

8 Unregistered Islamic Marriages

Anxieties about Sexuality and Islam in the Netherlands¹

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Introduction

Both in Europe and the Middle East, unregistered Islamic marriages cause a great deal of anxiety. Whereas the men and women who enter into these marriages consider them permissible under Islam, they are not registered according to the law of the country where they are concluded. In the Netherlands since 2005, such marriages (which are often referred to as ‘Islamic marriages’) have drawn the attention of the security services, and have become a topic of debate in both the media and in parliament. These marriages are seen as an indication of radicalization and as a means through which salafi *imams* are trying to build a parallel society, while the women involved are defined as the victims of men using them for their own dubious purposes. In Muslim majority countries, such as in Egypt, these marriages (often called ‘*urfi* marriages’) were already the focus of public debate a decade ago.² In these countries, the state authorities often consider the women involved to have been duped by unscrupulous men who want to engage in sexual relations and then simply leave them, or deny that a marriage ever took place. In the following, I argue that the portrayal of the women who engage in such marriages as victims of irresponsible men is, at best, only part of the story. Instead, I investigate how the categories of ‘*urfi*’ and ‘Islamic’ marriages have been produced in Muslim majority countries and the Netherlands respectively, and how they circulate through fields of power. Whereas the state authorities consider these unregistered marriages illegal and some religious scholars hold them to be irregular, if not void, the multiple and varied ways in which these marriages are concluded and lived indicate that the participants themselves draw on multiple discourses of permissibility.³

In the first section of this chapter, I discuss the shifting meanings of ‘*urfi*’ marriages in Muslim-majority countries in the Middle East. Starting with a brief reflection on the conclusion of marriages in classical Islamic law, I discuss how the emergence of the nation state and the

concomitant codification and reform of Muslim family law have turned *'urfi* marriages into unregistered marriages. Next, I analyse how the meanings of *'urfi* marriages further diversified in the course of recent decades and become the topic of public debate. In the second section, I analyse how 'Islamic marriages' have emerged as a category of concern in the Netherlands, and investigate the highly diverse motivations young women have for concluding such marriages and the multiple meanings these may hold for them. Whereas in both contexts, state authorities are particularly concerned about the effects of such marriages on women, different issues underlie their anxieties about unregistered marriages. In Muslim majority settings, the main concern is undesirable forms of sexuality, while in the Netherlands, the major target is undesirable forms of Islam.

Muslim Majority Countries: Towards the Registration of Marriages

Prior to the emergence of the modern nation state, unregistered (*'urfi*) marriages, widely known in the community through various rituals and celebrations, were the norm. According to Islamic law, marriage is a contract that makes sexual relations permissible (*halal*); pre- or extra-marital relations are considered *zina* (unlawful sexual intercourse). The marriage contract is similar to other contracts in that it is concluded through offer and acceptance; for it to be valid, two male Muslim witnesses (two women may replace one man) need to be present. Fathers can conclude such a contract for minors, while according to most schools of law adult women entering their first marriage should have their marriage guardian conclude the marriage for them. The Hanafi school of law, in contrast, holds that a woman who has reached her legal majority has both the right to refuse a marriage and to arrange for her own marriage.⁴ The presence of a religious functionary is not necessary for a marriage to be valid, a written document is not required, and the marriage does not need to be registered to be valid under Islam. Publicity is required, however.

Whereas for most schools of law, the obligation of publicity is fulfilled through the presence of two witnesses,⁵ in social practice, the normative requirements are both more gradual and more extensive. A publicly celebrated engagement (a commitment to marry which has no legal effects) often precedes the conclusion of the marriage contract. Whereas according to Islamic jurisprudence, once the marriage contract is concluded, the couple can no longer be accused of *zina*, from a social perspective, the consummation of the marriage (*dukhl*) and

cohabitation are only considered licit after the wedding ceremony has taken place, which may be months or even years later. The new couple often use the period between the contracting and the celebration of the marriage to get to know each other better and to prepare for the wedding and marital life.

Marriage entitles men and women to different rights and obligations. A husband is obliged to maintain his wife (in terms of housing, food and clothing), independent of the latter's own means, and to pay a dower. Women are required to obey their husbands, at least as far as cohabitation is concerned. The relation between maintenance and obedience is evident in the ruling that if a wife leaves the marital home against her husband's wishes (and has no valid reason for doing so), the husband is no longer obliged to maintain her. However, some schools of law allow for a modification of gender relations through the inclusion of conditions in the marriage contract.⁶ With the family law reforms of the past decades, in many Muslim countries marriages are only registered above a minimum age, while in some, the presence of the marriage guardian is no longer necessary and the requirement of obedience has been removed.⁷

There are some differences between Sunni and Shia Islamic law in concluding marriages. According to Shia jurisprudence, a marriage without witnesses is also valid, and it is possible to conclude a marriage for a specific period of time.⁸ In the case of such a 'temporary marriage', a man needs to pay a dower to his wife, but he is not obliged to pay maintenance and the partners do not inherit from each other. Children, however, have the same rights as in a permanent marriage. Whereas temporary marriages are often called *mut'a* or *sigheh* (terms referring to sexual enjoyment), it is also possible for the partners to conclude a non-sexual temporary marriage. Especially in settings of strict gender segregation, non-sexual temporary marriages allow men and women to interact more freely.

Historically, religious authorities were rather flexible in recognizing marriages, using the notion of *shubha*; that is, assuming that the parties concerned thought they had concluded a valid marriage. In some cases, a child was even recognized as legitimate if a marriage was concluded up to one month before delivery.⁹ Regulations about the need to register marriages have come with the emergence of the modern nation state.¹⁰ The concomitant centralization of authority has engendered the codification and reform of Muslim family law. Also under the statutory obligation to register marriages, however, unregistered marriages that fulfil Islamic conditions are considered irregular rather than invalid. Still, religious authorities often argue that registering a marriage is desirable

on Islamic grounds. Registration functions as a means to publicize a marriage and is beneficial for women, as only then can their rights be guaranteed. It is a means of checking whether the marriage meets the state regulations in question, such as the minimum age, the consent of both parties, and conditions for polygamy.¹¹

In the course of the twentieth century, registration of a marriage has been normalized, as bureaucratic states increasingly require official documents for access to resources. Many countries have also developed means to register a marriage *post facto* through the 'confirmation of an existing marriage', especially in those cases where both partners act in unison. However, if one of the parties, usually the man, denies the marriage, the situation becomes far more complicated, and the religious establishment is particularly concerned about such cases. The media attention attracted by such cases and the sense of crisis they produce have engendered a trend towards stricter implementation of the legal obligation to register marriages, with the authorities imposing fines and other penalties to encourage the public to conform to statutory law.¹²

UNREGISTERED MARRIAGES: NEW VARIATIONS

Whereas prior to the emergence of the modern nation state, unregistered ('*urfi*') yet widely publicized marriages were the norm, contemporary '*urfi*' marriages, by contrast, tend to be purposely concealed from particular categories of people, be it the state authorities, the parents or the husband's first wife and her family. Whether the public considers these marriages to be licit or illicit depends largely on the extent to which and from whom they are concealed.

The least controversial '*urfi*' marriages are those that are widely known about in the community, but not registered with the state. In some cases, these marriages are not registered because registration is not possible. A paradigmatic example is the case of underage girls. In many countries, codification and family law reform have introduced minimum ages for marriage; if girls have not yet reached that age, the marriage cannot be registered. Sometimes, if families insist on such a marriage, they will conclude a marriage contract, but only register it once the girl reaches the minimum age.¹³ In other cases, women refrain from registering their marriage because they consider it too disadvantageous to do so. For instance, if they officially register a new marriage after divorce, they run the risk of losing custody over their children, while if they do so after being widowed, they may lose their right to their deceased husband's pension.¹⁴

Other *'urfi* marriages are characterized by a far greater emphasis on secrecy and are thus more controversial. These *'urfi* marriages are often considered to be evidence of 'the family in crisis', and are part of a discourse that also includes concerns about single females and delayed marriage.¹⁵ Some consider the great expense of getting married – the dowry, gifts of jewellery, the cost of housing, and wedding parties, mostly paid for by men – as the main reason behind delayed marriage.¹⁶ However, in the first decades of the twentieth century, Egyptian men were already complaining about the high cost of marriage.¹⁷ Perhaps more important for the rise in the average age at which someone gets married is the spread of women's education and formal employment, which has provided young women with a valid reason for avoiding early marriage.¹⁸ Getting married later stretches the time period between sexual maturity and married life. In a context in which sexual relations outside of marriage are considered both Islamically and socially illicit,¹⁹ this places young adults in a difficult situation.

Under such circumstances, young people may consider an *'urfi* marriage as a means of making sexual relations permissible under Islam. Such *'urfi* marriages are usually kept hidden from the couple's families and are only known to a small circle of friends.²⁰ It is this type of *'urfi* marriage that the state and many religious scholars in Egypt are particularly concerned about, both because they may be concluded in a way that does not fulfil the statutory conditions for a valid Islamic marriage (such as the agreement of the woman's marriage guardian) and because they transgress social norms of deference to one's parents.²¹ A common trope is that of an unscrupulous man who uses an *'urfi* marriage to trick a naive, young woman into a sexual relationship, pretending that such a marriage is a legitimate marriage. As soon as the woman is pregnant or once he has lost interest in her, he leaves her and denies that a marriage has taken place.²² Equally challenging to parental authority is another motivation for concluding an *'urfi* marriage. If a woman's parents do not agree with her choice of partner, the couple may then use an *'urfi* marriage as a means to force her parents to agree with the marriage. This is similar to elopement, while remaining within the boundaries of Islamic law.²³

Interestingly, in Turkey, where according to statutory law the registration of a civil marriage needs to precede a religious marriage, a very similar phenomenon is occurring. In the case that people first conclude an Islamic marriage, the levels of publicity or secrecy determine whether such a marriage is considered to be licit or illicit. Religious marriages that are not registered with the civil authorities, but that have the approval of the couple's parents and are publicly known in the com-

munity, are considered licit in the circles in which they occur.²⁴ The very same religious figures are, however, highly critical of *gizly* (secret) marriages that are concluded without the knowledge of the parents and that are only publicized to a very limited extent.²⁵

Some unconventional non-registered marriages have, by contrast, gained a measure of acceptance, and religious leaders have used elements from existing Islamic traditions in novel ways to legitimize certain kinds of contemporary *'urfi* marriages. Amongst Shia Muslims, this is the case for temporary marriages. Whereas in Iran under the Pahlavi Shahs, temporary marriage had come to be considered an outdated institution, the practice was revived after the Islamic revolution. Moreover, within a decade, it was no longer only considered an instrument for regulating male sexuality. During a speech in 1990, former president Hashemi Rafsanjani redefined temporary marriages by also recognizing women's sexual desire, explaining that it is also legitimate for women to take the initiative in concluding such a marriage. In his view, a temporary marriage could function as a solution to the present-day problem of young people becoming sexually mature yet only being able to conclude a permanent marriage at a later age because of longer periods of study.²⁶ Rafsanjani was strongly criticized by the secular middle classes and by women's organizations, who considered the practice not only a relic of the past, but also a threat to the family and to women in particular, and an institution resembling prostitution. Based on her fieldwork in Iran, Haeri²⁷ concluded that temporary marriage could indeed enable poorer divorced and widowed women to engage in affective relations. Still, she also pointed to the risks such marriage entailed for young women who had not been married before. Because of the cultural value attached to virginity for a woman entering her first (permanent) marriage, these women may face great difficulties finding a respectable husband.

Unconventional forms of marriage have also emerged amongst Sunni Muslims. In Egypt, there are indications that the number of marriages in which the wife is older than her husband, and sometimes in a stronger financial position, is growing.²⁸ Whereas such marriages are commonly registered, under specific conditions, such as when foreign women are involved, they frequently remain unregistered. According to Karkabi,²⁹ when Western women and younger Egyptian men in the tourist resort of Dahab engage in a relationship, they often opt for an *'urfi* marriage.³⁰ For the men, such a marriage functions as a means to legitimize a longer-lasting sexual relationship, while the women concerned do not aspire to a 'real' marriage.³¹ Another case is that of Russian-speaking female migrants in Hurghada, who, according to Walby,³²

are often better educated, slightly older, and more mobile than their partners. Also in this case, an *'urfi* marriage is a convenient solution, as neither of the parties concerned is interested in a state-registered marriage contract that limits women's freedom of movement and imposes the duty of maintenance on men.

Another form of marriage that has engendered much public controversy is the *misyar* (ambulant or visiting) marriage. In the case of a *misyar* marriage, the partners do not live together and the wife does not claim her right to maintenance and accommodation. Such marriages, which may or may not be registered, are often concluded by men who are already married. In that case, they are often kept secret from the first wife, but are publicly known amongst the family, friends and neighbours of the woman engaging in a *misyar* marriage. Debates about this form of marriage emerged in Saudi Arabia in the 1990s. The Grand Mufti (Ibn Baz) issued a *fatwa* in 1996 which considered *misyar* marriages permissible, but also stated that they needed to be made public.³³ In 1998 Shaykh Yusuf al-Qaradawi, a prominent scholar aligned to the Muslim Brotherhood, stated in Qatar that he considered such marriages licit, as long as the women involved agreed with the conditions.³⁴ In the following years, the debates continued. Some considered these marriages an infringement of the rights of women, while others saw them as a possibility for women who might not otherwise find a suitable husband with whom to enjoy marital relations and perhaps motherhood. References were made to well-educated women who could easily forego the right to maintenance.³⁵ In 2006, the Saudi Arabian Fiqh Council not only deemed *misyar* marriages licit, but also the so-called 'friend marriages' aimed at Muslim men and women who study in the West. These make sexual relations legitimate, but do not oblige men to cohabit with and provide accommodation and maintenance for their wives.³⁶

Whereas such *misyar* marriages are often presented as a new phenomenon emerging in the Gulf, there are indications that they may have a longer history and wider geographical presence. For instance, Granqvist³⁷ describes some cases in rural Palestine in the 1920s in which women with some economic independence, usually widows with their own houses, opted for similar polygamous marriages. Also in poorer countries, such as in present-day Egypt, divorced women engage in such partially secret marriages. According to Sonneveld,³⁸ for them it is a way of dealing with the societal pressure they experience to re-marry. A divorced woman is usually only considered an acceptable wife for a man who has already been married. Rather than marrying a widower or a divorced man, which often comes with the obligation of caring for his children, they may prefer to become the

second wife in a *misyar* marriage, which enables them to keep some of their autonomy. While they ensure that their own social circle, including their neighbours, is well-informed about the marriage, the first wife is not usually told. If such a *misyar* marriage is not officially registered, it can be kept hidden from the first wife more easily, especially in countries where the first wife is to be officially notified of her husband's subsequent marriages.

Another kind of marriage that frequently goes unregistered is sometimes referred to as a 'visiting marriage'. These are the marriages conducted during the summer vacation by older men from wealthy Gulf States with young girls from poorer families in countries such as Egypt, Morocco, India and Indonesia. Whereas such transnational marriages have a long history, it was after the oil boom, which created new and very stark inequalities between these oil economies and poorer countries, that such marriages became particularly exploitative, with young, sometimes underage girls forced into such marriages by their fathers and discarded by their husbands after the summer holidays when the latter had returned home. Such marriages have become a topic of debate and have also drawn the attention of government officials.³⁹

In short, present-day unregistered marriages differ considerably from pre-modern '*urfi* marriages. The main point of difference is that the new '*urfi* marriages are often kept purposely hidden from at least some of the parties concerned, be it state officials, the couple's parents, or the first wife. Functioning as a means for young people to have sexual relationships without concluding an officially registered marriage, they are the topic of much anxiety, as there are disputes about their Islamic validity, they challenge social conventions, and they may, in some cases, be highly exploitative. For women who have previously been married, or are past the acceptable age for marriage, such marriages may be a means to acquire marital status while maintaining some measure of independence. In turn, these various forms of '*urfi* marriages release men from the responsibility to provide maintenance and accommodation. How such marriages affect women depends to a large extent on the resources women can draw on.

'Islamic Marriages' in the Netherlands: Gender and Securitization

Not only in Muslim majority countries, but also in the Netherlands, unregistered Islamic marriages have become a topic of debate and policy-making. According to the Dutch Civil Code, 'religious functionaries' are only allowed to conclude a religious marriage after a civil marriage

has been concluded (Article 68 Book 1 Civil Code).⁴⁰ This regulation emerged in the course of contestations between state authorities and the Roman Catholic Church in the early nineteenth century. Except for occasional discussions about a possible infringement of the freedom of religion, this regulation hardly drew any public attention until it was revitalized in the course of the debates in 2008 about *imams* who concluded Islamic marriages prior to civil marriages.⁴¹ This then raises the broader question of how such Islamic marriages have become a social and legal problem. Who are the main actors in this field, and when and under which conditions did this happen?

As a starting point for analysing how this issue emerged as a topic of public debate and contestation, I performed a search on 'Islamic marriages' in a number of Dutch dailies, covering the period from 1992 until 2010.⁴² During the first thirteen years, very few articles were published referring to Islamic marriages. Moreover, these covered a wide range of topics and mainly concerned such marriages abroad. This stands in stark contrast to 2005 and 2008, when there were two distinct peaks in media attention (ebbing away in the following years), which related to two specific issues, the round-up of an alleged terrorist organization called the Hofstad network in 2005 and the debate on salafi *imams* concluding Islamic marriages prior to their civil registration in 2008.

The sudden hype about Islamic marriages in 2005 emerged in the context of the trial of the members of the Hofstad network, when journalists reported on the Islamic marriages that were concluded in the circles around this network. Not only were these marriages unregistered, but they were also concluded in a highly informal manner, with the parents of the young women concerned unaware of their involvement in such marriages. Many of the newspaper articles referred to information provided by the two Dutch civil security services, the Algemene Inlichtingen- en Veiligheidsdienst (AIVD) and the Nationaal Coördinator Terrorismebestrijding (NCTb).

Islamic marriages have indeed become a security issue. They are not only regularly and publicly referred to in the reports of the security services, but in February 2006, the NCTb also published a special report asserting that Islamic marriages formed a threat to national security.⁴³ The main arguments presented in this report were that these marriages may function as a means to recruit women for violent *jihād*, that they can be considered an indication of a man entering the last phase prior to dying as a martyr in a terrorist attack, and that they may in time be considered as a threat to the democratic rule of law. Whereas little evidence was provided to support these statements, they were regularly referred to in the press.⁴⁴ In fact, whereas journalists refer to information pro-

vided by the security services, the NCTb report, in turn, used newspaper articles as one of its sources. In this way, in a closely-knit web of mutual referencing, Islamic marriages – a phenomenon previously unknown to the large majority of the population – were linked to violent jihadism.

In 2008, Islamic marriages again became a topic of public debate and contestation. This time the target was salafi *imams*, who were accused of concluding an Islamic marriage between partners who had not yet performed a civil marriage. In this case, members of parliament, including the social democrats (PvdA), the Christian democrats (CDA), the right-wing liberals (VVD) and Geert Wilders' anti-Islam party (PVV) played a pivotal role in turning Islamic marriages into a matter of public concern. The press extensively reported on the parliamentary questions they posed and the investigations of salafi *imams* and mosques they requested. These Islamic marriages were first and foremost considered as evidence of and an instrument for the development of a strictly orthodox Islamic 'parallel society' that purposely distanced itself from Dutch society. As had been the case with the newspaper articles in 2005, the arguments presented by members of parliament resonated strongly with those of the reports produced by the Dutch security services (especially AIVD).⁴⁵ By contrast, little media attention was paid to later reports, commissioned by the security services and by the Ministry of Justice, which employed a more empirically grounded approach and came to less alarmist conclusions, at least as far as Islamic marriages were concerned.⁴⁶

Although two different categories of Muslims were the target of these two periods of hype, first violent jihadist and later salafi *imams*, the women entering into these marriages were framed in similar terms. They were first and foremost defined as victims. During the first period of hype, it was argued that they were recruited by unscrupulous male extremists, who employed 'loverboy-like' practices to mobilize them for *jihad*.⁴⁷ In the case of salafi *imams*, they were considered the victims of those who intended to institutionalize the shari'a in the field of family law in the Netherlands and hence propagate gender inequality.⁴⁸

In addition to this dominant discourse that defined women as victims and as devoid of agency, the media also employed an alternative discourse that centred on sexuality. In some cases, these media debates give space to Islamologists, who describe Islamic marriages in neutral terms as a means to Islamically legitimize a sexual relationship. Journalists themselves have also picked up this theme, but tend to use a more normative, and at times sensationalist, tone, presenting these forms of sexuality as somewhat dubious. Especially in articles about the Hofstad network, Islamic marriages were often linked to polygamy, with

the women involved described as playing an active role in arranging such polygamous marriages.⁴⁹ Journalists used normative terms such as ‘loose marital morale’,⁵⁰ while the NCTb commented in its report that it had the impression that ‘behind the pious way in which the Hofstad network presents itself publicly, there is a world of unlimited licentiousness’.⁵¹ Adopting a moral tone and also highlighting the fact that the parents of the young women were often unaware of these marriages, this alternative discourse on sexuality seems closer to the more conservative views of an older generation than to that of the young people involved. This is remarkable, because in mainstream Dutch society, the sexual autonomy of young adults is generally valued.

In short, it is evident that the sudden interest in Islamic marriages has been driven by the securitization of Islam, with the young women involved mainly considered to be victims of jihadist or salafi *imams* or, alternatively, as engaging in dubious Islamic sexual relations. This public attention has led to the criminalization of the *imams* involved in concluding these marriages. This raises a number of questions. Are these Islamic marriages a new phenomenon that emerged in 2005 with violent jihadism and then in 2008 with the growth of salafi Islam? Are the women who enter into such marriages indeed the victims of unscrupulous men and driven by ideological motivations to reject a civil marriage?

DUTCH ISLAMIC MARRIAGES IN PRACTICE: MULTIPLE MOTIVATIONS AND MEANINGS⁵²

As the discourse about the women involved in Islamic marriages underlines that they are ‘the weaker party’ (and therefore in need of legal protection), what might be their motivations for entering into such marriages? Before 2005, engaging in an Islamic marriage was not considered a societal problem or a legal concern, and hence, little attention was paid to such questions. Still, there are indications that the ways in which many migrants from Muslim majority countries concluded their marriages were rather similar to those they would have used in their country of origin. Also in the Netherlands, it was quite common for migrants from Muslim countries to use the gap between the conclusion of the marriage contract (whereupon the couple was married according to Islam) and the actual wedding (after which the couple would live together) as some kind of dating period.

There were a number of options as to where to conclude an Islamic marriage contract. If neither party had Dutch nationality, they could conclude the marriage contract at the consulate, and they also could opt

for marriage in their country of origin. In countries where some form of Muslim family law was codified, such as in Morocco, for instance, marriages at the consulate, as in the home country, fulfilled both the conditions for an Islamic marriage and were recognized and registered by the state. These marriages were then also valid according to Dutch law.⁵³ When one of the parties had also acquired Dutch nationality, only marrying at the consulate was no longer an option. In this case, a Dutch civil marriage was required before the couple in question could be married at the consulate.⁵⁴

The situation for those holding Turkish nationality is different, because in Turkey a distinction is made between a civil and a religious marriage, whereby the state only recognizes the former. As in the Netherlands, a civil marriage is required before a religious marriage can be concluded. For those who married at the consulate, the question was whether and when to conclude the religious marriage. As has been the case in parts of Turkey, some couples decided to conclude a religious marriage (*imam nikah*) before entering into a civil marriage (*resmi nikah*). In more conservative circles, where there was little space for the young couple to date before concluding the Islamic marriage contract, the main motivation for doing so was that the young couple would then be able to get to know each other better without having to commit themselves to an official state-registered marriage.⁵⁵ With the criminalization of Islamic marriages in the Netherlands, *imams* have become more hesitant to become involved in such marriages. As there is no Islamic ruling that an *imam* needs to be involved in the conclusion of an Islamic marriage, people who are aware of this may simply decide to marry in the presence of two witnesses.⁵⁶ In other cases, they try to find a middle way. Rather than looking for 'an *imam*', couples involve someone with 'enough Islamic knowledge' about how to conclude such a marriage. In some sense, this may be considered a way in which Islamic marriages are becoming more informal.

The above indicates that one reason for women to enter into an Islamic marriage before engaging in a civil marriage is that the traditional sequence of the arrangement and conclusion of a marriage is thereby followed, with the period between entering into the contract and the wedding itself, allowing for a degree of intimacy, for the preparation of the wedding and for setting up a new household. However, there are also more specific reasons why women in the Netherlands decide to first conclude an Islamic marriage. Below, I start by examining those cases in which the couple is not able or willing to conclude a civil marriage. Then I turn to the question that seems to haunt the Dutch authorities most: if no civil marriage is concluded, why enter into an Islamic mar-

riage that has no legal effects in the Netherlands? Is it because the parties concerned are not aware of this? Are they perhaps under pressure to do so, or do they actively desire to enter into such a marriage?

OBSTACLES TO CONCLUDING A CIVIL MARRIAGE

In the course of the last thirty years, the Netherlands has witnessed a trend towards increasingly informal marriages. A growing number of couples simply cohabit without entering into a civil marriage or concluding another form of contract.⁵⁷ Some couples that conclude an Islamic marriage, however, would actually have preferred to register their marriage, but they face the problem that they are not able to enter into a civil marriage. For in order to conclude such a marriage, a number of documents are needed, such as a legalized birth certificate, valid proof of identity and proof of civil status (that is, evidence of not being married). Sometimes people do not have the required documents and are not able to acquire them, for instance if they are refugees. In other cases they do not have legal resident status and are thus very hesitant to even enter into the process of concluding a civil marriage, although this may be legally possible.

People are not only unable to conclude a civil marriage because they do not have the documents needed, however. Concluding a marriage may also be impossible because they do not fulfil the conditions for a civil marriage. In the Netherlands, marriages between relatives in the first or second degree are forbidden (which is also the case in Islamic law), forced marriages are forbidden, neither party may already be married, and both need to be eighteen years or older (unless the woman has already given birth or is pregnant; then the minimum age is sixteen and the permission of the parents is needed). Statutory Muslim family laws have also often emphasized the need for consent to marry, institutionalized minimum ages for marriage (for instance, in Morocco the minimum age is also eighteen years), and have curtailed polygamous marriages, although usually short of outright forbidding them. With respect to Muslim minorities in Europe, some Islamic scholars have argued strongly in favour of concluding a civil marriage contract, because only in that case are women's rights guaranteed.⁵⁸

If one of the parties is underage or already married, couples cannot conclude a civil marriage in the Netherlands. How often couples conclude an Islamic marriage for such reasons is hard to say. A few of the women with whom I discussed marriage arrangements had entered into an Islamic marriage when they were sixteen years old. Polygamous marriages were occasionally mentioned, but only involved marriages

abroad. Roex⁵⁹ also states that some of her salafi respondents married very young and that a few of her respondents were polygamously married, but most of them were eighteen or older and the number of polygamous marriages was very small.

An Islamic marriage has no legal effects under Dutch law, hence the parties concerned are seen as engaging in a sexual relationship outside of marriage, which is of no concern to the law.⁶⁰ Yet, the question remains whether such Islamic marriages may be unwanted by the women who enter into them. It is true that Islamic marriages may be used to bind youngsters at a young age, but there is no reason to assume that there is a direct relation between forced marriages and Islamic marriage.⁶¹ Civil marriages as well as sexual relations outside of marriage may be unwanted, while Islamic marriages may be strongly desired. The underage girls entering into an Islamic marriage who were involved in the Hofstad network, those mentioned by Roex and those whom I interviewed, were not pushed into such marriages by their parents, but rather did so without asking their opinion or for their approval. The same seems to be the case with the women who enter into a polygamous marriage.

Legal obstacles are not the only reason why Muslims refrain from civil marriage. Some are able to conclude a civil marriage, yet prefer not to do so, because they would find such a situation disadvantageous. Entering into a state-registered marriage may, for instance, cause the loss of social security benefits and other financial entitlements. Such considerations may also be found amongst non-Muslims in the Netherlands as well as in Muslim majority countries, as the previous example of Egyptian widows indicated. There is also a category of women that faces no legal impediments to entering into a civil marriage, but that, at least for the time being, refrains from doing so for very different reasons. These are ethnic Dutch women (often, but not always converts to Islam) who want to marry a Muslim partner, usually from a migrant background, who face strong resistance from their own family. In order not to antagonize their families or hurt their feelings, they may opt to enter into an Islamic marriage only. Their parents do not need to be involved in such a marriage, or even know about it, as it does not have legal effects, while by concluding an Islamic marriage they themselves engage in a licit sexual relationship according to Islam.

OPTING FOR AN ISLAMIC MARRIAGE

If some Muslims in the Netherlands are unable or unwilling to conclude a civil marriage, this still begs the question, why opt for an Islamic

marriage? The narratives of women who enter into Islamic marriages point to two different lines of argumentation. Some do so in response to social pressure; to them, Islamic marriages are of little importance. Others, by contrast, actively desire to conclude an Islamic marriage. Due to their religious convictions, having an Islamic marriage is what counts most for them.

In more conservative Muslim circles in the Netherlands, parents may find it hard to accept that their son, or especially their daughter, has a relationship that is not quickly legitimized in the form of a marriage. Once some sort of relationship becomes apparent, the parents expect that marriage will soon follow. As a result, the couple may feel strong social pressure to enter into a marriage for which they themselves do not feel ready. In such cases, concluding an Islamic marriage may be a convenient solution. By doing so, they can show their consideration for the concerns of their parents, who consider an Islamic marriage to be crucially important, and avoid offending them. Having grown up in the Netherlands and being aware of mainstream Dutch ideas about relationships and marriage, they themselves may hold quite different ideas and may value the civil marriage as the real marriage. To them, concluding an Islamic marriage is a means to appease their parents and the larger Muslim community, while they consider the period between concluding the Islamic marriage and, if things work out well, registering a civil marriage as a 'try-out' period that is quite similar to dating.

However, these youngsters are faced with the criminalization of *imams* who conclude such Islamic marriages. While some will either do without an *imam* or find someone 'knowledgeable' about Islam to be involved in the Islamic marriage, others opt to marry in the country of origin. Often having spent most, if not all, of their lives in the Netherlands, they do not always take such marriages very seriously. However, as such a marriage in the country of origin is often officially registered, it is legally valid, not only there, but also in the Netherlands. If the marriage does not work out, and especially if the husband subsequently refuses to cooperate in the dissolution of the marriage, the wife may discover that it can take a lot of effort, time, and money to arrange a divorce.

An Islamic marriage may also function as a means for a woman to convince her family to agree to a marriage to a man of her own choosing. Although family pressure in Muslim migrant circles, especially those who have been in the Netherlands for a long time, has gradually diminished, and most parents would not push their children into a marriage they actively resisted, parents may refuse to accept the choice a daughter has made. Some families are, for instance, hesitant about a partner from another ethnic background, or one who is not a born

Muslim but has converted to Islam. If the couple can find an *imam* who is respected by their families and who is willing to conclude an Islamic marriage, this may solve the problem. Once they are married according to Islam, the parents may well decide that it will be of little use to exert further pressure.

ACTIVELY DESIRING AN ISLAMIC MARRIAGE

If for some couples, engaging in an Islamic marriage is simply a convenient solution to mediate between the normative ideas of older and younger generations of Muslims from migrant backgrounds, then those who enter into an Islamic marriage out of conviction follow very different lines of argumentation. Expressing a strong commitment to Islam, they tend to experience their religion in more strictly orthodox ways. Some of them may be part of the salafi Muslim circles that have been the focus of much public debate and political concern. For these Muslims, an Islamic marriage is their first priority, as it makes their relationship permissible under Islam.

Rather than a means to enable a form of dating (during the period between concluding the marriage contract and the public wedding), amongst women who actively desire an Islamic marriage, dating is often purposely rejected. This category, which includes both born Muslimahs and also a relatively large number of new Muslimahs (women who have converted to Islam), holds different convictions about the preferred way to conclude a marriage, from the moment of getting acquainted to the wedding ceremony. Their preferences differ not only from mainstream Dutch conventions, but also from those of many Muslims from migrant backgrounds. They often strongly support the normative notion of gender segregation. Before the marriage contract is concluded, the man and the woman only meet each other a limited number of times, and always in public; that is, in the company of others or in a public setting. They use these meetings to exchange ideas about how they would like to organize their marital relations, what they expect from each other, and sometimes write this down in the form of marital conditions. Then they search in their own circles for someone with Islamic knowledge to be involved in the conclusion of the marriage contract. This is especially important for a new Muslimah, because her non-Muslim father cannot function as her marriage guardian; this becomes the responsibility of an *imam*. Such Islamic marriages are not only very different from the Dutch notion of dating; born Muslimahs from migrant backgrounds also emphasize that such marriages differ greatly from traditional arranged marriages, where parents are also strongly involved in

the choice of partner, but which focus more on family relations and material matters than on character and religiosity. The wedding itself is also often celebrated in a different way. With more gender segregation and with music that is limited to the singing of religious hymns (*anashid*), often by the female friends of the bride, the wedding festivities are generally smaller-scale and far less commercialized than is common in Muslim migrant circles.

Still, a commitment to an 'Islamic marriage and wedding' does not imply that the women concerned reject civil marriage. Rather, they deal with civil marriage in a pragmatic manner. At some point in time, they may well conclude a civil marriage, because it is the most convenient way to safeguard financial rights, such as entitlements to one's husband's pension, inheritance rights, and the relationship with their children. Such considerations are very similar to those made by non-Muslim Dutch when dealing with the question of whether to officially marry or not.

TEMPORARY SHIA MARRIAGES

Shia Muslims only make up about 10 per cent of the Dutch Muslim population. Mainly coming from Iranian, Iraqi, Afghan and Pakistani backgrounds, there are great differences in their level of commitment to Islamic law. For those who came to the Netherlands from Iran, often as refugees after the Islamic revolution, following the shari'a is often not a major concern in everyday life. To those who came from Southern Iraq, fleeing Saddam Hussein's regime after the failed uprising in 1991, Islamic law is often an important guideline.⁶²

When Shi'ites in the Netherlands conclude a temporary marriage, this is a highly informal affair. Many of these marriages are concluded between Shia men and ethnic Dutch women, who are non-Muslim at the time of marriage. For the men involved, such a marriage has a strong religious meaning.⁶³ Whereas in a country such as Iran, some couples conclude a temporary marriage simply to avoid the accusation of *zina* and the risk of prosecution, in the Netherlands, pre-marital sex is not a concern of the legislature. If a Shia man in the Netherlands concludes an Islamic marriage with an ethnic Dutch woman, he does so because he does not want to engage in a relationship with a woman (which may well mean any kind of dating) with whom he has not concluded an Islamic marriage. The women involved in such marriages, who tend to be unfamiliar with the concept of a temporary marriage, may simply agree to them because they sense that such an arrangement is important to their partner. These temporary marriages are concluded

in a highly informal manner, not only without a religious functionary, but also without witnesses, and the dower demanded by the woman – on the request of her husband – is usually insignificant. In fact, many of the women involved would not agree to conclude a more formal form of marriage, let alone a civil marriage, as it would be far too early in the relationship for them. It is precisely because a temporary marriage is so informal and has no legal effects that they agree to such marriage. The risks Haeri sees for women who engage in unregistered Shia marriages in Iran, where rights to maintenance are more important and non-virginity is culturally more problematic, are far less relevant in the Dutch context.⁶⁴

Some Dutch women who initially conclude a temporary marriage for the sake of their partners gradually start to see its value and take it more seriously, especially when they feel attracted to Islam and convert. However, they may also express some ambivalence about this institution, because of their concerns that men may abuse it as an easy means to engage in a large number of sexual relationships with few obligations. Socializing in circles of born Shia women, they become aware of the fact that women from countries such as Iraq are far more hesitant to conclude a temporary marriage, as for them, temporary marriages often have negative connotations.

Conclusion

Both in Muslim majority settings and in the Netherlands, women who engage in unregistered Islamic marriages have been defined as the victims of men. It is true that some of these marriages do not work, or may even be highly exploitative, but this is not necessarily a consequence of how these marriages are concluded. Women have a wide variety of motivations for entering into and consenting to unregistered Islamic marriages prior to, or even instead of, a registered or civil marriage. They may be simply unable to officially register a marriage, find it too disadvantageous, or feel that they and their partner are not yet ready for an official marriage in either a material or an emotional sense. Instead, they may opt to conclude an unregistered Islamic marriage to legitimize their relationship. In some cases, women may enter into an Islamic marriage as a means to force their parents to agree with their choice of partner. For others, especially more strictly orthodox or salafi women, an Islamic marriage is what really counts.

In mainstream public discourse, however, unregistered Islamic marriages are considered to be highly undesirable. In Muslim majority

countries, the main issue at stake is that such *unregistered* marriages undermine established structures of authority. Unregistered marriages amongst young people are a particular source of concern, as they challenge a whole set of strongly intertwined authority structures. They do not simply defy the state authorities, but also go against the grain of gender and generational hierarchies. They challenge the authority of the parents, which is especially problematic in the case of daughters, and go against the opinions of at least some religious figures. Unregistered marriages such as those conducted by older single women or women who have previously been married tend to be deemed less problematic, as these simultaneously function as a solution to social concerns about a 'woman without a man'. For these women, unregistered marriages may entail a level of autonomy that is not recognized in the conventional marriage contract, while men are not burdened with the obligations that such a contract brings. Whereas religious authorities are very hesitant about unregistered marriages and may consider them a threat to societal stability, they may also recognize that there are grounds for considering them permissible under Islam. Moreover, some also recognize that changing societal conditions, such as the tendency to delay marriage, require unconventional solutions.

The concerns in the Netherlands about Islamic marriages are very different. In this case, state authorities do not object to the fact that the couple does not conclude a civil marriage. Instead, they consider it problematic that they enter into an *Islamic* marriage, considering this an indication and instrument of radicalization and an attempt to develop a parallel society based on the shari'a. As has become evident, rather than finding themselves in the position of passive victims, young women often actively partake in the arrangement of an Islamic marriage, and may well enter into a civil marriage later. They have a great variety of reasons to do so. For some, it is because they consider the civil marriage 'the real marriage' that they do not yet want to conclude a civil marriage. Moreover, amongst those for whom an Islamic marriage is of paramount importance, there is no indication that they actively refuse a civil marriage for ideological reasons (or would do so more consistently than non-Muslim Dutch). After all, the Roman-Catholic Church also only recognizes Roman Catholic marriages as real marriages, and considers civil marriage to be a merely administrative act. In fact, these women deal with civil marriage in a way that is very similar to that adopted by their non-Muslims: they follow a pragmatic approach. The paradox is thus that whereas the Netherlands has witnessed a strong tendency towards more informal marriages in the last four decades, in the case of Muslims, an ideological commitment to civil marriage is required.

Notes

- 1 The research for this article was commissioned and funded by the FORUM Institute for Multicultural Affairs. FORUM is an independent knowledge institute. Its mission is to contribute towards social stability in the Netherlands on the basis of knowledge.
- 2 Mona Abaza, 'Perceptions of urfi marriage in the Egyptian press', *ISIM*, 2001 (Newsletter 7), p. 20.
- 3 These marriages are part of the wider field of acts that are considered illegal but licit. See Willem van Schendel, 'Illegal but illicit: Transnational flows and permissive polities in Asia', *IIAS Newsletter*, 2005 (Vol. 58, No. 32); Barak Kalir, Malini Sur and Willem van Schendel, 'Introduction: mobile practices and regimes of permissiveness' in: Barak Kalir and Malini Sur (eds.), *Illegal but licit: transnational flows and permissive polities*, Amsterdam: Amsterdam University Press, 2012. See also Oussama Arabi, *Studies in modern Islamic law and jurisprudence*, Den Haag/London/New York: Kluwer, 2001, pp. 147ff, who explains how non-conventional marriages emerged amongst the general public, provoking the religious and state authorities to respond.
- 4 Judith E. Tucker, *In the House of the Law: Gender and Islamic law in Ottoman Syria and Palestine*, Berkeley: University of California Press, 1998, p. 51.
- 5 Arabi, *Studies in modern Islamic law and jurisprudence*, 2001, pp. 160ff.
- 6 Such as, for instance, the option to divorce themselves and to determine where to live. See Lynn Welchman, *Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy*, Amsterdam: Amsterdam University Press, 2007, pp. 99ff.
- 7 Welchman, *Women and Muslim Family Laws*, 2007, pp. 62ff; 70; 94. Statutory laws no longer allow a woman's marriage guardian (usually her father) to exert coercion with respect to her marriage, but in some cases they still require his consent or allow for his objection to her marriage. See Lynn Welchman, 'Muslim family laws and women's consent to marriage: Does the law mean what it says?', *Social Differences Online*, 2011 (Vol. 1), p. 68. Reforms have given women also a greater say with respect to divorce and custody, but have in some cases also burdened them with new obligations (contributing towards maintenance of the family) and have made it more difficult to claim paternity.
- 8 Shahla Haeri, *Law of desire: Temporary marriage in Iran*, London: I.B. Tauris, 1989.
- 9 Tucker, *In the House of the Law*, 1998, pp. 164; 173. In addition, the Maliki school of law allowed a claim of paternity for up to five years after a woman was widowed or divorced. See Willy Jansen, 'Sleeping in the womb: protracted pregnancies in the Maghreb', *The Muslim World*, 2000 (Vol. 90, No. 1-2), pp. 218-237.
- 10 The Ottoman Empire started to require registration by the end of the nineteenth century. J. Anderson, 'Recent developments in shari'a law III. The contract of marriage', *The Muslim World*, 1951 (Vol. 4, No. 2), p. 113; Welchman, *Women and Muslim Family Laws*, 2007, p. 53.
- 11 Welchman, *Women and Muslim Family Laws*, 2007, pp. 53ff.

- 12 For a discussion about registration on the West Bank, see Welchman, *Women and Muslim Family Laws*, 2007, p. 375; for Morocco see Leila Jordens-Cotran, *Het Marokkaanse familierecht en de Nederlandse rechtspraak*, Utrecht: Forum, 2000, pp 87ff; for Indonesia see Adriaan Bedner and Stijn van Huis, 'Plurality of Marriage Law and Marriage Registration for Muslims in Indonesia: A Plea for Pragmatism', *Utrecht Law Review*, 2010 (Vol. 6, No. 2), pp. 186ff; for Turkey see Ihsan Yilmaz, 'Non-Recognition of Post-modern Turkish Socio-Legal Reality and the Predicament of Women', *British Journal of Middle Eastern Studies*, 2003 (Vol. 30, No. 1), p. 34; and for Egypt see Shahreena Shahrani, *The social (re)construction of 'urfi marriage*, MA Thesis: Ohio State University, 2010, p. 68).
- 13 For the British Mandate period in Palestine see A. Moors, *Women, Property and Islam. Palestinian Experiences 1920-1990*, Cambridge: Cambridge University Press, 1995, p. 96).
- 14 Abaza, 'Perceptions of urfi marriage', 2001, p. 20; Shahrani, *The social (re)construction of 'urfi marriage*, 2010, p. 32.
- 15 Frances Susan Hasso, *Consuming Desires: Family Crisis and the State in the Middle East*, Stanford, CA: Stanford University Press, 2011.
- 16 (See Diane Dingerman and Barbara Ibrahim, 'The Costs of Marriage in Egypt: A Hidden Dimension in the New Arab Demography', *Cairo Papers in Social Science*, 2003 (Vol. 24, No. 1). Some NGOs have attempted to intervene and provide financial support for young people in order to enable them to marry. See Jad Chabaan, 'Youth and Development in the Arab Countries: The Need for a Different Approach' *Middle Eastern Studies* (Vol. 45, No. 1) 2009, pp. 33-55; Frances Susan Hasso, *Consuming Desires: Family Crisis and the State in the Middle East*, Stanford, CA: Stanford University Press, 2011.
- 17 Hanan Kholoussy, *For Better, For Worse: The Marriage Crisis that made Modern Egypt*, Stanford: Stanford University Press, 2010, pp. 24ff.
- 18 Hoda Rashad, Magued Osman and Farzaneh Roudi-Fahimi, *Marriage in the Arab world*, Washington: Population Reference Bureau, 2005
- 19 Bahgat, Hossam and Wesal Afifi, 'Sexuality Politics in Egypt' in: Richard Parker, Rosalind Petchesky and Robert Sember (eds.), *Sex Politics: Report from the Front Lines*, 2008, available online at <http://www.sxpolitics.org/frontlines/book/pdf/sekspolitics.pdf>.
- 20 Abaza, 'Perceptions of urfi marriage', 2001, p. 20; Saher el-Tawila and Zeinab Khadr, *Patterns of marriage and family formation among youth in Egypt*, 2004, Cairo: National Population Council and Cairo University, 2004.
- 21 However, the couple may find recourse in the Hanafi ruling allowing adult women to conclude their own marriages.
- 22 As in the paradigmatic case of Hind al-Hinnawy and the famous television star Ahmad al-Fishawi (Hasso, *Consuming Desires* 2011, pp. 1ff; Bahjat and Afifi, 'Sexuality Politics', 2008, p. 53).
- 23 Jordens-Cotran, *Het Marokkaanse Familierecht*, 2000, p. 93) makes this argument for the case of Morocco.
- 24 Ihsan Yilmaz, 'Marriage solemnization among Turks in Britain: The emergence of a hybrid Anglo-Muslim Turkish law', *Journal of Muslim Affairs*, 2004 (Vol. 24, No. 1), pp. 62-3.

- 25 Yilmaz, 'Non-recognition of post-modern Turkish socio-legal reality' 2003, p. 39.
- 26 Haeri, 'Temporary marriage and the state in Iran: An Islamic discourse on female sexuality in Iran', *Social Research*, 1992 (Vol. 59, No. 1), pp. 201-2.
- 27 Haeri, *Law of Desire*, 1989.
- 28 Magued Osman and Laila Shahd, 'Age discrepant marriages in Egypt' in: Nicholas Hopkins (ed.), *The new Arab family*, Cairo: The American University in Cairo Press, 2003.
- 29 Nadeem Karkabi, *Couples in the global margins: sexuality and marriage between local men and western women in Dahab (South Sinai)*, MA thesis, University of Haifa, 2008.
- 30 In spite of the great economic inequality between the partners, Karkabi does not define this simply as exploitation or sex tourism, as, according to him, this may also entail an affective, romantic relationship.
- 31 Many marriages were polygamous, as the men often married younger Egyptian women with whom they had children.
- 32 Joanne Walby, 'Extended holiday in Hurghada: Russian migrant women and "urfi marriage"', *Surfacing*, 2010 (Vol. 3, No. 1), pp. 39-70.
- 33 Arabi, *Studies in modern Islamic law*, 2001, pp. 164ff.
- 34 Abaza, 'Perceptions of urfi marriage', 2001, p. 21.
- 35 Arabi, *Studies in modern Islamic law*, 2001, pp. 147-67.
- 36 Welchman, *Women and Muslim Family Laws*, 2007, p. 103.
- 37 Granqvist, Hilma, *Marriage conditions in a Palestinian village II*, Helsingfors: Akademische Buchhandlung, 1935, pp. 312ff.
- 38 Nadia Sonneveld, *Khul' divorce in Egypt. Public debates, juridical practices, and everyday life*, PhD thesis: University of Amsterdam, 2009.
- 39 Nadia Abou el Magd, 2009, 'Outcry in Egypt over "marriage tourism"', *The National* 17 August 2009. <http://www.thenational.ae/news/worldwide/africa/outcry-in-egypt-over-marriage-tourism>; Riham Adel, 2009, 'Married, or maybe not', *Al-Ahram Weekly Online*. <http://weekly.ahram.org.eg/2009/976/feature.htm>.
- 40 See also Joanne van der Leun & Avalon Leupen, *Informeel huwelijk in Nederland; een exploratieve studie*. Leiden: Universiteit Leiden, Faculteit der Rechtsgeleerdheid, 2009, p. 7; Susan Rutten, 'Protection of spouses in informal marriages by human rights', *Utrecht Law Review* 2010 (No. 2), pp. 77-92.
- 41 This in spite of the differences between a Roman Catholic marriage (which requires a priest as it involves a sacrament) and an Islamic marriage (which is a contract, the conclusion of which does not require the presence of an *imam*). Van der Leun and Leupen, *Informeel huwelijk in Nederland*, 2009, p. 8ff) describe debates in the field of law about the relation between civil and religious marriages.
- 42 I counted the number of articles that were published each year in four daily newspapers (*NRC*, *Trouw*, *de Volkskrant* and *De Telegraaf*), using the search term 'islamitisch! huwelijk!'.
 43 NCTb, *Informeel islamitische huwelijken. Het verschijnsel en de (veiligheids)risico's*, Den Haag: NCTb, 2006.

- 44 A non-specified hadith about the higher status of married over single men is mentioned as evidence for the willingness to die as a martyr, and the threat to the democratic rule of law is substantiated with the argument that ultra-orthodox Muslims refuse to register a civil marriage on ideological grounds NCTb, *Informeel islamitische huwelijken*, 2006, pp. 26-7.
- 45 AIVD, *De radicale da'wa. De opkomst van het neo-radicalisme in Nederland*, Den Haag: AIVD, 2007.
- 46 C. de Poot and A. Sonneschein, *Jihadistisch terrorisme in Nederland. Een beschrijving op basis van afgesloten opsporingsonderzoeken*, Den Haag: NCTb, 2009; Ineke Roex, Sjeef van Stiphout and Jean Tillie, *Salafisme in Nederland. Aard, omvang en dreiging*, Amsterdam: IMES (commissioned by the NCTb), 2010.
- 47 NCTb, *Informeel islamitische huwelijken*, 2006, p. 22.
- 48 AIVD, *De radicale da'wa*, 2007, p. 68.
- 49 Groen and Kranenberg also included some of these articles in their book *Strijders for Allah*, 2006 (later translated as *Women warriors for Allah. An Islamist Network in the Netherlands*, Philadelphia: University of Pennsylvania Press, 2012).
- 50 *De Volkskrant* 11 November 2006.
- 51 NCTb, *Informeel islamitische huwelijken*, 2006, p. 24.
- 52 The remainder of this chapter is based on explorative qualitative research conducted among young Muslims, focusing on the conclusion of Islamic marriages, which was started in 2009. It includes the gathering of topical life stories as well as many informal conversations about this topic with both born Muslimahs and new Muslimahs (converts), and information publicly available on the Internet (such as discussion fora). I thank Vanessa Vroom-Najem, Eva al-Haidari (also for allowing me to use her MA thesis), Khadija Amatallah, and Loubna al-Mourabet for sharing their insights with me.
- 53 That is, if there were no issues of public order, such as polygamy. See Van der Leun and Leupen, *Informeel huwelijken in Nederland*, 2009, p. 16.
- 54 Van der Leun en Leupen, *Informeel huwelijken in Nederland*, 2009, p. 31.
- 55 See Nathal Dessing, 'Continuïteit en verandering in de huwelijksluiting bij Turkse, Marokkaanse en Surinaamse moslims in Nederland', *Recht van de Islam*, 1999 (Vol. 16), pp. 59-81.
- 56 However, Dutch models of the governance of religion that build on Christianity have given more weight to the position of *imams* than may be the case in Muslim majority countries. This has also influenced Muslims in the Netherlands, some of whom assume that the presence of an *imam* is required.
- 57 Jan Latten, 'Trends in samenwonen en trouwen. De schone schijn van burgerlijke staat', *CBS Bevolkingstrends*, 2004, (Vol. 52, No. 4), pp. 46-60; Van der Leun en Leupen, *Informeel huwelijken in Nederland*, 2009, p. 10.
- 58 John Richard Bowen, *A new anthropology of Islam*, Cambridge: Cambridge University Press, 2012, p. 165ff.
- 59 Roex a.o. *Salafisme in Nederland*, 2010, pp. 147-8.
- 60 In the Netherlands, sexual relations may become a legal concern if one of the two parties is below the age of sixteen.

- 61 Forced marriages are generally decreasing in the Netherlands. See Oka Storms and Edien Bartels, *De keuze van een huwelijkspartner. Een studie naar partnerkeuze onder groepen Amsterdammers*, Vrije Universiteit Amsterdam, 2008.
- 62 Tayba Sharif, *Resistance and remembrance: History-telling of the Iraqi Shi'ite Arab refugees women and their families in the Netherlands*, PhD thesis: University of Amsterdam, 2003.
- 63 See also Eva Al-Haidari, *Vernuftige verhoudingen. Opvattingen over het tijdelijk huwelijk in West-Europa*, Universiteit van Amsterdam, 2001.
- 64 Haeri, 'Temporary marriage and the state in Iran', 1992.