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Twenty-First-Century Loving: Nationality, Gender, and Religion in the Muslim World

Cover Page Footnote

Bessie Dutton Murray Distinguished Professor of Law and Associate Dean for Faculty Development, University of Iowa College of Law; J.D., Stanford, 1982; M.A., UCLA, 1979; A.B., Princeton, 1978. This essay arose out of Dean Wing's participation in the Fordham Law Review's Symposium, Forty Years of Loving: Confronting Issues of Race, Sexuality, and the Family in the Twenty-first Century. Dean Wing would like to thank her research assistants, Saba Baig, Kevin Dawson, Meredith Friedman, Elizabeth He, Cynthia Lockett, and Andrea Suzuki. She would also like to thank Tunisian lawyer Abdelkerim Chtourou.

TWENTY-FIRST-CENTURY *LOVING*: NATIONALITY, GENDER, AND RELIGION IN THE MUSLIM WORLD

Adrien Katherine Wing*

INTRODUCTION

It scarcely seems possible that the *Loving v. Virginia* decision is now forty years old.¹ In that case, decided more than ten years after the historic *Brown v. Board of Education* school desegregation decision,² Virginia was one of many states that forbade intermarriage between whites and blacks. It took the U.S. Supreme Court to overturn a racist law and continue the legacy of *Brown* in the area of intimate relations. Whole generations have grown up in a United States where black-white marriage is legal, and such intermarriage is growing in frequency. As an African American, I can relate to the *Loving* decision on a personal level since my family includes interracial couples. One brother-in-law has been married to a white Jewish woman for over thirty years. My oldest son, who is himself biracial, has been with his white wife for fifteen years. A number of my other sons have dated interracially and view that issue through a more accepting lens than my boomer generation did. As young black men, my sons have the ability to date white women to a degree unprecedented historically. While the reception for interracial couples is not unanimously welcome in all quarters, black men do not fear lynching for daring even to look at a white woman. Who could have imagined in the era of *Loving* that a biracial black man, Barack Obama, with an African father and a white American mother, could seriously run for President of the United States?

In 1903, famous black scholar and activist W.E.B. DuBois said that the question of the twentieth century would be the color line, and he was prophetically right within the U.S. context. The ongoing global war on terror has raised the issue of whether the question of the twenty-first century will be religious lines. Some prominent scholars, such as Samuel

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1. *Loving v. Virginia*, 388 U.S. 1 (1967).

2. *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

Huntington, have claimed that there is a “clash of civilizations” between the Christian West and the Islamic world. While religion is clearly an important identity for many people, in my view, it would be too simplistic to state that the primary issue of the century will involve any one identity.

My own scholarship has emphasized the importance of the intersection of multiple identities, a concept drawn from critical race feminism (CRF), and I have edited two anthologies on this subject for New York University Press: *Critical Race Feminism*³ and *Global Critical Race Feminism*.⁴ CRF in its global dimension emphasizes the legal rights of women of color around the world, with my own work focusing on women in the Muslim world and Africa.

This essay highlights the intersection of three identities in particular: nationality, gender, and religion, to show how a twenty-first-century *Loving* issue still exists in many nations. In a number of countries, *interfaith* marriages are still generally frowned upon due to customary and/or religious norms, and in some places, such unions are illegal or impossible. *Interfaith marriages of any kind can be as problematic and as deadly as they have been for centuries.* There are some jurisdictions that forbid Muslims from intermarriage altogether, such as Iran. On the other hand, there can be successful interfaith unions, as my own family demonstrates.

While there are many interesting legal aspects to interfaith relationships in this century, this essay will highlight one particular issue that draws upon my own expertise. In many Muslim countries, it is legally forbidden for Muslim women to marry non-Muslim men. Will this ancient, deeply rooted prohibition join the fate of the Virginia antimiscegenation statute in *Loving*? Will such laws be legislated out of existence any time in the near future? Even if the legal prohibitions were lifted, would ongoing de facto norms still hinder Muslim women from choosing marital partners freely? Part I discusses various multiple identities of Muslim women and how they might be implicated generally in this particular twenty-first-century *Loving* problem. Nationality, gender, and religion, in particular, are among the identities that intersect in ways that ensure most Muslim women would not and cannot consider stepping beyond interfaith boundaries, just as many American blacks and whites did not dare step beyond de jure racial boundaries at the time of *Loving*. Subsequently, most would not violate the de facto norms. Then, to provide further context, Part II elaborates upon various aspects of Muslim family law, including the prohibition on interfaith marriage for Muslim women. Most Muslim countries have not been inclined to reinterpret religious norms to permit such intermarriage. Finally, in Part III, the essay discusses possible solutions that could potentially assist those Muslim women who do want the legal freedom to marry outside their faith. The essay concludes that potential legal change in

3. *Critical Race Feminism: A Reader* (Adrien Katherine Wing ed., 2003).

4. *Global Critical Race Feminism: An International Reader* (Adrien Katherine Wing ed., 2000).

this arena is unlikely in the near future. Global trends toward increased fundamentalism in all major religions may make interfaith intermarriage more difficult rather than less so. Muslim women may continue to be restricted de jure and de facto in their marital choices—leaving them without loving options.

I. GLOBAL MULTIPLICATIVE IDENTITY

This part discusses the CRF notion of the intersectionality of identities and its applicability to Muslim women. Kimberlé Crenshaw, UCLA/Columbia law professor, has written movingly of the difficulty U.S. law has had with handling discrimination against black women on the simultaneously arising grounds of race and gender.⁵

In my own consulting career, I have assisted the African National Congress (ANC) Constitutional Committee of South Africa as it drafted the first democratic constitution for that country. The ANC reviewed the American experience with constitutional and statutory equality, and decided to take a much more comprehensive and complex approach. The South African equality clause mentions seventeen grounds, i.e., identities that are afforded protection: “race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.”⁶ The South African Constitutional Court has noted that grounds may intersect, and thus discrimination cannot be evaluated on one identity only.⁷ For example, Justice Albie Sachs noted in one case that African widows have suffered as “blacks, as Africans, as women, as African women, as widows and usually, as older people, intensified by the fact that they are frequently amongst the lowest paid workers.”⁸

Additionally, I have written about other identities not mentioned in South Africa: nationality, parental status, minority group status, geographic location (urban/rural), and one I call stature identity. This latter concept focuses on how one appears within a particular societal context. If you match the predominant standards of beauty, you will probably do better in the educational and employment spheres than if you do not.

To illustrate the intersections of identities in the case of a Muslim woman, I offer the plight of a fictional character, Amira. Her story represents a composite of issues I have heard and read about in my many visits to France. She is a very dark-skinned Arab female, who is unemployed, Sudanese, and Muslim, wears a head scarf and lives as an illegal immigrant in rural France. But she does not speak French very well

5. See Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. Chi. Legal F. 139.

6. S. Afr. Const. 1996 § 9(3).

7. *Nat'l Coal. for Gay & Lesbian Equality & Another v Minister of Justice & Others* 1999 (1) SA 6 (CC) at 58–59 (S. Afr.).

8. *Id.* at 59.

and is single and disabled. She is pregnant by a white Christian Frenchman, Phillippe. Amira would like to marry Phillippe, as interfaith marriages are legal in France, but such a marriage could be rejected in her home country if she ever dared return there. She might even be subject to physical attack by family members. Phillippe is agnostic but is Catholic by descent, which is another fact that might subject them to attack if he dared accompany her to Sudan. Thus, she has asked Phillippe to convert to Islam, as required by Islamic law in most Muslim countries. He refused upon learning that conversion to Islam is irrevocable.

Amira has several other reasons not to return to Sudan for the foreseeable future. While she is a devout Muslim, she is against the Islamist regime there, and escaped from an abusive marriage where she was the third polygamous wife of a Sudanese government official who visited France. She and her daughter, Jamila, vanished after a shopping trip in Paris and then fled to a rural area to avoid detection. Before she can marry Phillippe, Amira thinks that she will have to get a divorce from her husband in Sudan. Maybe French law will regard her arranged polygamous marriage, which took place when she was thirteen, as invalid? Maybe her husband has already divorced her? If all this is too complicated to solve in a few months, the baby will be born out of wedlock. Having such a child is somewhat tolerated in France, but is against all customary and religious norms in her country; as a result, she might be subject to stoning for adultery.

Amira lost her underground job in the village when she insisted on wearing a head scarf to work. She also had been unable to tolerate the fumes in the factory and is now easily winded, a condition that excludes her from many work options. Jamila has been sent home from her high school several times because she wore a head scarf, which is forbidden in French public schools. Amira and Jamila have not been getting along recently, as Amira does not like some of Jamila's new friends, who are part of the gay and lesbian community at the school. Jamila needs to finish high school so she can get a job to support Amira and the new baby, since Amira's situation with Phillippe may not work out. If Amira pressures Jamila too much, Jamila might leave her pregnant mother and/or drop out of school.

Amira is strikingly beautiful by both French and Sudanese standards and would like to seek work as a model, assuming she can relocate to an urban area and obtain asylum to correct her undocumented status. Since she is devout, however, she would not want to wear very revealing clothing. She is also afraid that any notoriety might alert her Sudanese husband to her location.

While all of the various identities illustrated in Amira's story exist within each of us in some form, we usually only contemplate one or two of them at a time. Women of color like Amira and Jamila are often discriminated against on *multiple* bases simultaneously, but may have no practical legal recourse in any jurisdiction. Amira's problems arising out of her religious

identity are only one thread of a tapestry of issues relating to all of her identities.

It is important to note that some of the identities can also lead to privileging on one or more levels. For example, the fact that I am an African American, feminist, secular, female law professor, and a Protestant, minority-group, heterosexual mother of five, who mainly speaks English, has a bad back, and conforms to the dominant standards of beauty in the United States and the Middle East, has helped and hurt me simultaneously in my twenty-five years of work in the Muslim world. As an American upper-middle-class person, I am often globally privileged with the capacity to travel where I please. As an international law professor, I am often treated as an honorary male and interact with Muslim male colleagues in ways that Muslim women cannot. As a primarily secular person brought up in a mainstream Protestant home, I have been able to talk to devout Christians, Muslims, and Jews in a way I could not were I deeply identified with one faith. Globally, I have been accorded great respect as a mother of all sons. My looks resemble those of many Middle Easterners, who often embrace me as a family member. My face also protects me against anti-American sentiment, since I do not “look” American. Around the world, many people perceive African Americans as an oppressed group and identify with me on that basis as well.

II. MUSLIM FAMILY LAW

This part illustrates how religious identity intertwines with the nationality and gender identities of Muslim women, who might want to intermarry with non-Muslim men. Islam is a faith for more than one billion people in the world. Its principles are supposed to guide its adherents in their everyday lives. The Islamic law known as shari'a used to govern most areas of law, including contract, criminal, trusts and estates, and family. Today, many predominantly Muslim countries only apply shari'a in the area of family law—marriage, divorce, and child custody—as well as in trusts and estates. Other areas of law may be influenced by Western civil, criminal, and constitutional law. Saudi Arabia, Sudan, and certain states in Nigeria may be among the few Muslim jurisdictions to apply shari'a in the area of criminal law, often amputating hands for theft or stoning people for adultery. These types of jurisdictions may give classical punishments for the listed *hudud* offenses—apostasy, adultery/fornication, theft, slander, brigandage, wine drinking, and rebellion. Conversion out of Islam is the forbidden (*haram*) crime of apostasy in most places, and the penalty may be death. In some jurisdictions, any Muslim can carry out the penalty and will not be prosecuted.

The following are general Islamic principles that apply to family law. There may be nuanced differences in each country, and very few countries have done a thorough reconceptualization of their laws on marriage. In Islam, men and women are equal in the eyes of God, but they have different responsibilities. Women have the duty of obedience (*ta'ah*) to men, which

many men use to justify the right to discipline their wives physically. In turn, men have the duty of guardianship (*qawama*) over women. Men have the right to marry four wives, whom they must treat equally. The women must be of the book (*kitab*), i.e., Christian, Muslim, or Jewish. Muslim women can only marry one man; no polyandry is allowed. Men must give a bride price (*mahr*) to women. Unlike certain cultures where payment is given to the bride's family, this amount is payable only to the bride. Since it is substantial and may depend on the educational level of the woman, it may be paid out over time and is meant to ensure that she has some resources in the event of divorce or the death of her husband. Since homosexuality is forbidden, most Muslim countries are not likely to join the growing Western trend of permitting gay marriages in the near future. Many Muslims may agree with Iranian President Mahmoud Ahmadinejad, who recently said that there were no gay people in Iran.⁹ Some have told me that they view homosexuality as a Western disease that does not exist in the developing world.

Divorce (*talaq*) is relatively easy for men in most countries. They only need to say "I divorce you" three times, whereas women need specific grounds. Alimony is only granted to women for three months (*iddat*), just long enough to ascertain if she is pregnant by her ex-husband. With respect to child custody, fathers are considered the legal guardians, even if women are granted physical custody for a few years (usually prepuberty) or even up to the age of majority. The child's religion and nationality is determined by the fathers in most instances. Muslim women can inherit, but male relatives get a double share as compared to their sisters. As I learned in Syria, in many jurisdictions, if a non-Muslim woman marries a Muslim man, she cannot inherit from her husband.

While these rules are symbols of inequality in the modern era, they made sense historically since women were always protected. Even today, women remain under the legal jurisdiction of their father's or their husband's family. After divorce, they return to the jurisdiction of their father's family; they do not have the obligation to support their family, and they may keep any money they earn for themselves.

As previously mentioned, Muslim women cannot marry non-Muslim men in most Muslim jurisdictions. Many Western liberals would not take issue if a Muslim woman chose not to marry a non-Muslim man because she views intermarriage as sinful under her religion. Koranic verse 2:221 states, "Nor marry (your girls) to unbelievers until they believe." The historic reason for the rule is that women are regarded as the weaker sex and might be tempted away from their faith by dominant men, who are the family heads of household. Men are women's legal guardians, and thus might convince women to convert out of their religion. If women remain Muslim, their husbands might disrespect their right to wear head scarves or

9. Ahmadinejad Speaks; Outrage and Controversy Follow, CNN.com, Sept. 24, 2007, <http://edition.cnn.com/2007/US/09/24/us.iran/index.html>.

cause them to violate Islamic norms by forcing them to cook pork or serve them alcohol.

There are notable exceptions in the Muslim world to religiously based family law. Turkey has a secular marriage law and has abolished polygamy, prohibited religious political parties, and, until recently, restricted the wearing of head scarves in schools and public buildings.¹⁰ In Turkey, Muslim women can marry non-Muslim men, and there are some couples, but the number is small since the country is predominantly Muslim. Families react differently to such arrangements, with some terminating communication permanently and others only warming to the situation upon the arrival of grandchildren. The husband and wife may ask each other to convert, but Turkish women are more likely to do so, which is legal. Jewish and Armenian Turkish men and their families are afraid of assimilation, and are even more likely to insist that the Muslim female spouse convert.

Tunisia is another Muslim country that has followed a secular path in most respects.¹¹ Using Islamic reinterpretation (*ijtihad*), it abolished polygamy soon after independence. It has also abolished the duty of obedience, made divorce equally accessible to both genders, and prohibited head scarves in public buildings. Interestingly, while intermarriage by Muslim women is technically permitted, an administrative ordinance prohibits it.¹² There is also some indication that the non-Muslim man must convert and the religious authority known as the mufti must give the certificate to the city hall, with the entire process taking three months or more.¹³

III. SOLUTIONS

This part discusses both legal and nonlegal solutions. One legal solution is Islamic reinterpretation. As previously mentioned, Tunisia used Islamic reinterpretation (*ijtihad*) to ban polygamy. In attempting to secularize the Tunisian legal system, the country's first president, Habib Bourguiba, realized that basing change on Islamic principles would be more culturally valid than would be basing it on perceived Western secular principles. On a similar note, in previous scholarship, I have argued that there is a need to

10. See Adrien Katherine Wing & Ozan O. Varol, *Is Secularism Possible in a Majority-Muslim Country?: The Turkish Example*, 42 *Tex. Int'l L.J.* 1 (2006).

11. See Adrien Katherine Wing & Hisham Kassim, *The Future of Palestinian Women's Rights: Lessons from a Half-Century of Tunisian Progress*, 64 *Wash. & Lee L. Rev.* 1551, 1556 (2007).

12. See Alya Cherif Chamari, *Le Droit de Citoyenneté des Femmes au Magreb*, in *Droits de Citoyenneté des Femmes au Maghreb* 175, 179 (1997); see also U.S. Dep't of State, Tunisia: International Religious Freedom Report 2006, <http://www.state.gov/g/drl/rls/irf/2006/71433.htm> (last visited Apr. 8, 2008).

13. See Consular Section, U.S. Embassy Tunis, General Guidance for American Citizens Living in Tunisia 31 (n.d.), available at http://tunisia.usembassy.gov/uploads/images/SK-90WC2shiA4yxH0gJnKQ/amcic_booklet.pdf.

support some existing progressive Islamic reinterpretation in the Palestinian women's rights context.¹⁴

There are some Islamic scholars, such as Azizah al Hibri, who have challenged the predominant interpretation of verse 2:221 as prohibiting intermarriage for women. She has reinterpreted the *qawama* guardianship principle to show that it must be understood in its historical patriarchal context of almost total female reliance on male support. Today, the options for women are much broader, and many live in societies where they receive education, marry later, have the possibility of limiting their family size, and work outside the home. Thus, there is no longer the need for the guardianship principle.

In Tunisia, women are now recognized as having equal rights to divorce. Extrapolating further, could it not then be argued that they should have equal rights to marry? As mentioned, an administrative ordinance is currently limiting their legal options.

Throughout the world, it is no longer necessary to regard men as heads of households. Using the example of the Prophet Muhammed's first wife, Khadijah, who was a divorced business woman fifteen years older than he, I ask why Muslim women cannot keep their religion no matter whom they marry. Since modern studies show that mothers have the most impact on their children's religious beliefs, would not the Muslim community grow if mothers as well as fathers were considered capable of passing on their religion to the children?

Since it is extremely difficult to gather internal sectarian momentum to change religious norms, a constitutional approach may have slightly more possibility for success. On a national level, most countries today have constitutions with a gender equality clause, including those in the Muslim world. Ironically, the United States still does *not*, and perhaps we can learn from these countries. In the 2008 U.S. presidential campaign, we have not yet heard any of the candidates discuss the long-dormant proposed Equal Rights Amendment. Unfortunately, many of these global gender equality clauses are in the same position as the 13th, 14th, and 15th Amendments at the time of *Loving*—unenforced or underenforced. Most countries are still treating women far worse than men by every indicator.

There is a conflict in most Muslim countries' constitutions between the gender equality clause and the clause that says that Islam is the national religion and that shari'a is a source or the source of law. Thus, this conflict perpetuates ancient patriarchal customs, resulting in the continuation of centuries-old subordination, which a twentieth- and twenty-first-century idea of gender equality cannot trump.

The international community now has a whole additional layer of law that did not really exist at the time of *Loving*—international human rights

14. See generally Adrien Katherine Wing, *Custom, Religion, and Rights: The Future Legal Status of Palestinian Women*, 35 Harv. Int'l L.J. 149 (1994).

law. The Universal Declaration of Human Rights¹⁵ (UDHR) was developed in 1948 during the height of American apartheid, with former First Lady Eleanor Roosevelt driving the movement for its adoption. The UDHR mentions freedom of religion as well as equal rights in marriage, but it is a nonbinding declaration. It is a little like saying “I declare I love you”—a lovely sentiment but not one to take a country to court for violating. Some scholars do view the UDHR as customary international law, which is binding on all nations, and thus would advocate using it in a court of law.

Two very important relevant international treaties were issued in 1967, which evolved during the 1950s: the International Covenant on Civil and Political Rights¹⁶ (ICCPR) and the International Covenant on Economic, Social and Cultural Rights¹⁷ (ICESCR). These documents were also inspired in part by the U.S. civil rights movement. ICCPR article 18 allows freedom of religion and conversion. This treaty binds every country that signs and ratifies it. Some countries, like the United States, consider such a treaty non-self-executing and require implementing national legislation. Some nations make reservations, understandings, and declarations that further limit their obligations. According to the Vienna Convention on the Law of Treaties, such limitations are not supposed to conflict with the “object and purpose of the treaty,”¹⁸ and other countries can lodge objections if they see fit.¹⁹ Unfortunately, there is no international police force to put a violating country in jail.

In 1981, the Convention on the Elimination of Discrimination against Women (CEDAW) was issued, and its article 16 discusses the right to found a family and choose a spouse freely, as well as the responsibility of both spouses to undertake equal duties with respect to marriage, divorce, and children.²⁰ Many countries have gutted CEDAW by making reservations, finding that it conflicts with their customs or religion; some scholars question whether CEDAW is compatible with shari’a.²¹

If a Muslim woman is living in a country that has accepted its obligations under the ICCPR and CEDAW and that has a gender equality clause in its constitution, she may be able to pursue a claim in several places. The national courts might hear a claim under the constitution as well as under

15. Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc A/810 (Dec. 10, 1948).

16. International Covenant on Civil and Political Rights, *opened for signature* Dec. 16, 1966, 999 U.N.T.S. 171, 6 I.L.M. 368.

17. International Covenant on Economic, Social and Cultural Rights, *opened for signature* Dec. 16, 1966, 993 U.N.T.S. 3.

18. Vienna Convention on the Law of Treaties art. 19(c), *done* May 23, 1969, 1155 U.N.T.S. 331.

19. *Id.* art. 20.

20. Convention on the Elimination of All Forms of Discrimination Against Women art. 16, *opened for signature* Dec. 18, 1979, 1249 U.N.T.S. 13.

21. See, e.g., Bharathi Anandhi Venkatraman, *Islamic States and the United Nations Convention on the Elimination of All Forms of Discrimination Against Women: Are the Shari’a and the Convention Compatible?*, 44 Am. U. L. Rev. 1949 (1995).

the international treaties. Many countries are much more open to hearing claims under international law than the U.S. Supreme Court has been. In addition, there are treaty body committees. The Human Rights Committee can hear complaints regarding the ICCPR, and the Committee on the Elimination of Discrimination Against Women hears CEDAW-based claims. The treaty-based bodies are very slow, backlogged, and lack sufficient enforcement mechanisms. For example, with respect to the ICCPR, matters raised by individuals or nongovernmental organizations cannot be heard unless a country has ratified the relevant Optional Protocol.

Furthermore, if a claim occurs in a country that is part of a developed regional human rights system, such as Europe or the Americas, an aggrieved party may bring a case under the relevant regional human rights treaty and may also raise international treaties and national laws. Europe and the Americas already grant religious freedom in marriage, following the ICCPR lead. The regions that have countries that prohibit or restrict interfaith marriage, particularly for Muslim women, do not have appropriate regional options. Unfortunately, the African Court on Human and Peoples' Rights is still in its embryonic stage, and the Middle East and Asia do not have regional courts or regional treaties at this time. While there is an African Charter on Human and Peoples' Rights,²² there is only a draft Charter on Human Rights²³ for the Arab world.

It should be remembered that law is necessary but not sufficient to change hearts and minds on sensitive issues. There are other solutions as well. In the long term, education is an important solution, and media can be an important tool in educating children and adults. While the Internet is a growing source of information, newspapers, television, and especially radio can also make a difference even in the poorest of countries. Sometimes we learn from our own families. Seeing harmonious relations between interracial or interfaith couples and their children during Thanksgiving or Ramadan can do more to change traditional outlooks than any outside media source. As Americans with legal training, we have privileging in many of our identities that allows us to become involved in various human rights causes in our own country as well as around the world. While each of us will no doubt gravitate to our favorite causes, perhaps others of us will decide to educate ourselves and others, and support the human rights of Muslim women wherever they may be. One aspect of that struggle may be the right to interfaith marriage for the brave few that embrace that path.

22. African (Banjul) Charter on Human and Peoples' Rights, *adopted* June 27, 1981, 1520 U.N.T.S. 217.

23. Council of the League of Arab States, Arab Charter on Human Rights, *adopted* Sept. 15, 1994, *reprinted in* 18 Hum. Rts. L.J. 151 (1997).

CONCLUSION

The Lovings sued to overturn the Virginia antimiscegenation law, a daunting task in the context of the 1960s South, even with the ten-year-old *Brown* decision in place. Supporting the Loving family would not have been easy in Virginia in 1967, and it may still not be easy in many parts of the United States today. Even some forty years after *Loving*, the number of black-white interracial couples is still very small, with considerable family and societal stigma attaching to those who do not follow the normal trend of marrying within their race.

Muslim women desiring to marry on an interfaith basis in many Muslim countries may face even more daunting odds. The rise in fundamentalism around the world may mean it is less likely that religious norms may change in the near future. On a broader level, women are still underrepresented in the executive, legislative, and judicial branches, the very places where the battles to change laws take place. Women still do most of the housework and child care globally, leaving little time for activism. The natural desire to marry within one's nationality, ethnicity, and faith make it very unlikely that much pressure will build up to change the laws. Economic problems can limit marriage options generally, especially for Muslims with respect to provision of the expensive bride price.

Gender discrimination manifests itself in numerous ways, and restrictions on the right to marry across faith lines are unlikely to make it to the top of human rights priority lists. Nevertheless, surprising changes can occur. If a biracial man can become President of the United States, maybe one day a Muslim woman who marries a non-Muslim man could become leader of her Muslim country as well.

Notes & Observations