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**Interfaith Marriage under Islamic Law: Theory and Practice**

Dissertation summary  
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5.1.1 – Theoretically Historical Legal Sciences

## GENERAL OVERVIEW OF THE DISSERTATION

In the modern world, marriages between people professing different religions are increasingly common. It is important to point out that the difference in religion in the Western world has long been not perceived as an obstacle to marriage, as well as there is no such provision in the current secular legislation.

Interfaith marriage does not mean cultural differences only, but often a completely opposite understanding of some legal aspects, especially when it comes to marriages between a Muslim man and a woman of a different faith.

The Quran pays great attention to the issues of family and marriage, but mixed marriage is not regulated in detail. From the Quran, one can only conclude that a man (Muslim) can marry a woman of another faith if she belongs to the so-called 'people of the Book' (is a Christian or a Jew); a Muslim woman can marry only a man who professes Islam. Thus, the Sharia unambiguously considers only the question of whether a Muslim is allowed to marry a follower of another faith (although in some hadiths one can find information that it is undesirable to marry 'people of the Book'); however, other aspects of interfaith marriage are not regulated. For example, it is not entirely clear from the Sharia norms how a marriage between a Muslim and a non-Muslim takes place, how dissolution of a marriage is governed, what are the consequences of divorce, how and about what to conclude a marriage contract, how property relations between spouses are regulated, the issue of the status of children. Fiqh gives answers to questions that we have not found in the Quran and Sunnah. However, Fiqh schools (*madhhabs*) do not always agree on a certain issue. This may explain why the legislation of countries where the provisions of Sharia and Fiqh apply contains different norms on the same issues: the legislator borrows the norms of a certain school of Fiqh and includes them in legislation; also, the legislator often refers to the provisions of Fiqh as a subsidiary source of law.

In this work, we propose to consider how interfaith marriages are regulated according to Islamic law, that is, in accordance with the legislation of various

countries, as well as those provisions that, in addition to legislation, are applied when solving a legally significant issue. Since Islamic law follows from Fiqh, and Fiqh — from Sharia, we will also touch upon general questions on interfaith marriages, the answers to which can be found both in the Quran and Sunnah, and Fiqh.

The **object** of the study is the social relations that have developed in the field of interfaith marriage relations with the participation of Muslims.

The **subject** of the dissertation research is rules of Sharia, Fiqh and legislation which regulate the issued arising from an interfaith marriage.

The **goal** of the work is to identify the features of modern Islamic law in comparison with the provisions of Sharia, traditional and modern Fiqh on the example of the legislative regulation of interfaith marriages in modern Islamic, as well as some secular states in which a large number of Muslims live. Achieving this goal is necessary for a comprehensive assessment of modern Islamic law, that is, in order to give a more accurate description of modern Islamic law, the direction of its evolution, reflection in the provisions of Fiqh and Islamic law of modern trends in legal development characteristic of the current situation in the world, etc.

To achieve this goal, the following **objectives** were set:

- 1) to determine how Sharia, Fiqh and Islamic law relate;
- 2) to investigate the prescriptions of Sharia and the conclusions of various madhhabs on the issues of marriages and their legal consequences in Islamic law;
- 3) to consider the legislation of modern Islamic states regarding the regulation of ordinary and mixed marriages as an element of their legal systems based on the interaction of Islamic and European legal cultures;
- 4) on the basis of the collected information to identify the degree of reflection in the family legislation of Islamic states of general trends in the legal development of Muslim countries;
- 5) to conduct a comparative analysis of approaches to solving the issue of interfaith marriages in the practice of modern Muslim countries;
- 6) to identify the most typical models of regulation of traditional and interfaith marriages in the current family law of Islamic states;

7) to investigate the activities of Muslim communities in secular states on the issue of their application of sharia and Fiqh norms in the context of regulating marital and family relations, including interfaith marriage.

Despite the efforts made to search for materials of judicial practice, the author managed to find only one court decision that concerns the research issue. For this reason, the study of judicial practice was not the objective of this study. The difficulty associated with finding examples of judicial practice lies in the fact that there are cases when Muslims, when a dispute arises, turn not to official arbitration bodies, but to unofficial ones.

The methodological basis of this work is the provisions of the concept of differentiation of the concepts of Sharia, Fiqh and Islamic law.

In short, these methodological provisions are as follows:

- Sharia is the provisions sent down by Allah through His Messenger and expressed in the Quran and the Sunnah of the Prophet Muhammad (i.e., the provisions of Sharia can be derived exclusively from the Quran and Sunnah);

- Fiqh means a field of knowledge that studies the rules of external behaviour, as well as these rules themselves. The concept of *ijtihad* is connected with Fiqh, which is the activity of extracting norms of external behaviour from Sharia; the sources of Fiqh are both Sharia and methods of extracting norms from Sharia;

- Islamic law should be understood as those rules of Fiqh that meet the criteria of law, that is, provisions that have received state official status in one form or another, for example, consolidation in legislation or application by a court;

- the dispute about the legal understanding is not the subject of this work, therefore we will adhere to the positivist concept, according to which the right is expressed, first of all, in legislation;

- Sharia is a divine phenomenon, the meaning of which is to indicate the ‘straight path’ to people, and Islamic law is something created by people (albeit on the basis of divine prescriptions);

— the provisions of Sharia and Islamic law may coincide when the provisions of the Quran and the Sunnah are included in the legislation of an Islamic State; however, Sharia itself, which is not reflected in legislation, cannot be called law in the exact sense;

— it is impossible to identify categories expressing religious aspects (in our case, it is Sharia) with legal categories (Islamic law); that is why, speaking about interfaith marriages according to Islamic law, we will investigate not only what is indicated in the Quran and the Sunnah, but the content of the legislation of Muslim states.

This goal requires an analysis of religious texts (their interpretation), legislation and scientific literature, and therefore it is supposed to use a wide range of **methods**. These are both standard methods for any research (synthesis, analysis, deduction, induction) and special methods.

Firstly, it is a formal legal method by which the provisions of Islamic thought can be interpreted to the science of law and the state. This method is necessary due to the fact that Islamic law is a multidimensional object, which, based on religious postulates (Sharia), is a legal category.

Secondly, it is a set of methods of comparative jurisprudence. The application of legal comparative studies directly follows from the goal of the dissertation research, including the corresponding tasks, and the research question of the work. In this case, it is assumed to use three comparison approaches:

— *dogmatic* approach: this approach implies a comparison of the norms expressed in legislation. Within the framework of such a comparison, we can compare the regulation of interfaith marriages at the level of legal norms (this is especially relevant for Islamic states whose legislation contains such norms);

— *functional* approach: this approach considers law as a tool for solving social problems. At the same time, not only legal norms will be compared, but also legal concepts that are related to the topic of the study, i.e. *tertium comparationis*;

— *culturological* approach: according to this approach, law is perceived as a model of a specific national culture; this approach is especially important in the

context of the study of issues related to Islamic law, the study of which is closely related to moral values; the culturological approach also implies that each culture has its own concepts and their interpretation.

Thirdly, these are sociological methods, the use of which allows you to get information about how the number of interfaith marriages involving Muslims changes over time (using statistical data), which, in turn, will emphasize the relevance of the chosen topic. Among other things, with the help of a sociological approach, it becomes possible to identify the patterns of development of the selected states, to justify the presence or absence of changes in their legislation on the regulation of interfaith marriages. In addition, the sociological approach makes it possible to expand the list of sources used (for example, theological conclusions, which are not sources of law in secular states, but are still important in resolving disputes between people if at least one of them professes Islam).

**Background and related work.** There are no case studies devoted to the regulation of interfaith marriages in Russian and foreign science. At the same time, it should be noted that in the works of foreign authors, although in a small part, the issue of interfaith marriages is covered in one way or another, that is, for this study, the work of foreign scientists will have a predominant importance over domestic ones, which, in turn, in no way detract from the merits of Russian scientists. So, the studies available today can be divided into two groups:

- 1) general works on Islamic law, in which there is a small amount of information on the regulation of marriage and family relations, and also superficially touches on the question of the right of personal status;

- 2) studies devoted directly to the issue of marriage and family relations in accordance with Sharia, Fiqh and Islamic law, including the institute of personal status law is considered in detail.

It seems reasonable to structure the analysis of the works of Russian researchers and bring them in accordance with the following periodization: pre-revolutionary, Soviet and post-Soviet (Russian) studies.

I) Thus, a fairly extensive number of works were published by pre-revolutionary researchers of Islam and Islamic law (V.V. Bartold, N.P. Ostroumov, E.A. Schmidt, S.I. Umanets, P. Tsvetkov, V.P. Nalivkin, M.A. Mashanov, N.E. Tornau, I.G. Nofal, V.F. Mukhin, P.V. Antaki). However, these works were mainly devoted to general issues of Islam and Islamic law, but not to interfaith marriages under Islam.

II) Scientific interest in the regulation of mixed marriages did not arise in the Soviet period either. Soviet lawyers, historians, orientalists, philosophers, sociologists, etc. just like their colleagues of the previous period, they did not devote their research directly to the institute of personal status law or the regulation of interfaith marriages, in addition, they did not focus on these issues in their writings.

At the same time, it still seems necessary to mention the authors who in their works in one way or another dealt with certain issues, problems of 'personal status' (mainly marital and family relations): M.I. Sadagdar, V.E. Chirkin, M.V. Vagabov, M.S. Haidarova, L.I. Shaidullina, E.V. Gusev, S.M. Pelevin, L.R. Syukiyainen.

III) In the post-Soviet period, although there are also no thematic works on the issue under study, however, there have been much more researchers and studies on the regulation of marriage and family relations in accordance with the provisions of Sharia, Fiqh and Islamic law (using the example of the legislation of various Muslim states), including some issues related to 'personal status'. Although important issues related to the regulation of interfaith marriage in accordance with the provisions of Sharia, Fiqh or the legislation of various countries (Islamic law) remain out of the field of view of researchers, however, among other authors, the following should be pointed out: E.S. Akhilgov, E.A. Ryzhkova, Y.K. Manukyan, O.Y. Valko, R.M. Nurgaleev, D.S. Borminskaya, R.K. Adygamov, V.V. Tsmay.

Foreign scientific research can be divided into two groups.

The first of them includes studies on Islamic law in general and personal status law in particular. Without considering in detail the question of the right of the personal status of Muslims, it is impossible to investigate interfaith marriages. Among the authors we can single out D.J. Nasir, Y. Shakht, M. Roe.



The second group of works is represented by studies whose direct topic is the regulation of marriages, including interfaith marriages, according to Islamic law. In particular, the works of D.J. Nasir, J. Esposito, A. Liman, A. Elmali-Karakaya should be noted.

Summarising background of the research topic, it should be added that in recent decades scientific dissertations have been regularly defended, as well as a large number of scientific articles have been written on various aspects of Islamic law, but none of them has been devoted to the topic of interfaith marriages, and in related works related to family Islamic law, not enough attention is paid to this dissertation research questions.

Thus, ‘interfaith marriages’ in foreign and Russian legal science have not been considered either at the level of monographs, or at the level of dissertation research, or even at the level of scientific articles until now. Only its individual aspects have been covered, which do not allow to form a complete picture of the regulation of the relevant relations.

This dissertation is the first attempt at a comprehensive study of such an important scientific and practical aspects of the problem.

The **sources** of the dissertation were:

- 1) some Sharia norms that apply directly in the Islamic state when making a decision (for example, in the Kingdom of Saudi Arabia);
- 2) norms developed by Fiqh schools that are applied in Islamic countries;
- 3) the legislation of the Islamic states considered in the dissertation study;
- 4) fatwas and theological conclusions that actually apply to Muslim communities in various states.

The **scientific** novelty of the work lies in the fact that this is the first comprehensive, logically completed monographic legal study of ‘interfaith marriage’ in Islamic law, revealing its legal essence and features. For the first time in Russian science, the study examines the current state of the legislation of Muslim countries with regard to the regulation of interfaith marriage: despite the fact that Islamic law remains a separate special legal family, modern world trends arising

from globalisation are the reason that unshakable religious provisions are subject to changes in the norms of law, which, in turn, may adversely affect the identity of this legal family.

**Key research findings and conclusions submitted for defense:**

1. Interfaith marriage in Islam is initially regulated by the provisions of Sharia (the Quran and Hadith, which are the external form of the Sunnah of the Prophet Muhammad), which by their nature act as religious norms. These rules are interpreted by various schools of Fiqh – Islamic science about the rules of outwardly expressed behaviour of people. The conclusions of this science are also called Fiqh. The prescriptions of Sharia alongside with the norms of Fiqh represent the basis and source of the norms of Islamic law as a legal phenomenon. Currently, the leading source of Islamic law is a normative legal act. With regard to interfaith marriage, we can speak of the relevant provisions of the family legislation of Muslim countries based on the prescriptions of Sharia and Fiqh. The analysis of the regulation of interfaith marriage in Islam reveals the correlation of Sharia, Fiqh and Islamic law, allows us to objectively characterise the features of the latter as an independent legal system.

2. The regulation of interfaith marriage in the legislation of modern Muslim countries makes it possible to trace the characteristic features of modern Islamic law by the example of this legal institution. First of all, we are talking about its form: unlike traditional Islamic law, the source of which was the doctrine, its modern version is implemented in the form of positive legislation. In addition, Islamic law currently interacts closely with other legal cultures, primarily European law. Along with this, the regulation of this marriage by legislation is characterised by a departure from some of the fundamental prescriptions of Sharia and Fiqh (for example, regarding the marriage of a Muslim woman with a non-Muslim).

3. The norms of modern legislation of Muslim countries regarding interfaith marriage demonstrate an important feature of Islamic law, largely explained by its close ties with the conclusions of Fiqh: its diversity, pluralism of decisions on similar issues. For this reason the norms of this legislation regarding interfaith marriage do

not differ in unity. The study of such prescriptions makes it possible to more fully reveal the nature of modern Islamic law, which, on the one hand, remains committed to the traditional provisions of Sharia and Fiqh, and on the other hand, responds flexibly to social changes, reflects local traditions and customs, and takes into account global trends in legal development.

4. Various models of legislative regulation of interfaith law in modern Muslim countries are explained by objective circumstances and adherence to various schools of Fiqh. For this reason, any attempts to unify this legislation in relation to interfaith marriage have no real prospects. Such a conclusion is not questioned by the development at the level of the League of Arab States at the end of the last century of a unified model of the law on personal status. At the same time, the general trend in the development of modern family legislation in Muslim (primarily Arab) countries is the mutual borrowing of the most successful legal solutions. The study of this direction of legal development at the level of regulation of interfaith marriage makes it possible to give a more comprehensive description of modern Islamic law as a whole.

5. The analysis of the regulation of interfaith marriage is relevant for a number of non-Muslim countries, where such marriages have recently become quite widespread. Russia also belongs to them. In this regard, the analysis of the Theological Conclusion of the Council of Ulema of the Spiritual Administration of Muslims of the Russian Federation on interfaith marriages is of scientific interest. This document, although based on the conclusions of individual Muslim jurists, generally departs from the precisely established prescriptions of Sharia and the prevailing conclusions of Fiqh. However, it is necessary to continue working on the formulation of the position of modern Russian Islamic legal thought on family relations in general and interfaith marriage in particular. This is necessary to determine the prospects of Islamic legal culture in our country, to discuss the possibilities of including the principles and norms of Islamic law in the Russian legal system.

6. The study of the problems of interfaith marriage allows us to continue the discussion around the prospects of taking into account the norms of Sharia and Fiqh in the legal regulation of marriage and family relations in our country. Taking into account the attribution of these issues to the subjects of joint jurisdiction of the federation and its subjects, it seems that the regions of the traditional spread of Islam in our country have the legal possibility of adopting their own family legislation, taking into account certain provisions of Sharia and Fiqh, which do not conflict with current Russian law. At the same time, Sharia courts operating under the spiritual administrations of Muslims as public advisory institutions can play a positive role in the settlement of family disputes between Muslims using Sharia norms in compliance with Russian legislation. Under this condition, the achievements of Islamic legal culture can make a positive contribution to the legal development of Russia.

The **theoretical and practical significance** of the dissertation research is due to the scientific novelty of the findings. The theoretical significance lies in the fact that the study deepens knowledge about the institution of interfaith marriage in Sharia, Fiqh and Islamic law; the theoretical provisions and conclusions formulated in the work develop and complement scientific knowledge in the relevant field.

The materials and results of the dissertation research can be used in the preparation of textbooks and textbooks on Islamic law, comparative law, the history of state and law of foreign countries, family law, in the preparation and teaching of lecture and special courses for students of legal, philosophical, historical, Oriental specialties.

Moreover, the conclusions obtained from the results of the study can be used in research activities when analysing the current state and prospects for the development of Islamic law, including Islamic family law; as a scientific basis for further study of problems in the field of legislative regulation of family law issues in Islamic states, etc.

The **validity and authenticity of the results obtained** is due to the use of a wide range of sources: regulatory legal acts and other legally significant documents

(standards, instructions, etc.) of the Russian Federation and foreign states, scientific publications of Russian and foreign authors on the subject of dissertation research. The correct choice of the research methodology predetermined the validity of the findings, which have received recognition in the academic community.

**Approbation of the results of the study.** The most significant conclusions and results of the dissertation research were presented in the form of reports at scientific conferences and other events, including:

1) III All-Russian Islamic Studies Forum ‘Islam and Islamic Studies in Modern Russia’. Makhachkala, September 22-24, 2022 (online). Title of the report: ‘Interfaith Marriage With Muslims: The Impact of Modern Trends On the Dynamics of Ethno-Confessional Processes in Russia’;

2) XXIX International Scientific Conference of students, postgraduates and young scientists ‘Lomonosov 2022’. Moscow (online), 04/19/2022. Title of the report: ‘Commentary On the Theological Conclusion 5-19 (Interfaith Marriages) of 19.11.2019’;

3) Joint XX International Scientific and Practical Conference ‘Kutafin Readings’ of the Kutafin Moscow State Law University (MSLA) and XXII International Scientific and Practical Conference of the Faculty of Law of Lomonosov Moscow State University on the topic ‘The Role of Law in Ensuring Human Well-Being’. Moscow, 26.11.2021 (online). Title of the report: "The Welfare Of a Muslim Woman: The Merit of Law or Religious Prescriptions?";

4) XXVIII International Scientific Conference of students, postgraduates and Young scientists ‘Lomonosov 2021’. Moscow, 13.04.2021 (online). Title of the report: ‘Interfaith Marriage According to Islam in Russia: Theory and Practice’.

On the topic of the dissertation research, the author published 9 scientific papers with a total volume of 4.98 printer’s sheets. 1. Among them: 3 articles in journals recommended by the HSE (list D), 1 article in a journal recommended by the Higher Attestation Commission.

It should be particularly noted that certain provisions of this dissertation research were presented in several reports to the Russian Foundation for Basic

Research during the implementation of the project: 'Interfaith Marriages under Islamic Law: Theory and Practice'. The relevant reports were accepted by the Foundation and positively evaluated.

## **THE STRUCTURE AND CONTENTS OF THE DISSERTATION**

The choice of **the structure of the dissertation** research is predetermined by the subject of the study, based on the goals and objectives set within the framework of the study.

The dissertation work consists of an introduction, three chapters, including thirteen paragraphs, a conclusion, a list of used sources and literature.

In the **introduction**, the relevance of scientific research is substantiated, the purpose and objectives of the study are indicated, the characteristics of the object and subject of the study are given, the methodology is described and the main methods that were used during the work are disclosed. The introduction also provides a detailed overview of Russian and foreign literature on the problems of this dissertation research. Among other things, the introduction formulates the conclusions to be defended, provides a justification for the scientific novelty, as well as the theoretical and practical significance of the study.

**Chapter I 'Marriage and family Relations — the central institute of the law of the personal status of Muslims'** is devoted to general issues related to the law of the personal status of Muslims and the marriage and family law arising from it.

In *paragraph 1.1. 'Sharia and Fiqh as the basis of the right of personal status'*, the concepts of the terms 'Sharia' and 'Fiqh' are given, their sources are indicated, and the main madhhabs are briefly described. The essence of Fiqh as the science of extracting the rules of behavior from the norms of Sharia and as the rules themselves is revealed.

*Paragraph 1.2. 'The right of personal status'* describes the history of the emergence of the term 'personal status', which was not originally peculiar to either

Sharia or Fiqh, but appeared later in the XIX century. Also, in this paragraph it is indicated which issues are included in the right of personal status: waqf, human status, legal capacity, marriage, kinship, guardianship, maintenance of relatives, inheritance issues.

*Paragraph 1.3. 'General characteristics of the family legislation of Muslim countries and its relation to Sharia'* describes the criteria according to which a particular state can be considered Muslim. Also in this paragraph, it is proposed to divide Muslim countries into several groups, depending on which acts regulate issues related to marital and family relations.

The first group includes only one state — Egypt, in which there is no single codified act regulating issues related to the right of personal status (and, consequently, marital and family relations). Among the legislative acts of Egypt, you can find at least four acts that are related to the regulation of these issues.

In the states of the second group, marriage and family relations are regulated by codified normative legal acts, which are devoted to all issues included in the law of personal status. This group includes the following States: Bangladesh, Iraq, Jordan, Saudi Arabia, UAE, Yemen, Tunisia, Syria.

The third group includes states in which marriage and family relations are regulated by codified thematic acts: Algeria, Bahrain, Lebanon, Maldives, Indonesia, Morocco, Malaysia.

The fourth group includes states in which marriage and family relations are regulated through codified civil legislation: Afghanistan, Iran, India.

The fifth group includes states whose legislation regulates only a small part of the issues that arise from marital and family relations. This group includes Brunei and Libya.

This paragraph also emphasises that the legislative norms related to the law of personal status were adopted at a time when many legal relations changed in the western direction. The right of personal status has become a sort of 'capsule' for the relations belonging to this group, which allowed them to maintain a tight connection with religious norms.

*Paragraph 1.4. 'Special features of conclusion of a Muslim marriage'* contains information about what marriage is according to Sharia, Fiqh and Islamic law. So, marriage is primarily a contract that is concluded in a prescribed form and which grants each spouse certain rights and obligations, including the right to enter into intimate relations with each other.

Within the framework of this paragraph, the role of engagement in the subsequent marriage is described: engagement is a promise, not a contract, therefore it does not give rise to mutual rights and obligations between the parties.

The paragraph also reveals the requirements for marriage: the consent of both parties, the presence of two male witnesses (Shiite madhhab do not require the presence of witnesses), legal capacity (reaching the age of marriage and sanity), the absence of circumstances preventing marriage. Such circumstances include: close kinship, milk kinship, religion (as a general rule, a Muslim woman cannot marry a non-Muslim, and a Muslim can marry a non-Muslim woman only if she is a woman from the 'people of Book'), the period of 'iddah', the presence of another marriage (a married woman, cannot marry again; a man with four wives cannot marry for the fifth time until he has dissolved at least one marriage). In connection with the last thesis, the current state of the problem of polygamy in the legislation of Muslim states is also described.

In the context of this paragraph, the institution of the marriage gift 'mahr', its role and types are also described.

Next, the issue of divorce in Islam is revealed. It describes the institution of 'talaq' — divorce on the initiative of a man, and 'tatliq' — divorce on the initiative of a woman, the right to which she receives in case of violations of the terms of the marriage contract. The paragraph also describes other ways of divorce: 'khul' — a tool that allows a woman to start the divorce process by 'buying' herself out of marriage; as well as the dissolution of marriage in court.

At the end of the paragraph, the Sharia concept of inheritance is described, which differs from the one that is familiar to modern non-Muslim society. One of the basic principles of the Sharia concept of inheritance is that non-Muslims do not



inherit after Muslims, and vice versa. This is especially important in the context of studying issues related to interfaith marriages.

**Chapter II ‘Interfaith marriage: issues of theory and practice’** is devoted directly to issues related to interfaith marriage: what this marriage is in Sharia, Fiqh and Islamic law, in which cases it is possible and in which cases it is prohibited. The question of the possibility of entering into an interfaith marriage according to the norms of the legislation of Muslim states has been studied in particular detail.

*Paragraph 2.1 ‘General characteristics of the regulation of interfaith marriages in Sharia and Fiqh’* pays great attention to the text of the Quran on the issue of interfaith marriages. Thus, the author comes to the conclusion that the Quran allows only men to enter into an interfaith marriage; moreover, such a marriage is possible only with a woman from the ‘people of the Book’ (in the Quran, this term is used in the analysed verses, without reference to Christianity or Judaism).

Also in this paragraph, the issue of the permissibility of marriages of Muslim men with women from the ‘People of the Book’ according to the Shafi'i Madhhab is discussed in detail. Thus, according to the followers of Imam al-Shafi'i, not every Christian or Jew is a person from the ‘people of the Book’; therefore, a Muslim is not allowed to marry any Christian or Jewish woman.

*Paragraph 2.2 ‘Interfaith marriage according to the legislation of Muslim States’* describes how the issue of the permissibility of interfaith marriage in states that are commonly called Muslim is resolved. In this paragraph, the legislation of the countries is analysed in accordance with the groups that were designated in Chapter I. In the course of analysing the legislation, the author comes to the conclusion that not in every Muslim state the question of the permissibility of interfaith marriage is resolved in accordance with Sharia: in some countries, interfaith marriage cannot be concluded at all, and somewhere Muslim women can also enter into such a marriage. At the same time, it is important to note that legislation and real law enforcement practice may not correspond to each other: for example, despite the fact that in Tunisia everyone is allowed to enter into an

interfaith marriage, the authorities that register the marriage do not enter into marriages between Muslim women and men who do not profess Islam.

From this we can conclude that according to Islamic law, interfaith marriage is the marriage union of a Muslim man and a woman from the 'People of the Book'. The term 'people of the Book' seems to be felicitous, since in some countries they adhere to the rules of Shafi'i Fiqh, which, as we have already pointed out, imposes certain requirements on Christians and Jews before considering them 'people of the Book'.

In *paragraph 2.3 'Modern views on the conclusion of an interfaith marriage with Muslims'*, modern positions on the conclusion of such a marriage according to Islam are analysed. Firstly, this is the theological conclusion of the Council of Ulema of the Direction of Muslims of the Russian Federation 5/19, according to which Muslims are generally prohibited from marrying Christian women. The paper analyses the arguments that are indicated in this conclusion. The author comes to the idea that these arguments are not justified; and in general, such a ban directly contradicts Sharia.

Secondly, the modern view of the interpretation of the Quran on interfaith marriage is also analysed: there is a point of view that Muslim women can also marry men from the 'people of the Book'. Having studied the arguments of academics who adhere to this point of view, the author of the work comes to the conclusion that their arguments contradict the text of the Quran and the norms of Fiqh. Moreover, the proponents of this concept suggest selectively using the verses of the Quran on issues of interest, excluding those that prohibit Muslim women from marrying men from the 'people of the Book'.

**Chapter III 'Certain legal issues arising from interfaith marriage'** discusses problematic issues that arise against the background of interfaith marriage, as well as due to the spread of such marriages.

In *paragraph 3.1 'Inheritance in interfaith marriage'*, the author once again draws attention to the fact that, as a general rule, a Muslim does not inherit from a non-Muslim, and vice versa. However, this does not always work in an interfaith

marriage: if one of the spouses left a will in favour of the other, then in this case there is an opportunity to receive an inheritance. Also, some Islamic scholars hold the view that a Muslim can increase their well-being at the expense of a non-Muslim's property.

However, as a general rule, if a man has not left a will in favour of his non-Muslim wife, then she still cannot inherit from him. Interestingly, if a woman converts to Islam after his death, then she still cannot be an heiress, since she did not profess Islam at the time of her husband's death.

In *paragraph 3.2 'The possibility of unification of the norms governing interfaith marriages in Muslim states'* the author says that unification of the norms of Islamic law is both impossible and unnecessary, since the difference of norms on the same issue is one of the distinctive features of Islamic law. Among other things, the difference in some norms may be due to the cultural environment of a particular state: if a norm exists and satisfies the needs of society, then there is no need to replace it with another one yet.

*Paragraph 3.3 'The possibility of unification of norms on interfaith marriages in secular states (on the example of Russia)'* again refers to the theological conclusion of the Council of Ulema 5/19 as an unsuccessful experience of unification of norms in a state in which different peoples with different cultural codes live.

In *paragraph 3.4 'Prospects for the development of Islamic law in Russia: regulation of relations in interfaith marriage'* the author considers whether it is possible in the future to regulate relations in accordance not with the norms of secular legislation, but with the norms of Islam. In this context, the question arises of the need to establish Sharia courts to resolve disputes that arise among Muslims. It is emphasised that Western states have experience in creating such courts: however, in addition to official courts, unofficial Sharia courts operate in them, which often make radical, ultra-right decisions. The author comes to the conclusion that there is a need to create Sharia courts in Russia; however, it is important that their activities are controlled by state authorities.

The need to develop rules for regulating interfaith marriages, as well as the further possibility of resolving disputes in the Sharia court, is caused by the fact that, despite the rule of law, for many believers, religious norms are of greater value than secular legislation. The inability to resolve a dispute in accordance with religious norms can, among other things, distance from religion, bring it closer to secular norms, and form secular consciousness.

In **conclusion**, the main results of the dissertation research are summarised.

## **MAIN PUBLICATIONS ON THE RESEARCH TOPIC**

### ***Publications in journals recommended by HSE University***

Kuliev D.T. Polygamy and interfaith marriages according to Sharia, fiqh and current legislation of Muslim states. Asia and Africa today. 2021. № 11. Pp. 64-77. (In Russ.). DOI: 10.31857/S032150750017410-3. 1 printer's sheet.

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Kuliev D.T. Sharia and Fiqh: Concept, Sources and Relation. Islam Studies (Islamovedenie). 2020. V. 11. N 1. P. 13-25. 1 printer's sheet.

### ***Articles in collections of scientific papers***

Kuliev D.T. Interfaith Marriage With Muslims: The Impact of Modern Trends On the Dynamics of Ethno-Confessional Processes in Russia // In the book: Islam and Islam Studies in Modern Russia. Collection of reports of the III All-Russian Islamic Studies Forum. Makhachkala: ALEF. 2022. ISBN 978-5-00212-158-8. DOI: 10.33580/9785002121588. P. 122-129. 0,51 printer's sheet.

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resp. ed. I.A. Aleshkovskiy, A.V. Andriyanov, E.A. Antipov, E.I. Zimakova. [electronic source] — M: MAKS Press, 2022. ISBN 978-5-317-06824-0. 0.1 printer's sheet.

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