Tunisia repeals ban on interfaith marriage for Muslim women

Many Muslim nations prohibit certain interfaith marriages. It's not suprising that Tunisia changed that.

by Akram Khalifa and Salma Ben Taher

This article appears in the November 8, 2017 issue.

A few months ago, Amina El Mahdhi was forced to go abroad to marry the man she loved.

He is a Christian, and it was illegal in Tunisia for a Muslim woman to have an interfaith marriage.

“I refused to force my future husband to convert to another faith to be able to marry me,” said El Mahdhi, 30, of Sousse, a coastal town about 90 miles south of Tunis. She said the issue of his faith had never even been raised in her family, “so why should it be an issue for the state?”

A recent presidential decree nullified the ban on women marrying non-Muslims. Now El Mahdhi and her husband are planning a second wedding celebration in Tunisia.

“I can simply register my marriage without any problem,” she said. “And I can get married in my home country in peace.”

From Lebanon to Malaysia, most Muslim-majority countries prohibit a Muslim woman from marrying a non-Muslim man. In some places, such as Sudan, it is punishable by death. Muslim men, on the other hand, may marry Christian or Jewish women.

Interfaith marriages involving Tunisian women were hardly common, but also not unheard of, in this North African nation of 11 million where 99 percent of the population is Muslim.

If the ban was to end anywhere, it is not surprising that it would be in Tunisia. It has long been known as one of the most secular and progressive nations in the region. In 2011 Tunisians sparked the Arab Spring movement, deposing the longtime Tunisian dictator.

Progressive policies in Tunisia go back to 1956 when, under the leadership of President Habib Bourguiba, the country adopted a body of law regulating marriage, divorce, custody, and inheritance that included the abolition of polygamy.

After taking office in 2014, President Beji Caid Essebsi, 90, declared that “the state is obliged to achieve full equality between women and men and to ensure equal opportunities for all.”

In July lawmakers criminalized violence against women, including domestic violence. The law also prescribes measures to prevent such violence and assist survivors legally.

In the recent decree on marriage, Essebsi spoke about vacating another much-criticized rule that gives women a smaller share of the family inheritance than male relatives.

The now-nullified interfaith marriage ban had forbidden civil authorities from registering marriages between Muslim women and non-Muslim men without the groom possessing a certificate of conversion from the office of the highest religious authority.

A Muslim woman could wed a non-Muslim man abroad, but the spouses remained officially single and any children from the union were barred from Tunisian nationality and inheritance rights.

Others handled the law by undergoing a quick—and not necessarily heartfelt—conversion, including the shahada prayer.

“It took my husband three minutes to pronounce the shahada and read few verses from the Qur’an in broken Arabic to become Muslim,” said Molka Kammoun, 30, of Kairouan, who married a Christian French national five years ago. “It was simplistic and perfunctory.”

Conservatives hope to undo the repeal of the 1973 law, which they maintain was based on Muslim teaching.

“Changing a clear religious text is not acceptable,” Parliament member Abdellatif El Mekki of the Islamist Ennahda, the second-largest party in Tunisia, wrote on social media.

Like people in many countries, some Tunisians worry that interfaith marriage will create family conflict.

“It will create problems with raising children,” said Samira Yacoubi, 36, a medical secretary near Tunis.

Women’s groups had fought the law for years.

Amel Grami, a gender studies scholar and women’s rights activist in Tunisia, said, “By banning only the marriage of Muslim women to non-Muslims, Muslim society showed that women’s bodies are under the control of men—the ban was a way to regulate women’s sexuality and to express the power of Muslim men.” —Religion News Service

A version of this article, which was edited on October 20, appears in the November 8 print edition under the title “Tunisia repeals ban on interfaith marriage for Muslim women.”