the same structure as a permanent marriage or "*nikah*" but with a finite time frame rather than an indefinite one. The purpose of this essay is not to argue the validity of the practice; we will assume the reader accepts *mut'a* as valid. The purpose of this piece is to empower women with the ability to decide whether or not to engage in *mut'a* by arming them with both religious and societal knowledge of the practice, confronting common questions and relaying experiences we have witnessed, and by giving advice based on our personal views from a place of love and support.

As women, we often create our own spaces to understand, empathize with, and relate to each other through our shared experiences to ensure safety and security for one another. From our time engaging in various Ja'fari Shi'a centers, efforts, and community spaces, we have found that the wisdom women share in these spaces is powerful and vital to our ability not only to survive but to thrive in times of difficulty as a community. We are writing this piece from a similar place of care and concern for the well-being of our sisters. We want women in our communities to be treated with dignity, respect, and love, and we hope the information and advice we offer below is helpful if you are considering *mut'a*.

What is *Mut'a*?

Although we are operating under the understanding that *mut'a* is valid, we feel it is necessary to give a brief overview for it, as this knowledge will play an essential role in deciding whether or not to engage in temporary marriage. It is important to affirm that Islam recognizes relationships as either legitimate or illicit. Hence, marriage of any type falls under the parameters of Qur'anic law as a legal and sacred relationship, standing independent of societal judgment or amendment from alternative authorities. The foundation for *mut'a* is found in the Qur'an itself, in

Sura Nisa (Q. 4:24). Hadith literature attests that Prophet Muhammad allowed it until at least the Battle of Khayber.[1] *Mut'a*, like permanent *nikah*, requires a contract between two consenting adults and a dower (or *mahr*, a marital gift the groom presents to the bride), and involves inheritance rights and presumed paternity. To learn more about the practice of *mut'a*, its legitimacy within Islam, evidence from even Sunni sources,[2] and other differences between temporary and permanent marriage, consider reading, *Mut'a: Temporary Marriage in Islam* by Sachiko Murata, which can be found for free on al-islam.org.[3]

A major difference between temporary and permanent marriage is how readily the contract can be modified with stipulations, and thus be used for a variety of different reasons. For example, women (or men) can limit physical contact and reject intimacy altogether, and conversely, *mut'a* can also make physical contact with the opposite sex permissible. Reasons can vary from the need for intimacy to the need of a caretaker and patient.[4] In our experience, we have known several women in our communities who have used *mut'a* as merely an opportunity to get to know someone they are considering for permanent marriage, to be alone with him and not fear that they are "sinning" or crossing any boundaries by spending time together. In many of these *mut'a* contracts, the sister has requested that this temporary marriage *not* include consummation, thereby making sex forbidden to the couple even though they are contractually married, because it goes against the agreed upon stipulations. There is leniency to alter these stipulations during the *mut'a* process as well, but it is necessary that both parties agree to the changes and remain clear on when the marriage will end.

1 This means it lasted at least until the Prophet's migration from Mecca to Medina.

2 It is worth noting that we have come across Sunni Muslims (usually male) who do agree that *mut'a* is Islamically valid. We have even heard of young Sunni men calling themselves the "Mut'a Mullahs," referring to the fact that although they staunchly identified as Sunni, they were open to temporary marriage.

3 Sachiko Murata, *Mut'a: Temporary Marriage in Islam* (Qum: Ansariyan Publications, n.d.).

4 Even in old age, a person may be wary of physical contact with a caretaker or health care professional of the opposite sex. For examples of the ways *mut'a* may be used, see Shahla Haeri, *Law of Desire* (Syracuse: Syracuse University Press, 1989).

Stigma and Response

Despite *mut'a*'s clear permissibility within the Ja'fari Shi'a tradition and the fact that it is fairly common,[5] a significant level of stigma surrounds its practice in our communities. Women are often discouraged from considering it and not given much information about it. For example, an attempt to bring it up as a question in Sunday school or *halaqa*s is often met with an immediate push to shut down any thoughts one might have on the topic. It seemed parents feared that their kids would use *mut'a* as a loophole to make otherwise-forbidden "dating" permissible, and avoiding dating and the broader culture of sex-drugs-alcohol is what differentiates us, the non-white Muslims, from the Westerners. In this country, questions of sex and dating arise very early, and the fear is that "our" children will use *mut'a* to be like "them."

While some of these concerns among parents and religious leaders apply to male and female teenagers equally, it is important to highlight how various cultures use a woman's body, and specifically her sexuality, as the terrain for preserving culture and honor, and that Ja'fari Shi'a Muslim women are not immune. A woman's virginity is typically viewed as a mark of "purity" that can be tainted by interaction with a man from a different race, social class, and so on. A permanent marriage with a "suitable" partner sustains her (and her family's and culture's) good reputation — and any temporary relationship, even if Islamically permissible such as *mut'a*, could jeopardize this. To be clear, these narratives espouse patriarchal, racist, and classist discourses but they illustrate, at least for us, very real lived experiences that reflect the types of challenges we face in being able to talk openly about matters of sex, love, desire, and more. However, not openly discussing these topics makes navigating the search for a compatible partner and healthy relationship difficult.

Moreover, while both Sunni and some Shi'a scholars discourage *mut'a* citing the preservation of sexual decency, we would argue that their main concern is the sexual freedom tempoary marriage offers women, as it provides women the opportunity to have more partners throughout their lifetime. There is little care for decency when it comes to polygyny, a unanimously approved practice, where a man can have up to four simultaneous wives and the potential for innumerable others through

5 It is difficult to say with certainty how common *mut'a* is due to its private nature, but education on the matter is important regardless.

temporary marriage. While both practices are grounded in Qur'an and Hadith, the only one routinely contested is the one giving women more leeway in their relationships. However, marriage, and temporary marriage in particular, is meant to be understood as a mercy or an act of justice from God. In the case where permanent marriage cannot be attained, He made it permissible for individuals to act upon the physical desires that He placed within them. This stands true for both men and women, but the burden of upholding a society's honor rests on women, with their actions and desires being subject to more scrutiny.

Beyond the cultural baggage that is often attached to women's sexuality, the fact remains that *mut'a has* been used to manipulate and harm women in our communities. Similar to the practice of permanent *nikah*, temporary marriage can be (mis)used to extend patriarchal agendas. Men have used *mut'a* to pressure women into sex and relationships, with a man taking no responsibility for that woman once the time has ended, and no accountability for any harm that was done to her while it lasted. We have seen more than one woman who thought she and her temporary husband were falling in love with each other when he was only using her for his own physical needs. Because men are not required to divulge if they are already in a permanent marriage, or if they are in additional temporary marriages, there have been instances where women find themselves in a relationship with men who have other partners, including permanent wives. In some of these cases, women become pregnant and the permanent wife has no idea. We have seen women become single mothers with men escaping financial and emotional child support, and leaving the woman and child stigmatized by the community. In more severe cases, women have been pressured into aborting pregnancies. The 2019 documentary "Undercover with the Clerics"[6] exposed how some Ja'fari scholars helped facilitate the sex trade in Iraq by pressuring vulnerable women into multiple *mut'a* relationships, claiming that the temporary marriages would act as a protection for them. Prominent Ja'fari scholar Mohammed al-Hilli, among others, has outright condemned what these scholars have done, noting that the egregious use of their authority to manipulate vulnerable women in such a manner is unquestionably prohibited in the Ja'fari tradition.[7]

6 "Undercover with the Clerics: Iraq's Secret Sex Trade," directed by Patrick Wells (BBC News, 2019).

7 Mohammed al-Hilli, "There is No Room in Islam for Clerics Who Abuse Women— Not in Iraq, Not Anywhere," Newseek (October 21, 2019), url: https://www.newsweek.com/clerics-abusing-women-temporary-marriages-abomination-islam-1466724.

Needless to say, it is unfair to judge any practice solely by how it can be abused and misused. Unfortunately, even women in permanent marriages can face similar struggles to women in temporary marriages, where they find themselves in unhealthy relationships and being lied to. Even with divorce as an option (unlike in *mut'a*), they can find it difficult to leave the situation without sacrificing their dowry or being denied basic resources such as child support. Since women in both temporary and permanent marriages face the same challenges, we argue that *mut'a* is not the culprit causing harm in our communities; rather, the harm is a function of the terrifying level of patriarchy that maneuvers unchecked, allowing men to abandon women in these conditions regardless of the type of marriage they have.

We recognize the hesitation to use the term "patriarchy" given its connections to another contentious term, "feminism." A full discussion of these terms is beyond the scope of this chapter. However, we believe the term patriarchy meaningfully describes not only the disparities between men's and women's experiences in our communities in general, but the lack of male accountability in particular. For example, when marriages do fall apart, we have personally witnessed how easily men can recite a *talaq* (divorce), or abruptly end a *mut'a*, without confronting the consequences of what state they have left their wives in. Because ending the marriage is regarded as the man's "right," we have found that scholars will not say or do much to protect women in these moments, even if they do not support the man's actions either. What's more, resources are scarce to help women who find themselves in situations where they need immediate assistance. Relatedly, we have also witnessed how hard some of our sisters have had to try to make their experiences legible to those same scholars if they are seeking a divorce, even when a woman claims she fears for her safety, as the burden of proof lies on her shoulders.

Though we grew up hearing stories of how Sayyida Fatima Zehra, daughter of Prophet Muhammad and wife of Imam Ali, was treated with the utmost love and respect from her father and husband, we have witnessed men expecting their wives or daughters to become like Fatima Zehra in order to merit decent treatment, rather than emulating the example of the Prophet and Imams set before them. The pressure, blame, and responsibilities to uplift the entire community should stem from her sheer good will and sincere *niyyat*, or intention, with virtually no resources or help. Put simply, there is a generosity that men appear to extend towards one another but withhold from women.

These disparities between how much falls on women without grace or assistance versus the burdens lifted from our male counterparts is what we believe patriarchy looks like in our communities.

Advice for Love and Support

If you are considering *mut'a*, we end here with some loving advice on how to approach the process, knowing the stigma and harm it can generate when it is used in ways that are technically "legal" in Islam but that clearly disadvantage women. We hope that this advice will help you use *mut'a* in ways that may benefit you instead.

1. **Focus less on the "temporary" part and more on the "marriage" part.**

   As we mentioned earlier, the stigma surrounding *mut'a* is often attached to how some view it as a "loophole" to dating, a mode of engagement that is painted as reckless or even thoughtless with the individuals we chose to be physically or emotionally intimate with. But this misunderstanding arises if one focuses too much on the "temporary" part in our discussions on *mut'a*, and not enough on the fact that this is, in fact, a marriage. It is a serious decision where you are choosing a literal spouse in the eyes of God, and both of you are entitled to certain rights as a result.

   In our tradition, we are encouraged to be cautious of who we allow ourselves to interact with on any level because those connections may impact our spirituality and relationship to God. This includes decisions we make about marriage, whether permanent or temporary.

2. **Be honest with yourself as to what you hope to achieve through *mut'a*.**

   Our faith tradition instructs us to be intentional with our choices and to carefully consider how our actions will bring us closer to or move us further away from God. Any action we do should have a clear *niyyat* behind it. Consider, for instance, how our beloved Prophet and revered Ahl al-Bayt did not exercise negligence (or *ghafla*) in their relationship with their Lord. Rather, they taught us how to elevate ourselves by continuously exercising God-consciousness (or *taqwa*) in our lives.

The decision to pursue a *mut'a* is no exception, and should have a clear *niyyat* attached to it. Are you getting to know someone for permanent marriage, and feel that *mut'a* will make you more comfortable around this person? Are you engaging in a relationship for pleasure? Bear in mind that pursuing *mut'a* purely for pleasure *is* permissible. Marriage in general (whether temporary or permanent) allows us to acknowledge that desire, love, and sex are important parts of our whole existence, and that fulfilling those needs can strengthen our well-being. In fact, Dr. Sameera Qureshi, who manages and runs "Sexual Health for Muslims,"[8] addresses how these dimensions of our being are connected to our overall *fitrah*; or the essence of our being that is constantly yearning for closeness and connection to God. The context of marriage allows us to act upon, enjoy, and even explore these parts of ourselves, while remaining mindful of why we are doing so, and how exercising these acts connects us to our broader purpose and connection to God. You do not have to feel ashamed if the reason is purely pleasure; that is a grace from God that we are able to fulfill through a temporary marriage and should be interpreted as such. Sexuality, desire, and relationships are all parts of ourselves that, when fulfilled appropriately, can bring us closer to God.

One caveat we offer here for our Ja'fari Shi'a sisters is that most scholars maintain that a woman needs permission from her father (or a male guardian) to pursue *mut'a* if she is still a virgin and living in her parents' home. We recommend researching the procedures and restrictions of *mut'a* in accordance with the *marja'* that you follow.

3. **Do NOT be pressured into it!**

You should engage in *mut'a* because *you* want to. It is very common for a man to be the one to introduce the subject matter; and if you feel comfortable considering it, then that is okay. *Mut'a* is permissible for a reason.

8 Explore some of the connections Dr. Sameera Qureshi makes between Islamic psychology and sexual desire through her instagram page: https://www.instagram.com/sexualhealthformuslims/.
Learn more about her work here: https://sexualhealthformuslims.com/

We have also seen how common it is for men to frame *mut'a*, and especially sex within it, as an act of love and connection. While this can be true, you should not feel like you have to engage in physical intimacy or any other acts outside of what you are comfortable with in order to "prove" that you care for that person. In fact, acts of physical intimacy do bring couples closer together, but it is more meaningful when *both* parties feel safe, respected, and heard. Do not be upset with yourself if you are not ready, no matter your age, background, or what others may be doing around you. There is no shame in taking your time and being confident about your decision to pursue *mut'a* or not.

It is also worth noting that you should make sure that *you* are not pressuring your partner either, and that you are respecting their request for space when necessary. Again, mutual respect and dignity will create more meaningful experiences.

4. **Be clear on your stipulations.**

If you have given this decision considerable thought and have a clear sense of why you want to do *mut'a*, then we urge you to be clear on your stipulations. The *mut'a* contract need not be written, signed, or witnessed. But, just because it is not required does not mean that you cannot have a written contract that makes clear what you are expecting from this temporary marriage. Put simply, stipulations offer clarity and protection.

Seeking this clarity allows you to use *mut'a* in a manner that aligns with consent culture, by forcing you to engage in conversations about boundaries and comfort ahead of time. The stipulations you add to the *mut'a* contract can reflect what each of you feels comfortable with throughout the duration of the temporary marriage. Again, the best relationships exist when both parties feel respected. A conversation (or multiple conversations) on comfort and consent may be enlightening for both of you. For example, sometimes it is helpful to say outright "just because I'm not saying 'no' to something, I'm not saying 'yes' to it either. Please do not pressure me to do something if I look uncomfortable or uneasy." Believe it or not, this is not always obvious to some men, especially if they have been exposed to the common tropes about how women play "hard to get" and enjoy being "chased." On the other hand, men also shy away from

expressing their boundaries, given the social stigmas they face if they don't appear masculine. Opening space for your partner offers clarity on boundaries that you need to remain considerate of as well.

Also, as we mentioned earlier, women engage in *mut'a* for a variety of reasons, so the stipulations you discuss are not always physical. In some cases, women are living with their husbands or spending money for their temporary spouses. Your stipulations can reflect your expectations in terms of his responsibilities for living expenses, healthcare, or more.

Finally, one of the biggest reasons we strongly urge you to consider adding stipulations is to protect yourself from being taken advantage of or finding yourself in a less than desirable position. We spent some time earlier describing how *mut'a* can be abused within communities where patriarchy means men do not always hold themselves or each other accountable to women they harm. These stipulations can ensure that some avenues of harm are made inaccessible. For instance, some women are comfortable with their husbands taking other wives. If you are not, we have known women who have added a stipulation to their permanent marriage contracts that requires that he seeks your permission before seeking any other permanent or temporary wife. A similar stipulation can be included in *mut'a* contracts as well. This stipulation does not "deny" him his right to marry more than one woman,[9] but it keeps you aware of what he is doing. If he violates the contract by not disclosing another wife, then that will protect you when dealing with any resistance from scholars if you seek a divorce — or, in the case of *mut'a*, in the event that he attempts to refuse accountability when (or if) you need some sort of protection such as in the event of an unplanned pregnancy or if you are in need of financial support.

Because patriarchy is so prominent and men are typically offered a breadth of leniency in these matters, there is no guarantee that these stipulations will offer complete protection, but it is worth exploring and discussing them with your partner. It is also worth

9 Entering certain requirements into the marriage contract can make taking another partner very difficult, effectively rendering plural marriage unattainable. Additionally, violating any stipulations the couple agrees upon is considered a sin according to most scholars.

noting that every suggestion listed here can, and should, extend to permanent marriage as well.

5. **Be Safe.**

   Finally, be safe. If you are engaging in physical intimacy of any kind, understand what you are doing and take precautions to protect yourself during a temporary marriage. This is especially important because this is not a permanent marriage, and ensuring security in the case of pregnancy or contracting disease is arguably more difficult. Since *mut'a* will end at a certain point, be mindful that this person is not required to be there for you *as a spouse* or as a support system once that time is up. While we sometimes believe in our small immigrant enclaves that "safe sex" conversations are more pertinent to those outside of our communities, the reality is that everyone needs to be educated on these matters, since the consequences of that ignorance can be detrimental to women in ways that do not harm men.

   We recommend checking out resources provided by HEART to Grow,[10] The Family and Youth Institute,[11] and Sexual Health for Muslims[12] for more information and resources for topics on sex and sexual health that is palatable to our communities. If you find yourself in a situation where you need to speak to a healthcare professional, we also recommend looking for clinics that cater to women (especially women of color), as they can be more attuned to the cultural and religious challenges we may face in difficult circumstances.

We would like to end with a reminder that we offer these suggestions based on what we have witnessed in our community spaces. We are neither condemning *mut'a* nor encouraging it, because this is truly a decision a woman has to make for herself given her unique situation and circumstances. We discussed both the stigma surrounding *mut'a* and responses to that stigma because we recognize how all of those factors shape the experiences women have had with *mut'a* in our communities.

10 Heart to GROW: https://hearttogrow.org/

11 The Family and Youth Institute offers resources for a variety of social issues confronting Muslim communities. You can learn more by visiting their website: https://www.thefyi.org/

12 Sexual Health for Muslims: https://sexualhealthformuslims.com/

We wish for our sisters to be treated with love, care, and dignity, which means knowing not only what *mut'a* is, but knowing how it is abused so that you can protect yourself from its harms while appreciating the ways it can be healthy and beneficial. We pray for clarity and guidance in times of doubt and for your overall well-being, insha'Allah (God-Willing). Ameen.

Pre-Marital Counseling and Nikah Contract Writing Guide

ZAHRA AYUBI

Please note that the recommendations in this chapter are not professional legal advice. Such advice, whether Islamic or secular, must be tailored to each individual and situation. The information contained in this chapter is meant only for general informational and educational use. Actual contract drafting should be done with the advice of a qualified expert with whom you have shared your specific situation and needs.

The goal of this premarital counseling and *nikah* contract writing guide is to prompt Muslims to have discussions before marriage that translate into interpersonal guidelines and ground rules for conduct in marriage. Although contracts, *nikah*s included, are legal instruments that inscribe people's agreed-upon conditions as they enter into an arrangement, my emphasis here is on *process* — the discussions that ought to take place before marriage that ultimately shape not just the contract, but an ethos upon which the marriage will be based.

Much of this guide is applicable to any couple getting married, but many of the items I have identified as in need of discussion stem from observations of gender dynamics or double standards in discourses related to marital roles in American Muslim communities. Muslim women have long used stipulations in *nikah* contracts to protect their interests. More recently, stipulations have been used as an Islamic strategy for empowering women in marriage or a roadmap for creating an egalitarian marriage. Stipulations do not erase the legal principle of fundamental gender inequality in the *nikah*. From a pre-modern *fiqh* (Islamic jurisprudence) perspective, women need to place stipulations in order to be on equal footing with husbands, especially with respect to rights of divorce. However, going through this exercise, or something like it, is a serious step toward creating a marriage of mutuality based on an ethos of egalitarianism, transparency, and, hopefully, trust. Furthermore, because the *nikah* is a contract that, beyond its basic terms, can be modified through a series of stipulations, you can break from preconceptions of what *fiqh*, or society, might dictate marital roles to be in favor of how you want to define your relationship. (For more on marriage contracts, including stipulations, enforceability, state-specific rules, and sample legal language, see Asifa Quraishi-Landes' chapter in this book; it complements this guide.)

That Muslim women must place stipulations in their contracts in order to secure equal status as their husbands might raise questions about what the Muslim nature of the *nikah* is, if so much of its content is negotiated and not left up to faith in the system of Muslim marriage, especially in situations where community or parents expect to mediate any issues that might arise. Indeed, some Muslims view the spelling out of all of these issues as showing a lack of trust in the piety and promises of spouses.

You may also question what the meaning is of your *nikah* at all if you depart from tradition in other ways such as inclusion of female witnesses or exclusion of a *wali* for a previously unmarried bride (see more on that below) — not to mention if the couple marrying is same

sex or interreligious (see, on these cases, the chapters in this book by Zaynab Shahar and Shehnaz Haqqani, respectively). And while questioning the religious significance of the *nikah* may not be allayed as you go through the motions of a wedding, the *process* of negotiating your marital agreement — that is, the process by which you reach mutual understanding of the contract in which you are about to enter — might help to make it feel like you have God's blessing. If marriage is a contract in Islamic law, then surely, among other things, a candid and transparent process by which you reach that contract is integral to making it Islamic. What matters is the mutuality of agreement before Allah, and that is why the candid and transparent *process* of negotiation or discussion of your *nikah* is important in order to reach that state of agreement with your individual concerns.

You can answer the questions below together, having a discussion on each one, or answer them separately and compare your answers and discuss what will go into your contract. Working on the questions together allows for exchange of thoughts in real time on a given issue and I recommend it if you anticipate that your views on most topics are similar. But if you suspect that you might have significant differences in opinion, or if you fear that you might be easily cajoled into an agreement without having thought through a specific issue, then completing the questions separately and exchanging your answers before discussing them together might be more productive. If you feel that there are issues that you are unable to discuss together, then there might be larger foundational issues in the relationship that you ought to address before proceeding toward marriage. Naturally you cannot anticipate every issue that might arise as a concern in marriage; however, this exercise is meant to prompt premarital discussion on some of the most common concerns I have seen arise in the course of my 15 years of research on divorce.

The document you produce through this exercise may or may not be legally enforceable in a U.S. court, but it certainly serves to set marital ground rules and expectations that spouses might cite in the event of disagreements to hold each other accountable to their promises. If you want your *nikah* to serve as a prenuptial agreement, you should take your draft to a family law attorney who would be able to help you distill what conditions might be enforceable in a court of law and formally written as a prenuptial agreement. I am not an attorney and, as noted above, nothing here should be construed as legal advice.

This list of questions is not meant to be exhaustive. If there are issues that are important to you personally that you would like to raise before you marry, or that you would like reflected in your contract, you ought to discuss them and write out ground rules for each issue. I suggest that you thoroughly discuss each of these topics/items and come to an agreement which may ultimately become a paragraph or at least a line in your *nikah* contract (more on that below).

DISCUSSION QUESTIONS/CHECKLIST

Daily Life:

- Who does which household chores and when?
- Who takes care of administrative work such as bills, taxes, insurance paperwork, banking, and so on? How will you negotiate changes to this allocation if and when circumstances shift?
- How will you decide upon the household culture of worship, such as fasting, prayer, mosque attendance, and seeking out the "right" mosque or Muslim community for you? What if there is a difference in opinion about religious observances?
- Do you and your spouse agree upon what the nature of religious life will be for you? Do you share the same religiosity/level of religious observance? Are your views on Islamic moral responsibilities, social justice, gender relations, etc., similar or divergent?

Conflict:

- How will you manage conflict?
- Are there any ground rules for how to manage arguments or disagreements?

- Will there be any third parties involved in conflict resolution such as marriage counselors, extended family members, or trusted mentors?
- What will you do if your values diverge over the course of the marriage?
- Your contract should also include a statement about what you will do if your feelings change about certain stipulations in your *nikah*. Will you renegotiate, rewrite, or amend your *nikah*?
- In the event of divorce, will you seek a separate "Islamic divorce" in addition to a civil divorce or will you consider the civil divorce process as Islamic?

Employment and place of residence:

- How will you prioritize careers and education if professional opportunities conflict?
- Where will you live and how will that be decided?
- Will there be ground rules for if you live apart? Some things to consider include: what reasons would justify living apart, how long you may live separately, how frequently you'll visit, who will travel to whom, and what obligations will remain or lift during such a time.
- Is there any expectation that you will live near family, such as parents, siblings, or children from prior relationships? If so, which relatives will be prioritized and how? Will you decide based on which spouse's kin they are, their caregiving needs (e.g., a parent becomes ill), or some other factors?

Finances:

(Note: In the U.S., state laws differ substantially on default rules for spousal asset allocation during marriage and upon divorce. Please consult an attorney for particulars concerning your state of residence, while also being aware that if you relocate, new rules may apply.)

- How much or what will the mahr (dower) be? Is there an expectation that the mahr will be paid during the nikah or wedding events, at a set time after the nikah, only in the event of divorce, or is it a symbolic amount?
- Will you pool your earnings as a couple or keep separate accounts?
- Will any prior wealth or earnings from before marriage remain separate? If so, will that wealth be held independently for an indefinite or a fixed period of time?
- How much money can each of you independently spend from jointly held funds without having to consult with the other? Are there any restrictions on spending from one's personally-held account, if there will be independently held money? In other words, must some or all spending, or expenses over a certain amount, be agreed upon beforehand?
- Who is responsible for household/daily expenses? Will those funds come from jointly held or separate accounts?
- How much money can each of you lend or give to your siblings, parents, other relatives, or friends? With consultation with each other? Without consultation?
- Can you enter independently into business deals or financial arrangements such as borrowing, taking out mortgages, or loans? With consultation with each other? Without consultation?

- In the event of divorce, how will your assets be divided? Will you decide to keep prior wealth and gifts exchanged separate and divide only marital assets or will you decide to divide all net worth?
- In the event of divorce, will gifts given during the wedding be returned or kept by the recipient?
- Do you expect return of the mahr in the event of wife-initiated divorce?
- How will property such as home(s), car(s), or other significant assets be held? Jointly? Individually? And how will it be divided in the event of divorce?
- Will you generate a will and/or a will and trust? Will children inherit equally regardless of gender, as U.S. law presumes?
- If one of you forgoes employment, or takes an extended break from employment, to care for children or other family members, will that person receive compensation for doing so?

Extended family relations:

- Does each of you reserve the right to visit your family a certain number of times per year?
- Will there be a minimum amount of time that each of you must spend during visits with the other's family?
- Is there any expectation that in-laws, parents, or children from a prior relationship or extended family will live with you? If so, will it be indefinite, part-time, or for a fixed period of time?
- Are there languages that either of you must learn, and to what proficiency, in order to communicate with the other's family?

- How will you as a couple handle suggestions about personal affairs made by in-laws or extended family members? How will you handle suggestions about how to raise children?

Children:

- How will the number of children and desired timing of pregnancies be decided? How will you decide on the use and method(s) of contraception?
- What does each of you think about abortion? Under what circumstances would you consider terminating a pregnancy?
- How will you make major decisions about education and activities for any children you have?
- What languages will you speak to children in? What languages will they be taught?
- How will religious education of the children take place and what will that entail?
- Would you consider foster parenting or adoption and under what conditions? Would you consider fertility treatments in the event that one or both of you requires it?
- In the event of divorce, how will child custody be divided? Note that U.S. law generally does not consider agreements made at the time of marriage about physical and legal custody of children to be enforceable by a court (the general rule is to determine custody based on the "the best interests of the child") but it is useful to have a conversation about your assumptions, expectations, and desires about this difficult topic in advance of marriage, to help prepare for later conversations should the need arise.

Marital Relationship:

- How does each of you define sexual consent? How will you express consent to intimacy?
- What measures will you take if there are any sexual difficulties, dysfunction, or dissatisfaction?
- What will you do if you decide that you are no longer in love, attracted to each other, or interested in remaining together? What will you do if one or both spouses become(s) interested in an intimate or sexual relationship with someone else?
- Would you consider making the marriage polygynous and, if so, under what conditions? Would you consider residence in a location where polygyny is recognized or not criminalized?
- If you live in or might relocate to a place where polygyny is permitted, do you want to explicitly agree that your marriage will be monogamous?

Medical:

- Do either of you have any existing, chronic, or genetic medical conditions or disabilities that will affect your relationship, your marriage, or any potential children?
- How will you approach medical conditions or disabilities, physical or mental, acquired after marriage?
- How will you make medical decisions for your children? What will you do if you disagree about a course of treatment?
- Who holds decision making power over each of your

medical care in the event that you do not have the capacity to decide for yourself? Will it be your spouse, as U.S. law generally presumes? Another relative? Do you want to set up medical powers of attorney if this is to be someone other than your spouse?

Travel:

- Who can travel where, for how long, and for what purposes?
- How will vacations, both duration and destinations, be determined? If you keep your finances separate, who will cover these expenses?

Drafting your Contract

After having a discussion on each of these questions, and any others you deem important or relevant, the next step is to put all the items you agreed upon into contract form, a paragraph for each of the items/topics you have agreed to. You may decide to leave out some items for a number of reasons — for instance, in case you do not want to hold yourselves accountable to something, there is no way to enforce something, some things do not apply to you, or you legitimately do not foresee something becoming an issue. Because this list of questions is not exhaustive, there might be other issues that are important to you that you ought to discuss and include in your *nikah*'s conditions. As you write, don't worry if the prose feels funny; contracts are strangely worded documents.

Reconsider or postpone marriage if you are simply unable to have honest and productive conversations about the above questions, as that raises potential red flags with regard to marital compatibility. If you *are* able to have the discussions and still have items that you disagree on, continue the discussion before you write out an agreement. The most important thing is that you write out exactly what you agree to have happen **at minimum** in your marriage — i.e., **what you can live with.** You can write about what you hope for as well, but the contract should reflect at minimum the rules that you both agree to in marrying one another.

The contract also includes your vows — you can add anything you would like as a memorial to whatever promises you want to make to each other as you stand before Allah and those witness to your *nikah* as you give yourself in marriage to each other. Asifa Quraishi-Landes's chapter in this volume gives examples of beautiful prose from Muslim marriage contracts — ancient and contemporary — describing the emotional promises the spouses makes to each other. Besides any vows and the specific conditions you have carefully thought out and written out, the contract also includes your names, the documentation of offer and acceptance to marriage, the agreed upon *mahr*, and the names of witnesses to the *nikah*.

Decide whether or not you want your parents/guardians/*wali*s to be signatories. (On the *wali*, see Aminah Beverly Al-Deen's essay in *Half of Faith*.[1]) This usually means having a discussion about whether you follow a school of *fiqh* that requires a guardian for a bride and/or if you believe a woman can enter into a marriage contract on her own, without a guardian. Even though most schools of thought hold that men do not need *wali*s, for the sake of equal footing of the spouses, I recommend either *both* spouses have parents/guardians/*wali*s sign with them if you feel that they are important parties in your marriage, or *neither* have parents/guardians/*wali*s sign with them if you feel that you want to enter into this agreement as independent agents.

The contract should also have signature lines for each spouse and lines for signatures of two witnesses. I recommend having one witness chosen by each spouse to sign. The gender of the witnesses may or may not come up since in some schools of traditional jurisprudence the word of one man's witnessing might be equal to the word of two women's witnessing because women are assumed to be forgetful. You can decide for yourselves whether or not you believe in that assumption. (On witnessing and signing contracts, see Kecia Ali's chapter in this book.)

Abandoning this assumption, as well as the discussion over whether you will have parents/guardians/*wali*s sign, might, as I mentioned above, raise for you the question of what system of laws is your *nikah* following, if not traditional Islamic jurisprudence, or what the meaning

1 Aminah Beverly Al-Deen, "Rethinking Marriage Guardianship: Lessons from the Role of the Wali of American Muslim Women," in *Half of Faith: American Muslim Marriage and Divorce in the Twenty-First Century*, ed. Kecia Ali (Boston: OpenBU, 2021), url: https://hdl.handle.net/2144/42505.

of your *nikah* is at all. Even if according to traditional law it might be unnecessary for men to have *wali*s or redundant for there to be four witnesses if you include women witnesses, deciding on these issues yourselves is empowering. But whatever you decide with respect to *wali*s, witnesses, or even your stipulations in marriage, as long as it is not promoting something that you know to be wrong, it is your mutual agreement before Allah that matters the most and makes your *nikah* a *nikah*.

The process that I have suggested for transparent discussion of potentially tricky aspects of marital life and eventually drafting your contract is meant to create mutual agreement between the two spouses according to rules you outline together, with God as your witness, that you then make publicly known through a ceremony (however small). You can ultimately decide whether and how much traditional Islamic jurisprudence will influence the specific rules of your marriage and the *nikah* itself. Whatever you decide, if you have taken this process seriously, inshaAllah the *nikah* contract you have carefully negotiated and agreed upon will become a useful and inspirational ethos by which you and your spouse will live in a healthy marriage.

Drafting a Muslim Marriage Contract: A Summary of Mandatory and Optional Clauses

ASIFA QURAISHI-LANDES

Please note that the recommendations in this chapter are not professional legal advice. Such advice, whether Islamic or secular, must be tailored to each individual and situation. The information contained in this chapter is meant only for general informational and educational use. Actual contract drafting should be done with the advice of a qualified expert with whom you have shared your specific situation and needs.

Drafting a marriage contract probably sounds like a boring legal job. It is certainly not as much fun as ordering a wedding cake. But when done right, it can be a valuable opportunity for you to gain a deeper understanding of your future spouse, what you value most in a relationship, and even some new insights about yourself, such as what you want to keep in your life and what you could change.

The kinds of things that a couple has to talk about in order to draft a detailed Muslim marriage contract force discussion and introspection about each person's core values, desires, and expectations. It can also reveal unexpected conflicts in a calm space when the couple is most disposed to work them out, and before they become too entrenched and intense. These conversations can be like therapy, where each party finds ways to be vulnerable enough to really explain what makes them the happiest and most fulfilled. In other words, drafting your Muslim marriage contract can be the time that you sit down as a couple (with or without your family advisors) and really, seriously, lovingly, and pragmatically plan out what you want your life together to look and feel like.

Is it enforceable?

Not all of the things you write down in your contract are going to be enforceable by a judge if, for some reason, you end up in a secular court. That is because the state courts in places like the United States are not set up to enforce Muslim marriage rules. True, sometimes these provisions — especially things like *mahr* — have sometimes been honored by American judges presiding over Muslim divorce cases. But whether this happens is highly unpredictable and varies widely with the state and the judge.[1] (Some Muslims mistakenly think that calling their Muslim marriage contract a "prenuptial agreement" will ensure its enforceability, but they are painfully surprised when they find out that they did not follow their state's requirements for valid prenuptial agreements, such as mutual full disclosure of assets, waiting period between drafting and signing, and advice of counsel.) To know what parts of your Muslim marriage

1 For more detail on what happens in Muslim divorce cases in American courts, see Asifa Quraishi-Landes and Najeeba Syeed, "No Altars: An Introduction to Islamic Family Law in the United State," in Kecia Ali, ed., *Half of Faith: American Muslim Marriage and Divorce in the Twenty-First Century* (OpenBU, 2021), url: https://hdl.handle.net/2144/42505. It was originally published in 2004, so newer legal developments aren't covered. For a more recent exploration, you can watch my Kamel Lecture, "Islamic Law in American Courts," delivered at Yale Law School in 2018.

contract can be enforced by a state court, and how to do so, you should consult a lawyer with expertise in the family law of your state.[2]

One more note on enforceability: many Muslims seek out non-state resolution of their marital disputes, such as community elders and trusted family and friends. Sometimes local religious scholars operate as mediators and arbitrators, and the Muslim legal community has long been interested in seeking out ways to give state legal recognition to religious tribunals within the alternative dispute resolution systems that have benefitted many people, including other religious minorities. Thus, separate from state court review, you might find your marriage contract referenced by any of these other authorities in your life; therefore, it makes sense to make it as clear and complete as possible.

Is it worth it?

If it is not enforceable by a state court, does that make this a waste of time? Of course not. As Muslims in the United States, we are quite used to following all sorts of rules (*fiqh*) that are not enforced by state law — from what we eat to how we pray to what we wear. These rules are how we know how to live as Muslims. The fact that the state doesn't recognize them doesn't make them any less important to us. Similarly, entering into a Muslim marriage contract is the way that a Muslim gets married in the eyes of God — and that is the primary reason that we do it.

But you will soon discover a second reason: it is very useful. Islam is very practical when it comes to marriage. The rules of *fiqh* take seriously the idea that a marriage puts individuals, their families, wealth, and children into new configurations and connections. Through the marriage contract, Islam provides multiple avenues to work out all those details in writing, for use now and in the future. If you take the process of drafting your marriage contract as seriously as you take signing it, you will probably be glad you did. And you will have one more thing to celebrate with that cake.

2 To connect with Muslim lawyers who have this expertise, you can try reaching out to NAML (National Association of Muslim Lawyers), founded in the 1990s, and led by representatives of the many regional Muslim bar associations around the country. See www.naml.info.

Is it complicated?

Your Muslim marriage contract can be as simple or complex as you want it to be. To help you navigate the drafting process, this chapter explains the mandatory and optional clauses, including some samples from the past and present.[3] This is not a template or model contract, but rather a springboard to help you generate your own unique marriage contract. Use as much or as little of this as you like, and in whatever order works for you. Just be sure to keep in mind the mandatory clauses and have some version of those in your contract. The rest is completely up to you — and your fiancé!

MANDATORY CLAUSES

Agreement by Husband and Wife to Marry

The contract must clearly indicate the names of the husband and wife freely entering the contract. Some *madhhabs* (schools of *fiqh)* hold that the bride should have a representative (*wali*) assisting in the negotiation and formalization of the contract, but all agreements entered on her behalf must be authorized by her clear consent. In the Hanafi school, a mature bride may conclude her own marriage contract without a *wali*. If the parties do choose to involve a *wali*, the contract might also include the *wali*'s name and signature.

Examples:

"_____ (hereafter "the Wife") and _____ (hereafter "the Husband") have agreed to enter into an Islamic marriage contract, based upon the Qur'an and Sunnah and according to the teachings of the Qur'an and the Sharia of Islam."

- draft contract, Azizah al-Hibri, on file with author

3 These sample clauses included below are from a variety of sources (all on file with the author): 1) materials produced by Azizah al-Hibri for a project of Karamah: Muslim Women Lawyers for Human Rights in the 1990s, 2) *Islamic Marriage Contracts: A Resource Guide for Legal Professionals, Advocates, Imams, and Communities* (Maha AlKhateeb for Peaceful Families Project 2012), 3) Sherifa al-Khateeb, Islamic Prenuptial Agreements (Sisters! Magazine), 4) two chapters in *The Islamic Marriage Contract: Case Studies in Islamic Family Law* (Frank Vogel and Asifa Quraishi, eds., Cambridge, MA: Harvard University Press, 2008): Amira Sonbol, "A History of Marriage Contracts in Egypt," and Amalia Zomeño, "The Islamic Marriage Contract in al-Andalus (10th—16th Centuries)," 5) actual contract templates by various mosques and Muslim organizations in the US, and 6) actual private marriage contracts by contemporary Muslims shared with the author.

"On this day of _____ in the month of _____ in the year _____ in the city of _____ in the state of _____ in the country of _____, I (name of Groom), age _____ , make this offer of marriage to (name of Bride), age ____ ."

- actual American Muslim marriage contract, 20th century, on file with author

"This is to certify that in the City of _____ , State of _____ , I, _____ Imam of _____ , by virtue of the power vested in me on [day, month, year] A.H., [day, month, year] A.D., united in marriage Mr._____ , born on [day, month, year], of [country] citizenship, of [groom's street address, city, state & zip], son of _____ and Ms._____ , born on [day, month, year], of [country] citizenship, of [bride's street address, city, state & zip], daughter of _____."

- sample marriage contract, Peaceful Families Project, 2012

"I _____ solemnly offer to marry _____ and take her as my wife, in accordance with the Islamic Shariah, the teachings of the Quran, and the Sunnah of the Prophet Muhammad Ibn Abdullah (PBUH), and for the dowry of _____. I declare this solemn offer before the present witnesses, praying to Almighty Allah to be my witness; Allah is the Best of Witnesses.

"I _____ accept the solemn offer of _____ and honor and agree with the action of my heart in concluding this marriage contract in accordance with the Islamic Shariah, the teachings of the Quran, and the Sunnah of the Prophet Muhammad ibn Abdullah (PBUH) and for the dowry of _____."

"I accept this solemn offer before the present witnesses, praying Almighty Allah to be my witness; Allah is the Best of Witnesses."

- form contract, Islamic Society of North America, 20th century, on file with author

"In consideration of the mutual agreements herein contained and with the intent to be legally bound hereby, (_____), the Husband, and (_____), the Wife, agree as follows:"

- actual American Muslim marriage contract, 20th century, on file with author

Mahr/Dower

The contract must include some provision regarding the marriage gift (*mahr*/*sadaq*/dower) from the groom (or on behalf of the groom) to the bride. The *mahr* is anything of value agreed upon by the couple, and it can be as large or small as the parties agree. The *mahr* can be made payable immediately at the time of the contract execution, continuously payable (in specified installments throughout the marriage), or deferred to a specified time (such as upon divorce of the parties or death of the husband).

Some examples of actual *mahr*s agreed to in American Muslim marriage contracts in recent years include:

- $35,000
- $10.00
- $1.00 immediate, and $100,000 deferred to be paid in the event of divorce
- a new car and $20,000
- an Islamic law library
- a Qur'an and a set of hadith
- a wedding ring
- shahada of the Groom
- a promise to teach the Wife Juz 'Amma and Juz Tabarak
- a promise to teach the Wife how to play the guitar
- a furnished villa, a matching diamond ring, necklace, bracelet, and earring set
- 3 Pakistani bridal outfits, $25,000, jewelry set with pearls and precious stones
- Arabic lessons, a computer, and a home gym

- a trip around the world including stops in Makkah, Medinah, and Jerusalem
- gold ring as immediate mahr, one year's rent for deferred mahr

If the parties want to include a clause indicating that the *mahr* is not to be treated as community/marital property (giving her husband half ownership) by a secular court, it is advisable to include a sentence specifying that the *mahr* (whether advanced or postponed) is and will remain the separate property of the wife, and that the husband has no rights in such *mahr* whether during the marriage or upon divorce. Language to this effect might look like:

> "The Husband understands and agrees that in accordance with Islamic law, such mahr whether advanced or postponed is and shall remain, so long as the Wife has not disposed of it, the personal and separate property of the Wife and that the Husband has no rights in such mahr whether during the marriage or upon divorce."
> - draft contract, Azizah al-Hibri, on file with author

(Note: If the couple wishes to opt out of community/marital property more generally, see below.)

Examples of _mahr_ clauses:

> "The Husband has offered and the Wife has accepted a *mahr* (dower) of _____ of which/$_____ is due at the time this contract is executed (and the balance of $_____ shall be postponed and becomes due and payable upon death or divorce), in accordance with the provisions of this Marriage Contract and established Hanafi jurisprudence."
> - draft contract, Azizah al-Hibri, on file with author

> "The Husband has offered and the Wife has accepted a *mahr* (dower) of _____and _____. This *mahr* is due in two parts: advanced and deferred. The advanced *mahr* is _____ and is due at the time this contract is executed. The deferred *mahr* is _____ and is due and payable only in the event that: (1) the Husband and Wife divorce, or (2) the Husband dies before the Wife. If either event occurs, the Husband will provide the Wife with _____."
> - actual American Muslim marriage contract, 20th century, on file with author

"The dower, being a requirement for a marriage to be recognized as legal according to Islam, _____ give and _____ accepts a dower amounting to _____."

- actual American Muslim marriage contract, 20th century, on file with author

"I offer as my gift to her, which may not be disposed of by anyone else, the following:
[If amount, specify currency. If objects, give description.]
1) the Immediate *Mahr* is _____
2) the Continuous *Mahr* is _____ paid weekly ( ) monthly ( ) yearly ( )
3) the Deferred *Mahr* is _____ to be paid upon divorce or death of the husband."

- draft contract, Sherifa Al-Khateeb, *Sisters Magazine*, on file with author

OPTIONAL CLAUSES

Joint Statements of Love, Commitment, Spirit of the New Union

Statements describing the nature of the emotional and spiritual union solemnized in the contract are not necessary to a marriage contract and do not constitute enforceable clauses; but couples often like to include them to show the special nature of their particular union, to eloquently articulate their commitment to each other and to God, and to add to the overall beauty of the contract. Such clauses are also not just found in modern marriages today — as can be seen from the centuries-old examples below.

Examples:

"[The Husband] promises his Wife (name of Wife) to fear God & treat her well and provide them with a good life as ordered by God and according to the Sunnah of the Prophet to hold with good treatment or let her go in peace."

- Egyptian Marriage contract, 259 Hijra, cited in Sonbol, "History of Marriage Contracts in Egypt"

"He is married to her by the word of Allah subhana wa ta'ala and according to the Sunna of His prophet Muhammad (May God's prayers be on him). She is to be with him under the trust of Allah

subhana wa ta'ala in accordance with what God has commanded that husbands should take good care of their wives or leave them, by divorce, smoothly."

- Andalusian model marriage contract, 11th century, cited in Zomeño, "The Islamic Marriage Contract in al-Andalus"

"While Islam is quite clear that marriage is a contract or agreement between two people, it is distinguished in that it is a contract whose necessary component is love. We pray that our marriage will be blessed by the "love and mercy" of Allah, and we commit ourselves to constantly striving to ensure that love and caring are strong pillars of our relationship."

- actual South African Muslim marriage contract, 20th century, on file with author

"Having both descended from the first human created by Allah, we acknowledge the basic equality of all people, and especially of each other insofar as our respective rights and responsibilities in our marriage are concerned."

- actual American Muslim marriage contract, 20th century, on file with author

"Besides love and caring, the marriages of our Nabi Muhammad (peace be upon him) were characterized by mutual respect, appreciation, support, cooperation, and loyalty between the spouses. These, we believe, will be essential for the success of our marriage and we commit ourselves to upholding these values as determining factors in our dealings with each other."

- actual American Muslim marriage contract, 20th century, on file with author

"We recognize that without a spirit of openness, trust, strong communication and mutual consultation, our marriage will not be blessed by Allah with His Mercy. We thus commit ourselves to such a spirit between ourselves."

- actual American Muslim marriage contract, 20th century, on file with author

"We agree to prioritize time for play and recreation, as well as time for worship, work, and study."

- actual American Muslim marriage contract, 20th century, on file with author

> "We both enter this marriage with the intention of a permanent union, with respect for each other, in hopes of pleasing Allah. Through it we will recognize Allah as the only owner of our ultimate obedience and pledge ourselves to actively creating a life for each other that is full of love, mercy, kindness, tranquility, peace, security, and consideration. We further commit ourselves to promoting equity and harmony between us and in the entire extended family, to being mutually supportive, to leading each other to the path of Allah, to protecting each other from all that is wrong and harmful, and to never abusing each other mentally, emotionally, verbally, or physically."
>
> - draft contract, Sherifa Al-Khateeb, *Sisters Magazine*, on file with author

Sexual Relations

Some couples choose to document their recognition that both have an Islamic right to personal satisfaction in marital intimate relations.[1] A specific provision requiring consent of both spouses to every sexual encounter might be useful to clarify that the couple wishes to reject the classical *fiqh* position that does not recognize a wife's right to refuse sex, or that penalizes her financially for doing so.

Example:

> "As with all relations in our marriage, sexual relations will be based on mutual respect and trust. Thus, we accept that the time at which sexual relations take place and the kind of such relations depends on the agreement of both of us. And neither of us would have the right to force sexual relations of any kind or at any time on the other."
>
> - actual South African Muslim marriage contract, 20th century, on file with author

Preserving Monogamy

A very popular topic throughout the history of Islamic marriage contracts is whether or not the marriage would include polygyny. This is not a new phenomenon, as evidenced by the fact that the marriage contract of Prophet Muhammad's great-granddaughter Sukayna bint

1 For more information on mutually-respectful intimate relations for Muslims, see *The Sex Talk* published by HEART Women & Girls (2022).

Husayn included a stipulation requiring her husband not marry any other women.

If the couple wants to take steps to keep their marriage monogamous, there are two primary methods of doing so. First, they could include a condition to the marriage indicating that if the husband marries a second wife, his action would give the first wife grounds for a judicial divorce. (Just putting a condition in the contract that says the husband will take no other wives has, historically, generally been held to be unenforceable or, in other views—i.e., the Hanbali school—it has the same effect as the condition just described: it gives the wife this right to a judicial divorce based on the husband breaching the stipulation.) This could also be accomplished by using the mechanism of a "delegated divorce" in which the husband "delegates" his unconditional right of *talaq* to his wife, to be used to divorce herself whenever she wishes. The legal language used to indicate this delegation was typically that the wife holds "the bond of marriage (*'isma*) in her hand."

Alternatively, where divorce is not the desired outcome for a wife whose husband has married another, there is another way to delegate the husband's unconditional *talaq* right — namely, to give it to his first wife, to be used on any other wives that he may decide to marry. This would be a "conditional delegated divorce" and there his historical evidence that many Muslim women insisted on such clauses in their marriage contracts. (See examples below.)

If you are drafting a monogamy/polygamy clause, keep in mind the relevance of state law where you live. If you live in a place, like the United States, where polygamy is not recognized by the state, then these provisions are largely irrelevant. On the other hand, illegal polygamous relationships exist even in countries where polygamy is not recognized, in which case it is wise to be sure you have some non-state authority who recognizes your Islamic polygynous rights, and then write your marriage contract with them in mind. (For example, find out if they recognize delegated and conditionally delegated divorces.)

For spouses in the United States intending a monogamous marriage, it is unadvisable to rely on the current federal prohibition of polygamy, because (a) that prohibition may change and (b) the couple may end up living in a country that does not prohibit polygamy. Moreover, this is one of those topics that is crucial for a couple to be very clear about with each other, regardless of what the state has to say about it.

Examples:

"The Husband voluntarily on his own free will, in order to please his future wife and to enjoy her affection, commits himself not to marry another wife, nor to have a child-mother, or to enjoy himself with a female-slave. In case he does, she takes the decision in her hands [i.e. the first wife decides whether:] The second wife is to be divorced; the child-mother is to be free for the sake of God; and for the female-slave the wife has the choice either to sell her, to keep her as her property, or to set her free."

- Andalusian model marriage contract, 11th century, cited in Zomeño, "The Islamic Marriage Contract in al-Andalus"

"The Husband will not marry another woman other than (name of Wife), and if he attempts to do so, such marriage will be immediately null and void."

- model historical Egyptian contract, cited in Sonbol, "History of Marriage Contracts in Egypt"

"[The Husband] promises [the Wife] to fear God and treat her well and provide her with a good life with him, as ordered by God and according to the sunnah of the Prophet, to hold with good treatment or let her go in peace. And also promises that if he were to take any other wife, then [the new wife's] marriage would be in the hands of the [the first wife] to divorce her whenever she wished her to be divorced."

- Egyptian marriage contract, 259 Hijra, cited in Sonbol, "History of Marriage Contracts in Egypt"

"If the husband concludes a marriage contract with another woman, the husband transfers to the current wife the right of divorce without recourse to a judge."

- draft contract, Sherifa Al-Khateeb, *Sisters Magazine*, on file with author

"(the Husband) shall not have the automatic right to marry any other wife. Such a marriage may only take place if (the Wife) grants her express permission in writing."

- actual South African Muslim marriage contract, 20th century, on file with author

"The husband shall not marry another woman without the wife's knowledge and consent."

- Egyptian model marriage contract, 20th century, cited in Sonbol, "History of Marriage Contracts in Egypt"

"The Husband, _____, agrees that he shall not marry another wife during this marriage without the permission of (bride's name) _____, unless she is mentally incapacitated or missing."

- actual American Muslim marriage contract, 20th century, on file with author

"Neither spouse may initiate sexual or marital relations with a third party within or outside these United States. The Wife hereby declares that the practice of polygamy is not an accepted custom within her family or social circle, and the Husband hereby expressly agrees not to engage in such practice while in this marriage. A violation of this covenant shall constitute a fundamental breach of this Marriage Contract. If the Wife decides to exercise her right to divorce the Husband as a result of such breach, any deferred *mahr* would accrue to her in full upon divorce."

- draft contract, Azizah al-Hibri, on file with author

Spouses' Continuing Education

A popular provision in Islamic marriage contracts throughout history has been one specifying the right of the wife to complete her education.

Examples:

"The wife shall be entitled to exercise her right to education and to work outside the home."

- Egyptian model marriage contract, 20th century, cited in Sonbol, "History of Marriage Contracts in Egypt"

"[The Husband] agrees that he will encourage [the Wife's] pursuit of education, both religious and secular, emotionally, practically, and financially."

- actual American Muslim marriage contract, 20th century, on file with author

"Husband and Wife agree that each may pursue formal studies in any chosen field for as long as they like."
- draft contract, Sherifa Al-Khateeb, *Sisters Magazine*, on file with author

Career Pursuits

As education and career paths of couples become longer and more complex, two-career couples often choose to include provisions regarding their career expectations.

Examples:

"[The Husband] will allow [the Wife] to work or to leave my work, for money or as a volunteer at her own discretion."
- actual American Muslim marriage contract, 20th century, on file with author

"The Wife reserves the right to work outside the home and to keep all money made."
- draft contract, Sherifa Al-Khateeb, *Sisters Magazine*, on file with author

"The Husband reserves the right to approve of any workplace the Wife might choose before she accepts a job."
- draft contract, Sherifa Al-Khateeb, *Sisters Magazine*, on file with author

Relationship with Extended Family

A common provision in Islamic marriage contracts throughout history has been one regarding the ongoing access of spouses (especially wives) to their families.

Examples:

"[The Husband] agrees to show respect, tolerance and obedience to wife's parents. In the event of her disability, to consult with them in matters of her wellbeing."
- actual American Muslim marriage contract, 20th century, on file with author

"We understand that as a result of our marriage we will each have a new family structure to relate to. We commit ourselves to dealing with our respective spouse's families with respect. Any decision regarding the living together of us with any member of the family of the husband or wife will only be arrived at if both parties agree to such a decision."
- actual South African Muslim marriage contract, 20th century, on file with author

"The Wife may visit her parents whenever she likes."
- draft contract, Sherifa Al-Khateeb, *Sisters Magazine*, on file with author

"[The Husband] will not prevent [the Wife] from visiting all her family members, women or close-relative men, neither to prevent them from visiting her in the permissible manner between family members. If he does any of these things, she takes "the *'ismah* [bond of marriage] in her hands."
- Andalusian Model marriage contract, 11th century, cited in Zomeño, "The Islamic Marriage Contract in al-Andalus"

"The Husband and Wife mutually agree that if either of them dies or becomes seriously ill, the other will encourage visitation and communication between their children and the family of the ill or dead spouse."
- actual American Muslim marriage contract, 20th century, on file with author

"The Husband agrees that he will not prevent the Wife from visiting her family if it is financially feasible. The Wife agrees that she will not prevent the Husband from visiting his family if it is financially feasible."
- actual American Muslim marriage contract, 20th century, on file with author

Travel Away from Marital Home

There are multiple reasons a spouse might be pulled away from the home and family, and this can often cause stress on relationships and child-rearing, so some couples put boundaries and limits on spousal travel away from the marital home.

Examples:

"[The Husband] is not allowed to leave her for a long period whether his travel destination is close or far away. He is allowed no more than six months leave unless he is going to perform the Hajj for himself. In such a case he is allowed no more than three years leave. He should explicitly mention his intention and leave enough money to her for expenses and accommodation. In case he exceeds the defined period she takes "the '*ismah* [right of divorce] in her hands." It will be absolutely her decision after she swears in the presence of two honest witnesses who will take her oath by the name of God that her husband has been absent over the defined period. She has the right to blame him as much as she would without losing her right to decide for herself whatever she wants."

- Andalusian Model marriage contract, 11th century, cited in Zomeño, "The Islamic Marriage Contract in al-Andalus"

"The Husband and Wife mutually agree that neither will leave the home residence for more than one month without the permission of the other."

- actual American Muslim marriage contract, 20th century, on file with author

Location of Marital Home

A common provision in Islamic marriage contracts throughout history has been one regarding the location of the marital home, and especially its distance from the wife's family.

Examples:

"[The Husband] will not force her to move from her neighborhood in such and such area without her permission and/or her agreement. If he does, she is free to take "the '*ismah* [right of divorce] in her hands." If she obeys him to move and after she moved she asked him to return her back, and he did not do so during thirty days, she is then free to take "the '*ismah* [right of divorce] in her hands." The husband should pay all the expenses of departure and returning."

- Andalusian Model marriage contract, 11th century, cited in Zomeño, "The Islamic Marriage Contract in al-Andalus"

"The Husband will not require the Wife to move out of her hometown."

- draft contract, Sherifa Al-Khateeb, *Sisters Magazine*, on file with author

Specifying Household Responsibilities (Financial/Physical)

Under classical *fiqh*, there is a presumption that a husband must financially support his wife and their children. This presumption is understood by Muslim jurists without specification in the marriage contract, but if the spouses (who choose to follow this arrangement) want it clearly spelled out that this is their understanding (in case the issue is brought before a tribunal, such as a state court, who might not make this presumption), they might spell it out in their contract.

If, on the other hand, they choose to alter the default arrangement (husband's obligation to financially support the family), it is important to specify the details clearly. Some schools of Islamic thought (e.g., Maliki) will not recognize a waiver of the husband's right to maintenance The Hanbali school does allow this. This should be kept in mind as the couple sets up their alternative arrangement, in case the contract ends up under review by a Muslim authority — whether a formal qadi or an informal community mediator.

Also, under most classical fiqh, the wife is not obligated to perform any household responsibilities (such as cleaning, cooking, etc.) simply by virtue of her status as the wife. Some Muslim jurists (classical and modern) thus hold that if she does perform such work, she is entitled to compensation at fair market value for this work. Although a US court is unlikely to interfere to enforce agreements between spouses during an ongoing marriage, specification of such an understanding of these sorts of financial arrangements between husband and wife might be useful as a guide to third party arbitration (short of the courts), or as an element for a court to consider should the marriage end in divorce.

Examples:

"The Husband thereby agrees to provide maintenance for the Wife and their issue in a manner befitting their social station and his financial condition, and to financially support the Wife under the conditions specified herein."

- draft contract, Azizah al-Hibri, on file with author

"[The Husband] has been informed that his wife is not from those who serve themselves; she is to be served in accordance with her position and social status. He, therefore, took the responsibility that he can provide her with a servant and that he has enough money to do this."
- Andalusian model marriage contract, 11th century, cited in Zomeño, "The Islamic Marriage Contract in al-Andalus"

"The Husband agrees: to take responsibility for the protection, happiness and maintenance of the household. This responsibility includes but is not limited to the cost of food, clothing, and an independent dwelling which should be comfortably furnished, free from the burden or embarrassment caused by the continual presence of another adult in the household."
- actual American Muslim marriage contract, 20th century, on file with author

"The husband shall be bound to provide for his wife and family at a standard conforming to the standard of living of the families of the spouses at the time of the marriage."
- Egyptian model marriage contract, 20th century, cited in Sonbol, "History of Marriage Contracts in Egypt"

"The wife — especially the working wife — shall be bound to contribute to the living expenses of the family, without harm to the husband's obligation to provide for his wife and family."
- Egyptian model marriage contract, 20th century, cited in Sonbol, "History of Marriage Contracts in Egypt"

"As was the example of our Noble Leader, Muhammad (saw), we both accept the responsibility to share in ensuring the well-being of the family unit physically, financially and psychologically. We accept that for biological reasons our roles cannot be all equal. Thus the Wife accepts for child-bearing and breast-feeding of our children. And, in this period, the Husband will be responsible for the maintenance of the family and household. Other than that, we accept joint responsibility for all the other requirements for the proper functioning of our marriage. This includes childcare, various aspects of housework, and the financial stability of the family."
- actual South African Muslim marriage contract, 20th century, on file with author

"The husband will continuously hire a maid. If he cannot afford this, the husband and wife will equally share household cleaning duties."
- draft contract, Sherifa Al-Khateeb, *Sisters Magazine*, on file with author

"The husband will share home management, child care, child rearing, and cleaning, whether or not the wife works outside the home."
- actual American Muslim marriage contract, 20th century, on file with author

"As was the example of Prophet Muhammad (saw), we both accept the responsibility to share in ensuring the well-being of the family unit physically, financially and psychologically. We accept that for biological reasons our roles cannot be all equal. Thus the Wife accepts for child-bearing and breast-feeding of our children. And, in this period, the Husband will be responsible for the maintenance of the family and household. Other than that, we accept joint responsibility for all the other requirements for the proper functioning of our marriage. This includes childcare, various aspects of housework, and the financial stability of the family."
- actual American Muslim marriage contract, 20th century, on file with author

Specifying Wife's Property/Financial Independence

It might be useful to include a statement in the contract emphasizing that any separate accounting of the wife's property should not be taken as evidence against her commitment to the marriage. This provision is important because some state courts have taken the existence of a wife's separate bank account as evidence weighing against the wife's marital commitment in a putative marriage case. Because Islamic law specifically guarantees women full financial independence to their property, but state laws in the United States do not (and might misunderstand her exercise of this right), it is important to clarify the impact of this right in her regular use of property in her marriage.

Example:

"The Parties affirm their mutual understanding and agreement that, in accordance with Islamic law, the Wife shall be entitled to full financial independence with respect to her property. Such independence may be manifested in various forms, such as having

separate bank accounts and formulating independent financial decisions on matters involving solely the property of the Wife. The Wife's manifestation of her financial independence shall not be construed as evidencing a lack of commitment on her part to the marriage, nor shall it relieve the Husband from supporting the Wife. The Husband hereby agrees to provide maintenance for the Wife and their issue in a manner befitting their social station and his financial condition, and to financially support the Wife under the conditions specified herein."

- draft contract, Azizah al-Hibri, on file with author

Opting out of Community Property

In community/marital property states, both spouses are automatically deemed to own 50% of all property acquired by either spouse during the course of the marriage (excluding gifts and inheritance), and it is so divided upon divorce. [As of the date of this writing, the states and territories that presume community property include: California, Arizona, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Puerto Rico.] This is quite different from the default *fiqh* rules in which women have exclusive ownership of all their property and income whereas men have a financial obligation to financially provide for their family.

If the couple does not want to follow a community property arrangement, they could try to opt-out of it via their marriage contract, with a clause specifying that the wife's property is her own separate property and is not to become marital property owned by both spouses in common. It is risky to rely only on this clause, however, because of the unpredictability of when a state will recognize the validity of a Muslim marriage contract.

The most secure way to opt out of community property is to draft a separate legal document, following the laws of the state where the couple resides, to that effect. If they want to rely only on such a clause in their Muslim marriage contract, then it is advisable to make sure the marriage contract follows the state's rules for a valid prenuptial agreement. Beyond this, even if it is not enforced by a judge in a court decision, clarity on this financial arrangement might prove quite useful in arbitration and/or mediation as a clear declaration of the parties' mutual understanding at the time they entered into the marriage.

Examples:

"We affirm that all money and property of the wife which she brings with her at the time of marriage or that she earns after marriage is her own personal property requiring no consultation with anyone else concerning its disposal. This marriage contract will remain in force for the entire length of this marriage including periods of separation whether the husband and wife are in the same or different localities or countries."

- draft contract, Sherifa Al-Khateeb, *Sisters Magazine*, on file with author

"The matrimonial Property Regime that will govern our marriage is the Community of Property regime according to present South African law. The following property will, however, be excluded from joint ownership and control of the partners, and will belong only to the partner to whom it accrues: the dower, any gifts received from one month before the marriage, and any inheritance received during the marriage."

- actual South African Muslim marriage contract, 20th century, on file with author

"The Husband and Wife agree that any property earned during the marriage by the Wife will be deemed her own separate property, and not community property, in the event of a divorce."

- actual American Muslim marriage contract, 20th century, on file with author

Provisions Regarding Children During Marriage

Clauses regarding the bearing and rearing of children (e.g., process of decision-making, religion of the children, etc.) are historically popular in Muslim marriage contracts throughout history, though they are rarely enforced in state courts in the United States. Nevertheless, discussion and mutual understanding on this important topic can be useful to the health of the marriage by working out these sensitive topics ahead of time rather than at a point of crisis.

Examples:

"Children will be verbally disciplined and never beaten."

- actual American Muslim marriage contract, 20th century, on file with author

"The Husband and Wife mutually agree that they will together share decisions regarding the management of the household and the upbringing of the children, regardless of the employment status or income of the Wife."

- actual American Muslim marriage contract, 20th century, on file with author

"As of the date of this Marriage Contract, recognizes that both the Wife and Husband are Muslims and any children who may be born or shall otherwise issue from this Marriage shall be raised as Muslims to the best of their ability."

- actual American Muslim marriage contract, 20th century, on file with author

"The Parties declare their adherence to Islam, and each Party agrees to raise the issue of this marriage as Muslim."

- actual American Muslim marriage contract, 20th century, on file with author

"The Wife will not become pregnant until she completes high school/college/MA/PhD."

- draft contract, Sherifa Al-Khateeb, *Sisters Magazine*, on file with author

Obligations to former spouses

To be clear about the nature of maintaining relations and obligations to any former spouses and children from former marriages, it is sometimes useful to include a provision documenting these expectations.

Example:

"In that the Wife/Husband is a/are both divorced person(s), nothing in this Marriage Contract shall conflict with nor shall otherwise affect the validity or enforceability of any divorce-related agreement(s) executed by the Wife or the Husband with a former spouse."

- actual American Muslim marriage contract, 20th century, on file with author

Decision-making and Conflict Resolution

Provisions regarding an agreed manner of decision-making and dispute resolution are especially useful to assist a couple in articulating their

positions well in advance of the marriage (before marital conflicts arise) and for record-keeping of such agreements should they or a third-party arbitrator wish to refer to it during times of counseling and informal conflict resolution.

Examples:

"Both the Wife and Husband agree to discuss all issues that arise in their marriage and arrive at mutually agreeable conclusions. Differences of opinion concerning a point of Islamic practice will be referred to the Quran and Hadith. Both will admit if they are simply expressing personal opinions, which will not be binding."

- actual American Muslim marriage contract, 20th century, on file with author

"Under no circumstances will either Husband or Wife interpret the Quran to mean the husband can physically hurt his wife, whether with his hand or any object. We both commit to peaceful relations with each other and we pledge to avoid curses, recriminations, and any means of annoyance to the other."

- actual American Muslim marriage contract, 20th century, on file with author

"[The Husband] agrees that he will include [the Wife] in the process of discussion and decision making with regard to those things which affect the family."

- actual American Muslim marriage contract, 20th century

"[The Husband' agrees that he will seek out whatever means is necessary to preserve, strengthen or reconcile the marital relations if necessary."

- actual American Muslim marriage contract, 20th century, on file with author

"A dispute will be deemed to have resulted if any of the two partners declares it to be so. In the event of such a dispute resulting, the husband and wife will be bound to go to arbitration. Both parties must appoint and agree on an arbitrator or arbitrators that will be just and fair. The arbitrator or arbitrators will hear the arguments of both parties and then make a decision. Both parties commit themselves to accepting the decision of any such arbitration."

- actual South African Muslim marriage contract, 20th century, on file with author

"Respect is an essential ingredient of any marriage. We will also at all times endeavor to respect each other's humanity, intelligence and our family. We will thus give serious consideration to the words and actions of each other. Neither of us will have the right to physically, mentally or psychologically abuse the other, no matter what justification could be given for such action."

- actual South African Muslim marriage contract, 20th century, on file with author

"The Husband and Wife mutually agree that they will consult each other when making major decisions affecting the family, especially decisions regarding the location of the family home, choice of employment, and decisions regarding the future of their children."

- actual American Muslim marriage contract, 20th century, on file with author

Access to Divorce

Classical *fiqh* rules of all *madhhab*s give the husband — and only the husband — an automatic right to declare a unilateral divorce (*talaq*) unless there is a stipulation in the marriage contract altering this default rule. A typical way to do this is for the husband to delegate his *talaq* right to the wife (historically described as taking the "*'ismah* in her hand"). Another popular stipulation delegates the *talaq* right to the wife, conditional upon the occurrence of some event, such as some breach by the husband, like taking a second wife or engaging in any physical abuse.

Without some reservation of a *talaq* right held by the wife in the marriage contract, a wife desiring to unilaterally initiate no-fault divorce (i.e., without proof of harm by the husband) is limited to *khul'* divorce which, for most schools, usually means that she forfeits her *mahr* or pays other compensation. If the parties want to be sure the wife will retain her *mahr* in the event she initiates divorce, it is advisable to include details about the status of the *mahr* in such an event.

Of course, giving a wife access to unilateral *talaq* doesn't protect her from unexpected divorce — which many see as the real danger of *talaq* for Muslim women. Modern relationship norms about communication and mutual agreement have caused many American Muslims to want to opt out of *talaq* altogether. After all, to dissolve their secular marriage, they will have to go through legal proceedings anyway, so many of them add a clause to their Muslim marriage contract that indicates that

the husband promises not to end the divorce unilaterally, or that both husband and wife agree to initiate divorce only by going to a third party. This framing is a bit unusual from a classical *fiqh* perspective, but it is not contrary to the purpose of marriage, so it might be considered valid as an oath taken by the husband.

Examples:

"The Parties hereby agree that the Wife shall "retain her *'ismah* in her own hand," meaning that she shall have the right to initiate divorce proceedings and terminate the marriage without the consent of the Husband. The Husband has similar rights."

- draft contract, Azizah al-Hibri, on file with author

"The wife shall have the right to divorce herself, especially if the husband takes another wife without her knowledge and consent, if he mistreats her or their children, if she declares that cohabitation between them has become impracticable or if he deserts her for a period of not less than eight months."

- Egyptian Model Marriage Contract, 20th Century, cited in Sonbol, "History of Marriage Contracts in Egypt"

"The husband transfers to the wife the right of divorce without recourse to a judge."

- draft contract, Sherifa Al-Khateeb, *Sisters Magazine*, on file with author

"Each party may initiate and complete divorce proceedings on its own."

- draft contract, Azizah al-Hibri, on file with author

"The Husband and Wife agree that if either initiate divorce, it shall be pursued only through a third party mutually agreed by them."

- actual American Muslim marriage contract, 20th century, on file with author

"We pray that our marriage does not reach a stage where either of us will consider divorce as an option. However both parties will have a right to initiate divorce proceedings. Whether such proceedings

are initiated by the husband or the wife, a procedure of three repudiations will require to be followed as described in the Quran in Surah Baqarah verses 228-232."

- actual American Muslim marriage contract, 20th century, on file with author

"The Wife and Husband both shall have the right to request a divorce."

- actual American Muslim marriage contract, 20th century, on file with author

"The Husband hereby delegates to the Wife an irrevocable authorization to appoint an agent (*wakíl*) for divorcing her on behalf of the Husband after giving a Shí'a Ithnã-Ashari religious authority (the Resident *'Ãlim* or the wakíl of the *marja'* or the *marja'*) reason to believe the occurrence of any one of the following:

a. if the Husband solemnizes a "religious marriage" with another woman without permission of the Wife named in this contract; ("Religious marriage" a marriage that has been solemnized only basis of Islamic laws which allows polygyny, a practice which is not legal in Canadian family law.)
b. if the Husband ill treats or physically abuses the Wife;
c. if the Husband abandons the Wife and does not provide for her for more than three months continuously;
d. if the Husband divorces the Wife in a secular court, but does not give her the religious divorce; or
e. if the Wife obtains a divorce in a secular court, but the Husband does not give the Wife a religious divorce."

- Model Contract, Shía Ithna-Asheri Jamaat of Toronto

Provisions Regarding Children After Divorce (Custody, etc.)

Custody decisions in U.S. courts are based on the "best interest of the child" and it is unlikely that a provision in a Muslim marriage contract would take precedence over this principle. However, provisions short of custody-assignment might be helpful to include if the parties feel strongly about the issue. If the parties are in alternative dispute resolution, documentation of their early meeting of the minds might be useful to the negotiation.

Examples:

"The issue of custody of any children from the marriage will be decided by an arbitrator or arbitrators appointed and agreed on

by both husband and wife. The arbitrator or arbitrators are bound not to automatically assume the right of either parent to custody, but will have to decide in the best interest of the child or children. Irrespective of the decision of the arbitrator or arbitrators on who gets custody, there shall be no denial of visitation right to the parent that is not granted custody, providing that such visitation rights so not infringe on the privacy of the parent granted custody."

- actual American Muslim marriage contract, 20th century, on file with author

"If the marriage ends in divorce and a child or children have resulted from the marriage, both parents will be responsible for the financial maintenance of the child or children in the proportions of their respective incomes at the time of the divorce."

- actual South African Muslim marriage contract, 20th century, on file with author

"The Husband and Wife mutually agree that, in the event of divorce, they will both be financially responsible for raising their children, in proportion to their respective incomes."

- actual American Muslim marriage contract, 20th century, on file with author

Specification of a General *Madhhab* (School of Law) for the Governing Family Law

To offer guidance if any issue regarding the marriage/dissolution of marriage arises and is not specifically addressed in the contract (e.g., the right of the wife to contract her own marriage, the right of the wife to initiate divorce, etc.), some couples like to include an introductory paragraph specifying that the contract will be interpreted according to a particular school of Islamic jurisprudence. For example, in the Hanafi school it is easier for a woman to include a contract clause specifying the wife's right to initiate divorce; in contrast, the Maliki school makes this more difficult.

Examples:

"Whereas, the Parties have agreed that this Marriage Contract shall be interpreted in accordance with the Hanafi School of thought, provided that any express provisions herein which conflict with such interpretation shall be controlling."

- draft contract, Azizah al-Hibri, on file with author

"Whereas, the Parties have accepted such Hanafi interpretation as articulated by the well-known jurist Abu Hanifah and his followers, to the extent it is consistent with the laws of the State of _____ and the provisions herein."

- draft contract, Azizah al-Hibri, on file with author

Specification of Hanbali Madhhab for Enforceability of Special Stipulations

Optional contractual stipulations (like those above, and many more) are generally allowed — and often quite common — in a Muslim marriage contract. In fact, as we have seen, they can be quite creative and specific to the needs of each couple. These stipulations are generally allowed by all *madhhab*s as long as they do not contradict the purpose and goals of marriage, and do not contravene Islam. There is some disagreement among the schools about exactly what this means, so sometimes it is useful to specify the Hanbali *madhhab* which is the most generous on contractual stipulations, finding most to be both valid and enforceable.

Maliki scholars, for example, disallow conditions in the contract which eliminate the husband's duty to support the wife or that the couple will not have children, based on their view that reproduction and maintenance of economically dependent women are the primary goals of marriage, and hence any condition contradicting those goals would be void. Similarly, Hanafi scholars hold that conditions preventing polygamy are void because such conditions, they reason, encroach upon a right of the husband. And even if a contractual stipulation is recognized as valid, a school may not recognize it as enforceable by the parties. For example, a stipulation preventing the husband from taking another wife is considered valid by most schools (other than the Hanafi), but the remedy if the husband breaks this stipulation may be limited simply to damages or grounds for the first wife to get a divorce (rather than nullifying a second marriage).

Generally, for the non-Hanbali schools, if a marriage contract contains a stipulation that is not accepted in their school, the marriage is still valid, but the stipulation in question is considered null and void (or the breach is punished with a simple fine). These schools created many legal devices to find ways to validate the spirit of common stipulations (such as giving the wife easy access to divorce if the husband marries a second wife). Because such adjustments cannot be guaranteed for

marriages under non-Muslim legal jurisdictions, it is advisable, if the spouses desire enforceable stipulations to their contract, to specify that the enforceability of their stipulations is to be interpreted under the Hanbali school of thought.

Examples:

"The Parties hereby agree to be bound by Hanbali jurisprudence, to the extent such jurisprudence recognizes conditions in the Marriage Contract as valid and binding unless such conditions are in clear contravention of the Qur'an."

- draft contract, Azizah al-Hibri, on file with author

Making it Official: A Guide to Officiating at Muslim American Weddings

KECIA ALI

And among God's signs is that God created for you mates from among yourselves, that you may find tranquility in them, and placed between you love and mercy.

-Q 30:21

Muslim marriage is a contract. It involves an offer and acceptance by the spouses or those authorized to act on their behalf, ideally in the presence of competent witnesses. It may or may not involve government registration, explicit specification of financial provisions, or other agreed-upon conditions, but its core is a simple verbal offer of marriage by one party and its acceptance by the other. The ceremony surrounding this exchange, often called a *nikah*, can vary from a small post-jummah gathering at a mosque to an evening event with a reception at a rented hall to a lavish multi-day affair. No matter how minimal or elaborate the trappings, and whether a written contract is extensive or non-existent, the offer and acceptance make the marriage. These are usually overseen by an officiant.

While not religiously required for a valid Muslim marriage, having someone preside over the ceremony and deliver a sermon is sunna: customary and recommended. In the United States, an imam often presides but community figures, scholars, or relatives of those getting married sometimes take on this role. Over the last two decades, I've done so about half a dozen times for friends, relatives, and relative strangers. Sometimes I only carried out the religious ceremony. Other times, I was responsible for the civil solemnization too, including as a duly state-authorized representative of my mosque. I've also declined numerous invitations to officiate, typically because of schedule conflicts or, more recently, pandemic worries. When I say no, I offer to walk someone else through the process—usually a woman, as wanting a woman to officiate is the reason for most of the requests I get. What follows offers basic information for spouses-to-be who are trying to choose an officiant, perhaps considering having someone who isn't "clergy" perform their ceremony, and some guidance for those who've agreed to officiate but don't have any formal training.

What's here:

- basic information about U.S. marriage law
- questions to consider when planning the ceremony
- a quick primer on Muslim marriage contracts
- suggestions about sermons
- resources to read more about Muslim marriage

What's not here:

- legal advice (I'm not a lawyer)
- legal advice (I'm not a mufti)

Marriage in United States law

Marriage and divorce generally fall under the jurisdiction of states, not the federal government. Rules about both eligibility and procedure vary somewhat among them. For example, first cousins may marry in some states but not others. While all states issue marriage licenses, some require anyone seeking a license to observe a waiting period, or provide documentation of residency, or show proof that any previous marriage by either intended spouse has been dissolved. The license doesn't create a marriage. Instead, it allows an authorized officiant to solemnize the marriage and, by filing the completed license, register the marriage with the government. States also differ in who they authorize to perform marriages. Everywhere, government-appointed judges and ordained clergy affiliated with recognized religious organizations can perform binding civil marriages. In addition to the widely-shared practice of allowing non-judges who've been appointed as Justices of the Peace to solemnize marriages, Massachusetts allows ordinary civilians to seek a one-day permit to officiate. (I once married a couple this way.) Others, like Florida, allow notaries public to do so. (I've done the religious bit alongside notaries a few times.) Wisconsin even allows the two parties themselves to do it! (This, I've never done.) Despite differing rules as to who can marry and how the marriage can be performed, a marriage performed in any U.S. state is recognized in every state. Numerous websites give basic information about state rules but when you are planning a wedding, be sure to confirm the specifics through the official government website of the state where you're planning to marry.

If you want to combine a Muslim ceremony and civil marriage in one event, you can either find an officiant who is authorized by the state where you'll be married who can also perform the kind of religious ceremony you want or you can have the officiant of your choice perform the ceremony while an appropriate official does the paperwork. Your options here will depend on what the state where you're marrying allows. Alternately, you can go to City Hall or the county courthouse and get civilly married and then have whatever sort of Muslim ceremony you like once the formalities are out of the way.

You can also simply have a religious wedding without a civil ceremony. Obviously, if one spouse is already civilly married to someone else, then a state-recognized marriage is not an option. But even some people who could marry according to U.S. law choose not to, believing it's not the government's business how they organize their family life. Should you decide that you only want a religious marriage and not state registration, you may have difficulty finding someone to officiate. Clergy at some mosques routinely perform religious ceremonies without registration but other mosques, especially prosperous mosques with ties to regional and national Muslim organizations, are sticklers for either completing state registration at the time of the marriage or having proof that you've already obtained a civil marriage. If you decide to go the unregistered route, it's especially important to consult an attorney to address issues of finances and property, as well as custody if children are involved or anticipated. Of course, it may be precisely because of financial considerations that a civil marriage is undesirable — for instance, if one spouse would lose vital disability benefits by marrying. While there are important exceptions, my sense is that so long as civil marriage exists, women tend to be disadvantaged by marrying outside its protections; your mileage may vary. (On the risks of having only a religious marriage, see Asifa Quraishi-Landes and Najeeba Syeed's "No Altars" in *Half of Faith*.[1])

A wedding isn't a marriage but ...

Although a wedding is a one-time event and a marriage can last for decades, it's often the case that couples spend more time planning a wedding than they do thinking about organizing their marriage. Still, some decisions about the marriage will be relevant to planning the wedding. If you're intending to delineate property provisions such as dower or agree to certain conditions that will be publicly announced, you should discuss them in advance together and with your officiant. (Zahra Ayubi's chapter in this book addresses the kinds of questions your premarital conversations should include.) There are also other decisions to make, some of which will require you to consider social and familial norms: will either spouse, or both, have a marriage guardian involved or a proxy acting for them? Will there be designated witnesses, and if so who will they be? What follows outlines some of the relevant points.

1 Asifa Quraishi-Landes and Najeeba Syeed, "No Altars: A Survey of Islamic Family Law in the United States," in *Half of Faith: American Muslim Marriage and Divorce in the Twenty-First Century*, ed. Kecia Ali (Boston: OpenBU, 2021), url: https://hdl.handle.net/2144/42505.

Islamic marriage law

Marriage, like any Islamic contract, conveys rights and obligations to the parties involved. Unlike in a sale or the provision of a service, which wraps up when the goods are conveyed or the labor is done, marriage transforms the relationship between the two people and carries ongoing mutual obligations and claims for both parties. The points I discuss here mostly apply to so-called "permanent" marriage, or *nikah*, practiced by Muslims across the denominational spectrum. *Mut'a*, a fixed-term marriage mostly practiced by Shi'i Muslims, has somewhat different rules and norms. (On mut'a, see the chapter in this book by Shereen Yousuf and Nousheen Yousuf-Sadiq.)

I have offered feminist critiques of Muslim marriage before, targeting both substantive legal provisions and the rationales offered for them. Others have offered detailed and worthy rejoinders. Those who are interested can read more in *Half of Faith: American Muslim Marriage and Divorce in the Twenty-First Century* and by following up the sources cited in those chapters. My goal here is not to rehash those debates or advocate one position or another but merely to indicate the decisions you'll need to make as you plan your wedding.

CONTRACT

Will your marriage have a written contract? What will it spell out? Will it be signed in advance with a lawyer or notary public or as part of the ceremony? Whether or not you are considering having a formal written contract, you should read Asifa Quraishi-Landes's chapter in this book, which explains what such a contract can and cannot do, signals the perils of having a poorly written one, and gathers some sample language that may serve to guide you as you navigate this decision and others.

DOWER

Will your marriage involve a dower, often called *mahr* or *sadaq*? This is a standard part of Muslim marriages traditionally paid from, or owed by, the husband to the wife. Failing to mention it during the ceremony or specify it in a contract usually means that a "fair dower" is due. Some jurists mention the practice of naming one amount (usually high) publicly and another (smaller) privately; most, however, presume that whatever's publicly attested, whether impressively large or symbolically minimal, is the binding amount. If you are including a dower, you'll need to decide if you'll mention the amount and specifics publicly, as well as any payment terms agreed (Paid up front? Deferred to death or

divorce? Split?) or merely say, or have your officiant say, something like "for the agreed upon dower."

WITNESSES

Most Muslim jurists have historically held that two male witnesses are necessary for a marriage. Hanafis generally held that one man and two women could serve instead. Today, some reject these doctrines as needlessly discriminatory and consider it fair to have two adults of any gender serve as witnesses, which is what American law typically requires. Some argue for four, a maximalist view of the matter. Others simply invite the entire group of assembled guests to witness the wedding, considering this enough. If you'll have a formal written contract and/or if you're having a civil ceremony, you'll need to decide who'll sign the paper(s).

***WALI*/REPRESENTATIVE/PROXY**

Established doctrines in some Muslim legal schools allow women to contract their own marriages. While most jurists historically held that women could not contract marriages on their own behalf, the dominant view of the Hanafis and Ja'faris has long been that they can. (This is separate from whether their consent is required to a marriage contracted by someone else on their behalf; we will leave the archaic juristic view that it isn't in the past, where it belongs.) Among those who consider a woman unable to validly contract a marriage, or hold that it's somehow unseemly for her to do so, the presumption is that she'll be represented by a *wali* (normally a male relative) or, if she doesn't have Muslim family or they cannot or will not serve for some reason, another appropriate person such as a community leader who'll make the contract on her behalf. (Aminah Beverly Al-Deen has argued in *Half of Faith* for having knowledgeable, experienced women serve as *wali*s.[2])

Even those with the right and capacity to make their own marriage contracts can have someone serve as a proxy on their behalf during the offer and acceptance. You need to decide who'll pronounce the offer and acceptance during your ceremony: the spouses or others acting on their behalf? Under U.S. law, the spouses themselves must agree to terms and sign the appropriate documents.

2 Aminah Beverly Al-Deen, "Rethinking Marriage Guardianship: Lessons from the Role of the Wali of American Muslim Women," in *Half of Faith: American Muslim Marriage and Divorce in the Twenty-First Century*, ed. Kecia Ali (Boston: OpenBU, 2021), url: https://hdl.handle.net/2144/42505.

The wedding ceremony

The officiant's role in a Muslim marriage is closer to emcee than to priest. That is to say, the officiant gives a speech and oversees the ceremony but it's not any power vested in them that makes the marriage binding. Still, it's a big moment and you'll want someone who affirms your marriage by their performance of religious authority, whether you're having a small family ceremony or a blowout attended by hundreds. This is especially true if you're marrying outside the standard practice of your family or community; you'll want someone who consents to perform a same-sex or interfaith marriage or agrees to having only women witnesses sign the contract *and* whose participation will help socially legitimize your decisions about the event and indeed the marriage itself.

The shape of a ceremony can vary considerably depending on a community's norms and customs. If both spouses are Muslim but from different cultural backgrounds, there will be plenty to negotiate — from what kind of food will be served at the reception to what language will be spoken during the ceremony. These are things for you to decide as a couple and with your families to the extent they are involved; there is no right or wrong answer from a religious perspective. (For more on the challenges and blessings of intercultural marriages, see Juliane Hammer's chapter in this book.)

In terms of its ritual elements, a Muslim wedding usually includes a *khutbah* (sermon); the spoken offer and acceptance which may include agreeing to specific contract terms but usually does not involve the sort of personalized vows some non-Muslim Americans write; and the signing of a contract by the spouses and witnesses. Along with the signing of a contract, where relevant there will also be completion of government documentation to be filed after the ceremony.

Does any of this need to be in Arabic for the marriage to be valid? If both spouses speak Arabic fluently, one view says the offer and acceptance should be in Arabic, to avoid any possible confusion — by choosing the most explicit, clearly defined terms, not because there's anything magical about offer and acceptance in that language. But if the spouses (or their witnesses) aren't Arabic speakers, there's no reason to make the offer and acceptance in Arabic.

That said, it *is* customary — though not required for validity — for the first portion of any khutbah to be in Arabic. The first time I officiated was in 2004. I couldn't simply search "how to give a khutbah" online so

I relied on a faxed photocopy from a friend of my doctoral advisor, which I cut and pasted to get the bare bones version I've been using ever since:

بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ

الْحَمْدُ لِلَّهِ نَحْمَدُهُ وَنَسْتَعِينُهُ وَنَسْتَغْفِرُهُ وَنَعُوذُ بِاللهِ مِنْ شُرُور أَنْفُسِنَا وَمِنْ سَيِّئَاتِ أَعْمَالِنَا مَنْ يَهْدِهِ اللهُ فَلَا مُضِلَّ لَهُ وَمَنْ يُضْلِلْ فَلَا هَادِيَ لَهُ وَأَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللهَ حَقَّ تُقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا وَأَنْتُمْ مُسْلِمُونَ

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللهَ كَانَ عَلَيْكُمْ رَقِيبًا

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللهَ وَقُولُوا قَوْلًا سَدِيدًا يُصْلِحْ لَكُمْ أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ وَمَنْ يُطِعْ اللهَ وَرَسُولَهُ فَقَدْ فَازَ فَوْزًا عَظِيمًا

If there will be non-Muslims and/or non-Arabic speakers in attendance, it's kind to offer a translation. Here's my rendering; you can find other translations online. (You can also find transliterations of the original khutbah so that you can pronounce it even if you can't read Arabic script.)

In the name of God, the Merciful, the Compassionate.

All praise belongs to God. We praise God and we seek God's assistance and forgiveness. We seek refuge with God from the evil of our souls and the crookedness of our deeds. Whoever God has guided cannot be led astray and whoever has been left to stray cannot be guided. I bear witness that there is no God but God, who is One and has no partners, and I bear witness that Muhammad is God's servant and messenger.

Believers, take heed: Revere God as God deserves to be revered and do not die except in submission (to God).

People, take heed: Revere your Sustainer who created you from a single soul and from it created its mate and from the two of them spread countless men and women. Revere God in whose name you ask for things and (be reverent toward) the wombs (that carried you). God is always watching over you.

Believers, take heed: Revere God and speak the truth. God rectifies your deeds and forgives your sins. Those who obey God and God's messenger have succeeded triumphantly.

A simple ceremony might include this standard opening, a few paragraphs about marriage tailored to the pair who are marrying, followed by the offer and acceptance. Unlike in a Christian ceremony where the minister asks "Do you so-and-so take so-and-so to be your lawful wedded spouse" and then has them repeat certain promises, the officiant here can simply ask one party to "offer" marriage on certain terms to the other. While some have held that the offer should come from the bride's side to the groom's, practices vary considerably and the parties can decide. (Note that if the offer and acceptance are in Arabic, they should be given in the past tense; a promise of future matrimony isn't binding.) If there is a dower or a partial dower to be delivered on marriage it may be handed over at this time, but this may be undesirable or impractical if the dower is bigger than a cashier's check or a jeweled ring.

After the offer and acceptance, the officiant typically offers a du'a, which can be brief or lengthy, in whatever language or languages suit the spouses and audience. Different communities have different norms in this regard, and there is a great deal of flexibility to adapt this closing portion of the ceremony to suit the couple marrying. What matters is a reminder that marriage, like all human endeavors, owes its existence to the grace and generosity of God, whose blessings are sought in this and all things.

Resources and further reading:

In addition to the chapters in this book and elsewhere referred to above, you may wish to consult resources specifically about khutbahs and officiating.

Sa'diyya Shaikh and Fatima Seedat, *The Women's Khutbah Book: Contemporary Sermons on Spirituality and Justice from Around the World* (New Haven: Yale University Press, 2022) includes a selection of wedding khutbahs as well as "A Practical Guide to Writing Khutbahs."

My account of officiating a marriage and the sermon I gave are both included in Kecia Ali, ed., *Half of Faith: American Muslim Marriage and Divorce in the Twenty-First Century* (Boston: OpenBU 2021), url: https://hdl.handle.net/2144/42505.

Wish I Had Known

AMINAH BEVERLY AL-DEEN

In 2021, I wrote about the issues that arise when women newly transitioning into Islam get married, specifically about the choice of the *wali*. After my essay appeared in *Half of Faith*,[1] I realized there were many more questions about what women wish they'd known and what they'd do differently in the future regarding marriage and marriage contracts. In *Half of Faith*, we set out to bring some concerns to the fore about marriage contracts, weddings and who can perform them, and divorces. I thought specifically about the many questions on what I wish I knew and what if anything I would do differently regarding marriage and marriage contracts. I decided to go back selectively to these questions. I spoke with 15 professional women, all baby boomers, already married, and from different communities — Nation of Islam, Moorish Science Temple, the Darul Islam Movement, and Warithudeen Muhammad's community on the major question: what do you want to know before you entertain marriage or wish you had thought about before marriage and thus, would have done differently? To engage a conversation on these concerns we had to begin with women as autonomous humans who are first accountable and responsible for themselves in worshiping God.

Although I am a scholar of Islam and Muslim cultures, the thoughts that follow emerge not from formal research or a controlled survey but from women doing (virtual) "table-talk." A series of conversations led to strategies for choosing a partner, but only after serious self-assessment. Several issues seemed to me to be critical: honesty, trust, compassion and then finances, marrying strangers, ideas about Islam, ideas about women, and a vision for the future. I don't try to separate them neatly here; I am just writing about the flow of conversation, where one topic naturally leads into another.

How to think about trusting ourselves and our decisions and trusting the men we married with finances, health information, family information, and dreams? We need to take time in making decisions yet avoid procrastination. Mostly our decision-making is forced — we are in the hospital, or the company is going to repossess the car, or the mortgage is overdue — as we have procrastinated and now must act. We get worn down from daily decision-making and sometimes too worn out to strike a useful balance between decision and procrastination. We are always

1 Aminah Beverly Al-Deen, "Rethinking Marriage Guardianship: Lessons from the Role of the Wali of American Muslim Women," in *Half of Faith: American Muslim Marriage and Divorce in the Twenty-First Century*, ed. Kecia Ali (Boston: OpenBU, 2021), url: https://hdl.handle.net/2144/42505.

on choice overload and often opt for the easiest choice. Often these modes of being are learned from families. Secretiveness or only telling family of origin even though you have now added to family is harmful. Assessment of as many of the factors involved in making a decision or revealing a concern before a decision needs to be made is a critical skill.

Researchers have offered some strategies to help make critical decisions that depend on a foundational trust in your ability to make the best decisions. What are your strengths and what are your weaknesses? Whom do you consult when you don't have enough information to make critical decisions such as seeking a marriage? What questions could you have asked of partners regarding their trust concerns? Some thoughts you can consider are:

- What are the complements to your strengths and what support do you require to keep them?
- What are the weaknesses that you can push to the strength column?
- Which weaknesses are true detriments?
- What kinds of decisions are you willing to give over to your partner?
- Which kinds of decisions must be jointly made such as continuing education and its costs, concerns about children, care of parents or dwelling arrangements?

Among these women, a lot of important information about finances was never shared. All but two of the women knew how much their husbands earned but not how that money was spent regarding things such as interest payments or priorities, as women were "in charge of the household." The two women who did not know expressed frustration at this lack of knowledge which their husbands would not give them. When asked if they discussed insurance policies and so on, the answer from most of the women was no. Before marriage, necessary changes to insurance policies or adjustments to beneficiaries on pensions and/or Social Security, for example, had not been made. Discussions on what would be jointly owned also were absent. What prevented these conversations? Mostly they were not thought about before marriage and were never attended to later. Perhaps it was just the anxiety over marriage or the maturity that left the camel untied.

How would you rate your overall maturity level? We must be honest. Do we just let situations happen to us or are we mostly in control of events that involve us? Some women admitted that they were over 40 before they could say that they were mature, that they could make considered decisions and mostly adhere to them, and that they could discern the negative possibilities of environments they contemplated or found themselves in. This is the smallest level of a larger set of circumstances. Despite our own efforts at honesty and trustworthiness, we continue to live mentally or physically or both in a community where these values of honesty and trustworthiness that often lead to good decision making are always challenged.

Black community members are aware that serving time in prison, especially for far too many young men, is more common than serving in the military. Many Black men were taught that if they were educated, going to prison was unlikely since they would not be in the "streets." The reality is that the color of their skin is an indictment. The psychological trauma of waiting for prison or death weighs heavy on families. For the baby boomers, this situation was as acute for their children as when they were younger during the 1960s—1980s. The Black Power and the Civil Rights Movements saw a lot of Black men and women put in jail for any infraction of the law that could be applied and many were political prisoners. The public outcry was great and some were freed while others found themselves with felony records which cut them out of life as citizens since they could not buy homes or vote.

The ideologies of socialism, communism, pan-Africanism, Black power, and even environmentalism spawned new thinking among many Black men and some were drawn to Islam along with many women. Baby boomers unconsciously formed different opinions about the future since the present for them was locked in the ongoing riots, urban chaos, and the newness of Islam. Islam through the Qur'an and Muslim communities (all under FBI surveillance) were still safe and nourishing places, not for pondering the future but for survival. In efforts to both increase their populations and to spread the word of this religious alternative, Islam entered prison life.

Ministers from The Nation of Islam and the Moorish Science Temple, and *imam*s from the Dar Islam Movement, sought and gained access to the prison system as clergy. Muslims became known as "upright" prisoners who did not smoke or indulge in other vices. Knowledge of Islam changed the lives of many and communities found many of

them extremely productive and assets to the growth of community. A significant number of other men in the community were also imprisoned professionals. This mixture of social consciousness and class is a study in and of itself. The communal focus was almost entirely on avoiding the various institutions of surveillance along with potential informers and building Muslim communities for African Americans. Men and women embarked on a program to learn Qur'anic Arabic, study the Qur'an intensely, and engage with Sira and hadith literatures. They were dental, medical, and nursing students who dove into this project with day laborers, mechanical, plumbing, and electrician guild students. Nevertheless, the transition from everyday Black life in America to the building of Muslim communities was and continues to be a daunting task. Without full Muslim cultural inheritances and traditions that could be imported wholesale from Africa, new roles had to be constructed for communities of strangers and women and their pursuits were not priorities even though many were professions.

For women, occupational pursuits often took a back seat to the need to establish Islam in the African American community. *What do I wish I had known and what would I have done differently?* "I wish I had known the importance of balance and that the pursuit of further education was as important as community building since it would have enhanced my abilities in the community."

Given the political/social environment of the 1960s and 1970s, the emphasis was on Black men. Government surveillance, riots, and other factors created an atmosphere in which many women gave over their hopes, dreams, desires, and careers to support men in their aspirations. As babies were born, women's desires for careers seemed to be so dampened that they began to fade away. Their imagined standards of living also in some cases faded as there was information about the evils of unabated consumerism, paying more for less in Black and Brown communities and the ongoing need to give to those poorer.

Despite their reasons for giving up career dreams, they wished they had known how to get a balance between their community life and their profession. This is also one place where experiences differed among communities. In the Darul Islam Movement, women said they had fought the battles over whether to wear a *khimar* at work and an Arab veil in the community and many settled on an African head wrap so as to not be too different at work. The men they married, whether formally educated or not, mostly had uninformed, ultra-conservative notions

of Islam inspired by the available texts with titles such as "Women in Islam" or "How to Treat Muslim Husbands." Some men in the community sometimes felt that they could not be Muslim and work in the larger world so they bounced from job to job or had none at all, thus relying on their wives' income. Other women married men who had been political prisoners or those incarcerated for small infractions, not knowing that regardless of the reason for incarceration there was a level of PSTD present. In choosing a mate, women said they would have demanded counseling at the first sign of mental instability, and they would have looked for balance between work and community. They would have demanded a certain level of living which included a reasonable dwelling, furnishings, family Islamic learning sessions, and budgets. Above all they would have studied Islam and its cultures more. Many of the women in the Dar complained of the perpetual dehumanizing of women when they had to go to the masjid through a back door, could be addressed about their clothing by any man, or had to risk being labelled not Muslim because of complaints about domestic abuse. All stated that they wished they had taken the rancor and complained loudly since the wives who paid most of the bills for the masjid, bought food for gatherings and supplies for children's activities. "We got out of the back of one bus to get in the back of another of our own permission."

Some women in the Darul Islam Movement resented the fact that they did not participate in the Women's Movement in the 1970s. They did not want to be feminist and generally expressed an antipathy towards some of its principles and language but loved the gender equality and equal pay parts of the agenda. Interestingly, all said that they did not experience the love of women nor liberation promised by the community. The Muslim community of women was a community of strangers and since there was always the looming issue of polygyny, you did not invite women to your home. What they would do differently was put some of the freedoms they thought about in their marriage contracts. They needed new contracts. They needed to fight to be considered human beings as Muslim as the men. "Being ordered to go to the back of room, no recognition for knowledge, even Qur'anic knowledge or profession: everyone is just 'sister.'" "There is nothing like praying behind a young man who can't pronounce the Arabic words but has the privilege of leading because he is male." It is not that these women want to lead prayers; they don't want to be treated as children or animals.

It is important to note that Salafism in its modern iteration took root in the Darul Islam Movement from Shaykh Daoud Faisal in the late 1930s.

He did not want to engage with Black American issues and fostered a "rootless" being who was just Muslim, not tied to history. Women were to serve men and community; thus, marriage contracts were almost non-existent. If they did exist, they had only minimal information and were not filed anywhere. Needless to say, marriage tensions and divorce rates were relatively high, and many women found themselves "just leaving" as there was nothing legal to hold them. Polygyny began to have a significant impact on the well-being of women who realized that it was not mentioned in most contracts, so they were either walking away or, if legally married, filing for divorce. If they were living in a state that recognized common-law marriages, women stood a better chance of at least retaining custody of children. Second and third wives were out of luck and usually did not have a contract even though they, too, should have.

The community that Faisal envisioned was largely cut off from American society until the late 1970s when college men and women instituted social programs. The Rabitat in Saudi Arabia, from their daw'ah program, began to send money and plane tickets for (mostly) men to go overseas and study and, for those who could, to teach English. Those wives could leave one restricted community to join another, still without the protections they needed. Stateside, men and women left behind began to return to educational pursuits which diminished their presence in communities while the number of those returning home from prisons increased also with ultra-conservative tendencies. Saudi money waned, leaving a poor Salafi community.

The Nation of Islam treated women a little differently. Women had both a legal and religious marriage, with family and family friends at the wedding. Women's auxiliary groups functioned to train women under Clara and Elijah Muhammad. As stated before, women were expected to be educated and skilled. Similar to the women in the Darul Islam Movement, women in the Nation were surveilled for adherence to dress and conduct codes. The hierarchy of the Nation subscribed to in-house marital counseling and the surveillance revealed to counselors when a marriage was in trouble before there was an admission of difficulty. What women from this group wished they had known was about the contract and how they could have added protections for themselves. One woman stated how important it is to state educational aspirations clearly and detail the support needed. Another stated that it was equally important to detail grounds for separation or divorce and some settlement of property and finances.

When the Nation of Islam broke apart, women who followed Warithudeen Muhammad expected that the new community would function just like the old — and it did, initially. Then Imam Muhammad released women from wearing the traditional uniform and headdress. Women were to just dress modestly. The Imam did focus many of his talks on having and keeping marriages healthy and productive but not on the marriage contract, which can be reworked if there is one, or introduced if not. The Imam did, however, introduce the legitimacy of polygyny. He took a second wife, as his father had and Minister Farrakhan did, and men in the community rapidly began taking second wives.

Some women immediately filed for divorce, others simply walked away, and some stayed. Divorce has devastated our communities and children. We have children who have brothers and sisters they don't know. The psychological damage to women is overwhelming as they try to start again. These women wished they had known to put in contracts that they were only marrying into monogamy and staying in it as well. This important aspect of the contract, when polygyny is a possibility in the absence of statements regarding it, should not be forgotten. Some of these communities demanded that contract contain a clause permitting polygyny or else the woman could not join the community. Given the paucity of rights for polygynous marriages here in the United States, some families have moved to various countries in West Africa.

These Zoom gatherings, among many others during the pandemic, provided an opportunity for women to rethink their lives. My questions about what they wish they had known and what they would do differently opened such a stream of regrets that I tried to narrow it down to things that they wished they had put in a contract. Beyond those practical considerations talked about before, the conversations always shifted to the importance of knowing oneself in the midst of marrying a stranger. For those who were divorced and thinking of remarrying, knowledge of the contract was a mercy. (For more on premarital conversations and contracts, see the chapters in this volume by Zahra Ayubi and Asifa Quraishi-Landes.) Getting to know, even if superficially, who you could entertain marrying is critical and it comes from knowing yourself.

While much of this short article investigates baby boomers and their experience with forming communities, today there is definite progress in some aspects of how women's lives are lived. Women have taken to Islamic Studies mostly in Africa and the Middle East and, since the beginning of the pandemic in 2020, in online courses. Ayesha

Mustafa has taken over the running of the *Muslim Journal*, the national newspaper of the communities of Warithudeen Mohammad. Iesha Prime has become the director of the Dar al-Hijrah Center in Virginia and is a renowned speaker on Muslim spirituality. Dr. Su'ad Abdul Kabeer, anthropology professor, activist, and artist leads Sapelo Square, the first website dedicated to the analysis and documentation of the Black Muslim experience in America. Dr. Kameelah Rashad is the Founder and President of the Muslim Wellness Foundation which is dedicated to promoting healing and emotional well-being in the American Muslim community while teaching at Bayan Seminary in Chicago. In this volume, you will read the latest work of Dr. Debra Majeed on African American Muslim widows. Dr. Majeed was a Religious Studies scholar and activist who transitioned in March 2022 and left a daunting record of scholarly writings.

I mention the above list to say that African American Muslim women in Generation X have taken the reins of the project while some African American Muslim communities continue to be challenged by Muslim world traditional norms of female behaviors and places in the masjid life. Some masajid have the prayers with genders praying side by side after one West African model. Others continue to have women at the back or in other rooms. Generation X women have taken the internet by storm in their offering of classes and seminars on global and national topics. The progress continues.

"We Can Be Our Own Survivors": African American Muslim Women on Love, Loss, and Life Following the Death of a Spouse

DEBRA MAJEED

Rosalyn: When she met her husband, Rosalyn[1] was a young woman in love — in love with the religion of Islam. She also was a mother of three and a divorcee. With Rashad, Rosalyn was confident that she could live out the rest of her life as a good Muslim, a good mother, and a good wife with the help of Allah. For nearly four decades, her marriage to Rashad was healthy — they were in tune spiritually, sexually, and financially. Together they produced seven children. When Rashad was taken by ambulance to the hospital following a stroke, Rosalyn prayed that his hospital stay would not be long. Her prayer was answered, but not in the way she hoped; his journey was to progress beyond the earthly realm. Rashad understood his duty to protect and maintain his wife to include the wellbeing of his wife and children while he was alive and after his death. Not only did his life insurance and pension cover his *janazah* (Muslim funeral and burial) expenses, they continued to help support Rosalyn after his death.

Aisha: Conversely, when her husband Ishmael was murdered 14 years after their *nikah*, his sudden departure left Aisha feeling unprepared on multiple, intersecting levels. Just as Malcolm X was certain that the community would assume the care of his family after his death, Ishmael believed the more he worked to cover the expenses of his expanding family, the closer he would be to setting aside a safety net that would protect his loved ones if he was unable to do so. His intent was noble. He was certain he had time. He was wrong. With help from a small insurance policy, relatives and other believers, Aisha was able to meet the financial demands of her husband's *janazah*. But the financial provisions her family needed required Aisha to find a job that would work today in the same way their household's two-paycheck did yesterday.

Willow: Even though theirs was a 12-year union that was not registered with local state authorities, Willow never worried whether her place as her husband's widow would be overlooked or upstaged by anyone. Though she and Omar were struggling financially and living apart at the time of his death — with personal belongings secured in a joint storage unit — she was intent on overseeing preparations for his *janazah*. "We were having some challenges," she explained, "but we *were* married." Unbeknownst to her, however, Omar's adult sons from a previous marriage convinced their resident Imam otherwise. Then, they took

1 Pseudonyms are used and identifying markers have been changed to protect the privacy of my subjects. Some stories reflect the experiences of multiple widows coalesced as an individual journey.

possession of the storage unit and its belongings and denied access to Willow. "The Imam did not support my rights as a wife," she complained. "I felt disrespected by not only [Omar's] sons but also by our Imam. He never investigated the allegations that were made. He just took their word. Here I am at the *janazah* as his wife, at the burial, and not being treated as his wife by our spiritual leader and [Omar's] adult children. I know what the Qur'an says about how widows should be regarded and honored and taken care of, but I didn't have a sense of that." Willow was adamant that her next marriage would be considered legal by both civil and religious authorities. Her plan proved to be fortuitous: her next husband would also precede her in death.

This chapter is about love and loss and advice for those embarking on a marriage, particularly in crafting a solo path following the death of a spouse. While its findings are grounded in the experiences of African American Muslim women who outlived their husbands, what they lived and what they recommend can be instructive for all segments of the American Muslim community as well as for non-Muslims interested in how Muslims navigate end-of-life issues — as individuals and as independent Muslim communities. The chapter began with a trio of vignettes that emerged as part of the six-month data collection period that began in the fall of 2021. With these and other stories from the Muslim Widows Study, we can begin to gain insight into the ways in which the family life decisions of Muslim women are interwoven with the care and support they expect to receive from their husbands as well as their mosque communities, and the levels at which the concept of marriage — and women's roles in it — can be culturally and contextually determined. From here we consider the issue of widow maintenance in Islam, briefly outline the demographics of the study, and explore recommendations African American Muslim widows offer to other women who may lose their husbands, mosque communities, and Muslim leaders. The chapter ends with the overarching conclusion of the study: Misplaced authority for Islamic knowledge and practice leaves women and children vulnerable. Women as well as men must *learn and then live* our responsibilities to each other, especially in our preparation for the protection of our families after our death.

Motivation for research

I became curious about widow maintenance in Islam and the association of the late Imam W. D. Mohammed (IWDM), *rahim Allah alay*, after the circulation of a series of GoFundMe campaigns to support widows

from the community in 2019. Then, as the COVID 19 pandemic began to grip the country, members of our association were wrestling with the loss of leaders whose impact was national. While only a few of these women and men were early victims of the disease, it is what the men left behind, rather than the cause of death of either, that galvanized our community. Even though they were Qur'anic scholars, resident imams, and/or teachers of Islamic fundamentals, these men often left behind financially bereft wives. They needed money to cover the burial of their husbands and/or basic needs, like maintaining the mortgage or purchasing food. A few women lost their homes or were forced to downsize. Others sought government assistance. Still others discovered that their local masjid was ill-prepared to extend monetary aid or other forms of support, largely because its members were unaware of what they could and should do or the best manner in which to proceed. While the study confirmed that some widows could access insurance proceeds and/or family savings (that the widows funded alone and/or with their husbands), the dire conditions of a number of women led me to wonder how the Qur'an addresses the care and maintenance of widows, especially in terms of the obligations of the husband and the responsibilities of the masjid community. These concerns gave birth to the Muslim Widows Study.

Parameters of The Muslim Widows Study

The Muslim Widows Study was conducted between March and December of 2021 and features survey responses of 50 predominantly African American Muslim women affiliated with the leadership of IWDM, in depth interviews with 30 of those women, and survey data from 19 of their Imams about the personal experiences of women who outlived their husbands and the communal reactions to their new circumstances. The study was guided by four objectives, namely to:

- increase the number of husbands and wives who prepare themselves and their families well, Qur'anically and materially, to deal with the loss of a spouse;

- increase the number of wives who prepare themselves well, Qur'anically and materially, to live faithfully to Allah in the absence of their husbands;

- increase the number of masjid communities that heighten their engagement in the Qur'an and available resources to educate and

empower current and future generations about our individual and communal obligations; and to

- move the issue of widow maintenance from the private to public sphere as an obligation of both individuals and community.

Their advice to other women ranged from the theological ("Seek Allah's mercy and blessings") to the practical ("know what's going on in YOUR house, with YOUR finances. Make sure you have YOUR stuff together"). The life experience of widows can be quite diverse, regardless of the type of marriage that they have — whether dual spousal union or multiple-wife marriage, unions that are registered with the state in which they live and those that are unregistered, known only to members of their religious community. In all, Qur'anic knowledge and practical awareness can easily influence where the death of a husband leaves a widow along the widow-maintenance spectrum — that is, whether a widow finds herself at the positive-experience end, occupying the angry and dissatisfied end, or somewhere in between.

Widow Maintenance as Taught in Prophetic Tradition and Local Communities

The Qur'an and the prophetic tradition show care for widows. The Qur'an specifically tells bereaved wives to observe a post-widowhood waiting period (Q 2:234) and commands their husbands to provide widows with a year's housing and support (Q 2:240). Since obviously a deceased person can't themselves do this, it's a command to the community or (other) heirs to provide for the widow from the decedent's estate. Unfortunately, the presence of an "estate" left by a deceased husband is extremely rare, the study found. That's why many Muslims associated with the leadership of IWDM interpret this directive as one with which men, in particular, look out and care for widows, offering any support possible, especially with household demands. At least one hadith of the Prophet Muhammad goes further with the community responsibility. The Messenger of Allah, peace and blessings be upon him, said: "One who lends effort to the widows and the poor is like one waging jihad in the way of Allah, or one who regularly prays at night and fasts during the day."[2] But the "how" of applying the Qur'anic directive is one of the unexpected challenges that widows may encounter. "The masjid supported me, they aided me financially, but in terms of emotional

2 Ṣaḥīḥ al-Bukhārī 5353; Ṣaḥīḥ Muslim 2982.

support, no," said Qaedah, the youngest participant in the study whose second marriage ended when her husband died after eight years, "surrounded by the brothers of their community." "Lots of brothers feel like they have to marry a sister to help her," Qaedah continued — "that seems wild to me. I have a son, and, dang, I need somebody to pretty much be a mentor to him because you know how important it is for young men to have a male in their life."

Male support, commanded by the Qur'an, was also among the communal expectations of Khadijah, a community activist and widow after 13 years of marriage, whose anger is still raw:

> *I'm very active in the community: I raised more money for the community than anyone I know. But, not one brother asked me if I needed anything even though brothers are supposed to take care of widows. Not one asked me 'do you need your grass cut? Do you need anything?' Nothing. Had I not had my [financial] affairs in order, it would have been [an especially] sad time for me. I was just surprised at the lack of response, as though I had not worked in the community for 30 years.*

Knowing what the Qur'an says and acting on that knowledge represent opposite ends of a wide spectrum. Yasmeen, whose husband died after 45 years, attends a masjid that shared teachings about widow maintenance frequently, "but talking about it and giving that information to people is totally different from internalizing it and doing it," she explained. "The community was not that kind to me. I've talked to several widows; they had the same problem I had. It's like they just forgot about us. There's just a couple of brothers in my community who see to it if I need anything. One of the brothers was my husband's enemy. On the day of his *janazah*, the brother came to me and said 'anything you need, call me.' He has done everything he said he would do."

Still, even with guidance from scripture and the prophetic tradition, teachings on widow maintenance are rare, the study found. Regardless of the length of their marriages, only a couple of widows indicated that they were familiar with the rulings on widows or that they had heard a message on the topic during Friday congregational prayers or Sunday afternoon lectures — the primary outlets for Islamic knowledge in their masjids. We hear about the waiting period for widows to remarry, but not about their care and support after a husband's death, at least "not in a specific sense," said Wakeelah, whose husband died after 43 years of marriage. "No one ever puts it [care for widows] in a practical

sense — this is how you do this, that." Wakeelah's comments echo the sentiments of the majority of study participants, and also are consistent with responses to a survey completed by 19 Imams. Only five of the male respondents indicated that they have addressed widow maintenance at least once in the past three years. Their lack of attention to the issue could be tied to the belief expressed by eight Imams that their communities already are "very familiar" or "familiar" with the individual and communal responsibilities of widow maintenance.

Findings of the Muslim Widows Study suggest that a wide discrepancy exists between what masjid leaders think their communities know and practice and the lived realities of most women who outlive their husbands. In particular, widows contend that women (and men) must become more proactive and take the reins of their own self-care and obligations, in what most have outlined as a two-step process, involving spiritual obligations and the practical treatment of widows, from theological advice to "Seek Allah's mercy and blessings" to the practical guidance to "know what's going on in YOUR house, with YOUR finances. Make sure you have YOUR stuff together."

Qur'anic Education and Application: Key Predictor of Widow Maintenance

First, Qur'anic education. When widows advocate this, they mean, more women must read and understand the Qur'an for themselves and then teach the next generation, with the realization that knowledge alone is insufficient. "I had a very intelligent husband," Rahmah said of her spouse of 30 years. If anyone knew anything [about the Qur'an], it would be him. And, still he fell short." "That's why teaching our children and theirs and providing them with more and better role models is so important," added Michealla. "But we need to teach ourselves the rules on widow maintenance as if the topic is part of attention given to the development of a family structure," interjected Dorothy, whose parents attended to the medical needs of Elijah Muhammad. "I've been around [engaged in the community] since I was 16 years old. I'm now 80, and I have seen people who give more respect to the dead than to the living."

By linking widow maintenance to family discourse, Dorothy provides an apt transition to the second step in the educational process, whereby attention to a spouse's personal needs and wishes begins at the premarital counseling stage and/or before the signing of the marriage contract and continues through to the acquisition of enforceable end-

of-life directives and control of marital resources. "It's not just about getting married," offered Khadijah, "but about getting married well." She employs a reference to nature for clarification (though these written words do not convey the passion with which she spoke them):

> *There is a particular bird and the male and female interact like this: the male is responsible for building a nest. The female sits and watches the preparation of this nest. When the male bird feels that this nest is prepared, he flies away. The female bird goes to the nest and begins to peck at it; then she shakes it, and she does everything she can to see if this nest is secure. Why? Because she wants to see if this is a place she can lay her eggs. If Allah gives the instinct to the female in nature, we can teach sisters to be responsible for you and your eggs. We've gone to the men and asked them why they are not doing their job, and they have shuffled and given us Islamic conversation. We must demand more. We must save ourselves, beginning with the planning of the marriage.*

Khadijah's insistence on self-preservation points to another 21st-century family dynamic: the likelihood of children from previous unions, as noted with Willow's experience at the start of this chapter. As I write, a new GoFundMe campaign is being organized by relatives of Muhammad, who died in a car accident, leaving behind his widow and seven-year-old child. Though his father reported that his son was "born Muslim," Omar was raised in a Christian context following the divorce of his parents. Thus, as the date for Omar's burial neared, his father informed the community that "we will respect all protocols relative to their standards and procedures for funeralizing the deceased." In other words, had Omar planned for and executed legal documents for his end-of-life decisions; such preparation would not limit his Muslim family's options to offering the funeral prayer at his grave.

Sometimes a family's lack of planning can lead to litigation that continues after death. This was the situation in which Sumayah was living when her husband died after seven years of marriage. Though they bore no children together, Clarence was survived by four adult children from a previous marriage.

> *My relationship with his children was completely damaged. My husband unfortunately missed the signature line on the health care directive, and his children and I had different opinions on my husband's health care treatment. We were in probate court for almost the duration of his hospital stay. It was just an ugly battle, and we're still not speaking to this day and*

> *I'm still in probate for the death benefits he left me. His children claimed falsely that I changed my name and removed the name of his ex-spouse.*

As late as 14 months after the death of Clarence, Sumayah was still petitioning the legal system for death benefits. Her experience has convinced Sumayah that women who are about to get married or are already married to men with adult children insist their husbands complete at least five tasks:

- One, express his wishes at a family meeting attended by all his beneficiaries.
- Two, place his wishes in writing and distribute the notarized document to his beneficiaries at the meeting or as soon thereafter as possible.
- Three, clarify with his fiancée/wife what happens to her — in terms of marital property/support — if he precedes her in death.
- Four, keep any accounts belonging to his fiancée/wife separate from accounts to which other relatives have access.
- Five, make sure all his documents are signed.

When Michealla affirmed the importance of role models above, she could have easily pointed to her own experience. In fact, her journey to widowhood is a model for what can happen when everything falls into place at just the right moment. He would tell me that "I want to stay with you but my body just won't let me," she recalled of Luqman's final days. By the time her husband died in 2019, he and Michealla had engaged in several conversations about end-of-life decisions over the course of their 20-plus-year marriage. And, they acted upon those conversations. "I was determined NOT to be an old woman in some minimum wage job," she explained. "Even with his love and promises," Michealla said, "I knew that I had to look out for my rights." Their follow-through involved a two-step process. First, they put aside funds individually and collectively to cover final expenses. Second, they positioned Michealla to start a new business and commute between her home base and another state with the proceeds from the life insurance policy that Luqman carried on himself and maintained. Leaving her in good shape financially was so characteristic of her husband, Michealla believes, because "he had built a reputation and a life that was exemplary." Apparently, Luqman was a

good money manager, too. In fact, what surprised Michealla the most was "finding out that I didn't have to pay the house note until six months after he passed!"

Given the stories she has heard of the challenging experiences of too many widows, the term "exemplary" might be an apt description of Michealla's masjid community as well. Luqman died while they visited family in the South. Even though she had to arrange and cover the costs of transport for his remains to be returned to their home state for burial, Michealla reported that her community stayed in touch, ready to assist with whatever she needed. "Everyone was at my disposal," she explained. At every stage, "the presence of community was extremely heartfelt. They [his community] loved him because he dearly loved his community."

Preparation and financial planning can reduce the stress that widows (and widowers) may experience as they move into "survival" mode. "We planned for him preceding me in death," said Aisha, whose husband, Maurice, died in 2018 — ending their 42-year-union. "All I had to do was write a check. We were people of meager means and had each other's best interests at heart." Aisha and Maurice were introduced by a mutual friend, and joined the [original] Nation of Islam during the height of the Civil Rights Movement of the 1960s, when "doing for self" was a nationwide priority — one that should be replicated today.[3] As Aisha put it:

> *We probably could do a better job of preparing financially. The fact that we have to resort to GoFundMe accounts to bury somebody and pay the day-to-day expenses of their widows tells me that it's never too late to start the financial planning process.*

Some women advise widows to become entrepreneurs and collaborate. "I encourage widows to go into business together and make money to help sustain themselves," said Khalidah, a widow after 29 years of marriage.

Proactive self-reliance and sister-to-sister education is a major concern for Khadijah, who requested a life insurance policy on her husband payable to her as part of her dower or gift to the bride from the groom. As

3 I distinguish the Nation of Islam organized in the 1930s and whose architect was Elijah Muhammad from the contemporary movement led by Louis Farrakhan.

she put it, "I have experienced my community's response to me. What I'm learning from this study is that we've gone to the men and asked them why they are not doing their job. They really shuffled and gave us Islamic conversation, which is normally what they do. What's imperative is that sisters are taught that they need to look out for themselves; *you* have to be responsible for life."

Conclusion

Over a two-week period in December 2021, I organized Zoom meetings with study participants to share findings. I wanted them to be the first to hear each other's comments and have the opportunity to add. They were not surprised by the study's findings; indeed, one sister offered this consensus comment: "Everybody is suffering through the same thing. It's amazing how you might be going through different stages but going through the same process."

To a large extent, the attitudes and conditions that these and other widows encounter reflect experiences that any male or female may grapple with at some point in their life. Ultimately, widow maintenance is, to these women, an acknowledgement of sorts. When individuals and communities address their obligations, the message sent, in the words of one widow, is this: "They [the community] knew how much he meant to me, and how much we meant to each other." Maryam, who was widowed after 38 years and is now remarried, says, "That was my experience, but, then, I was one of the lucky ones." As widows, women become aware of "all that pressure on you because you have to survive," added Khadijah. "My husband made sure that I didn't have to make survival moves."

Editor's note:

Our beloved colleague Dr. Debra Majeed passed away from cancer before she had the chance to bring her full vision for this essay to fruition. Among other things, in keeping with her always-constructive approach, she had hoped to include recommendations for imams and community leaders in addition to the advice below for communities. While we hope that her research for the Muslim Widows' Study will find fuller expression in other publications, we believe strongly in the relevance of her work, which appears here with only light editing for clarity, for Muslims, especially Muslim women, at all life stages. The hard-won wisdom of the widows she interviewed can guide those embarking on adventures in matrimony. We are tremendously grateful for her scholarship and her life.

Advice to masjid communities

- Educate community members about WHAT and HOW to prepare.
- Become familiar with non-Muslim extended family.
- Unpack the teaching that "Allah will provide." Address the myth that "You don't have to prepare for your passing."
- Establish a committee to work with widows until remarriage that includes married couples that might extend invitations to social events.
- Establish a fund to financially support older, unmarried women (and men).
- Train community members on how to approach/assist widows. Be willing to check on children.
- Be willing not to just ask "What can we do?" — but do it.

About the Contributors

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Dr. Al-Deen is professor emerita of Islamic Studies in the Department of Religious Studies at DePaul University. In 2006, she founded the United States' first undergraduate baccalaureate program in Islamic World Studies. She is the former Editor in Chief of the *Journal of Islamic Law & Culture*. Her book publications include: *African American Islam*, *Questions of Faith*, *Transnational Muslims in America*, *Introduction to Islam in the 21st Century*, *Global Muslims in the 21st century*, *History of Arab Americans: Exploring Diverse Roots*, and *Muslim Ethics in the 21st Century*. She has a forthcoming edited volume with Dr. Aasim Padela: *Islam, Muslims and COVID*. Dr. Al-Deen is a Senior Fulbright Scholar, host of Critical Talk, a Muslim Network TV production; executive board member of IMAN (Inner City Muslim Action Network); board member of Soundvision, Muslim Mental Health, MuslimARC, and the Greenwood Policy Institute; and the American editor for the Muslim Minorities in the West Series for Brill Publishers.

Kecia Ali

Kecia Ali is Professor of Religion at Boston University, where she has taught since 2006. Her research ranges from Islam's formative period to the present, and mostly addresses Islam, gender, and ethics. She is the author of several books, including *The Lives of Muhammad* (Harvard 2014) and *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence* (Oneworld 2016 [2nd ed.]). She is also the editor of the open-access reader *Tying the Knot: American Muslim Marriage and Divorce in the Twenty-First Century* (OpenBU 2021) and a co-editor with Juliane Hammer and Laury Silvers of *A Jihad for Justice: Honoring the Life and Work of Amina Wadud* (2012), also open access. Her current projects include an introductory book on Women in Muslim religious traditions and a study of the gender politics of academic Islamic Studies. She also writes on ethics and popular fiction. You can read more about her work at www.keciaali.com.

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Zahra Ayubi is an associate professor of Islamic studies in the Department of Religion at Dartmouth College and is the author of *Gendered Morality: Classical Islamic Ethics of the Self, Family, and Society* (Columbia University Press, 2019). She specializes in women and gender in premodern and modern Islamic ethics and has published on gendered concepts of ethics, justice, and religious authority, and on Muslim feminist-thought. She has also researched American Muslim women's experiences in divorce and in healthcare decision making. Her forthcoming book is called *Women as Humans: Life, Death, and Gendered Being in Islamic Medical Ethics*.

Juliane Hammer

Juliane Hammer is associate professor of religious studies at the University of North Carolina at Chapel Hill. She specializes in the study of gender and sexuality in Muslim societies and communities, race and gender in US Muslim communities, as well as contemporary Muslim thought, activism and practice, and Sufism. She is the author of several books including *Peaceful Families: American Muslim Efforts against Domestic Violence* (2019); *American Muslim Women, Religious Authority, and Activism: More Than a Prayer* (2012), and *Palestinians Born in Exile: Diaspora and the Search for a Homeland* (2005). She is also the co-editor of *A Jihad for Justice: The Work and Life of Amina Wadud* (with K. Ali and L. Silvers, 2012); the *Cambridge Companion to American Islam* (with O. Safi, 2013), and *Muslim Women and Gender Justice: Concepts, Sources, and Histories* (with D. El Omari and M. Khorchide, 2020). Dr. Hammer is currently working on several research/book projects related to negotiations of sexual ethics and practices in US Muslim communities; patriarchal definitions of Islam as a stable concept through gender and sexual norms; and Muslim women's activism as knowledge production.

Shehnaz Haqqani

Shehnaz Haqqani is an Assistant Professor of Religion at Mercer University where she teaches courses in world religions, Islam, and gender. She earned her PhD in Islamic Studies with a focus on gender from the University of Texas at Austin in 2018. Her dissertation research explored questions of change and tradition, specifically in the context of gender and sexuality, in Islam. She is currently working on a book project on Muslim women's marriage to non-Muslims, which relies on a survey of historical (textual, exegetical, legal) perspectives on the issue as well as ethnographic interviews with Muslim women married to or in romantic relationships with non-Muslims. Shehnaz runs a YouTube channel called What the Patriarchy?! (WTP?!), where she produces videos about feminism and Islam, mostly by providing summaries of books on Islam and gender. She can be reached at haqqani_s@mercer.edu.

Debra Majeed

Dr. Majeed, Professor Emeritus of Religious Studies at Beloit College, was a religious historian who made the interconnection between religion, gender, and justice central to her life's work. She retired from Beloit in 2020. She was the first African American female and first Muslim to be tenured in the 175-year history of Beloit College, and the first to be awarded Emeritus status. Her contributions to social justice on the campus and in the wider community during her 21 years of teaching led the City of Beloit to proclaim January 21, 2011 "Dr. Debra Majeed Day." Dr. Majeed received her doctorate in Religious and Theological Studies from Northwestern University in 2001. After the publication of her groundbreaking work *Polygyny: What It Means When African American Muslim Women Share Their Husbands* in 2015, Dr. Majeed continued to work with mosque communities for the cultivation of resources and support for healthy marriage regardless of form. In 2021, she undertook the Muslim Widows Study, looking at the care and support of Muslim widows through surveys and in-depth interviews. She also researched domestic abuse as an act of violence that happens in the lives of women and advocated the normalization of Muslim marriage contracts. In Charlotte, North Carolina, where she relocated after leaving Beloit, concern for family life issues led Dr. Majeed to develop Queen City Family Advocates, a grassroots initiative that interrogates and challenges attitudes, norms and policies that undercut the health and wellbeing of families; she also became certified as a guardian ad litem, a legal advocate for abused and neglected children. She passed away in March 2022.

Asifa Quraishi-Landes

Asifa Quraishi-Landes is Professor of Law at the University of Wisconsin Law School, specializing in comparative Islamic and U.S. Constitutional law, with a current focus on modern Islamic constitutional theory. She is a 2009 Carnegie Scholar and 2012 Guggenheim Fellow. Her recent publications include "Legislating Morality and Other Illusions about Islamic Government" and "The Sharia Problem with Sharia Legislation." She is currently working on a book on Islamic constitutionalism which presents a non-theocratic and non-secular model of Islamic constitutionalism for today's Muslim-majority countries. Professor Quraishi-Landes holds a doctorate from Harvard Law School and other degrees from Columbia Law School, the University of California at Davis, and the University of California at Berkeley. She has served as a Public Delegate on the United States Delegation to the United Nations Commission on the Status of Women, the Task Force on Religion and the Making of U.S. Foreign Policy for the Chicago Council on Global Affairs, and as advisor to the Pew Task Force on Religion & Public Life. She currently serves on the governing board of the Section on Islamic Law for the Association of American Law Schools, the Muslim Public Service Network, Bayan Islamic Graduate School and the Muslim Youth Camp of California. She has been a past President and Board Member of NAML (National Association of Muslim Lawyers) as well as Karamah: Muslim Women Lawyers for Human Rights. She is an affiliate of the Muslim Women's League, and a Fellow with the Institute for Social Policy and Understanding.

Zaynab Shahar

Zaynab Shahar is currently pursuing a doctorate in comparative religion, with specializations in Jewish and Islamic law, Jewish Gender Studies, Islamic Gender Studies, and Philosophy of Religion. Utilizing the insights of Black queer thought and queer of color critique, their dissertation aims to conceptualize otherwise methods of legal praxis and orthopraxy that advance feminist critiques regarding the continued proliferation of patriarchal legal praxis. Outside of academia, Zaynab is a co-founder and the Director of Spiritual Education at Masjid al-Rabia; where they lead programs related to convert care, Qur'an study, and spiritual approaches to abolition.

Shereen Yousuf

Shereen Yousuf is a doctoral candidate in the Rhetoric, Politics and Culture program at the University of Wisconsin-Madison. Her research explores how Muslim communities in the U.S. draw from their faith and community knowledge to make sense of the social/political climate in the U.S., and how this informs Muslim-based activism. Prior to moving to Madison, Shereen was an adjunct instructor of intercultural communication, and was heavily involved in the Jafari Shia community in the Chicago-land area. She is currently working with the Shia Racial Justice Coalition to develop an anti-racism curriculum that specifically caters to Jafari Shia Muslim communities in the U.S. for her doctoral dissertation, bridging together her passions for decolonial theorizing, pedagogy, and liberatory community-based practices.

Nousheen Yousuf-Sadiq

Nousheen Yousuf-Sadiq obtained her master's degree in Religious Studies from Boston University. Her thesis topic was on Sayyeda Zaynab's legacy and the model of martyrdom in Jafari Shi'i Islam. She is published in I *Speak for Myself: American Women on Being Muslim*, is featured in iCOVER: A Day in the Life of a Muslim-American COVERed Girl, and in various other academic and religious works on topics of gender and women in Islam. She participated in several speaking engagements over the course of the pandemic, and won second place in the MATIN Talks speaking competition in 2020. She currently volunteers for a national organization gathering research on courtship and marriage in the Shi'i community. Additionally, she is involved in several local initiatives in her town school district advocating for racial justice, religious and cultural awareness, and inclusivity for differently-abled children. Nousheen resides in New Jersey with her husband and four children.

Tying the Knot: A Feminist/Womanist Guide to Muslim Marriage in America is for American Muslims considering marriage and planning weddings. Topics include premarital counseling, marriage contracts, finding an officiant–or learning to officiate, interreligious marriages, intercultural marriage, *mut'ah* marriage, LGBTQ marriage, and wisdom from married women and widows from African American Muslim communities. Contributors, American Muslim cis women and non-binary scholars, draw on academic expertise and experience with diverse Muslim communities and organizations to consider this complicated and fraught as well as exciting and joyful life transition. Chapters span the gamut from weddings to widowhood, treating the latter as something anyone embarking on marriage should consider.

Tying the Knot is a follow up to the open-access reader *Half of Faith: American Muslim Marriage and Divorce in the Twenty-First Century* (OpenBU, 2021). This book is archived at OpenBU at https://hdl.handle.net/2144/44079.

Contributors:
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