

Kutaiba Kaidouha

# Syrian Families in Germany

The Multi-Faceted Reality of Adaptation  
to a New Surrounding

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Kutaiba Kaidouha

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**Nomos**

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## Introduction

I usually forget the date of events, but August 14, 2015, is one of the dates that sticks in my memory, as it was the day I entered Germany with four young men hoping to fulfill their wishes in a new European country. They were a group of young men who aspired to begin a new life after the war tore up all their dreams. Two of them were at the beginning of their youth; they had finished high school with distinction, hoping to study a prestigious specialization such as medicine or engineering at university.

At the beginning of my arrival in Germany and in the first housing complex for refugees, I was acquainted with what seemed to me to be a married couple, with two children: a son and a daughter, both no more than five years old. A male cousin of the wife, who was around twenty years of age or less, accompanied this family. At first glance, I did not doubt the marriage of the two, and I thought that the two children were the children of the couple. My relationship with this family gradually deepened, especially with the husband, who later told me that the mother of the two children is a widow, whose husband died in Syria due to the war, and that her family decided to send her to Germany - fearing for her and her children - with her cousin. The young man, the narrator whom I thought to be her husband, used to be close to the family even before the death of the husband. He revealed to me that he was not her husband originally nor the children's father, but because her deceased husband had a strong friendship with him, he decided to marry his widow and take care of the two children.

I suppose they pretended to be a married couple for two reasons: First, to cease the uproar of other families or Syrians in particular from delving into their reputation. This is especially true with regards to the reputation of the "presumed" wife, as Syrian culture considers this kind of relationship or closeness between the two partners without the framework of engagement or marriage as outside the accepted norms, thus falling within the unacceptable social and religious defects. This is true even though the "presumed" husband did not have any sexual relations with the "presumed" wife, as he confided to me. Second, those who are in charge of distributing the refugees to their living places would not separate him from his "presumed" wife and her children when he applies for Asylum as one family,

because of their “clear kinship” or “marriage relationship”. The question that arises in this context is, why did the supposed “husband” reveal all this information to me later?

During my stay in a refugee complex, there were often intense discussions about the developments of the war and what was going on in Syria generally. In addition, religious debates would start to escalate, imposed by the reality of the minority status as Muslim refugees in a Western society that differs from theirs. Because of my academic background in Islamic law and my knowledge of the political situation in Syria, I was often involved in these discussions. The husband realized my religious background – through questioning me –, which prompted him to confide to me and to ask to conclude a marriage contract between him and the one who claimed to be his wife within the framework of religious law (Sharia). As he pointed out, this would have kept him away from committing sins in case he should stay alone with her. The request was a bit shocking to me, but I understood the complex context and developments of such relationships.

The case of these two individuals resorting to religious marriage is a situation that many Syrian families turned to in the German context due to the effects of the war and the conditions of forced displacement. This caused a major disruption in the customary family dynamics which, for the majority of Syrian communities, usually begin with an engagement formality. Then the marriage ceremony is part of a long ceremonial process in which the families of both parties –whether they are relatives or not – are highly involved. The war also brought about a profound change in the functions and structures of the Syrian family. Considering the chaos that resulted from the war, which lasted for years, religious marriages are taking place on a large scale inside and outside Syria.

At a later stage of my stay in Germany, after about a year, I started to get to know different groups of Syrians, both young and old. Their educational levels were diverse, and, most importantly, they came from different Syrian governorates known for their somewhat different cultures. My attendance in language and integration courses enabled me to get to know these Syrians. In addition, my involvement in some social events (card games) made it possible to me to meet young people, who were confused about their future in Germany, and husbands, who were eagerly waiting for their families to be reunited.

In fact, in these card-playing gatherings I saw for the first time Syrians from rural and urban areas, from east, west, north, and south governorates coming together in considerable numbers. These gatherings, and the in-

tense discussions they initiated, brought me to the idea of this research project. Discussions about the situation in Syria and the procedures for family unification dominated in the first phase of these meetings. At a later stage, religious issues were at the heart of discussions due to – as I mentioned – the Syrian community presence as a minority – mostly Muslims – within a “non-Muslim” society that they were unfamiliar with before.

After the relative stability of the Syrians’ legal status, the discussions between these refugees turned to the issue of building a future in Germany. Then, after the arrival of more Syrian families in Germany and the successful reunification of many of them, discussions shifted to the problem of marital disputes, especially after the spread of news about a few incidents of violence that occurred against some and stories about the frequent occurrence of divorce amongst Syrian refugees. These events were shocking to a large segment of the Syrians themselves. I was one of those who wondered about the causes of the violent incidents and the many cases of divorce, and I tried to understand this phenomenon. That is where the idea for this study and my research question occurred.

*Research question*

The Syrian crisis – since its outbreak in 2011 until today – has forced millions of Syrians to flee internally and externally.<sup>1</sup> According to official German statistics, Germany received more than 700,000 Syrians until 2020.<sup>2</sup> Statistics show that the total number of Syrians living in Germany until 2020 is more than 800,000.<sup>3</sup>

The German government made earnest efforts to receive the large numbers of refugees who entered during the years 2015/16. Those efforts were

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- 1 The number of Syrian refugees is estimated at over 6 million; see ‘Ausländer aus Syrien in Deutschland bis 2020 | Statista’ <<https://de.statista.com/statistik/daten/studie/463384/umfrage/auslaender-aus-syrien-in-deutschland/>> [accessed 11 November 2021]; ‘UNHCR – Syria Emergency’ <<https://www.unhcr.org/syria-emergency.html?query=syria>> [accessed 28 March 2021].
- 2 Bundesamt für Migration und Flüchtlinge, ‘Das Bundesamt in Zahlen 2020’ (Bundesamt für Migration und Flüchtlinge, 2021), p. 17.
- 3 Statista Research Department, ‘Ausländer aus Syrien in Deutschland bis 2019 | Statista’ <<https://de.statista.com/statistik/daten/studie/463384/umfrage/auslaender-aus-syrien-in-deutschland/>> [accessed 28 March 2021].

directed to receive the refugees first and then try to integrate them in German society later. However, the presence of Syrians in this new society was not without serious challenges and difficulties, especially at the familial level, as these families went through economic, social, and moral dilemmas caused by the war, which caused disruptions in their structures and functions.<sup>4</sup>

With the Syrians finding refuge in Germany, the phenomenon of family conflicts appeared among the Syrians as a dilemma threatening their welfare. It also occupied a space in the various German institutions, both civil ones, such as associations concerned with women's or children's affairs, and official ones when these disputes reached police stations or courts.<sup>5</sup> Despite this, I assumed that the disputes taking place within the family but remaining outside these official institutions were much greater than what is made public. I have looked at how their disputes occupied, and still do, a large space within some media and social media - especially the Arabic-speaking media - located in Germany.<sup>6</sup>

I also noticed - before and during the fieldwork - that the phenomenon turned into a topic of hot discussion and debate when Syrian families gather together. As a result, I became more interested in understanding this phenomenon through a work of research that attempts to answer the following central questions:

What are the factors and reasons that played a role in fueling family conflicts within the Syrian family in the German context? Why did some

---

4 Penny Johnson, 'War, Violence, Refugees, and Arab Families', in *Arab Family Studies. Critical Reviews*, ed. by Suad Joseph (Syracuse, NY: Syracuse University Press, 2018), pp. 473–474.

5 See, for instance, Peter Hepfer and Maximo Gonzalez, 'Lebenslänglich für Syrer: Frau vor den Kindern „förmlich niedergemetzelt“', *Pforzheimer Zeitung* <[https://www.pz-news.de/startseite\\_artikel,-Lebenslaenglich-fuer-Syrer-Frau-vor-den-Kindern-foerml-ich-niedergemetzelt,-arid,1255092.html](https://www.pz-news.de/startseite_artikel,-Lebenslaenglich-fuer-Syrer-Frau-vor-den-Kindern-foerml-ich-niedergemetzelt,-arid,1255092.html)> [accessed 18 March 2021]; 'Mordprozess in Stralsund: Syrer tötet seine Frau und wünscht sich die Todesstrafe', *WELT* <<https://www.welt.de/vermischtes/article164587857/Syrer-toetet-seine-Frau-und-wuenscht-sich-die-Todesstrafe.html>> [accessed 18 March 2021]; Osthessen News, '35-jähriger Syrer tötet Ehefrau mit Schlagwerkzeug' <<https://osthessen-news.de/nl1633254/35-jahriger-syrer-toetet-ehefrau-er-hat-seine-ganze-familie-kaputt-gemacht.html>> [accessed 18 March 2021].

6 See, for instance, Farida Tşāmqğī, 'Aṭ-ṭalāq...mā bunīya fi Sūriya hudima fi almāniā' ('Divorce, What Was Built in Syria, Demolished in Germany'), *DW*, 2017 <<https://www.dw.com/p/2iTi6>> [accessed 18 March 2021]; Wafa' Şibîl, 'Tallaqatnî zawaġatî, wa ufakiru bil'awdat ila Sūriya' ('My Wife Has Divorced Me and I Am Considering Returning to Syria'), *Abwab*, <<https://bit.ly/4c92lm2>> [accessed 18 March 2021].

of these conflicts take on a violent nature at times? What are the dynamics that families resort to in order to deal with these conflicts?

These research questions opened the gate to attempt to understand Syrian families in all their complexity and diversity, as well as examine the processes of their interaction within the German context, as it is not possible to imagine a deep understanding of this phenomenon of conflicts without understanding the families, their cultures, and the social environment from which they came. In addition, it was of paramount importance for the research to understand the contexts they experienced during the war at home, the process of displacement and forced displacement, and how they then tried to adapt and coexist in the new German environment.

It should be noted that the phenomenon of family disputes was not limited to the German context. Some workers in the judicial institution in Syria, and some researchers outside Syria,<sup>7</sup> have pointed to the high rate of divorce - which is considered both an indicator and a result of these conflicts.<sup>8</sup> Nevertheless, it is understood that each country has its own contexts that affect any phenomenon, different from the contexts of the other country. Hence, it was necessary to study Syrian families in the German context to see how families interact with it and what are its effects on them.

Shedding light on family conflicts and understanding the Syrian family is important from several aspects:

- 1) Bridging a knowledge/cultural gap between the Syrian and German societies, which occurred as a direct result of the sudden migration of large numbers of Syrian families from their original society to live in the new society. This, in turn, helps formal and informal institutions to deal with these families in an attempt to maintain their welfare and optimal

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<sup>7</sup> I contacted by phone one of the researchers, Fāris ar-Rifā‘ī, who conducted a quantitative research in the Netherlands, and he found out that of forty Syrian families in a Dutch town 11 had divorced and 10 were considering separation. Summary of his research published in Arabic; see Fāris ar-Rifā‘ī, ‘Limāda tazdād zāhirat aṭ-ṭalāq fi awsāt al-lāgi‘īn al-ġudud bihulanda’ (‘Why Is the Divorce Phenomenon Increasing among New Refugees in the Netherlands?’), 2019 <<https://www.eqtsad.net/news/article/25838/>> [accessed 28 March 2021].

<sup>8</sup> Members of the Syrian Ministry of Justice told Sputnik that the divorce rate in Syria rose 100 percent in 2013 compared to the pre-war period. Sputnik, ‘Ta’arruf ‘lā ‘asabab Irtfā‘ hālāt aṭ-ṭalāq’ (‘Find out Why Divorce Cases Are on the Rise’) <<https://sptnke.ws/cvRz>> [accessed 28 March 2021]. See also Omer Karasapan, ‘The War and Syria’s Families’, 2017 <<https://www.brookings.edu/blog/future-development/2017/03/22/the-war-and-syrias-families/>> [accessed 28 March 2021]; ar-Rifā‘ī.

integration. At the same time it provides the Syrians with the picture that has been painted about them, which, although self-critical in some aspects, may help them to know the gaps that should be overcome. This, in turn, may contribute to the stability of their families and reduce the intensity of conflicts by mitigating their causes in an attempt to ensure that they do not occur as much.

- 2) Paving the way for academics to study the migration of the Arab family, its intimate relationships, and its interactions with host societies, in light of the scarcity of writings about it in these contexts.<sup>9</sup>
- 3) To reveal changes in the concept of the family, its functions and structures, and the relations between the sexes, in light of changes in patriarchal attitudes in two different contexts. These are topics of interest to many researchers interested in family affairs and issues.
- 4) Develop a vision for understanding how conflicts can be dealt with in a more professional manner, both for religious actors involved in resolving them and for legal bodies working to develop laws in general and family law in particular.

### *State of research*

There is a large body of literature on refugees, but it is often written within specific policies compatible with the directions of the United Nations High Commissioner for Refugees (UNHCR). These studies often focus on humanitarian aids, voluntary repatriation, local integration, or resettlement, whereas “longer-term dynamics, such as changes in refugee family formation and dynamics, are marginal to the main policy tasks at hand,”<sup>10</sup> as Penny Johnson wrote. Johnson argues that this plethora of literature prevents a deeper understanding of refugee families. The other problem is the generalizing trend that is noticeable in many of these studies.<sup>11</sup>

A departure from the study of the Syrian family as an analytical unit in the German context has not yet appeared, and the short period of the large

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9 Paul Tabar, ‘Migration and Transnational Arab Families’, in *Arab Family Studies. Critical Reviews*, ed. by Suad Joseph (Syracuse, NY: Syracuse University Press, 2018), p. 387.

10 Johnson, p. 474.

11 Michelle Lokot, “‘Blood Doesn’t Become Water’? Syrian Social Relations during Displacement”, *Journal of Refugee Studies*, 33.3 (2020), 555–76.

presence of Syrian refugee families in Germany – since 2015 – may be the reason why such studies have not been publicized before.<sup>12</sup> Despite this, there have recently been some limited qualitative and quantitative reports that have focused on the ideas of integration and work, or of looking at the Syrians as a new population group in Germany.<sup>13</sup> In addition, one of the important studies (a Ph.D. thesis) that dealt with the issue of family conflicts among the Syrians and Afghans appeared recently. The study focused particularly on custody disputes and attempted to examine the manner in which the practice of German international private law deals with Islamic law relating to family law in the aspect of children's rights in German courtrooms.<sup>14</sup>

Outside the German context, one of the important qualitative studies reports appeared on the Doha International Family Institute (DIFI). The study examined the effects of pre-and post-immigration stress on marital relations between families of Arab refugees – Syrians and Iraqis – in Canada.<sup>15</sup> Despite the importance of the subject of the study and its ability to gain insights into the traumatic experiences of refugees and the changes in gender roles on marital relationships, the data in the report did not receive sufficient or a nuanced academic analysis.

Several qualitative and quantitative research papers that explored topics related to the status of women and the change in their roles as well as to the

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12 I should point out that, while writing my book, there were other dissertations or articles being written about Syrians in Germany at the same time, some of which have been appeared recently; for instance, see Irene Tuzi, *Renegotiating Gender Roles and Relationships in Displacement. Syrian Families in Lebanon and Germany* (Diss., Berlin: Humboldt University Berlin, 2021); Sarah Raboi, *Confronting Uncertainty. Syrian Refugee Women in Germany* (Diss., Bayreuth: University of Bayreuth 2022); Hilal Alkan, 'Caring (for) Relations: Syrian Refugees between Gendered Kin-Contract and Citizenship in Germany and Turkey', *Citizenship Studies*, 26.6 (2022), 746–62.

13 See, for instance, Lily Hindy, 'Germany's Syrian Refugee Integration Experiment', *The Century Foundation*, 2018 <<https://tcf.org/content/report/germanys-syrian-refugee-integration-experiment/>> [accessed 6 November 2020]; Rebecca Jade LaPoint, '(In) Hospitable: Refugees as "Guests" in Germany Today', *Senior Projects*, 318 (Spring 2017); Susanne Worbs, Nina Rother, and Axel Kreienbrink, 'Syrische Migranten in Deutschland als bedeutsame neue Bevölkerungsgruppe', *Informationsdienst Soziale Indikatoren*, 61, 2019, 2–6.

14 Alexander Collo, *Muslimische Migrantensfamilien im deutschen Sorge- und Umgangsverfahren* (Baden-Baden: Nomos, 2021).

15 Mohammed Baobaid et al., *Pre and Post Migration Stressors and Marital Relations among Arab Refugee Families in Canada* (Hamad Bin Khalifa University Press, 2019).

family disintegration were also published. However, most of these studies were limited to the Syrian context or to the Syrians in Turkey.<sup>16</sup>

It is worth noting that some anthropological and social researchers have conducted studies on Syrian families in their different environments - urban and Bedouin - before the war from several aspects in the Syrian context. Some of these previous references have been made use of in some topics of this research work.<sup>17</sup>

Although the research group focuses on the Syrians, this research topic cannot be separated from previous literature that dealt with the situation of minorities from different aspects in different European contexts. The increasing immigration to the West has led to a form of cultural pluralism and to a diversity in the norms and values that these immigrant minorities hold. This diversity prompted the study of the space that could be granted to these groups in order to enhance their independence in the exercise of their customs and religious norms. However, attention is given to the idea that such independence should not lead to violations of the rights of their members in contravention with the official legal systems of the state in which they live.<sup>18</sup> This clash between observing the group's privacy while not violating public rights forms part of a more general discourse regarding

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16 See, for instance, Talāl al-Muṣṭafā and Ḥusām as-Sa'd, *At-taḡaiurāt alatī ṭara't 'ala 'adwar al-mar'at s-swrīya fi al-ḥarb as-Swriya* (*Changes in the Roles of Women in the Syrian War: Qualitative Study*) (Haramoon Center for Contemporary Studies, 2019); Talāl al-Muṣṭafā, Ḥusām as-Sa'd, and Waḡīḥ Haddād, *Taṣḥīṣ ad-dmār al-muḡtamā'ī as-sūrī* (2 Min 3) *mū'aṣṣirāt at-tafakuk al-usārī wa al-muḡtamā'ī fi Sūriya* (*Diagnosis of Syrian Societal Destruction (2 out of 3). Indicators of Family and Societal Disintegration in Syria*), 2021; Lülfüer Körükmez, İlhan Zeynep Karakılıç, and Didem Daniş, *Taḡārib al-mar'a as-sūriya fi al-'amal wa al-'alāqāt bain al-ḡinsin ... aḍ-ḍarūra, at-taṣḥīḥ, at-taḡīr* (*Syrian Women's Experiences in Work and Gender Relations ... Necessity, Understanding, Change*), trans. by Fāris Ġāsim (Haramoon Center for Contemporary Studies, GARk taplik, 2020).

17 See, for instance, Sally K. Gallagher, *Making Do in Damascus. Navigating a Generation of Change in Family and Work* (Syracuse, NY: Syracuse University Press, 2012); John Borneman, *Syrian Episodes. Sons, Fathers, and an Anthropologist in Aleppo* (New Jersey: Princeton University Press, 2007); Dawn Chatty, *From Camel to Truck. The Bedouin in the Modern World* (New York: Vantage, 1986); Dawn Chatty, 'The Bedouin in Contemporary Syria: The Persistence of Tribal Authority and Control', *The Middle East Journal*, 64.1 (2010), 29–49; Muḥāmad Saṭūḥ al-Āḥras, *Tarkīb al-ā'ilā al-ārabiyya wa-waṣṭā'iṣfūhā – Dirāsa maydāniya li-āqi' al-ā'ilā fi Sūriya* (*The Composition of the Arab Family and Its Functions – a Field Study of the Reality of the Family in Syria*) (Damascus: Wizāra aṭ-Ṭaqāfa wa-l-Irṣād al-Qawmī, 1980).

18 For more insight on these issues, see Ayelet Shachar, *Multicultural Jurisdictions. Cultural Differences and Women's Rights* (Cambridge: Cambridge University Press,

the integration policies of these groups into their new societies.<sup>19</sup> Finally, the family cannot be separated from the debate over gender relations, feminist theories, or debates about male dominance.<sup>20</sup> Therefore, the literature related to these three themes shall contribute to deepening the understanding of the topics of this research that will be discussed in different places.<sup>21</sup>

### Research structure

To answer the research question and analyze the problem it addresses, the research was divided into five main chapters. The first chapter deals with the methodology followed by the research, the group (of people) that were studied, and the field in which this study was conducted. Starting from the family as an analytical unit to understand its conflicts was not easy. Despite the Syrian families' openness to the "strange" other in general, they love their privacy, especially when it comes to mingling with women and knowing what is going on inside the household. Therefore, the first chapter of this research presents the methodology that was relied upon to overcome some of the obstacles to the study of the families. At the same time, the first chapter attempts to explain how to reach a deeper understanding of Syrian families in general and their conflicts in particular. From here, the research relied on the empirical ethnographic methodology, as it is the best method for collecting qualitative data that is difficult to detect unless there are relationships of trust between the researcher and the research group. Many of these relationships were built before and during the fieldwork, which took place at the end of 2019 and the beginning of the year 2020. These relations with the research group gave me a great opportunity - especially as I am a member of this group and speak their language - to delve into the details of the daily lives of families in the new German environment.

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2001); *Family, Religion and Law. Cultural Encounters in Europe*, ed. by Prakash Shah, Marie-Claire Foblets, and Mathias Rohe (London: Routledge, 2016).

19 See, for instance, Michael Spieker and Christian Hofmann, *Integration, Teilhabe und Zusammenleben in der Migrationsgesellschaft* (Baden-Baden: Nomos, 2020); Douglas B. Klusmeyer and Demetrios G. Papademetriou, *Immigration Policy in the Federal Republic of Germany. Negotiating Membership and Remaking the Nation* (New York: Berghahn Books, 2009).

20 See, for instance, Raewyn Connell, *Gender. In World Perspective* (Cambridge: Polity Press, 2012); Sandra Lee Bartky, *Femininity and Domination. Studies in the Phenomenology of Oppression* (New York: Routledge, 2015).

21 Such as in chapter 3, 4, 5.

In addition, it also helped in revealing the contexts of the previous families before and during the war earlier to their asylum trip to Germany.

It is worth mentioning that the group studied (as part of the Syrian society) diversifies in many aspects: regionally - rural and urban, small family and extended families, tribal or clan - religiously and sectarian - Sunni Muslims, Shia, Druze,<sup>22</sup> Alawis,<sup>23</sup> Christians - and nationally - Syrians or Syrians of Palestinian origin. Therefore, despite the quality of the data collected, the diversity of families made it difficult to analyze data and develop theoretical frameworks in the process of understanding families and the factors behind their conflicts, given the relative difference in cultural, religious, and social values and norms from one family to another. There may be a few other ethnicities in the study city - Nuremberg in the state of Bayern - such as the Kurds; however, my interaction was limited to the groups that I referred to, as they were the ones that the circumstances allowed me to build relations with in light of the scattering of many Syrian families in that big city.

The first chapter also reviewed the research tools that were used to collect the data, such as participant observation, qualitative interviews, and focus group discussion. This chapter also dealt with the methodology in which the data was analyzed, noting that this methodology contributed to forming part of the research structure; I will refer to those parts below. The last section of the chapter tackles the obstacles encountered during the progress of the fieldwork and how to try to get over them with the interlocutors.

The second chapter of this research reviews the images of the lives of the "interlocutors" in their Syrian context during the war through two aspects:

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- 22 They are a religious minority (about one million Druze in the world) whose faith stems from diverse religious traditions. The Syrian city of As-Suwayda has the largest concentration of them. They are seen as a separate and unique community due to their history, traditions, culture, and religion. They are often misunderstood due to the nature of their esoteric religious doctrine. They are also called Unitarians "Muwahhidūn". For more on them, see Samy Swayd, *Historical Dictionary of the Druzes* (Scarecrow Press, 2006), pp. xxxi–xl.
- 23 They are a religious group whose opinions about themselves conflict between their affiliation to Islam ("Shiite Islam") or their non-affiliation to any religion. Alawis are not only seen as a sect but as a community with its own culture and history. Alawis are believed to make up 11 percent of Syria's population. For more on them, see Torstein Schiott Worren, *Fear and Resistance. The Construction of Alawi Identity in Syria* (University of Oslo, 2007), pp. 43–44; Leon T. Goldsmith, *Da'ratu L-Hawfi, Al-alawiūn as-Suriyūn Fi s-Silmi Wa l-Harb (Cycle of Fear. Syria's Alawites in War and Peace)* (Beirut: Arab Scientific Publishers, 2016), pp. 82–90.

1) The reasons that prompted these people to migrate to Germany. 2) Social fissures (such as sectarian, religious, or conflict of identity) that occurred between Syrian societies and affected families in general. In order to keep a complete picture of people's daily lives during the war, I made the causes of displacement and the forms of societal rifts associated with it in the same background of the interlocutors who are the owners of the story. Insecurity and fear of being killed, kidnapped, or imprisoned, fear for children, the difficult economic situation, and the aspiration for a better future come at the top of these reasons. The chapter concludes with a discussion of the contexts that led to the Syrian crisis and resulted in these factors referred to and of these major fissures in Syrian societies.

The third chapter deals with the changes and challenges facing Syrian families in the new German context. The chapter begins in its first section by reviewing the theoretical framework that it has benefited from in the analysis; that is the concept of "segmented assimilation." The chapter discusses the factors that affected the changes that occurred in Syrian families through four aspects: 1) The social environment in which families grew up. 2) The amount of social control exercised on families. 3) Gender positions. 4) The age at which the family members arrived in Germany.

The second part of the chapter discusses the challenges faced by the family in the new German context through several aspects: 1) Language challenges. 2) Work. 3) Adequate housing. 4) Religious/cultural challenge. 5) Fear of great responsibility towards children. 6) The pressures of discrimination and some racist practices. 7) The pressures of feeling alienated. This section focuses on examining the interaction of families with these challenges on the one hand and explores their indirect effects on fueling conflicts within these families on the other hand.

The fourth chapter discusses the factors directly affecting family conflicts within a theoretical framework; that is the patriarchal system or "masculine dominance" through two dimensions: The first route observes the internal determinants of conflict dynamics, i.e. those related to the family's characteristics, structures, and functions. This section deals indeed with three determinants: 1) Gender roles, where the research explores the roles of men and women in Syrian societies and the impact of defining these roles in the new German context. 2) Economic factors, where it discusses the effects of the division of labor between men and women on relations between spouses in the Syrian and German contexts. 3) The cultural/religious clash, where it observes the religious and cultural norms held by the newcomers and the collision of some of them with the values of the new society, and

thus the acceptance or rejection of change and the clash between the two sides towards these interactions.

The second dimension examines the external determinants of conflict dynamics, that is, the external influences on the conflicting parties. Although they are categorized as external determinants, the interaction of these determinants with internal factors sometimes overlaps. This section explores two main determinants: 1) The effects of the factors of war and forced displacement. These factors - which are depicted in detail in the first chapter - are reviewed based on their effect on the relationship between spouses. It is not possible to separate the scenes of violence and suffering experienced by the families from the escalation of conflicts between the two parties and the resort to violence in some cases later on. 2) Effects of the new German context. These effects are studied through two dimensions: First, the effects of changes in laws on relations between spouses are explored, especially in the areas of legal protection for women through laws that punish violence and through the power of law enforcement. In addition to this legal aspect, attention is given to the aspect of family laws through divorce procedures and the right of custody.

The fifth chapter sheds light on conflict management through a theoretical framework that discusses the effects of normative pluralism in Germany on the dynamics of conflict resolution. This chapter examines two aspects: First are the alternatives that the conflicting parties resort to in their attempts to resolve their disputes, such as mediators from notable family or friends, religious actors, and the Syrian or German judicial systems. Second, it discusses mechanisms and obstacles to conflict resolution. In this section, the focus is on religious marriage and divorce in Germany, especially in the context of normative pluralism and the broad religious freedom granted to religious/Islamic organizations. This section explores the reasons why people resort to religious marriage and divorce, analyzes the consequences of such types of transactions based on religious norms, and examines the obstacles to resolving disputes that may arise between the parties.

### *Theoretical frameworks*

I mentioned above that the research used three theoretical frameworks to help analyze the data and reach a deeper understanding of the Syrian families. These three concepts are “segmented assimilation”, “masculine

dominance”, and “normative pluralism”. I will not discuss these three concepts in this context extensively to avoid repetition with the discussions in the subsequent chapters (3, 4, 5), but I will refer briefly to the analytical dimensions that necessitated the use of these theoretical frameworks.

### Assimilation or integration?

“Assimilation” is a controversial concept, and since the 1960s it has been negatively viewed as a form of “Eurocentric hegemony” and “the weapon of the majority to put minorities at a detriment by forcing them to live by cultural norms that are not their own.”<sup>24</sup> It stems from the expectation that minorities want to get rid of their own culture, and it takes up a standpoint based on ethnic differentiation, which raises a particular cultural model as a criterion for other cultures. This concept has been subjected to significant criticism on the grounds that the process of assimilation is one-sided, that is, it assumes that the minority will be changed completely without considering the effects that may result from the process of interaction of the culture of the minority with the majority.<sup>25</sup>

The most important criticism faced by the concept of assimilation is that it leaves no room for a positive role for ethnic or racial minority groups to play in the majority society.<sup>26</sup> But, “[d]espite the accuracy of some of the criticisms of the canonical formulation of assimilation, we believe that there is still a vital core to the concept, which has not lost its utility for illuminating many of the experiences of contemporary immigrants and the new second generation”, as Richard Alba and Victor Nee wrote.<sup>27</sup>

Two different approaches to the traditional understanding of assimilation can be observed. The first is the adoption of other concepts such as “segmented assimilation”, “pluralism”, or “integration”<sup>28</sup> as alternatives to

24 Richard Alba and Victor Nee, *Remaking the American Mainstream. Assimilation and Contemporary Immigration* (Cambridge, MA: Harvard University Press, 2003), p. 2.

25 Richard Alba and Victor Nee, ‘Rethinking Assimilation Theory for a New Era of Immigration’, *International Migration Review*, 31 (1997), 826–74; Alba and Nee, *Remaking the American Mainstream*, p. 4.

26 For more see Alba and Nee, *Remaking the American Mainstream*, p. 5.

27 *Ibid.*, p. 9.

28 See Alejandro Portes and Min Zhou, ‘The New Second Generation: Segmented Assimilation and Its Variants’, *The Annals of the American Academy of Political and Social Science*, 530.1 (1993), 74–96; Alba and Nee, *Remaking the American Mainstream*, p. 6; Hartmut Esser, ‘Pluralisierung oder Assimilation? Effekte der multiplen

that concept to move away from those negative connotations it carries. The second rejects the traditional understanding of assimilation. For example, the German sociologist Hartmut Esser considers this pre-conventional understanding of assimilation to be naive; it is, therefore, misleading to replace it with the concept of “integration” as it does not express social integration.<sup>29</sup> In his discussion of the relationship of the concept of assimilation, Esser distinguishes between social integration, which is the integration of ethnic minorities into various areas of the host society,<sup>30</sup> and system integration, which means “the cohesion and the relatively balanced functioning of an entire social association.”<sup>31</sup>

Social integration has four basic aspects: “*Culturation* as the adoption of knowledge, skills and cultural ‘models’, especially also linguistic socialization; *placement* as the adoption of rights and taking up positions in (relevant) areas of the respective social system, e.g. in education and the labor market; *interaction* as the establishment of social relations and inclusion in (central) networks; and finally *identification* as the adoption of certain ‘loyalties’ to the respective social system.”<sup>32</sup> Esser considers individual assimilation to be a special case of the social integration of immigrants as active individuals. According to the previous four dimensions, Esser distinguishes between four aspects of individual assimilation: cultural assimilation, structural assimilation, social assimilation, and emotional assimilation.<sup>33</sup> Esser concludes that “[t]here is (at least) no reasonable alternative to the structural assimilation of the migrants, especially in the educational system and in the primary labor markets. And insofar as the other dimensions of integration, especially cultural and social integration, are – directly and indirectly – related to it, this also applies to them.”<sup>34</sup>

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Inklusion auf die Integration von Migranten’, *Zeitschrift Für Soziologie*, 38.5 (2009), 358–78.

- 29 Hartmut Esser, ‘Welche Alternativen zur ‚Assimilation‘ gibt es eigentlich?’, in *Migration – Integration – Bildung. Grundfragen und Problembereiche*, ed. by Klaus J. Bade and Michael Bommes (Institut für Migrationsforschung und Interkulturelle Studien (IMIS), 2004), p. 45; Hartmut Esser, *Integration und ethnische Schichtung* (MZES–Mannheimer Zentrum für europäische Sozialforschung, 2001), p. 22.
- 30 Esser, *Integration und ethnische Schichtung*, p. 19.
- 31 Ibid., p. 18.
- 32 Esser, ‘Welche Alternativen zur ‚Assimilation‘ gibt es eigentlich?’, p. 46, emphasis in original.
- 33 Ibid.
- 34 Ibid., pp. 44–45.

Regardless of the various concepts and discussions that are used to describe the adaptation processes of migrants or refugees in the receiving countries, in reality there are multiple policies in industrialized countries in general through which they try to integrate migrants or refugees within their territories. Syrians as new refugees are subject to these policies, and in return they interact with them. Therefore, the chapter examines the interaction of Syrian families with these policies through the lens of their indirect effects in fueling conflicts within such families. Chapter three benefits from some frameworks of the theory of segmented assimilation during the data analysis process, and, most importantly, the reality of the integration of families has been observed through two dimensions. These are: the changes that occurred to the Syrian families in the new German context and the challenges that they faced during the integration process.

### Masculinity<sup>35</sup> in the Diaspora

The excessive transformations and changes that the world is witnessing as a result of technological progress, wars, and extreme violence used in these wars on one hand and the processes of displacement and asylum on the other have their tolls on all aspects of life. These grave changes affect the cultures of people in one way or another. One of the effects that the fourth chapter of this research focuses on is gender, sexual identity, and its effects on marital relations among Syrians in their diaspora.

“In the world gender order [...] there is a ‘patriarchal dividend’ for men collectively arising from higher incomes, higher labor force participation, unequal property ownership and greater access to institutional power. Men are privileged sexually and culturally.”<sup>36</sup> The context of these shifts, as well as the different global gender order to which migrants are accustomed, raises questions about the effects of migration on their gender identity, the impact of the local context of the receiving country on this identity, and the impact of the re-discovery of these identities on internal relationships between family members.

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35 For more illustrations and details about the development of scientific studies on masculinity and its relations to the topic of research, it can be referred to the second section, “Theoretical View of Conflict Factors” from Chapter four.

36 Raymond Hibbins and Bob Pease, ‘Men and Masculinities on the Move’, in *Migrant Men. Critical Studies of Masculinities and the Migration Experience*, ed. by Mike Donaldson et al. (New York: Routledge, 2009), p. 1.

In observing the effects of the war on women in the Syrian context, Benjamin Froese relies on feminist sociology theories through the lens of radical feminist theory that attributes gender inequality and women's oppression to the patriarchal system. In addition, he sees that "the root of women's oppression is a social system where all social institutions are male dominated."<sup>37</sup> In her attempt to understand the effects of displacement and forced displacement on masculinity among Syrian refugees in Lebanon, Irene Tuzi draws on Bourdieu's epistemology. She claims that a disruption in social space and an imbalance between the habitus<sup>38</sup> and the new domain of sexuality produced a crisis that in turn led to the use of masculinity in a form of "protest masculinity".<sup>39</sup> Protest masculinity<sup>40</sup> concisely "means over-compensation in the direction of aggression and restless striving for triumphs."<sup>41</sup> It reveals the collective practices of marginalized men who struggle to regain their male dominance. R. W. Connell notes that "[t]he masculine protest was a feature of women's psychology as well as men's, but over-determined by women's social subordination. In men it could become a public menace."<sup>42</sup> Marcia C. Inhorn, who has studied masculinity in the Arab world, believes that the study of masculinity should begin with Connell's theory of "hegemonic masculinity", which has generally had a significant impact on masculinity studies.<sup>43</sup>

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37 Benjamin Froese, 'The Effects of War on Women in Syria: A Feminist Analysis', *Undergraduate Research Conference Proceedings*, 13.1 (2019).

38 Bourdieu's habitus is a system of permanent and interchangeable dispositions that integrate structures, habits, and practices of past experiences. This means that people's practices, whether as a symbolic activity or as a practical behavior, are governed by the previous experience of individuals and by various forms of socialization. For more, see Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 2013). pp. 82–83; Salāḥ ad-dīn La'rīnī, 'Maṣḥūm Al-Ḥabīṭus 'inda Bourdieu' ('Bourdieu's Concept of Habitus'), *Social Sciences Journal (SSJ)*, 8.4 (2014), 63–71.

39 Irene Tuzi, *Forced Migration and Gender Relations. The Impact of Displacement on Masculinity among Syrian Refugees* (Sapienza, University of Rome, 2020), pp. 1–2.

40 This concept originated with Alfred Adler with the beginning of the radical psychoanalytic school's interest in masculine theory and the relationship between masculinity and femininity. Connell made extensive use of the concept in his analyses of masculinity. See R. W. Connell, *Masculinities* (Berkeley: University of California Press, 2005), pp. 16, 109–112.

41 *Ibid.*, p. 16.

42 *Ibid.*

43 Marcia C. Inhorn, *The New Arab Man. Emergent Masculinities, Technologies, and Islam in the Middle East* (Princeton: Princeton University Press, 2012), p. 41.

In my opinion, these three concepts are very close, and they all aim to understand masculinity, femininity, and relations between the sexes. All of them can help in understanding the imbalance that occurred between the sexes within the Syrian family in the German context, which resulted in a kind of conflict between the two parties. During their immigration to Germany, Syrian families carried with them this “patriarchal system”, which was generally rooted in the social and institutional systems in Syria.

The interaction of Syrian families - with the characteristics they bear related to this patriarchal system<sup>44</sup> - with the integration policies in the German context and the new cultural, social, and legal norms led to disruption in the relationship between the sexes. This disruption and imbalance extended to the roles of the two parties. That has eventually produced a “male protest” by men to maintain their masculine power and a “feminine protest” by women towards the ancient practices associated with “male domination” and patriarchy. This led to the emergence of various conflicts and several dynamics that at times contributed to the reconfiguration or restructuring of the gender identities of husbands and wives and to the reorganization of roles and relationships between them.

With this approach to addressing research issues by understanding “patriarchy”, “male domination”, and “protest masculinity” at the micro-level that is represented in family conflicts in the context of this study, the research bypassed the traditional frameworks in which patriarchy was studied in the Arab world.

Patriarchy or masculine domination in the Arab world is often dealt with as an aspect related to the relationship between the sexes in a kind of generalization; at that, both Arab males and females are often placed within ready-made and stereotyped templates. These stereotypes place the man in the frame of “violence” against women, while the woman is placed in the mold of “submissive humiliation” by not having an independent decision.<sup>45</sup> This is despite the changes in the world that have greatly affected gender relations in most countries around the globe, including the Arab world, and

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44 The process of Syrian families’ interaction with integration policies is not an abstract or theoretical process but rather is related in one way or another to the characteristics of the groups to be integrated, that is, with the norms, characteristics, and qualities these minorities carry from their previous societies. Uma Segal, *A Framework for Immigration* (Columbia University Press, 2002), p. 23.

45 Inhorn, p. 55; Árdís Kristín Ingvars and Ingólfur V. Gíslason, ‘Moral Mobility: Emergent Refugee Masculinities among Young Syrians in Athens’, *Men and Masculinities*, 21.3 (2018), 383–402, here pp. 386–87.

thus this image has become traditional, backward, and inaccurate.<sup>46</sup> However, there is still a tendency among segments of Western refugee-receiving societies to take this inaccurate traditional image for granted.<sup>47</sup>

Certainly, there is no doubt that Arab societies, in general, have patriarchal tendencies that, in their entirety, constitute an obvious form of patriarchy and male domination.<sup>48</sup> The cultural characteristics, religious and ethnic norms, the strength of the presence of the extended family, the presence of tribal or ethnic blocs, and their political connections to regimes have significant influences in shaping these different patriarchal systems and their intensity. Therefore, masculinity and patriarchy were and still are among the problems that many researchers have tried to study to understand its causes and explore its consequences, not only at the family level but also at more dangerous levels represented in political and economic domination.<sup>49</sup> Anthropologist Madawi Al-Rasheed, for example, argues that the religious politicization exemplified by Wahhabism in Saudi Arabia has made it part of state institutions, and this explains why women are

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46 Inhorn, p. 55.

47 Many of those interviewed from Syrian families indicated that many Germans adopted this stereotype about them through experiences they had, most of which came within the framework of disapproving questions related to women's freedom, veiling, and the nature of their work and studies. On the first arrival of the Syrian refugees and in one of the language courses I attended, the teacher went out with the students to the street to teach them some German vocabulary in reality. In front of a construction workshop, the teacher referred to one of the women working in the workshop and mentioned that in Germany women can work as engineers; as I told her that women in Syria also work as engineers, this caused her astonishment.

48 The most important global indicator for measuring the gender gap monitors four main aspects: political and economic participation, educational attainment, and health. This indicator shows that in the years 2006–2010 Syria ranged from 103 to 124 out of 134 countries studied. The gap increases after the Syrian crisis, with Syria ranking 152 out of 156 countries. The majority of Arab countries such as Syria occupies the last ranks in this indicator, and this shows the relative male dominance in these Arab societies and thus the inequality between the sexes in general in various fields. For more, see Ricardo Hausmann, Laura D. Tyson, and Saadia Zahidi, *The Global Gender Gap Report 2010* (World Economic Forum, 2010), p. 9; World Economic Forum, *The Global Gender Gap Report 2021* (World Economic Forum, 2021), p. 10.

49 See, for instance, Hisham Sharabi, *Neopatriarchy. A Theory of Distorted Change in Arab Society* (New York: Oxford University Press, 1988); Bu'Ali Yāsīn, *Azmat al-mar'a fi al-muqtama' al-dukori al-'arabi* (*The Crisis of Women in the Arab Patriarchal Society*) (dār al-hiwār llīnār wa at-tawzī', 1990); Halim Barakāt, *Al-īgtirāb Fi At-Taqāfa Al-'arabiya* (*Alienation in Arab Culture*) (Beirut: Center for Arab Unity Studies, 2006).

underdeveloped and unequal in Saudi Arabia.<sup>50</sup> These alliances between authoritarian power and religious and civil institutions exist in most other Arab countries, although to varying degrees, and different orientations often serve the interests of authoritarian regimes.

Highlighting the different dynamics of the family through the lens of conflict can alter this traditional patriarchal stereotype, revealing how men and women under different social conditions can reshape their gender identities, relationships, and roles within the family, while helping to observe the complexity and diversity of these relationships and roles. Connell writes in this context, “to recognize diversity in masculinities is not enough. We must also recognize the relations between the different kinds of masculinity: relations of alliance, dominance and subordination. These relationships are constructed through practices that exclude and include, that intimidate, exploit, and so on.”<sup>51</sup> The fourth chapter explores some of these complex relations within the Syrian family.

### Normative pluralism<sup>52</sup>

It is true that the concept of normative or legal pluralism is relatively recent, but as a phenomenon and a practice, it extends throughout history.<sup>53</sup> Historically, customary and religious laws existed long before the establishment of the modern nation-state and the “rule of law.”<sup>54</sup> For example, the People of the Book (Jews and Christians) at the beginning of Islam had the choice between referring to their scholars or judges or to the rulings of Islam that

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50 Madawi Al-Rasheed, *A Most Masculine State. Gender, Politics and Religion in Saudi Arabia* (Cambridge: Cambridge University Press, 2013), pp. 15–17.

51 Connell, *Masculinities*, p. 37.

52 Normative pluralism can be treated as legal pluralism. Legal pluralism is “generally defined as a situation in which two or more legal systems coexist in the same social field.” Sally Engle Merry, ‘Legal Pluralism’, *Law & Society Review*, 22 (1988), 869–96, here p. 870. See also William Twining, ‘Normative and Legal Pluralism: A Global Perspective’, *Duke Journal of Comparative and International Law*, 20 (2009), 473–518, here p. 475.

53 Keebet von Benda-Beckmann and Bertram Turner, ‘Legal Pluralism, Social Theory, and the State’, *The Journal of Legal Pluralism and Unofficial Law*, 50.3 (2018), 255–74, here p. 256.

54 Christine Parker, ‘The Pluralization of Regulation’, *Theoretical Inquiries in Law*, 9.2 (2008), 349–69, here p. 352.

governed the Muslim community.<sup>55</sup> With the emergence of nation-states and colonialism, this necessitated an axiomatic transformation of “where there is society, there is law” to “where there is state, there is law.”<sup>56</sup> However, with the dedication of these nation-states and colonialism to the relations between the state, the people, and the law, the issue of legal pluralism became problematic. This set the conditions for the emergence of “anthropology of law” as a discipline of anthropology, which at that time aimed at, “[o]n the one hand, to research physiologically pre-, or early law in presents environments and, on the other, to address the challenges of ‘legal pluralism’ as an applied colonial practice.”<sup>57</sup> At the turn of the twentieth century, there was a growing interest in the interaction of law with everyday social and economic life, that is, in an attempt to explore “how law was used in daily practices.”<sup>58</sup> At that time, a view prevailed based on considering law as an organizing principle of society, and consequently “ĀDĀT”, i.e. social norms, habits, and customs were not recognized,<sup>59</sup> and conflicts were not of interest to early anthropologists. This trend later changed, and the interest in people’s perceptions of customary laws, conflicts, and dispute resolution processes emerged as a reaction to colonial governments’ distortion and politicization of the character of custom systems.<sup>60</sup> Benda-Beckmann and Turner point out that two research paths can be distinguished in using the study of real situations or cases to study conflicts: The first aims to use conflicts as a source from which to extract unwritten (customary) law. The second aims to understand the contested processes and the decision-making process. Later anthropology of law focused on the relationships be-

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55 It was reported that Al-Zuhri (d. 124/742), one of the jurists of the first generation in Islam, said about the verse in Quran: “So if they come to you, [O Muhammad], judge between them or turn away from them” that the Sunnah was conducted that they (the people of the heavenly books) be returned in their rights and inheritance to the people of their religion (i.e. their scholars or judges), unless they come willing to implement a penalty, for in this case the Prophet judges between them according to the Book of God (i.e. the Qur'an). Muhammad ibn Jarir al-Tabari, *Tafsir al-Tabari* (Dâr ar-Risâla, 2000), Vol. 10, p. 332.

56 Benda-Beckmann and Turner, p. 257.

57 Ibid. pp. 256–257.

58 Ibid. p. 257.

59 Although they are not recognized as legal norms, to some extent they are recognized in the context of the application of legal norms (interpretation), as Mathias Rohe commented.

60 Benda-Beckmann and Turner, pp. 257–258.

tween local normative systems and state institutions,<sup>61</sup> and the relationships between state law and informal, religious and customary law constituted the new starting point in anthropological studies.<sup>62</sup> Therefore, it will be the basis for understanding the interaction of these norms held by Syrians with the laws of the state in this research by studying the reality of Syrian families in the German context.

Conflicts between parties result in their attempts to resolve them. The transition of Syrian families from their previous contexts moving into new contexts made new dynamics emerge when dealing with these conflicts. Such dynamics may intersect or differ from the previous dynamics. Nevertheless, at the same time, they may clash or form a break with the laws of the German state, as “the family is arguably the foremost arena in which citizens resist the state and are free to form their own allegiances,”<sup>63</sup> as pointed out by Joel A. Nichols. These dynamics used by families are related to the previous norms and characteristics that they carry from their local communities, prompting individuals to observe these norms, especially in their aspects related to religious teachings.<sup>64</sup> Prakash Shah writes in this context: “Customs and religious practices among more recent settlers and their descendants have not been altogether abandoned as a consequence of arrival and living in Europe. Under the homogenous official legal orders, customs and religious practices have in many cases simply gone ‘underground’ and survive, sometimes very vibrantly, but unofficially.”<sup>65</sup> Of all these religious norms, family norms remain the most special and controversial in comparison to other areas, as they relate to aspects of transactions that regulate relationships between human beings, away from the domain of worshiping, in which the relationship is between believers and God.

61 Since the source and authority of state law differs from the characteristics of religious or cultural norms, Abd al-Hadi Ahmad An-Na‘im suggests using the concept of normative pluralism instead of legal pluralism. Abdullahi Ahmed An-Na‘im, ‘Religious Norms and Family Law: Is It Legal or Normative Pluralism’, *Emory International Law Review*, 25.2 (2011), 785–810.

62 Benda-Beckmann and Turner, p. 259.

63 Joel A. Nichols, ‘Religion, Marriage, and Pluralism’, *Emory International Law Review*, 25 (2011), 967–85, here p. 969.

64 Marie-Claire Foblets, ‘Family, Religion and Law in Europe: Embracing Diversity from the Perspective of “Cultural Encounters”’, in *Family, Religion and Law. Cultural Encounters in Europe*, ed. by Prakash Shah, Marie-Claire Foblets, and Mathias Rohe (London: Routledge, 2016), p. xiii.

65 Prakash Shah, ‘Distorting Minority Laws? Religious Diversity and European Legal Systems’, in *Family, Religion and Law. Cultural Encounters in Europe*, ed. by Prakash Shah, Marie-Claire Foblets, and Mathias Rohe (London: Routledge, 2016), p. 3.

## *Introduction*

The situation is complicated not only by the lack of formalization of any of these religious customs and norms within the context of Western countries but also by the lack of legal cooperation between states in the aspects of family laws. Despite the participation of European countries in the Private International Law agreements related to family relations, the recognition of non-European legal forms of managing family relations remains negligible. Therefore, there is controversy over the development of new mechanisms by which legal systems can accommodate the presence of minorities in Europe, as Shah points out.<sup>66</sup>

Hence, “normative pluralism” was highlighted as a framework that helps to understand the family’s interactions with the new German norms. In addition, “normative pluralism” explains the complexities that arise in light of the spaces granted - narrow and expanding - for the interaction of German laws with the previous religious, cultural, and social norms that families from Syria brought with them, which was highlighted in the second section of Chapter five.

Thus, we perceive in this research the link between these three concepts and the analytical methodology that attempts to understand the Syrian family in general and the factors of its conflicts in particular. At first glance, these three frameworks may seem inconsistent, but their harmony appears in the processes in which the family moves from one stage to another. We are talking about stages starting with the challenges and changes it faces in the new environment, through the reconfiguration of gender identities and their interactions with this environment and the resulting conflicts, and ending with the mechanisms and complexities it exercises under new norms and conditions to resolve these disputes.

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66 Ibid. pp. 3–4.

# Chapter 1: Methodological Framework: An Ethnography of Conflicts within Syrian Families in Germany

## *Introduction*

Like many other close-knit communities, Syrian communities are governed by numerous norms and standards that render their ethnographic study rather difficult. This complicates the collection and access to data related to the group under study. Examples of these factors may include fear when the research project pertains to political issues, caution and suspicion when it is concerned with religions and sects, or shame when the research is related to sexual matters or the relationship between the two sexes, to name a few. Hence, many research topics might be considered taboo within Syrian communities. In fact, some researchers who conducted their studies inside Syria have noted this.<sup>67</sup>

The source of these norms of privacy varies. Many factors may have played a role in shaping them in one way or another. These include political oppression, religious or cultural considerations, and martial laws. Consequently, it is very common for Syrians to find justifications for their actions when these contradict the aforementioned norms. The oppressive nature of the Syrian regime has made people inclined to circumvent any patriarchal or political authority and, at the same time, to avoid crossing the so-called “red lines” demarcated by the security services of the state. This is especially the case when it comes to discussing liberties, corruption, or other issues related to the political system.<sup>68</sup> Indeed, the security authorities in Syria penetrated the traditional network of links between families to ensure its influence and tighten its grip on society, which caused Syrians to distrust each other.<sup>69</sup> Consequently, it was paramount to accord serious

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<sup>67</sup> See, for instance, what Worren wrote on sectarianism and Bornman on sexual issues. Worren, p. 7; Bornman, *Syrian Episodes*, p. 29, 146.

<sup>68</sup> Worren, p. 7; Bornman, *Syrian Episodes*, p. 29, 146.

<sup>69</sup> Asma Alghoul, ‘Daily Life in Syria before 2011’, in *Syria and Its People. A Series of Research Papers about Life in Syria Prior to 2011 (Arabic Version)* (Sharq organisation, 2019), p. 37; John Bornman, ‘Fieldwork Experience, Collaboration, and Interlocution’, in *Being There. The Fieldwork Encounter and the Making of Truth*, ed. by John

consideration for the optimal methodology that would help in gaining access and studying families in this context.

This chapter will discuss the methodology adopted to answer the research question and its main problem of generally understanding the challenges and changes experienced by Syrian families and scrutinizing conflicts within the Syrian family in particular.

First, it must be emphasized that the research rests on an empirical ethnographic approach, which is based on the qualitative inductive approach. While quantitative research focuses on experimentation to uncover the causes or consequences of certain phenomena based on numbers, qualitative ethnographic research keeps the research question open and is concerned with process and meaning.<sup>70</sup> Therefore, it is necessary to shed light on these open and inductive processes through which the phenomenon of conflicts within the Syrian family were studied.

This chapter will also explore the type of data that the research needs. It will review the researcher's position and the interaction between the researcher and the interlocutors in search for a deeper understanding of the emotions, ideas, and beliefs that permeated the course of the research process. This also requires the disclosure of the methods of data collection. The chapter also includes clarification of other processes that accompanied the data collection process including data analysis, coding, and topic classification, which ultimately form the structure of this research. The last section of this chapter will be dedicated to the main challenges and limitations that the researcher faced during fieldwork and to the strategies employed to overcome them.

### 1.1 Methodology

Methodology is the strategy that researchers use to conduct their research. It delineates and explains the researcher's work practices.<sup>71</sup> In the context of

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Borneman and Abdellah Hammoudi (Berkeley: University of California Press, 2009), pp. 242–243.

70 Smâli Ismail Ma'tûq Ǧamâl, 'Methodology of Ethnographic Research in the Field of Social Sciences', *Maġalat Anthropology*, 7 (2018), p. 68.

71 Jayne Pitard, 'A Journey to the Centre of Self: Positioning the Researcher in Autoethnography', *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research*, 18.3 (2017); Richard Thorpe and Robin Holt, *The Sage Dictionary of Qualitative Management Research* (Los Angeles: Sage, 2007), p. 91.

this research, the methodology attempts to justify the reason for resorting to a specific research approach to answer the research question, and it makes clear who are the research target group and where the research was conducted.<sup>72</sup> Therefore, this chapter will delineate three topics that are deemed necessary to understand the methodology employed in this research. The first topic concerns the reason that prompted the researcher to choose ethnography as a methodology to address the research problem and the questions related to it. Meanwhile, the second deals with the research target group. Finally, the third topic is devoted to discussing the concept of the field in anthropology and the methods that have been relied upon to gather data and understand the research group in depth.

### 1.1.1 Why ethnography?

This question will be answered through three points related primarily to the Syrian refugee families – which are the subject of the research – and through the contexts they went through.

#### 1.1.1.1 Family privacy

Researching “family conflicts” in Syrian communities is considered less problematic than studying other – in particular than political or sexual topics referred to earlier in the introduction of this chapter.<sup>73</sup> Rather, it may become an interesting conversation for some of the interlocutors as they might think that they are able to understand the causes of this phenomenon through their personal experiences and the experiences they had with such families. On the other hand, the issue of familial relations and conflicts are considered private affairs, which those outside the nuclear family or the extended family should not interfere with. This is the case as there are “walls” that separate families from each other due to the nature of the

72 The concept of methodology is considered problematic and all-encompassing at times. It refers to all the parts of this chapter including ethical issues related to the research, research and data collection and analysis methods; see Lisa M. Given, *The Sage Encyclopedia of Qualitative Research Methods* (Los Angeles: Sage Publications, 2008), pp. 516–17.

73 Nonetheless, it is not possible to separate these topics entirely in many cases, especially when dealing with forced migration the causes of which are numerous.

security system as mentioned by Michel Seurat.<sup>74</sup> How is it possible then to obtain this type of data? The most important key to accessing such private data is to build a network of good relationships with the concerned families, or with those close to them. These close relationships between the researcher and the interlocutors are difficult to build without an ambiance of trust between the two parties. Consequently, if this trust could be created with the interlocutors, this could open doors for the researcher to find out what is going on within the family and to look at many details that may not be evident even to those who surround this family. Otherwise, the credibility of any data collected through formal interviews may become questionable, as these families are not obliged to share their private familial matters with strangers. The vital question in this context becomes as to how was the process of building a network of relationships based on trust with the interlocutors conducted? This is covered below in the section on fieldwork.

#### 1.1.1.2 Understanding changing contexts of family life

When this research project was embarked on in 2018, some general ideas began to take shape in relation to the phenomenon of conflicts within the Syrian family. In light of this, a survey questionnaire was developed, which covered the main factors and causes related to this phenomenon. This questionnaire was based on information that were obtained through almost daily dealings with the various segments of the Syrian communities under research, that is, from hearing stories in sessions with them and in social media about marital disputes, such as infidelities, murders, problems about religious or financial issues. This is in addition to reviewing some studies that observed the state of divorce or family disintegration in the Arab world. Later, through conducting some dialogues and interviews before fieldwork, I discovered a certain narrowness and superficiality of these factors as they were often dealt with partially and in a separate manner from the contexts experienced by family members. For example, Stephen Castles has pointed out the relationship between violence and forced migration and

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<sup>74</sup> Michel Seurat, *Syria ad-dawla al-mutawahiša (L'État de Barbarie)*, trans. by Amal Sara and Mark Bialow (Beirut: Arab Network for Research and Publishing, 2017), p. 241.

often-problematic social transformations.<sup>75</sup> These causes or these types of relationships might not be self-evident when studying family conflicts, as the links between them are usually hidden and difficult to observe. Despite the importance of these apparent causes and the role they play in familial conflicts, it remains difficult to understand their contexts or underlying motivations and factors merely with numbers or when the researcher uses a paper and pen and asks the interviewee to choose an answer or express an opinion in response to a question. Therefore, it was necessary to understand these contexts or to explore the living reality of these families to understand any phenomenon related to them. The ethnographic approach was optimal for this task as will be explained in the next section.

#### 1.1.1.3 The impact of the refugee and asylum experience on family life

The research and its pertaining study groups are concerned with Syrian refugee families who fled the war and have gone through various and complex experiences. Many of these families carry with them painful physical and psychological burden that might be difficult for the interlocutor to express in words. These families arrived in a new society that they knew little about and were confronted with a culture that they were unfamiliar with.<sup>76</sup> It can be said that the conditions that the interlocutors lived through – starting with the formation of the family until the immediate moment in which the researcher meets the interlocutor – will only emerge through a casual, informal conversation that does not solely focus on family matters but allows room for voicing immediate concerns related to the refugee and asylum experience as well. This can only be achieved in a spontaneous visit or an interview in which the interlocutor can express all these psychological or physical pain or the intellectual conflicts that he went through and brought him/her to what he/she reached.

Some of the interlocutors expressed their relief after talking about what they went through in their lives – especially during the war until they arrived in Germany, but also their suffering after their arrival – and they found the interview an opportunity to talk about what is going on inside

75 Stephen Castles, ‘Towards a Sociology of Forced Migration and Social Transformation’, *Sociology. The Journal of The British Sociological Association*, 37 (2003), 13–34 <<https://doi.org/10.1177/0038038503037001384>>.

76 Dick Blackwell, *Counselling and Psychotherapy with Refugees* (London: Kingsley, 2005), p. 37.

them in a setting similar to what psychiatrists do during their counselling sessions. Reconstructing these facts and portraying them by the interviewee now cannot be achieved through quantitative data. Only a qualitative approach is able to collect this type of data that would help in understanding the research problem and its question in a deeper way.

### 1.1.2 Research group

As mentioned earlier, my study will focus on Syrian refugee families in Germany. According to the statistics of the city of Nuremberg - in which data collection was carried out - Syrians in the city constitute 1.2% of the total population, which stands at 543,000. Thus, the city is hosting to approximately 6 thousand Syrians.<sup>77</sup> The Syrians included in the study come from diverse ethnic groups, religions, and sects. There are, for instance, Syrians of Palestinian origins, Sunni Muslims, Christians, and concerning sects, it covers Ismailis, Alawis, and Druze.

The large number of Syrians in the city of Nuremberg, who come from varying ethnic, religious, and sectarian groups, yet also the close relationships that I built with the Syrian families in this city were the main motive behind choosing Nuremberg as a place for fieldwork and data collection.

The study also covers Syrians of different age groups, and most of those studied were between 20 to 55 years old. Some of those studied are adult children of the target group families (their sons or daughters), and the majority of the interlocutors are either married couples without children or parents with children. The research was not confined to families where conflicts arose and led to divorce or separation but also covered stable families. The data collected from stable families through their relationships or their knowledge of other families with divorced or separated spouses or of other family conflicts between spouses or between parents and children were of great benefit. It is worth noting that not all family members are as open and clear when it comes to discussing their own familial problems and the hidden details of what is happening within their families. As a result, the data was more profound and clear at times in this aspect when it came from a neutral party far from within the family, i.e. from another close family.

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<sup>77</sup> Stadt Nürnberg, 'Amt für Stadtforschung und Statistik für Nürnberg und Fürth', 2022 <[https://www.nuernberg.de/imperia/md/statistik/dokumente/veroeffentlichungen/berichte/monatsberichte/2022/sus\\_bericht\\_m531.pdf](https://www.nuernberg.de/imperia/md/statistik/dokumente/veroeffentlichungen/berichte/monatsberichte/2022/sus_bericht_m531.pdf)> [accessed 28 February 2023].

Furthermore, the interlocutors come from different geographical environments. Some come from large cities such as Damascus and Aleppo while others from small cities, such as Jableh and Salamiyah, or from countryside and small villages. Their educational levels also differed. Some of them are academics or with higher education, and others are closer to illiteracy or attained primary education only.

### 1.1.3 The field site

In June 2016, I moved to Nuremberg, in the Franconia region of the state of Bavaria, as it is a large city that provides a good opportunity to learn German and to find work. The city was new to me, and I knew no one in the study group. After a short period, I joined a German language course, which gave me the opportunity to get to know a group of Syrians from families and some young spouses who were waiting to be reunited with their families. With the passage of time, my relationship with them strengthened well and turned into the exchange of visits or frequent meetings between us.

When the idea of the research evolved at the beginning of 2018, I tried to expand this network of relationships to include other groups in the city, especially families from other sects. Those were difficult to find firstly because of the presence of small numbers of them and, most importantly, due to difficulty in building communication with their families as a result of the sectarian or religious sensitivity that emerged in the aftermath of the Syrian war.

One of those opportunities aroused when I met a Syrian who is a member of the Alawis sect by chance in a bakery. After we got to know each other, he proposed that I join a group he formed, which was working on establishing a non-profit organization (NGO) that aims to showcase the cultural and artistic heritage of Syrians. I agreed to work with him, and at the same time I found it an opportunity to open a door for me to get to know more closely the world of other Syrian communities – especially from other sects – in the city with his help. Indeed, later this person introduced me to several families from different sects, Druze and Ismaili, with whom he had ties. In addition, in the same year I contacted some of the imams and interviewed one of them to better understand the phenomenon of family conflicts among Muslims.

### 1.1.3.1 Returning to the field

After building the network of relationships to which I referred, I left the city at the beginning of December 2018 and then returned to it again for the fieldwork that began in early October 2019 and ended at the end of March 2020.

Up until the time I came back to Nuremberg to conduct the fieldwork, the Syrians in the city did not establish any associations or civil institutions - with the exception of a religious association that was formed with the aim of establishing a mosque, a project initiated by a Syrian imam along with a group of fellow Syrians. Nor was there any housing complex(es) for Syrians. One of the Syrians informed me that, in spite of the city's housing crisis, the municipality of Nuremberg (Rathaus) had rejected the idea of building an apartment complex dedicated to Syrian refugees, which might become a haven for refugees looking for homes to live in the city. The German government has made sure not to repeat some of the experiences of other minorities in establishing their own "ghettos" in some German cities.<sup>78</sup> The 2016 integration law stipulated the restriction of the movement of refugees to their allocated place of residence (Wohnsitzregelung) and obliged them to stay in the cities to which they were allocated with few exceptions such as finding a job or obtaining a vocational training (Ausbildung) or university seat in the place to be moved to. The law was claimed to be an attempt to "promote their lasting integration into the way of life in the Federal Republic of Germany"<sup>79</sup>, as stipulated by the law. This has restricted the ability of extended families to move or to gather in one place in the city. Families live dispersed all over the city, and they have no place to meet except on a small scale in a mosque or a church or some places run by German civil institutions to help in practicing the language and other things. This situation leads us to the idea of "the field" in anthropology. What form of field can an anthropologist study?

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78 Kerstin Tanis, *Entwicklungen in der Wohnsituation Geflüchteter*, BAMF-Kurzanalyse, 2020 <<https://www.bamf.de/SharedDocs/Anlagen/DE/Forschung/Kurzanalysen/kurzanalyse5-2020-wohnen.html?nn=404000>>, [accessed 2 February 2025], pp. 7-8.

79 § 12a para. 1 of the Residence, Economic Activity and Integration of Foreigners in the Federal Territory Act.

### 1.1.3.2 The concept of the “field”

The field has recently become a significant subject of discussion and debate in anthropological circles in light of a mobile, changing, globalizing world.<sup>80</sup> The field in classical anthropology involved a physically limited space in which a group of people lived and formed a specific culture,<sup>81</sup> “a ‘tribe’, a village, some place you could get to know by covering it on foot and engaging with its people face to face. And it used to be self-evidently a matter of ‘being there’ – away, rather than ‘here’. Now we do not seem to know what the field is,<sup>82</sup> or where it should be, if it is real or perhaps virtual, and even if there has to be one at all”<sup>83</sup>, as rightly pointed by anthropologist Ulf Hannerz. But the field of this research does not have “there”, and the research group is also not “there”, as the research group has migrated collectively from “there” to “here”. How does this fit with classical anthropological concepts and its study of groups? This is especially the case since we are not talking about a group that can be dealt with as a single block belonging to one environment. The study group belongs to different communities, and it is difficult to put it into the molds of national generalizations. Clifford Geertz concurs that such generalizations are “palpable nonsense.”<sup>84</sup> Geertz further argues that “the locus of study is not the object of study. Anthropologists don’t study villages (tribes, towns, neighborhoods ...); they study in villages.”<sup>85</sup> In this sense, the study group is the target of the study.

Nonetheless, another difficulty is still present in the context of “anthropology of migration or asylum”, which is the subject of this research. Ap-

80 Akhil Gupta and James Ferguson, ‘Discipline and Practice: “The Field” as Site, Method, and Location in Anthropology’, in *Anthropological Locations. Boundaries and Grounds of a Field Science* (Berkeley: University of California Press, 1997), p. 2.

81 David A. Westbrook, *Navigators of the Contemporary. Why Ethnography Matters* (Chicago: University of Chicago Press, 2008), pp. 45–46.

82 Westbrook wrote, “While the contemporary anthropological imagination has traveled some distance away from fieldwork as the scene of encounter with a foreign culture, no similarly sharply imagined conception of the enterprise has emerged to take its place.” *Ibid.*, p. 100.

83 Ulf Hannerz, ‘Studying Down, Up, Sideways, Through, Backwards, Forwards, Away and at Home: Reflections on the Field Worries of an Expansive Discipline’, in *Locating the Field. Space, Place and Context in Anthropology*, ed. by Simon Coleman and Peter Collins (Oxford: Berg, 2006), p. 23.

84 Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973), p. 22.

85 *Ibid.*

padurai described this dilemma as follows: “As groups migrate, regroup in new locations, reconstruct their histories, and reconfigure their ethnic ‘projects’, the ethno in ethnography takes on a slippery, nonlocalized quality, to which the descriptive practices of anthropology will have to respond.”<sup>86</sup> This problem of studying groups of forced migrations can be illustrated by the following question: Can ethnographic studies separate the effects of place and social contexts from the study group? The best answer to this question is the field itself; to be more precise, it is the study group itself that is present in the field. The same group is the best one to show all the transformations and changes that the field “there” and “here” had an effect on. And if it is proven that the field played that role in influencing the research group – as a spatial space in which all contemporary systems, politics, and cultures are intertwined – then, in the view of anthropologists, it should also be a goal, not just a symptom, to reach a relative understanding of a group.

One of the developments in classical ethnography in relation to the concept of “the field” is its interpretation as a “collaboration”, in which “collaboration is a heightened contemporary ideology of practice in which many projects of fieldwork define themselves”<sup>87</sup>, as explained by Douglas Holmes and George E. Marcus. They also indicate that the contours of ethnographic fieldwork are determined “by the relations the ethnographer establishes with the liaisons and the subjects who provide the material critical to the construction of her project.”<sup>88</sup>

Based on the above discussion, one can argue that the concept of the “field” may not be the place as limited geographical space, nor is it the groups under study. Rather, the field could be the metaphorical space that the researcher creates for himself, manifested in a trinity of relationships between the researcher, the place, and the study group. The researcher asks himself: Who am I in relation to this place and group? What does the place constitute for the research group and the researcher? And what is the research group for the place and the researcher? Figure 1 illustrates

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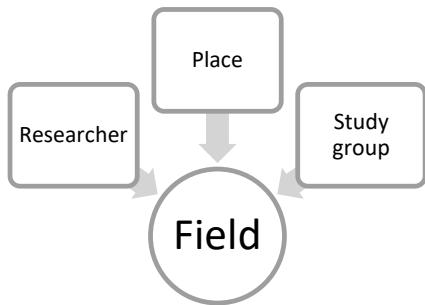
86 Gupta and Ferguson, p. 3.

87 Douglas Holmes and George E. Marcus, ‘Collaborative Imperatives: A Manifesto Sorts, for the Reimagination of the Scene of Fieldwork Encounter’, in *Collaborators Collaborating, Counterparts in Anthropological Knowledge and International Research Relations*, ed. by Monica Konrad (New York: Berghahn Books, 2012), p. 130.

88 Ibid., p. 126.

the creation of the field concept through a triple relationship between the researcher, the place and the study group.

*Figure 1. Triple relationship of the “field” concept*



This flexibility in understanding the field may help us dismantle the ethnography dilemma that Appadurai formulated in the context of his previous question: “[W]hat is the nature of locality, as a lived experience, in a globalized, deterritorialized world?”<sup>89</sup>

Understanding this triad of relationships will lead to a new question that can be formulated as follows: What are the mechanisms or means that enable us to understand the group of “here” without engaging with the “there”? Is that possible at all? In other words, is it possible to understand the study group in its new context without understanding its primary environment, from which it was displaced? It may be futile to try to understand the changes, challenges, and conflicts within the Syrian families by studying them in the new reality – the German context, which had great effects on the study group – without studying the contexts of its original environment. It is also vital to study the circumstances surrounding the study group during and after the war, the displacement stage up until the current moment.

This dilemma poses a major challenge to the researcher that makes the study of “there” in Syria – destroyed by the war – inaccessible. Consequently, it is vital to think about how that field (the “there”) – with all its contexts – could be understood or how to shed some light on it at least for anthropology is not concerned with a specific cultural or behavioral phenomenon without its preceding or subsequent contexts or the relationships surrounding it. What distinguishes anthropologists from

<sup>89</sup> Gupta and Ferguson, p. 3.

sociologists or psychologists is that they only “focus their main attention on trying to understand the overall patterns that underlie the whole range of cultural thought and behavior to understand the relationships among religion, science, economy, politics, art, health, technology, and history.”<sup>90</sup> Building on this, it was imperative to cover the various spatial, temporal, and institutional aspects whether local, national, or international, current and historical, humanitarian and governmental that are linked to the movement of those forcibly displaced. This is in order to “understand how the refugee discourse shapes the local dynamics of social, identity and institutional change and how it is itself shaped by the specific historical and political context in which it is embedded”<sup>91</sup>, as Backewell explained.

#### 1.1.3.3 Study the “there”

This challenge to know these general patterns and to understand their complex relationships and the domains “here” and “there” led to three points that were relied upon to reach that knowledge necessary for research:

- 1) Relying on understanding this on the fieldwork itself, that is, on the study group in the first place, and restructuring that reality through biographical-narrative interviews which encompassed recollections of life in Syria.
- 2) The use of interviews conducted outside Syria with displaced Syrians in several countries such as Turkey and Lebanon.<sup>92</sup> These interviews were conducted by several researchers in the framework of the project called “Syria and Its People” which “explores diverse topics related to life and society in Syria before 2011.”<sup>93</sup> These 120 interviews were with Syrians from various religious, ethnic, geographic, and economic backgrounds. They were divided into six main topics: daily life, education, freedom of expression, sects and minorities, the role of women, and

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90 Christie W. Kiefer, *Doing Health Anthropology. Research Methods for Community Assessment and Change* (New York: Springer Publishing Company, 2007), p. 6.

91 Oliver Backewell, ‘Researching Refugees: Lessons from the Past, Current Challenges and Future Directions’, *Refugee Quarterly Survey*, 26.3 (2007), p. II.

92 It should be noted that the sections of the book have been translated into English, see ‘Sharq.Org – Issuu’ <<https://issuu.com/sharq.org>> [accessed 10 September 2020].

93 ‘Book: Syria & Its People – Sharq.Org’ <<http://en.sharq.org/book-syria-its-people/>> [accessed 10 September 2020].

livelihoods.<sup>94</sup> I contacted the project director, Reem Maghribi, and we arranged a Skype meeting in October 2019. During the meeting, Reem talked about this project and other projects they are working on, including those involving Syrians in Europe. After that, I asked her to provide me with these interviews to use in my academic research. Reem agreed, and I received all of the interviews. This was done after I checked that all those interviewed had their consent obtained to publish these interviews or to assist other parties such as researchers. Consequently, the material of the book “Syria and its People” and some of the interviews that were relied upon in the publication of this book constituted a good additional source in understanding the Syrian societies before the war, that is, before 2011. The weak point in these interviews is that I did not meet the interlocutors. This takes us back to the ethical aspects of ethnography related to whether it is legitimate to use such data in research studies, as the researcher did not know the context in which these interviews were conducted or in which that story was told. He also is unaware of the conditions and emotions of the interlocutors, nor does he know how the questions were posed or the place and time of the interview, etc. Another weakness is that the interlocutors are dispersed over many countries where their experiences may differ from those refugees living in Germany. Consequently, the reformulation of that reality “there” may differ depending on the new context in which the person lives, as the interlocutor’s narration is related to the present time in which he tells his story. In addition, many people tend to make comparisons that are bound to affect his/her reconfiguration of that reality. As a result, it was necessary to be careful in dealing with this type of data and in citing it for the purposes of this research, limiting this to the extent it supports the analysis related to this research.

3) Dependence on the researcher’s background (the researcher’s position). I always had a feeling of strangeness while studying the families of a society I belong to. Am I studying myself and seeing it with the eyes of others with all the complexity of their relations? With a lens,

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<sup>94</sup> These interviews or parts of them were enlisted in two websites: ‘Syria’s Stories’, *Tarikhi* <<http://tarikhi.org/>> [accessed 10 September 2020], and ‘Siar Syria’, *Tarikhi* <<http://tarikhi.org/>> [accessed 10 September 2020]. Both websites were established by ‘Shark’ Institute, directed by Reem Maghribi, and it is indicated that permission is given to reuse these interviews under the condition that credit is given to Sharq, the organisation that conducted the research for non-profitable projects and institutions.

that recreates its various experiences and its exceptional stages? From a child who grew up in a rural family that was transformed from a nuclear family to an extended family and is related to other extended families in the village, to a youngster who grew up in his sister's house far from those extended families, to a teenager who was informally adopted by another family in the city, to a student living away from the extended family and witnessing its conflicts, customs, traditions, and norms, which he began to clash with. A village and two large cities (Damascus and Lattakia) and several families that I was linked with, all of this put me in one of those molds that I used to hear from the Syrian families I am interviewing, so my own story is reshaped again. This is confirmed by a question often directed to me and repeated by family members I met: "You know that in Syria there are such-and-such families." I nod positively to let them continue their conversation. When the anthropologist Abdellah Hammoudi studied religion, the religion he was brought up with became a subject for re-thinking, which placed him in a disturbing dilemma because he as "the practitioner of old gave way to an anthropologist who wanted to understand."<sup>95</sup> Then, studying the family put me in confusion and division about my position as a researcher: How could this 'I' ego be separated from the research? Or should it be allowed to manifest itself in and thus become part of its reflections? This identity of a researcher from a Syrian family, which is part of the Syrian society, could not but reveal itself in some parts of the research. The important question that I was asking myself: Am I that "insider" researcher to whom this concept applies? Or is my situation more complex than this characterization?

Given the importance of the researcher's role in the success or failure of dealing with the research topic, a controversy has arisen to uncover the advantages and disadvantages of the researcher's position as an "insider", a member of the research group, or an "outsider", a stranger. On the one hand, the "insider" researcher possesses an intimate knowledge and familiarity with the world of the study group, a knowledge that carries great positive aspects that help in explaining and analyzing the social and cultural processes of that group's world. On the other hand, having this

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95 Abdellah Hammoudi, *A Season in Mecca. Narrative of a Pilgrimage* (New York: Hill and Wang, 2006), p. 40.

prior knowledge prevents the researcher from dealing with these processes as subjects for analysis, as for him they are uncontested.<sup>96</sup>

The research problem and its question are directed primarily to the Syrian refugee families in the German context. This means that the refugee journey that families went through and the new environment that revealed the phenomenon of conflicts - which are used in this research as a window to understanding the family, its functions and structures, and the changes and challenges they face - apply with all its complexities and ramifications also to the researcher who went through the same contexts. In other words, my journey and my presence in the German society opened the gate for inquiries for me and for self-exploration before I asked or explored the "other" which is the study group. This journey of questioning and exploration, beginning from the idea of research to conducting the fieldwork, has become a participatory process between the researcher and the study group. From here, part of me as an "outsider" researcher faced the same shock they experienced and was attempting to make sense of it with them.

In addition, the status of "insider" and "outsider" significantly influenced my relations with the research group. I mentioned earlier that my stay in Nuremberg before the fieldwork gave me an opportunity to form good friendships and bonds with some families. These families later became part of the study group. My fear was that these relationships would affect the type of data that is collected or the process of analyzing it, in other words that it would not be able to observe objectivity in dealing with these groups, which might negatively affect the progress of the research process. Thus it is another criticism leveled at "insider" researchers, as there is a possibility that the researcher becomes biased towards the research group as a result of his/her sympathy with the group individuals, thus compromising high objectivity and making him/her present a copy of the research group's world in his/her own lens rather than theirs.<sup>97</sup> The problem of relationships and ties between the researcher and the interlocutors is one of the daily ethical dilemmas that ethnographic researchers face in the field. The question that aroused always was to "how deep should a researcher's friendship with participants go without compromising the authenticity of behavior observed

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96 John Hockey, 'Research Methods – Researching Peers and Familiar Settings', *Research Papers in Education*, 8.2 (1993), 199–225 <<https://doi.org/10.1080/0267152930080205>>, here pp. 201–202.

97 Ibid., p. 199.

or the validity of the researcher's interpretation of that behavior?"<sup>98</sup> During the fieldwork, I always attempted to create a distance between these personal relationships and the data collected for research whenever possible, while at the same time the proximity to these families was used to further deepen the understanding of the family. Two factors helped me to put this distance and use this proximity in collecting and analyzing data. I always questioned the ethical grounds for these two factors:

- The first is that families may be the object or goal of the study every time I meet with them, regardless of the purpose of this visit since I am in the research fieldwork.
- The second is my realization that there is the possibility of analyzing data and placing it in research contexts in a manner inconsistent with the interlocutor-interviewee's belief or his/her convictions.

Those two issues were a source of confusion to me and constituted an ethical dilemma for me. This prompted the question: Is there a kind of betrayal of those with whom I have personal ties despite my clarity with them?

The process of locating oneself within the study group sometimes or outside it at other times may be seen as a socially disruptive disorder. For "by resisting total integration and commitment to the social domains we are researching, by attempting to maintain our intellectual distance while also indicating our desire to 'belong,' we choose a socially anomalous identity that is fraught with inconsistency and ambiguity, both for ourselves and for our research participants. The personal and emotional costs of inhabiting such a space are often high", as Hume and Mulcock rightly argue.<sup>99</sup> Therefore, the practice of criticism or directing data in a direction that may contradict the orientations of those from whom this data was collected and who have deep ties with the researcher, requires boldness from the part of the researcher in the first place and a serious attempt to observe objectivity by putting himself outside the study group in the second. However, despite all of that, the ethical concerns that I referred to remain valid no matter how the researcher attempts to overlook or ignore them.

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98 Margaret D. LeCompte and Jean J. Schensul, *Ethics in Ethnography. A Mixed Methods Approach* (Lanham: AltaMira Press, 2015), p. 159.

99 Lynne Hume and Jane Mulcock, *Anthropologists in the Field. Cases in Participant Observation* (New York: Columbia University Press, 2004), p. xii.

Against these concerns, it should be noted that my “insider” identity has placed me in an advantageous position. The researcher’s knowledge of the interlocutors’ language and dialects and his having a good background of their customs, traditions, religions, and sects, all these saved a lot of time before and during the fieldwork, facilitated access to the interlocutors, and aided the process of understanding and analyzing the social processes associated with this group. Nonetheless, these processes did not go without some of the obstacles that I address in the last section of this chapter.

## 1.2 Methods

Finding responses to my research question went through a series of processes that included the use of various methods to collect data, then coding and analyzing it. This section of the chapter reviews the methods that were relied upon in data collection, the effectiveness of each tool, and the obstacles faced in using this or that tool. It also reviews the manner in which this data was collected. It should be noted that all data collection activities stopped in the last month of fieldwork (March) due to the Corona pandemic and the lockdown that took place in the city.

### 1.2.1 Participation observation

This method has been the defining tool of anthropology for many years and the main tool of the anthropological researcher in the field. Participation observation is defined as “a method of data collection in which the researcher takes part in everyday activities related to an area of social life in order to study an aspect of that life through the observation of events in their natural contexts.”<sup>100</sup>

Participation observation goes hand in hand with the conventional concept of the field in anthropology. However, it will become of a lesser effectiveness when there are significant changes to the concept. The concept of the field in all its complexities referred to above and its reconfiguration through a tripartite relationship between the place, the researcher, and the research group will differ from the field that forms a single geographical area that includes one harmonious population group, which may differ in

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100 Given, p. 598.

their ethnicities, religions or sects but belongs to similar cultural and social foundations and norms.

It can be argued that studying various groups in a geographical environment in which they are widely distributed as a minority within the majority, on the one hand, and their emergent and new presence in this place, on the other hand, will create a problem that undermines the effectiveness of this “participatory observation” method during fieldwork. Hence, this research did not rely heavily on this tool. Instead, other ethnographic methods dictated by the reality of the field have been employed in the study of “anthropology of asylum” in host countries.

Nonetheless, this tool was used to the extent the research allowed it, such as during informal visits to families with whom I have a friendship or in sharing Muslim holidays that were almost dedicated to Syrians: ‘Id al-Fiṭr and ‘Idū l-Adḥā. These two events were organized outside the mosque by a Syrian imam. Thus, most of the attendees were Syrian families who came along with their children to celebrate. I attended these two events in the year prior to fieldwork. The reason is that these two occasions are related to ramadān and al-Haḍḍ and that neither of them fell during the dates that extended from the beginning of October to the end of March, i.e., the period when the fieldwork was conducted. I also frequented most of the gatherings at the Arab mosque, where a large group of Syrians prayed. The disadvantage of observation by participation in the mosque is that men are separated from women and that there is a diversity of the nationalities of those present, which makes it difficult to communicate with them, especially if the researcher does not have prior knowledge of the person he meets in this place. Another place observation by participation practiced on a smaller scale was the church which I visited several times on Sundays and where I met some families with whom I had contact for short periods. I also participated in some social events (playing cards) that were taking place in the home of one of the families. Another of the occasions that I took part in was New Year’s Eve, as I was invited by a family to celebrate with them.

Following the rise of refugee numbers in Germany, German churches (Lutherkirche)<sup>101</sup> played a substantial role in implementing projects aimed at strengthening the refugees’ German language skills and introducing them to the culture of German society, thus trying to integrate them into

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101 Nehemia Team, ‘Kontaktcafé für Asylbewerber in Nürnberg – Nehemia Team e. V.’ <https://nehemia-team.org/de/deutschland/kontaktcafe-fuer-asylbewerber-in-nuernberg/> [accessed 12 April 2021].

this society. The “Sprach-Café” or “Kontakt-Café” was created, a place where people - most of the families - met once a week. Some churches used to give preaching lessons in Christianity in addition to basic lessons to strengthen refugees’ German language skills. A play room was also allocated as an outlet for children to play while their parents attend these lessons. I also frequented this place which was an opportunity for me to get to know some families through it.

What did I notice during these visits? The study group is the Syrian refugee families, and given that the public places in which these families were to carry out their activities are limited, I was trying to observe anything that emanated from them, depending on where they are. This included religious practices, their celebrations, and the activities that were taking place during that day for the children. The observation covers also the topics that were discussed in their gatherings at homes - such as language, religion, conditions in Syria or in Germany, building their future here - the role of both husband and wife in the home, their interaction with children, etc. In a nutshell, everything that allows the observer to deeply understand the family in its new context. An example of these topics would be the changes in their discourse, their behavior, their attitudes towards their presence here, the challenges they face, the changes that have occurred to them. It might also include the conflicts that take place between them or within the family, their personal interests in developing their language skills, finding a suitable job, obtaining a driving certificate, thinking about buying a car, watching football matches, etc. These are topics that shape and change according to the passage of time in their presence in Germany.

### 1.2.2 Qualitative interviews

The nature of the field of study - as indicated above - dictated the use of the second tool that is widely used in collecting data in ethnographic studies, namely interviews. Most of the data for this research have been collected using this tool. “The qualitative interview can be seen as a conversation with a purpose, where the interviewer’s aim is to obtain knowledge about the respondent’s world.”<sup>102</sup> The length and shortness of this conversation depends on the type of interview to be conducted, on the interaction

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102 Thorpe and Holt, p. 118.

between the interviewer and the interviewee mainly, and on the person's ability to speak.

#### 1.2.2.1 Where and how were the interviews conducted? And with whom?

In total, I conducted thirty-two interviews, each with a different person. All interviews were recorded: sixteen were conducted with women, twelve were conducted with men. The remaining six interviews were with religious actors or experts. Four of those interviewed are sons or daughters of these families, aged between nineteen and twenty-three years old. The rest of those interviewed are husbands or wives, some of whom have children and others have not, some of them are from families of divorced spouses and others from families of non-divorced spouses. The duration of an interview ranged from approximately one to four hours.

The majority of those interviewed were Sunni Muslims, and to a lesser extent they were from other groups such as Alawis, Druze, and Ismailis, in addition to religious actors from mosque imams or those in charge of the Evangelical Church. Most of the interviews took place in the family residences, as I was hosted at the family home during the interview. Some of the interviews took place in coffee shops or religious places of worship. I also hosted some of them at home. Consequently, the places for conducting the interviews varied according to the wishes of the interviewees, as it was left for them to choose the location of the interview so that no one of them would be embarrassed, especially when I reached out to the wife without the husband, or *vice versa*.

The interviews were not conducted according to a pre-determined pattern. Some of the interviews were conducted in the presence of the spouses with their sons, which is what is termed "household interviews". Sometimes the sons participated in the interview by expressing their opinions regarding some of the topics in which the father or mother speaks, which was an added value - agreeing or rejecting their parent's views. Some of the interviews took place in the presence of both spouses together, as some husbands do not allow their wives to meet with another male from outside the family alone. Another part of the interviews was done with the husband and wife separately. Thus, the level of freedom a woman enjoys in the home plays a crucial role in determining this. As I mentioned above, it was not possible at times to meet the separated husband and wife (divorced or still waiting to obtain a divorce decree). Often, I would interview the divorced

husband without the wife or *vice versa* due to a number of considerations. This includes the husband's unwillingness to arrange a meeting for me with his wife so that I would not hear the other narration that may differ from his version of the conflict. Sometimes the wife is in another city or country, Syria, for example, therefore the interview was done with the present spouse.

#### 1.2.2.2 Type of interviews relied on to collect data

##### 1) Biographical-narrative and in depth-interviews

“Biography is the process of accounting for an individual’s life history or life story.”<sup>103</sup> A narrative “is a means by which individuals account for themselves.”<sup>104</sup> I add that this narrative process of the individual is not limited to his interpretation of himself only but may include his interpretations of others and his surroundings. The rhetoric that individuals use in the narration of their story is a microcosm of their consciousness, because “telling stories is essentially a meaning-making process. When people tell stories, they select details of their experience from their stream of consciousness.”<sup>105</sup> Thus, this awareness “gives access to the most complicated social and educational issues, because social and educational issues are abstractions based on the concrete experience of people”<sup>106</sup>, according to Irving Seidman. Hence, life stories are not limited to the details of the individual’s own life but are seen as a social construct in themselves.<sup>107</sup> The narrator processes the data that he narrates through arranging and interpreting it as it appears to him now.<sup>108</sup>

As explained earlier, given the nature of the field of “refugee anthropology”, i.e. in host countries, it is difficult to understand this field in sufficient depth by limiting the study to the “here”, as the same study group must be

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103 Melissa Corbally and Catherine O’Neill, ‘An Introduction to the Biographical Narrative Interpretive Method’, *Nurse Researcher*, 21.5 (2014), p. 3.

104 Ibid., p. 4.

105 Irving Seidman, *Interviewing as Qualitative Research. A Guide for Researchers in Education and the Social Sciences* (New York: Teachers College Press, 2006), p. 7.

106 Ibid.

107 Gabriele Rosenthal, ‘Reconstruction of Life Stories: Principles of Selection in Generating Stories for Narrative Biographical Interviews’, *The Narrative Study of Lives*, 1.1 (1993), 59–91, here p. 1.

108 Matthews Bob and Liz Ross, *Research Methods for Social Science* (Harlow, England: Pearson Education Limited, 2010), p. 265.

understood “there” in the first place. That is why I relied on biographical interviews to get the full picture of the two different worlds the refugees found themselves in.

To understand this full picture of their lives, these interviews often began with a basic key question: How was your life in Syria, your childhood, your engagement, your marriage, your family relations, your extended family relations with each other, the reason for your coming to Germany, what were the challenges and difficulties you faced and what changed for you? Imagine your life as a movie in which you want to show the most important milestones that you have gone through in your life, what would you include in it? I usually connected this key question with the previous ones in an attempt to encourage the interviewee to open his memory and begin to present his life experience.

Narrative biographical interviews involve two methods.<sup>109</sup>

- Non-interrupting interviews were used in the majority of interviews conducted for the purposes of this research. I used to take note of the important questions and points narrated by the interviewee in order to further explore and discuss them with him after he finished his story.
- Interrupting interviews were used with some of the interviewees, as the interviewee was asked to expand on some important topics that may have arisen during the conversation.

The disadvantage of autobiographical interviews is that not all interviewees have the ability to narrate stories of their life experiences. While some might have this ability, they may refrain from talking about these with the researcher due to many factors. A few of the interviewees could only speak about their life experiences for only five or ten minutes and thus preferred that questions were directed to them. Therefore, it was necessary to develop a set of questions that could be used in such cases, thus leading to the second type of interviews.

## 2) Semi-structured in-depth interviews:

Following the biographical interview, the researcher moves to utilizing the semi-structured interview tool, thus transiting from the passive researcher stage in narrative biographical interviews to the active researcher stage in semi-structured interviews.<sup>110</sup> The semi-structured interview is “a quali-

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<sup>109</sup> For more details, see *ibid.*, p. 268.

<sup>110</sup> *Ibid.*, p. 220.

tative data collection strategy, in which the researcher asks informants a series of predetermined but open-ended questions.”<sup>111</sup>

In semi-structured interviews, the researcher has a list of questions related to a series of topics that the researcher wants to cover.<sup>112</sup> Therefore, an interview guide was developed to address the main themes that might arise from an interview. The guide was developed before the fieldwork began and was based on information obtained through relations with Syrians in general and through some interviews that were conducted with some individuals from the research group. This was done to form a more in-depth picture about the research idea. A main set of questions to guide my interviews has been formulated in a way which addresses four main themes: social, educational, economic, and legal challenges.

Another set of questions for in-depth interviews with religious actors has also been developed. The objectives of the themes in these questions are:

- In-depth understanding of the family within the German context in case the interview partner focuses his narrative mainly on life in Syria.
- Exploring all the surrounding factors that may be neither apparent nor direct but still played a role in the emergence of family conflicts.

Although these questions were guiding the interviews, they were not necessarily asked directly to the interviewees, since many of those interviewed dealt with these topics through their stories before a question was directed to them. Consequently, the majority of questions were often skipped and focus was turned into what was not addressed. The interviews were also characterized by flexibility in terms of the way the question was asked, the moment it was asked, and the response to the interview. Sometimes the interview followed a line of discussion or dialogue initiated by the person being interviewed. In the second and final stage of the interviews, more emphasis was placed on the aim of the research by discussing the factors of family conflicts with the interviewees based on coding the open questions developed during the initial interviews. The aim of this was to form a more accurate and in-depth picture of the families’ position on these factors.

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111 Given, p. 810.

112 Rosalind Edwards and Janet Holland, *What Is Qualitative Interviewing?* (London: A&C Black, 2013), p. 29.

### 1.2.3 Focus group

The focus group was the third tool that was used in the field as a data collection tool. Edwards and Holland defined it as “a small group of people who participate in a group discussion of a topic previously selected by the researcher.”<sup>113</sup>

I mentioned above that I visited some places that were a gathering center for some Syrian families that were established by churches in Germany under the name of “Sprach-Café” or “Kontakt-Café”. I contacted those in charge of one of these projects at one of the church’s locations in Nuremberg to conduct a focus group discussion among Syrian families, and they welcomed the idea. The focus group interviews were arranged for two sessions. The first was dedicated to explaining the project and to a discussion on the challenges and difficulties faced by the Syrian family in Germany. The causes of family conflicts were discussed in the second.

In the first session, there were seven women and two men present, and in the second session, eight women and three men. One of the things that hindered the smooth progress of the sessions was disruption caused by the presence of young children. Most of the women were Arab Muslims, both Sunnis and Shiites, and a woman and a man from Kurdish ethnicity. The two men were one Syrian and one Syrian-Palestinian. Participants were of age ranges from 28 to 60 years. Most of the participants had children. The dialogue during the first session was conducted smoothly, with most of the women participating in this dialogue. The session was recorded after obtaining participants’ approval.

In the second session, the course of the discussion changed and participants became less active, due to the fact that one of the men in attendance - who did not attend the first session - gave an order to his wife, his sister, and one of his relatives not to speak. He also refrained from taking part in the discussion. I asked the attendees if their silence was due to the audio recording and offered to stop recording. Their answer was no. The man commented: Do whatever you want, but I will not speak. One of the women indicated that she could take part in the discussion if the audio was stopped, and indeed the recording was stopped. Nonetheless, the man, his wife, his sister, and a female relative remained silent throughout the discussion even after the recording was stopped. Despite the intensity of this behavior and the distress it caused to some of the attendees and those

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<sup>113</sup> Edwards and Holland, p. 36.

in charge of the project, the incidence was a rich experience that uncovered many possibilities. It might be that, since these participants belonged to Šī'a community, this may have prompted them to be very suspicious and wary of this discussion - despite the fact that the topic of study is social. In addition, the same women actively participated in the discussion in the first session when the corresponding male - husband, brother, and relative - was not present. However, the situation changed in the second session with instructions issued by the man whispering to his wife outside the room and gesturing to his sister with his hand after the speech. This attitude revealed the presence and power of patriarchy and male authority in the family even in the German context.

In addition to these two sessions, a discussion was held with a small focus group in the home of one of the families. The discussion group was limited to three husbands, whose wives were sitting in another separate room inside the house and did not take part in the discussion. In the session, the causes of marital disputes in Syrian families in Germany were discussed. I would like to point out that this session was spontaneous and without prior preparation, but it was of great benefit, and the discussion proceeded smoothly. In all the sessions, I have to play the role of mediator, sometimes directing the dialogue, sometimes asking some questions about some of the topics that were addressed by the interlocutors in an attempt to organize the conversation.

These are the most important methods that were used to collect data from the fieldwork.

### 1.3 Data Analysis

This section of the chapter explores the way in which data collected from the field were handled, in particular regarding the methods used to help analyze this data or utilize them for the purpose of this research.

Initially, the data were divided according to the three methods that were used to collect them: participatory observation, interviews, and focus group. All audio recordings were transcribed into files that were numbered in order by date of interviews and labeled with the names of the interviewees. Later, all these real names in the search were changed to pseudonyms to preserve the privacy of the interlocutors. This process of unpacking data consumed a lot of effort and time, but it turned out to have a positive

impact on treating biographic interviews, especially regarding the two following opportunities it allowed for:

- Looking at the data again and thus consolidating it in the researcher's mind more.
- Preparing these narratives for analysis so that each story could be viewed as an integrated whole.

All of this data was entered into MAXQDA software, which was used to assist in classifying, coding, and analyzing this data.

Bernard defines analysis as "the search for patterns in the data, for ideas that help explain why these patterns exist in the first place."<sup>114</sup> Bob and Ross defined it as "[a]n approach that works with data for describing, discussing, interpreting, evaluating, and explaining in terms of research questions or the hypothesis of the research project."<sup>115</sup> However, the process of analysis is not limited to searching for and interpreting patterns, nor is it limited to describing, discussing, etc.; rather it requires both processes together.

My analytical process begins as soon as I conceived of the project's idea and its question, and it continues with me throughout the research. As I mentioned above, the four dimensions - social, educational, economic, and legal - on which the guide and the axes of the interview questions were built were based on my preliminary observations through relationships developed with the communities where the research was conducted and through some of the interviews that took place at the beginning of the research project idea. What happened in the following stages of the research, especially during and after data collection, is that the analysis process became at the same time more expansive (due to the amount of collected data) and more focused and nuanced (due to the increasing insights into the complexities and variations of family life).

The transcriptions of the audio recordings during the fieldwork took place immediately after the interviews. However, this was not done all the time, as some days were crowded with interviews, and as a result transcribing took place days or weeks later. After conducting more than ten interviews and taking notes through participant observation, I withdrew from the field and suspended the interviews for some days to finish the unloading process and to start the initial analysis process. When the

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<sup>114</sup> H. Russell Bernard, *Research Methods in Anthropology. Qualitative and Quantitative Approaches* (Lanham, MD: Rowman & Littlefield, 2011), p. 338.

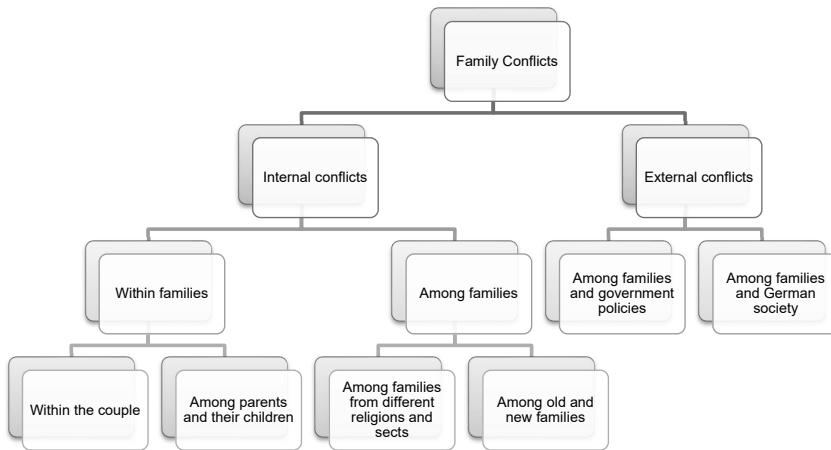
<sup>115</sup> Bob and Ross, p. 317.

process of transcribing was completed, classification of the data into its various topics began in conjunction with the initial coding process using MAXQDA program.

The primary data were divided into multiple topics, which were classified as follows:

1. The reasons for the displacement of Syrians and their asylum in Germany. Within this issue, several codes emerged including insecurity: such as threats to life, kidnapping, withdrawal for compulsory recruitment or fear of being arrested. In addition, this classification included ensuring a better life for the kids as well as the economic factor and the search for a better future.
2. The changes that occurred to Syrian families and the challenges they faced when they arrived in Germany were monitored. Codes were also created for this topic revolving around: language, finding work, fear for children from the new environment, social alienation, racism, religious and cultural challenges, feeling anxiety, instability, and the lack of adequate housing.
3. In this section, the focus laid on the factors of family disputes. In the first stage of data collection, a blueprint for the types of conflicts within the Syrian communities in Germany was built upon primary data. Among the different types of conflicts, the focus has been on conflicts within the family (between spouses), as they are form the focus of my research. Other conflicts were only considered in the context in which they affected the conflict within the family. Some of the factors related to conflicts are linked in one way or the other. Figure 2 shows the types of conflicts that take place within the Syrian communities in Germany.

Figure 2. Types of conflicts within the Syrian communities in Germany



Through the preliminary analysis of the data, more than 20 codes related to family conflicts were extracted and classified into several subjects (factors), some of which were related to the initial evidence for interview questions, while others were not included in it and thus were revealed by the data collected from the field.

In later stages of the interviews, codes were discussed with the interlocutors to find out their opinions and perspectives, which helps deepen the idea around it. Later on, some codes were excluded and new codes were added; accordingly, they were classified into five basic topics:

- Factors related to the effects of war and migration.
- Factors related to the status of women and men in the Syrian society.
- Economic factors.
- Legal factors.
- Factors related to the effects of the new environment on the family.

These factors then formed the backbone for structuring my thesis and presenting my findings.

4. By means of the data, the mechanisms for resolving disputes and their challenges between spouses were also monitored.

These were the most important topics that have been coded and analyzed based on data gathered from the field.

## 1.4 Limitations

The data collection process did not go very smoothly, and things did not always go in line with my expectations and perceptions. These “unexpected” challenges included positive and negative aspects. This section of the chapter reviews the constraints that I faced during the data collection process, and it also shows some unexpected issues that I faced on the personal and research levels.

### 1.4.1 Access to women (as a target group)

Before the fieldwork started, my biggest concern was reaching out to women. Syrian communities are generally patriarchal and conservative, even though this characteristic varies from region to region and from one family to another.<sup>116</sup> Thus, I expected that my male gender would be an obstacle to my access to the sample of women from families. But the fact that the families now resided in the German context, as well as the changes in the personality of women, helped a lot in overcoming this problem. For example, two twenty-year-old girls were interviewed without their father knowing, and they mentioned that their fathers did not understand how two girls could be sitting with a young man in the café or any other place for an interview. One of the wives was also interviewed without her husband knowing it in order for problems not to rise up between her and her husband if he knew or for suspicions not to rise up by the fact we were breaking some social norms related to mixing between the sexes in her family. The first time she brought her friend with her, and the second time she brought her sister to sit with us during the interview. It must be said that I only became aware that they did not have the permission of the father or husband during the interview and that the likelihood of the interviewees experiencing problems as a result of this is small but possible. Hence, the ethics of scientific research dictates that the researcher does not expose the interlocutors to any danger, even if it is small. Had I known of this matter beforehand, I would have thought carefully before conducting interviews with them. My research does not deal with open-minded families which have no problem with such matters. Rather, I am talking about families that

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<sup>116</sup> Anas Weppi, ‘Syrian Women and Society’, in *Syria and Its People. A Series of Research Papers about Life in Syria Prior to 2011 (Arabic Version)* (Sharq organisation, 2019), p. 253, 263.

are somewhat conservative. There was a risk that interviews would never have taken place with members of this type of family. Therefore, I always took care in my interviews with women not to specify where our meeting would be or who would attend or not attend this meeting, and I left it to them to decide as I realized that the standards of freedom granted to them within their families differed greatly from one family to another.

What was surprising to me was that the data collected from husbands and wives – in addition to their sons or daughters at times – showed that women in general were more candid and profound in the narration of their stories and experiences outside and inside the family than men, especially when the interview took place alone with the wife. This argument is constructed by comparing private interviews with a husband and wife and their son or daughter. Some wives often delved into the details of their lives and family problems within their family without embarrassment or fear. On the other hand, some men were discrete and careful not to show the negative side, both in their personal experience or in their family relations, although they sometimes knew that I – as a “researcher and friend” – was aware of the details related to them and their family. So their narration or answers to some of the questions during the interview were not explicit and detailed, especially with regard to data that might reveal a negative side related to the way they treat their family. In my opinion this is due to the fact that such frankness or certain details may put the interviewees – especially if they have a good friendship with the researcher – in a difficult situation by revealing their bad history; thus, they omitted part of their experience or summarized other aspects or limited their narration to the positive side. “The participant may therefore avoid answering the question or respond in a manner that distorts reality in an effort to protect his or her self-esteem”<sup>117</sup>, according to Madison. This matter is considered one of the criticisms leveled at ethnographic studies. Nonetheless, it is to unveil these aspects that are hidden or distorted by the interviewees that I made use of comparisons with other family members or of close relationships with the interlocutors to know better what was really at stake.

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117 D. Soyini Madison, *Critical Ethnography. Method, Ethics, and Performance*, E-Book (Sage publications, 2020) <[https://www.amazon.de/dp/B07NKKSCZH/ref=dp-kinde-redirect?\\_encoding=UTF8&btkr=1](https://www.amazon.de/dp/B07NKKSCZH/ref=dp-kinde-redirect?_encoding=UTF8&btkr=1)>, p. 121.

#### 1.4.2 Language

The “Syrian colloquial Arabic” was the language of communication with all interlocutors. I did not use standard Arabic with interlocutors, because it sometimes confused them as they had to search for vocabulary to express themselves clearly. Many of the interlocutors did not speak standard Arabic properly. Therefore, in order for the interlocutors not to be distracted by the search for these vocabularies, I preferred to use their local colloquial accent. Despite the fact that the dialects of the interlocutors differed somewhat, this was not an obstacle for me to understand it. I spent a long time in three different Syrian governorates (Idlib, Latakia, and Damascus) during or before university studies, which was a chance to interact with individuals from different segments of the Syrian society and to therefore understand different dialects and vocabulary.

Nevertheless, I did not refrain from asking the interlocutors about what they meant by a certain term if I did not understand it. On the other hand, the process of making it easier for the interlocutors to use their local dialects created a kind of difficulty for when I had to translate the interviews from one language to another. Conveying the meaning from the spoken colloquial dialect to another language is not easy. The local colloquial speech may lose after translation the impact of words, their echo, and the emotions they may bear, as these may be expressed by simple words or letters that are difficult to transfer from one language to another. It can also be noted that during the exchange of conversations with the interlocutors – whether formally or informally – there was some use of few German words. Some interlocutors used German concepts to express things they wanted to say when they could not find an equivalent in Arabic. In these instances, this vocabulary was often explained by the interlocutor him/herself to clarify what he/she meant.

#### 1.4.3 Differences, not conflicts

The previous reference at the beginning of this chapter to the strict norms governing Syrian communities led me to beware from the outset of using the term “family conflicts” when dealing with the interlocutors, because the idea of conflict directed the research to a specific preconceived idea of this term confined to conflicts between spouses that end with divorce or separa-

tion. This is why I was often asked in research groups whether the research was directed only to families where the spouses had separated or divorce occurred. In fact, the research was directed at all families because the phenomenon of family conflicts cannot be understood without understanding the nature of the family, its structures, and its functions within the context of indigenous and new communities. Since there were many stressors that had an impact in one way or another to family relations before, during, and after asylum, it was better to move away from using the concept of “conflicts”<sup>118</sup> with the interlocutors and to use words that were less severe, namely, “difficulties” or “challenges”. If I found myself obliged to draw the interlocutor’s attention to the phenomenon of conflicts, it was better to use the concept of “family differences”, as the impact of the word خلافات ՚ilāfāt is less severe for the interlocutors than the word “conflicts”, نزاعات nisā’āt. Linguistically indeed, “conflict” might imply animosity, while “differences” might carry both meanings: amicability and animosity.<sup>119</sup>

#### 1.4.4 Asking the sensitive questions

According to the interview guide, the researcher requests the interviewee to introduce him-/herself in order to get a general idea of the person he is meeting with – name, age, place of work, place of residence, marital status, number of children, and so on.<sup>120</sup> At the beginning of the fieldwork, when interviewing a person I asked him/her to introduce him/herself before the interview as per the protocol. In one example, an interviewee responded: “I feel that I am in the investigation branch,” and he smiled. I requested him to move beyond this question and start talking about what he wanted to tell me. Since then, I no longer use this technique with interlocutors, that is, asking them to introduce themselves before an interview. Syrians are fully aware of the dominance of the oppressive, totalitarian regime and its institutions that were terrorizing people in Syria. Therefore, any direct personal questions that may raise suspicion or, let us say, bring back the painful memory represented by its relations with the intelligence services

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118 This concept was used at the beginning of the project in order for the interlocutors to understand the subject of the research and to focus on it.

119 مuhammad ibn manzūr, *Lisān Al-’arab* (Beirut: Dār Ṣādir, 1994); نزاع، خلف.

120 Bob and Ross, pp. 227–28.

and the police were avoided.<sup>121</sup> The mere activation of these feelings may be a negative start in the relationship between the researcher and the interlocutor on the one hand and could affect the narration of the interlocutor on the other hand.

To elaborate further on this fear aspect, some other people interviewed later stated explicitly that they never liked seeing the police on the streets and that they had a kind of phobia when they saw police officers in their uniforms. Since I am fully aware of the kingdom of fear that the Syrian regime has built in the hearts of Syrians, it was necessary to move away from direct personal questions that may provoke these memories and even to be careful in the way the questions were posed. As a result, I have resorted to obtaining personal information in an indirect way most of the time. For example, to avoid asking a person about his age directly, I asked him/her about his/her age at the time of the occurrence of an event he referred to, and at the same time I asked in which year this event occurred, so I could deduce his/her current estimated age.<sup>122</sup> I also tried, as much as possible, to stay away from questions related to his/her political positions, leaving room for the interviewee himself to express them if he/she wanted to do, so that no kind of anxiety, suspicion, and caution would arise during the interview. Because of this state of suspicion or caution, I was keen to assert to all interlocutors that I work as an academic researcher and that the data collected was meant for research purposes only and would not be shared with or seen by any other party. I also referred to the data protection law in Europe,<sup>123</sup> which prevents me from giving this data to other parties or using it for purposes other than scientific research. I also informed them that their real names would not be used in the research. All of this aspired to give some reassurance to those who were reluctant to accept communication with the researcher or to give sensitive and highly specific data related to their political positions or their family privacy.

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121 For more details on this topic, see Borneman, 'Fieldwork Experience, Collaboration, and Interlocution', pp. 242–46.

122 Age was important to the research for data analysis and to understand the changes pertaining to the family from all age groups whether old or young.

123 See Council of the EU, 'The General Data Protection Regulation – Consilium' <<https://www.consilium.europa.eu/en/policies/data-protection/data-protection-regulation/>> [accessed 5 April 2023].

#### 1.4.5 Pressures related to compassion

I mentioned earlier that the study group is constituted of Syrian refugee families coming from a war-torn country. Consequently, many of these families have gone through painful experiences and stories, which still live in their memories and have their effects in one way or another on the course of their new lives. During the fieldwork, it appeared that there was a need for the interlocutors to get these stories out of their chests so that they could be finally heard. It had both a positive and a negative side. Positive, as the researcher could sense the truthfulness of their speech and reach the hidden things that happened within the family or understand this person deeply by knowing what he/she went through on all psychological, social, and economic levels, etc. This then helped to understand the impact of these factors and their interaction with each other. The negative side is reflected in the sometimes apparent lack of focus on the topic of research, in addition to hearing some painful incidents. This subjected me to the burden of so-called “compassion stress” or “the danger of being emotionally drained.”<sup>124</sup> Seeing the interviewees who were subjected to psychological trauma crying and hearing the stories of those who were subjected to torture or who saw the body parts and bodies of those killed in the war, all of this required me to share their emotional distress and show respect not only to gain the trust of the interlocutors but also because that is a moral obligation in the first place.

An issue of concern to me was related to how the researcher should deal with those who were traumatized or affected by the war and were not aware of this. This task requires a psychologist, not a researcher who only explores their stories and narratives. In this context, the researcher has to create a sort of balance and distance between his position as a researcher and the position of the interlocutors. The perception of a complete estrangement in the relationship between the researcher and the interlocutors, or the alienation in dealing with them, or the perception of excluding his emotions or putting them aside in research may be an idealistic position or more of a utopia. Madison noted that, “[a]lthough degree of trauma cannot always be avoided, it is less difficult for both conversational partners to deal with trauma if the researcher is sensitive to and aware of the difficulties. This is

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<sup>124</sup> Målfrid Råheim et al., ‘Researcher-Researched Relationship in Qualitative Research: Shifts in Positions and Researcher Vulnerability’, *International Journal of Qualitative Studies on Health and Well-Being*, 11.1 (2016), 30996.

an area that requires rapport; that is, dealing with trauma requires listening with sympathy, following the narrator's pace, demonstrating appreciation through eye contact and gestures of concern, explaining the reason for your question, and, if necessary, guiding the responses with gentle empathy.”<sup>125</sup> On the other hand these emotions constitute a qualitative added value to the research, as through them I sometimes discovered their impact in the adoption of certain behaviors or tendencies, thus showing – as Holland notes – “how important acknowledgement of and reflection on these emotional dynamics can be for the production of knowledge.”<sup>126</sup>

### *Conclusion*

This chapter was dedicated to elaborating on the methodology and research methods that I used to answer the research question and its problem. It demonstrated the utilization of the qualitative field ethnographic approach to collect the data necessary for the research. This approach was adopted for many reasons. It can be summarized as follows:

- Collecting credible data from families who are controlled by many norms, which made them somewhat closed and made access to their private circles difficult without building close relationships with them.
- The research topic “family conflicts” is considered one of the topics that affect these families directly and personally, and therefore it is difficult to approach them without building real ties with them. Only the ethnographic approach based on the fieldwork allows such access.
- The research group “Syrian refugee families” is linked to painful and complex experiences. These experiences, with their human complexities, are difficult to quantify or to be expressed in theoretical or generalized terms. Only the field inhabited by these families is the method necessary to disentangle these complexities and to study their effect on the stability or the disintegration of the family.

In this section of the chapter, a quick overview of the study group is given, including their numbers, ages, ethnicities, religions, and sects. The analysis of where fieldwork was conducted, the concept of field in anthropology, and the obstacles that arise when defining its concept within a specific

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125 Madison, p. 121.

126 Edwards and Holland, p. 85.

framework are discussed in this chapter. Thus, I presented the flexibility that the field as a concept allows by uncovering the challenge of studying refugees in host countries. This took form in a three-way relationship between the researcher, the study group, and the place. From this standpoint, it was necessary to emphasize the need to understand the research group “there” and to understand its presence “here”, as families cannot be cut off from their political, economic, social, psychological, religious, or cultural contexts. Consequently, we have relied on three main sources to understand these contexts:

- Relying on the study group itself by reconfiguring these situations through narrative biographical interviews.
- Seeking help from an external source through interviews conducted outside Syria with Syrians for the project of “Syria and its People”.
- Reliance on the researcher’s background as a Syrian who is a member of these families.

In the second section of the chapter, the research methods that were used to collect the data are presented. These methods include:

- Participatory observation, which is the primary data collection tool in anthropology.
- Qualitative interviews that included in-depth biographical interviews and semi-structured in-depth interviews. Within the second type of “semi-structured” interviews, a guide to interview questions was presented that was used with the interviewees to clarify the progress of the research in collecting these data.
- The focus group, which was used on a small scale.

In the third section of this chapter, the process of dealing with data and of coding and classifying it into topics that formed the structure of this research was reviewed. The use of MAXQDA program, which facilitated the procedures and steps for dealing with these data, was mentioned.

At the end of the chapter, the means that were used to overcome the obstacles imposed by the fieldwork were discussed. Examples of such obstacles are: reaching women, language, using appropriate terminology with the study group, taking into account the sensitivities, cautions, suspicion, or fear in relations with the segments of Syrian societies in addition to the pressure of empathy associated with studying refugee families coming from a war zone.

## Chapter 2: No Choices to Stay there: Causes of the Displacement of Syrians and the Emergence of Conflicts within Syrian Communities

### *Introduction*

I chanced upon Maḥmūd at the “Diwan” Council, an interfaith project to build Muslim-Christian relations, hosted by my friend who is a Protestant priest. Maḥmūd used to frequent this event due to his interest in religious dialogue. Since his wife is a German Christian, “it is important for me to understand more about German culture and the Christian religion,” he claims. After several meetings, I asked him for an interview for my research, which he accepted without hesitation. We met at an old café on the banks of the (Pegnitz) river in the city center. After Maḥmūd provided a detailed narrative of his experiences in Germany, I asked him if he had been subjected to racist or discrimination treatment in Germany. There was a brief hesitation. He seemed unsure if some of his unpleasant experiences could be considered racism or if there was a better word to describe them. Then he reported a lengthy dialogue with an employee of the local immigration office “Ausländerbehörde”. After he applied for permanent residency, Maḥmūd was invited to the so-called “security interview”, during which they verify the person’s status and file. After about one hour into the interview, Maḥmūd was about to leave the meeting and give up on the permanent residency due to the amount of insults that he felt had been addressed to him. What raised this doubt in him is a question that the employee asked in a provocative way, and he felt that this question - along with other questions - were a kind of “insult”, as Maḥmūd stated.

“Then she asked me: you and your brother came to Germany, why did your sister stay there? So, the bombs were only dropped on you and your brother and not your sister?”<sup>127</sup>

Maḥmūd was kidnapped twice - the employee did not know about it and he did not tell her that. He also did not tell her that his 16-years old brother was sent later by his family along with his cousins to Germany in fear

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127 Nuremberg, 16 October 2019.

that he would join one of the armed groups following the death of some of his friends. Therefore, they were left behind in Syria. Later, his brother submitted a request for family unification on the part of his mother, while his sister and father remained in Syria. This context is what prompted the employee's question. To rephrase the question in a more tactful manner: If the situation was so disastrous in Syria, why did you displace and the rest of your family - especially the sister - stayed there? Maḥmūd's answer was the following:

“Your System of Asylum does not allow females above 18 to seek refuge? Why did not she flee and asked for asylum?, she said. I told her the trip is too dangerous. It is not reasonable to walk 6,000 kilometres and the road is rife with human and organ traffickers. Would you take the same trip? She said: No. I told her it is not acceptable for me that my sister walks all of this distance. I endangered my life because I had no choice as I was called for the army reserve. My sister's situation is different.”

Maḥmūd points to three factors: the German asylum system, the danger of the trip, and the lack of choices to stay “there” for him.

The causes of the Syrian exodus may seem self-evident at first glance, and the war raging in Syria is what drove these people to flee from their painful reality. The details of these causes and the real motives of Syrian individuals or families might only be manifested sometimes through the accounts of the people themselves. Therefore, this chapter will look at the reasons that pushed people to flee, with many of them ending their journey in European countries. The chapter is based on qualitative data collected from Syrians who live in Germany with the aim of highlighting their experiences.

Understanding these causes and scrutinizing the daily life of the Syrians that preceded or accompanied their decision to flee is bound to reveal many forms of social conflicts or division that have significantly interfered with these causes. Such forms of conflicts have had serious consequences in terms of the division of societies within the Syrian context. Moreover, many of these conflicts are also evident in the German context. These include identity-national, religious, sectarian or societal-political rifts. For instance, social rifts surrounding the nuclear family have largely affected inter-familial relations. In addition, studying these causes will help in understanding the effects of these factors or circumstances on the changes, challenges, and conflicts that have affected “the Syrian family”. Consequently, in this chapter I will proceed in a manner that attempts to detach conflicts from their general framework in societies, i.e. between families with each other,

to then move to its own framework of relations within the nuclear family itself.

A significant portion of the population in host countries - including Germany - have an unclear vision of the reasons of the displacement of these large numbers of people from their country - Syria - to other neighboring or European countries. The year 2015 has witnessed a great wave of refugees that continued in the subsequent years. In the same year, the international coalition campaign announced in late 2014 against ISIS was still at its height. Many citizens of the host countries thought that the Syrians had fled in fear of these radical groups, which began to emerge a year after the outbreak of the Syrian people's uprising against the most notorious totalitarian regime in the world. Furthermore, a segment of the population in host countries became fearful from the increase in refugees' numbers, especially as the majority of refugees were young males. This begs the question as to where were the women and children. Should not they be given priority in asylum and rescuing from death? This chapter will attempt to also answer this question in several ways, according to the Syrians themselves. The importance of understanding this aspect lies in the fact that the vision that was formed among the residents of the host countries left either negative or positive impressions on the Syrian refugees in general. What I have observed is that many Syrians refuse to be considered as fugitives who left their country to the terrorists,<sup>128</sup> or that their war was civil, not between a dictator and a population, and they also don't want to be seen as hungry people looking for a livelihood. Being regarded in these stereotypes by the inhabitants of the host countries was teasing and putting pressure on them. On the other hand, the portrayal of Syrian refugees - or others - as economic exploiters, or the Muslim "other", led to a dampening of feelings of sympathy for them by the host countries,<sup>129</sup> and this also reflected negatively on them.

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128 One of the conversations I observed on this point was between a Syrian and a German. The German man told the Syrian: "If I were you, I would not flee and leave my country to the terrorists." This perception bothered the Syrian man, because in his opinion, it was a false perception.

129 Charles Watters, 'Forced Migrants, Exclusion, Incorporation and a Moral Economy of Deservingness', in *Routledge International Handbook of Migration Studies*, ed. by Steven J. Gold and Stephanie J. Nawyn (London: Routledge, 2019). p. 85.

Anthropology has always contributed to providing “a voice and agency for refugees, exiles and other forced migrants,”<sup>130</sup> as Chatty wrote. However, it is worth noting that this chapter relates to studies upon forced migration. Charles Waters is called to study the Syrian conflict on two levels, at “a ‘macro’ geopolitical and economic level and at the ‘micro’ level of the opportunities and decisions made by Syrian families and individuals to flee their country and seek better lives elsewhere.”<sup>131</sup> In this chapter, the Syrian conflict will be studied at the micro level, based on ethnographic data collected from those who have been through the experience of displacement, i.e. from the Syrian families themselves. Thus, this chapter will represent a qualitative addition to this aspect which deals with studies of forced migration based on qualitative data and not theoretical insights.

## 2.1 Insecurity and National-identity Division

Perhaps the most important reasons that drive a person to move from one place to another are fear and hunger. The nature of a human being pushes him to search for a safe place to live in when his life is threatened, as he is governed by his instinct to survive and avoid death. As Freud puts it: “We showed an unmistakable tendency to put death on one side, to eliminate it from life.”<sup>132</sup> Thus, in order to understand the cause of the displacement and immigration of Syrians, it is necessary to understand the motives behind it. The need for safety is the first among those.

I got to know Suzān through the German language course in 2017. I contacted her during the fieldwork and asked her for an interview, and after that we met in a cafe in the Mercado. Because the dome in the middle of the building is large and well-lit in what resembles daylight, we did not feel the time the darkness of the night fell upon us, as the interview lasted approximately four hours. Suzān, a 54-years-old Palestinian-Syrian, lived in the Governorate Aleppo, and she was one of those who chose life over death, not only in fear for her own life but also for the life of her family

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130 Dawn Chatty, ‘Anthropology and Forced Migration’, in *The Oxford Handbook of Refugee and Forced Migration Studies*, ed. by Elena Fiddian-Qasmiyah et al., E-Book (OUP Oxford, 2014) <[https://www.amazon.de/-/en/Elena-Fiddian-Qasmiyah-ebook/k/dp/B00LPM3ZWC/ref=tmm\\_kin\\_swatch\\_0?\\_encoding=UTF8&qid=&sr=>](https://www.amazon.de/-/en/Elena-Fiddian-Qasmiyah-ebook/k/dp/B00LPM3ZWC/ref=tmm_kin_swatch_0?_encoding=UTF8&qid=&sr=>)>.

131 Watters, p. 84.

132 Sigmund Freud, ‘Thoughts for the Times on War and Death’, in *Papers on Metapsychology, Papers on Applied Psycho-Analysis* (Tr. E. C. Mayne, 1925), p. 289.

consisting of her husband, son, and daughter. The city of Aleppo witnessed an unprecedented siege and bombardment that destroyed large parts of the city. Suzān recounted the loss of many of her relatives either by death or imprisonment, and in her own words she portrayed some scenes of horror that she or her family members were subjected to, from one time when her husband's car was showered with bullets to another when a shell fell beside his car killing seven people. Suzān was working as an engineer for a telecommunications exchange center, and she was forced to keep the exchange working despite the bad conditions in the area. She was scared of being held responsible by the regime if the exchange stopped working, but at the same time she was afraid to go to work on roads rife with snipers. She lived this constant anxiety even vis-à-vis her job. In addition, Suzān stopped sending her son and daughter to school for fear of kidnapping. Nonetheless, death continued to threaten her family members even while they were in their homes. Her anxiety increased after the death of her neighbor's son, who was a friend of her son and daughter, due to a fragment that killed him instantly when their house was bombed. Following this incident, her daughter entered a state of psychological trauma, and death also took a second friend of her children, which made the situation "hell" for her:

"The horror of death is always present in our eyes every moment [...] at the end of the day we decided that we should leave."<sup>133</sup>

The fact that Suzān and her family are of Palestinian origin increased this suffering as they passed through the roadblocks in the areas of the regime or the opposition that inspected people and examined their records. This was the case since the majority of the Syrian people classified the Palestinians of Syria as "supporters of the regime", as Suzān says, given the involvement of many Palestinian factions present in Syria in the fighting alongside the Syrian regime. Consequently, the issue of Syrian-Palestinian identity conflict has emerged as one of the outcomes of this war. The alignment of some Palestinian factions with the regime or the entry of some groups, whether they are affiliated with the regime or the opposition or extremist groups, into Palestinian camps have brought catastrophic results on the inhabitants of camps. Several reports issued by the "Action Group for the Palestinians of Syria" have documented the conditions of Palestinians in Syria, including the destruction of their camps and the displacement,

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133 Nuremberg, 3 December 2019.

killing, and detention of many Palestinians.<sup>134</sup> This has forced many Palestinians, just like the rest of the Syrians, to flee inside or outside Syria.<sup>135</sup> Suzān believes that what happened in the camps in Syria and emptying them from their residents is “another displacement project for the Palestinians”, and therefore “the Palestinians no longer have safety or a future in Syria.” This situation has prompted her and her family to take the decision to leave Syria.

During the fieldwork, ’Agiad introduced me to Wā'il for an interview. Wā'il preferred, after several attempts to arrange an appointment for the interview, to have it take place at my apartment. Wā'il, a 43 years old economics graduate, lived in Jaramana (a suburb of Damascus countryside), a neighborhood that is known for its sectarian diversity. He is a Druze who comes from the Governorate of Sweida. Despite the fact that he is a graduate of economics and that he was working in one of the Syrian banks, the lack of security and the loss of hope in a change for the situation has led him to flee Syria.

“I decided to come to Germany because I lost hope to be able to change anything in Syria, whether in my personal life or in anything else. I mean reactionary groups that are currently in control of the country. I mean I am a person whose worth is simply a bullet on any barricade or a mortar shell. I have two kids. If I die, they will die of hunger, that is, if they are not killed with a mortar shell themselves. The area where I lived, which is Jaramana, received more shells than did Berlin during the Second World War [...]. A shell fell down on us while at home, and my wife - she is my ex-wife now<sup>136</sup> - was pregnant in her seventh month. Luckily nobody was injured and the damages were material.”<sup>137</sup>

134 Ibrahim Al-Ali et al., *Palestinians of Syria. The Story of Unending Suffering*, ed. by Tarek Hamoud, trans. by Safa Othmani (London: Memo, 2019) <[http://www.actionpal.org.uk/en/reports/special/syria\\_report2018.pdf](http://www.actionpal.org.uk/en/reports/special/syria_report2018.pdf)>, p. 9–123; Tarek Hamoud and others, *Palestinians of Syria. Life under Restrictions*, ed. by Al-Ali Ibrahim, trans. by Safa Othmani (London: Action Group for Palestinians of Syria, The Palestinian Return Centre, 2018) <<http://www.actionpal.org.uk/en/reports/special/prslifeunderrestrictions2017.pdf>>, p. 11–46, 56–79.

135 For more details, see several reports on the situation of the Palestinians of Syria at this link: ‘Action Group for Palestinians of Syria: Special Reports and Articles’ <<http://www.actionpal.org.uk/en/special-reports/all/all/special-human-rights-and-documentary-reports-about-the-palestinians-of-syria-issues>> [accessed 15 June 2020].

136 He mentioned his ex-wife because they got divorced after they came to Germany.

137 Nuremberg, 7 January 2020.

A friend of mine introduced me to 'Adnān and his family, and they invited us to visit them in their apartment. 'Adnān - who used to work as a driver for tourist groups - and his family were not doing any better. He claims that the fact that they descend from a relatively wealthy family has exposed many of his family members to kidnapping for the sake of ransom, including his father, who was kidnapped. 'Adnān did not hear anything about his father since then. 'Adnān fled Syria with his wife and three children to Egypt, but the Egyptian regime's restrictions on the Syrians in terms of residency, freedom of movement, and education for his children made him consider immigrating again from Egypt to Germany.<sup>138</sup>

The first report of the International Commission of Inquiry on Syria commissioned by the Human Rights Council was issued in 2010. It indicated that "attacks on civilians, killings and extrajudicial executions increased sharply during the reporting period."<sup>139</sup> This declaration was the outcome of more than 300 interviews conducted in the framework of the investigation of unlawful killings committed in the early years of the Syrian uprising. However, things escalated significantly in subsequent years, especially after the Iranian and Russian intervention, the emergence of radical groups such as ISIS and al-Nusra, and the regime's use of scorched earth policy through which many cities were destroyed. As a result, insecurity prevailed in the majority of Syria. In its 2019 report, the Investigation Committee stated that "citizens in general still feel insecure and unprotected by the state. For example, citizens are vulnerable to kidnapping for ransom or for political purposes, and for blackmail or as a punitive measure."<sup>140</sup>

Mahmūd, a 28-years-old male from Aleppo, descends from a financially well-off family. He was kidnapped twice as he had to travel between Aleppo and Damascus due to his studies. Following his graduation from the College of Pharmacy, he decided not to stay in Syria for many reasons including the lack of safety, as he could not stay in the regime-controlled areas since he would have been drafted for compulsory military service. At the same time, he could not live in the liberated areas due to fear of

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138 Nuremberg, 27 October 2019.

139 Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/21/50, 2012 <[https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50_en.pdf)>, p. 12.

140 UN, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 2019 <<https://undocs.org/en/A/HRC/42/51>> [accessed 6 November 2020], p. 6.

abduction.<sup>141</sup> The forceful drafting of young men to compulsory military service is one of the main factors that prompted a segment of young people to migrate either to the liberated areas or outside Syria. This explains the increase in the number of young men who came to Germany compared to females or refugees from other age groups (see Table 1).

In addition to this, families would be more concerned to allow females to migrate than young males. Therefore, they could accept the idea of a young man's migration while refusing it in the case of females. In my view, this is due to many social considerations, of which the most notable are the family's reputation and, most importantly, their extreme fear of the risks of the immigration journey that could be tolerated - in their views - more by men than by women.<sup>142</sup>

Table 1. Total number of Syrian refugees in Germany by age group<sup>143</sup>

Total	Single	Married	Male	Female	Age			
	%	%	%	%	less than 20	20 to 45	45 to 65	more than 65
972 460	57.5	31.9	57	43	378 370	469 050	108 115	16 925

The legal age for compulsory military service in Syria is 18, and it continues until the age of 42.<sup>144</sup> Parents' fear for their children - as I indicated - led them in many cases to send them out of Syria so that the regime would not force them to join compulsory military service in this grinding war. This is one of the main reasons that prompted 'Adnān to flee Syria with his family;

141 Nuremberg, 16 October 2019.

142 Maria von Welser, *No Refuge for Women. The Tragic Fate of Syrian Refugees*, E-Book (Vancouver: Greystone Books, 2017) <<https://www.amazon.de/-/en/Maria-von-Welser/dp/1771643072>>, p. 13.

143 'Ausländische Bevölkerung nach Altersgruppen und ausgewählten Staatsangehörigkeiten – Statistisches Bundesamt' <<https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bevoelkerung/Migration-Integration/Tabellen/auslaendische-bevoelkerung-altersgruppen.html?nn=208952>> [accessed 15 June 2020]; Statistisches Bundesamt, '22 % Der Schutzsuchenden in Deutschland sind Syrerinnen und Syrer – Statistisches Bundesamt' <[https://www.destatis.de/DE/Presse/Pressemitteilungen/2024/12/PD24\\_N062\\_12.html](https://www.destatis.de/DE/Presse/Pressemitteilungen/2024/12/PD24_N062_12.html)> [accessed 26 January 2025].

144 § 4 para. (B) of the Military Service Act.

as his three children - as mentioned - had approached the legal age for compulsory military service, they had to leave Syria.<sup>145</sup>

It should be noted that the Military Service Law exempts those who resided for four years in an Arab or foreign country, provided that they pay a compensation of \$ 8,000.<sup>146</sup> Many of the Syrian youth of the age of military service fled outside Syria and refused to pay the compensation fee in order not to help the Syrian regime in any form. In December 2019, Article 97, paragraph (e) of the Law of Military Service was amended to read as follows:

“The Compensation for the Military Service is to be collected from potential recruits who turn 42 years in accordance with the Public Funds Levy Law. Executive attachment applies without prior notification and a cautionary attachment applies to the recruit’s wives and his children pending the determination of the source of these funds in case the recruit’s funds are insufficient.”<sup>147</sup>

The law compels those who fail to serve in the army to pay the compensation, and in the event that the payment is not made, their money and that of their families is confiscated under what is called a “law”. Prior to this amendment, the law would give the potential recruit a deadline or make him pay a fine if the deadline is not met. The new amendment gave the right for executive seizure, whereby the state is permitted to sell a person’s property in order to collect the \$ 8,000. On the one hand, it is a law that legalizes the theft and disposition of the properties of many people who escaped military service and who fled the country. On the other hand, it is an attempt to use these funds to compensate for the treasury’s bankruptcy. Yet what terrifies those who fail to join military service is not only the financial prosecution but also imprisonment for a period ranging between one and six months in times of peace and from one to five years in wartime. The period of imprisonment is relative to the period during which one failed to join military service.<sup>148</sup>

The Syrian Network for Human Rights has documented that more than a quarter of a million Syrian civilians have died in this war, including more

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145 Nuremberg, 27 October 2019.

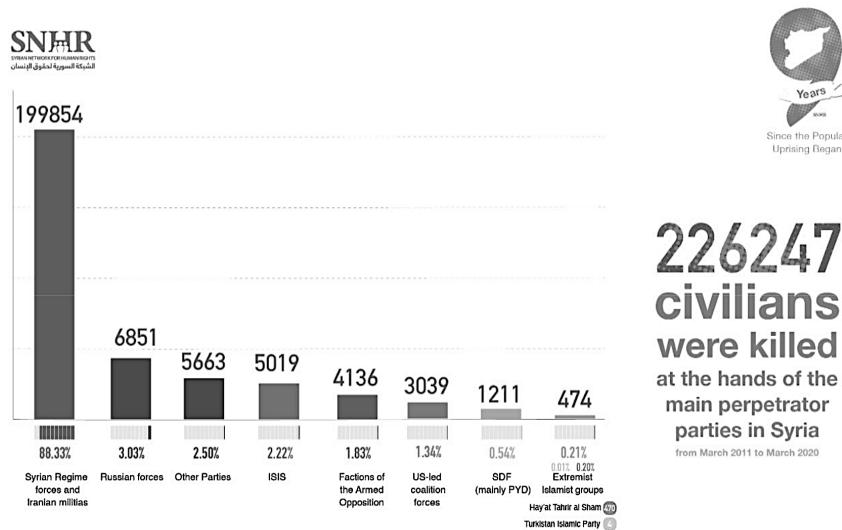
146 § 13 of the Military Service Act.

147 ‘Mağlis Aš-Ša'b Úqiru Ta'dilan 'la 'Ihdā Mawād Qānūn Alhidmah’, *Sana*, 2019 <<http://sana.sy/?p=1073784>> [accessed 22 June 2020].

148 § 98, 99 of the Military Penal Act.

than 29,000 children and more than 28,000 women.<sup>149</sup> Meanwhile, the Syrian Observatory for Human Rights estimated the death toll in the Syrian war at 384,000, with civilian deaths standing at 116,000<sup>150</sup> (see Figure 3). The discrepancy in numbers is due to the difficulty of documentation in a war situation. However, the actual numbers are expected to be much higher. These numbers do not include detainees and abducted persons.

Figure 3. Numbers of civilian deaths and the party that killed them



[f](https://www.facebook.com/sn4hr) [@](https://www.twitter.com/sn4hr) [@](https://www.instagram.com/sn4hr/) [G+](https://www.youtube.com/c/sn4hr) [SN4HR](https://www.snapchat.com/add/sn4hr) | info@sn4hr.org | www.sn4hr.org |

As documented by SNHR

## 2.2 Fear of Detention – Sectarian and Socio-political Rift

The fear of being arrested should have been discussed with the first cause as it is related to insecurity. I singled it out as an independent cause for two reasons: first, the effects that detention has left on refugees, and second, the

149 The Syrian Network for Human Rights, *On the 9th Anniversary of the Popular Uprising*, 2020 <[www.sn4hr.org/snhrinfo@sn4hr.org](http://www.sn4hr.org/snhrinfo@sn4hr.org)> [accessed 15 June 2020], pp. 3–6.

150 The Syrian Observatory for Human Rights, ‘Nine Years of the Syrian Revolution: Tens of Thousands Dead and Injured and Millions Displaced... Syria under Russian-Iranian-Turkish-US Occupation... the People of Syria the Ultimate Loser’ <<https://www.syriahr.com/en/?p=157510>> [accessed 16 June 2020].

number of cases that arose during my fieldwork among the interviewees or members of their families.

Arbitrary detention has increased dramatically as a result of the lack of security in Syria, and fieldwork has shown that some of the interviewees - or their close families - (five cases) were arrested in Syria for various reasons before they arrived in Germany. For instance, 'Agiad (42 years old), whom I first encountered in the bakery and interviewed in my apartment, was arrested three times by the security forces despite the fact that he belongs to the Alawi sect that constitutes the supporting base for the regime. His detention was the result of his work as a journalist, his interest in political affairs, and his criticism of corruption and the practices of the ruling authority. 'Agiad's imprisonment and torture greatly affected his life, mentally, psychologically, and behaviorally.<sup>151</sup> This also impacted his relationship with his wife and the many disputes between them. Sometimes, I was a party in trying to solve these, or I just hear their problems due to the good relationship that I have with 'Agiad and his wife.<sup>152</sup> 'Agiad does not have many relationships with Syrian families. I visited him many times, and he indicated more than once how some Sunni families were avoiding him and his family at times after they knew that he is Alawi. This is a result of the sectarian tension between Syrians due to the war that took a sectarian turn in its later stages.<sup>153</sup> It is a form of conflict among families that arose in Germany.

During my stay in Latakia governorate, which is one of the cities that have a large percentage of Alawis, I noticed that the Alawi community does not have a defined set of religious rituals and that there are no places of

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151 This point will be discussed further in the section on difficulties Syrians facing in Germany.

152 Further reference to this issue will be made in the section on familial conflicts.

153 Bashar al-Assad and most of the army and security officers in Syria belong to the Alawi sect, and the regime has managed to give the war a sectarian inclination and drag the majority of the Alawis to become involved in it. The regime depicted the war as a battle of existence, and therefore most of them gathered in its ranks to fight with it. That helped al-Assad to inculcate this idea in the minds of the sect members and led to the description of the conflict in Syria from the outset as a "sectarian strife" that threatens stability and create chaos in the country, and this helped in the emergence of a sectarian incitement that was aggravated by some of the spokespersons of the Syrian revolution, and later the emergence of some radical groups that adopt this speech. For expansion, see 'Azmī Bišāra, *Syria: The Painful Path to Freedom - An Attempt at Contemporary History* - محاولة في التاريخ للألم نحو الحرية (Arab Center for Research and Policy Studies, 2013), pp. 318–321.

worship in their residential areas except for some sites that are closer to shrines than to worship spaces. The rituals celebrated by Alawis are of a social rather than a religious nature, such as decorating their homes with lights in celebration of New Year's Eve. During my frequent visits and spending long times with the family of 'Agiad (an Alawi family), I did not see him or his wife or daughter at any time practice any particular religious rituals. This confirms Barakat's conclusion that parties to the conflict used the sectarian dimension as a tool to maintain control and that this sectarianism does not have a religious dimension. For instance, 'Agiad believes that Alawi faith consists of a group of philosophical ideas rather than religious ones. Torstein Worren confirms what I have mentioned earlier: "Most Alawis belong to the group of uninitiated Alawis that do not have any formal religious education [...] They are therefore not expected to know much about the religion nor do they have religious obligations."<sup>154</sup>

The above exposition confirms that the sectarianism that led to conflicts among the components of Syrian societies often does not have a religious dimension. Instead, it is a form of bias or tribal/group loyalty, "aşabiyya", that takes place within social structures in order to preserve power, influence, or wealth, or to counteract other forms of bias and loyalty.

This sectarian conflict manifested itself clearly and strongly in the aftermath of the 2011 Syrian uprising. The manifestation of sectarianism was a result of the oppressive, ironclad policies used by the regime.<sup>155</sup> The accusation of inciting sectarian unrest was used by the regime against anyone who opposed the regime.<sup>156</sup> Consequently, the employment of sectarianism in the conflict had negative repercussions in terms of destroying relations at the level of families or individuals. "The war has compelled Syrians to cling to their sectarian identities more tightly, whether out of socio-economic self-interest or simply to survive."<sup>157</sup>

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154 Worren, pp. 60–61.

155 'Azmī Bišāra, *Syria: Darb Al-Ālām Naħwa Al-Hurryah: Muħāwalah Fi T-Tarīħ R-Rāħin* (Qatar: Arab Center for Research and Policy Studies, 2013), pp. 318–19.

156 § 307 para. 1 of Penal Act: "Every action, every writing, and every speech intended or resulting in provoking sectarian or racial strife or inciting conflict between sects and the various elements of the nation is punishable by imprisonment from six months to two years and by a fine of one hundred to two hundred pounds, as well as by preventing the exercise of the rights mentioned in the second and the fourth paragraphs of Article (65)".

157 Fabrice Balanche, *Sectarianism in Syria's Civil War* (Washington: The Washington Institute for Near East Policy, 2018), p. xi.

I got to know Muṣṭafā and his wife Ġanā through a German language course. When I contacted them for the interview, they invited me to lunch in their apartment, and then the interview took place. The sectarian conflict has led to the arrest of Muṣṭafā, a 34 years old, who belongs to the Sunni community that constitutes the majority in Syrian societies. It also affected inter-family relations in the neighborhood where he lived in Syria. Muṣṭafā is somewhat religiously devout. He seems calm and inclined to distance himself from problems, as I noticed through my knowledge of him in the German language course. Following the eruption of the uprising, this religious commitment became a source of suspicion to the regime, especially in the case of Muṣṭafā, who was working in a sensitive government institution, namely “the Institute for Scientific Research”. Muṣṭafā was in opposition to the regime, and he paid the price for his verbal opposition and his criticism of the regime’s actions through arrest and torture. It is important to present Muṣṭafā’s description of the situation during that period and what happened to him’, as it sheds an in-depth light on the “social degradation” that resulted from this war. During my interview with Muṣṭafā, I let him recount his experiences in Syria and Germany freely without my interference. So he stated:

“June, 2013 was a transitional stage in my life as I was arrested for the first time. At work people were divided; the group that supported the regime isolated themselves. For us, we would not dare to express our opposing stance to the regime. One of my colleagues was an Alawi from Tartus (a city on the Mediterranean coast of Syria). He reported us to security services – myself and a group of other employees. They [the Security Services] came and took me as well as the head of the department where I worked. Then the suffering started. I was detained in a room that is 4 by 4 contained area with fifty, sixty, or seventy detainees. You are detained in a place, and even if no one hits you or tortures you, the conditions of this place would be enough to kill you. It was not possible for all detainees to sit in this room [...] some would sit and others would stand [...] the skin conditions [...] the torture. On average, ten dead bodies would come out of the Security Branch daily as a result of torture or of medical conditions. We suffered as we were transferred between the different security branches. [...] There were different types of torture. Seeing people die is a torture of its own kind. Eventually, I was released by the end of the year in December. Wherever you go you would see people in camouflage [he is referring to military outfits]. Those were

members of Committees of National Defense. Following my release, my family and I were left in a difficult mental state [...]. After one month and five days, the committees responsible for our neighborhood came to our house and detained me again. The second time was due to mistaken identity [...]. From then on, every time I am arrested I would tell myself that, if I stayed alive and was released, I would not stay in this country. I would flee. Some time passed and I was fired from my job. My brother had a socks factory. I was working with him for a few hours when the electricity was not cut. One day the Popular Committees came and took my brother and hit him. When he came back, he told me what happened to him. I could not bear it anymore. I was not able to live normally anymore. I could not bear to see anyone in the military outfit.”<sup>158</sup>

Muṣṭafā’s account illustrates the emergence of sectarian divisions after the beginning of the war, which was somewhat hidden before. It shows the suffering of detainees in the regime’s prisons and their exposure to the most severe forms of torture, which have remained stuck in their memories for many years. It also highlights the disregard for the dignity of people, as his brother was beaten and tortured for criticizing the Popular Committees, and the arbitrary detention for charges that have not been proven, such as assisting the displaced from the opposition areas, poisoning the doctors at the institute where he worked, and other arbitrary charges. All of this indicates the escalation of chaos and the absence of rule of law. Despite Muṣṭafā’s resistance to the idea of emigration, the pressures around him did not allow him to stay, and he was forced to flee. Muṣṭafā used to live in a neighborhood inhabited by people from different sects. The majority of the residents were Alawis. Muṣṭafā said that the general atmosphere and intimate relations between families disappeared, and “the whole situation changed after the revolution [...] deep hatred was revealed [...]. They turned against us once the uprising erupted. Let’s say we were naïve and kind-hearted.” Ğanā (Muṣṭafā’s wife) adds that “for us all Syrians were the same – Muslim, Christian, Alawi, or Druze. We did not discriminate. It is the Syrian regime that promoted sectarian strife.”

There might be many cases similar to that of Muṣṭafā. However, people involved in these situations did not recount them when they were interviewed by Federal Agency for Migration and Refugees (BAMF) during their asylum hearing in Germany. Muṣṭafā indicated that there was a

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158 Nuremberg, 26 October 2019.

kind of anxiety and intense fear among Syrians that what they say during their asylum-seeking sessions in Germany would be reported to the Syrian regime, which in turn would punish or retaliate against their relatives who remained in Syria. Also, applicants for Asylum in Germany did not recount their full stories in order not to cause any delay in their application for asylum. It should also be noted that, despite all the torture they were subjected to, these detainees did not receive any kind of psychological support.

In addition to the emergence of sectarian conflict, another type of conflict has emerged, which is the socio-political division (social cleavage<sup>159</sup>) into supporters and opponents, due to political-sectarian polarization. This division has exposed Salmā (33 years old) to arrest. I got to know Salmā through a friend, and the interview took place in her apartment, as she wanted. Salmā was living in the Qudsaya area, an outskirt of Damascus which was affiliated with the Free Army formed after the defection of army officers from the Syrian army. Salmā had a clothing store, and, because of the nature of her work and the presence of her family and friends in Damascus, she was traveling between Damascus and Qudsaya. In addition to burning her store and its destruction, security forces arrested her on charges of providing food and some other services for the Free Army. Subsequently, she was interrogated by a member of the Free Army for allegedly dealing with the Assad militia.

“Seriously! I was a cockroach in this situation; I am of no value to either party. I am neither a security officer nor a revolutionary. I am a girl who minded her own business. All I wanted is to go to work, play cards with my friends, eat and sleep [...] this was all I cared about. At this point [she means the suffering between the regime’s factions and the revolution,

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159 The concept of “cleavage” is loose, indicating all kinds of divisions or conflicts, whether political, social, cultural, or religious, that lead to the division of citizens within society. “The concept of cleavage can be seen to incorporate three dimensions: an empirical element, which identifies the empirical referent of the concept and which we can define in socio-structural terms; a normative element, that is, the set of values and beliefs that provides a sense of identity and role to the empirical element and reflects the self-awareness of the social group(s) involved; and an organizational/behavioral element, that is, the set of individual interactions, institutions, and organizations, such as political parties, that develop, as part of the cleavage.” Stefano Bartolini, *The Political Mobilization of the European Left, 1860–1980. The Class Cleavage* (New York: Cambridge University Press, 2007), pp. 15–17. For more details, see also Hanspeter Kriesi, Ruud Koopmans, Jan Willem Duyvendak, and Marco G. Giugni, *New Social Movements in Western Europe. A Comparative Analysis* (London: Taylor & Francis, 2002).

along with losing her store], I left [...] there is no more anything of value to me. My father died. Nothing for me but disasters. I was walking in the streets where this person was killed, where my friend was kidnapped [...] you walk the streets, and all you have are bad memories. Nothing that brings joy [...] why would I stay?"<sup>160</sup>

Despite the strength of Salma's personality, made evident through her recounting her experiences in life, her independence from her family, and her management of her work with the help of her husband, her description of herself as a cockroach is a significant indicator to the state of helplessness lived by the majority of the Syrian people. It is a weakness that would lead to death, detention, torture, and forced displacement.

A quantitative field study,<sup>161</sup> which explored the "social degradation"<sup>162</sup> and the impact of the war in Syria on the social relations such as trust, cooperation, and shared values, reaches similar conclusions as the ones mentioned by Muṣṭafā and Salmā. "Despite the sense of social solidarity and mutual support that had been evident at the beginning of the social movement, the subjugating powers' exploitation and politics of identities, and their use of armed forces to subjugate society, have led to severe societal divisions and an absence of rules and moral values."<sup>163</sup> This led to the strengthening of primary relations which are pre-civil ties that prevailed in earlier societies. These primary relations were based on blood, ethnic, and religious ties and resulted in the weakening of social relations among groups and individuals.<sup>164</sup>

On my first visit to "contact Cafe", I met Amina and asked her to conduct an interview with her. She preferred that the interview took place in a cafe in the city center. One month following the marriage of Amīna (30 years old), who lived in the governorate of Damascus, the protests started. A short time after that, she was pregnant with her first child. Few months into the uprising, her husband was arrested: "They arrested him for twenty days

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160 Nuremberg, 20 March 2020.

161 The study was conducted on 2,100 people by the Syrian Centre for Policy Research funded by the Friedrich Ebert Foundation.

162 The study examined the social degradation from three aspects: social networks, social trust, and shared values and attitudes. See Ramia Ismail, Jad Jebaie, Zaki Mehchy, and Rabie Nasser, *The Conflict Impact on Social Capital. Social Degradation in Syria*, trans. by Yaaser Azzayyat (Dubai: Syrian Center for Policy Research, 2017) <https://www.scpr-syria.org/social-degradation-in-syria/>, p. 6.

163 Ibid., p. 29.

164 Ibid., p. 29.

and we paid 3 million (equivalent at that time, about \$ 45,000), and only after that they released him. One week following his release, we have left.”<sup>165</sup> Amīna’s husband was a merchant who had relations with other merchants in Jordan or Turkey. This was a sufficient reason to accuse him that his frequent communication with people outside Syria was due to his links to foreign parties in order to finance terrorism. This indicates the turmoil in the regime’s security system and the increase in incidents of blackmail in Syria. Due to the corruption of the judicial and security system, the family had to pay this large sum of money. “Otherwise, he would have never been released,” said Amīna. Amīna’s husband was imprisoned for twenty days and was subjected to severe torture, which was enough to kill him. After his imprisonment, he underwent treatment for a long time in Germany and underwent several surgeries in a German hospital to treat the injuries suffered by his body.

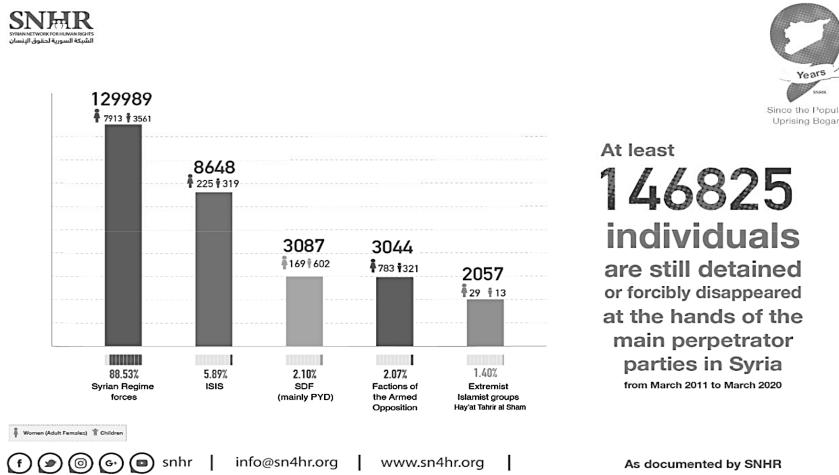
The Syrian Network for Human Rights estimates that more than 1.2 million Syrian citizens have been subjected to the experience of arrest and torture and that approximately 147,000 are still under arbitrary detention or forced disappearance (see Figure 4).<sup>166</sup> Many of the families who live in Germany may have close relations with these detainees, and the effect of this matter will undoubtedly have repercussions on their lives as long as those remain in prison.

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165 Nuremberg, 24 February 2020.

166 The Syrian Network for Human Rights, pp. 6–8.

Figure 4. Numbers of documented detainees and the authority that arrested them



A recent field study in the city of Damascus,<sup>167</sup> which attempted to observe reasons for the migration of the youth and was conducted on fifty young men and women, showed that security chaos, exposure to threats, extortion, or kidnapping, and the absence of the law are the greatest motivations that drive young people to migrate. All participants in the study approved this reason as a motivation for migrating.<sup>168</sup> This is taking into consideration that Damascus was not subject to the bombing, killing, attacks, displacement, and absence of law that other Syrian cities were subjected to. Furthermore, Damascus is the capital city, and the security situation there should be better than in other cities. This is not the case, and the state of security chaos still pervades all of Syria, albeit in varying forms.

167 The sample of the study is small, conducted on 50 people, 40 males and 10 females between the ages of 16 and 35, who plan to migrate. See Ziyād Al-Mubārak, *Hīgrat aš-šbāb as-swī – Dirāsa maidanīa fi madīna Dīmašq* (Doha, Istanbul, 2019) <<https://www.harmoon.org/wp-content/uploads/2019/01/Syrian-Immigration-Youth.pdf>> [accessed 17 June 2020], p. 4.

168 Ibid., pp. 11–12.

### 2.3 Protecting Children and Searching for a Future for Them

A person may bear the responsibility for himself. However, even when life and death seem equal to him, particularly in sieges and moments of weakness, he will never abandon his family or let them fall if he can save them. That is especially true in Syrian societies that highly value marriage and childbearing, sanctify the family, and love children, as I could observe. Kristin Helberg<sup>169</sup> wrote about that idea. She observed during her stay in Syria:

“It may seem trite to say that Syrians love children above all. Many of them came to Germany only because of them; mothers and fathers could endure war in Syria or poverty in neighboring countries for a long time, but what has become unbearable for them is that there is no horizon or hope. It is the possibility that their children will grow up without education and will not have a chance for a full life. Therefore, the biggest motivation for the Syrian parents to flee to us is to build a new life for their children.”<sup>170</sup>

The heavy responsibility of parents towards their children places them in front of two options. The first is that one of the family members migrates – often the husband –, then he reunites his family after his arrival. The other option is that they send their young children – often male, not female<sup>171</sup> – in order to find a future outside of Syria.<sup>172</sup> These are the main options for parents as they lost any hope of changing conditions. These facts explain the large number of requests for family reunification from spouses on the one hand and the arrival of many young people under the age of eighteen years on the other hand, as I mentioned previously.

I met 'Imād through German language courses. I have a good friendship with 'Imād and his family. After I asked him for an interview with him and his wife, he invited me to his apartment where the interview was conducted. 'Imād (35 years old) belongs to the first category, who made the

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<sup>169</sup> She is considered an expert on Syrian issues as she worked as a journalist for many years in Syria.

<sup>170</sup> Kristin Helberg, *Verzerrte Sichtweisen. Syrer bei uns* (Freiburg: Herder, 2016), p. 87.

<sup>171</sup> Andreas Beelmann et al., ‘Integration erfolgreich gestalten. Einstellungen und Orientierungen syrischer Flüchtlinge in Thüringen’ (Friederich-Schiller-Universität & KomRex, 2019), p. 5.

<sup>172</sup> Dawn Chatty, *Syria. The Making and Unmaking of a Refuge State* (New York: Oxford University Press, 2017), p. 244.

decision to apply for asylum in Germany and then reunited his family. The relationship of trust I built with him allowed me to be close to his family. 'Imād is characterized by simplicity, honesty, and clarity in his relations with people. He states that he was happy with his work and with his family before the war, but after 2011 things started to be different for him, and many changes occurred in his life. His income, for example, was no longer sufficient to meet the needs of his family. In addition, his fear and obsession with the future of his children became greater; this fear was the biggest motive for his decision to seek asylum in Germany, especially after he heard from some people that Germany is one of the best countries where children can achieve their future.<sup>173</sup>

Mahmūd's brother belongs to the second category, i.e. to one of the families that pushed her male (16 years old) to take refuge in Germany. However, that was not the case for his sister.

"He was very moved by his comrades, and after seeing that they started joining the army, he wanted to do the same. He started saying that he wanted to become an officer in the army. Therefore, the best solution was to get him out of Syria because if he did not go out he would get lost. The goal was to get out as quickly as possible, so he would not be influenced by the war and not get involved in that war, hence we decided to send him to Germany."<sup>174</sup>

After his brother came to Germany, he applied for a reunion of his mother only. While his father and sister stayed in Syria, his mother took care of him for three years until she made sure that he is a grown-up and he started studying at the university. Then she decided to return to Syria after completing her mission, as Mahmūd clarified.

Mahmūd's words about his brother elucidate the impact of the conflict in Syria on young adults as the regime - and other factions - were recruiting these youth to fight in this grinding war, which drove many of them to their death. Statistics from the Syrian Network for Human Rights show that more than 29,000 children were killed in Syria (see Figure 5), beyond thousands of prisoners.<sup>175</sup>

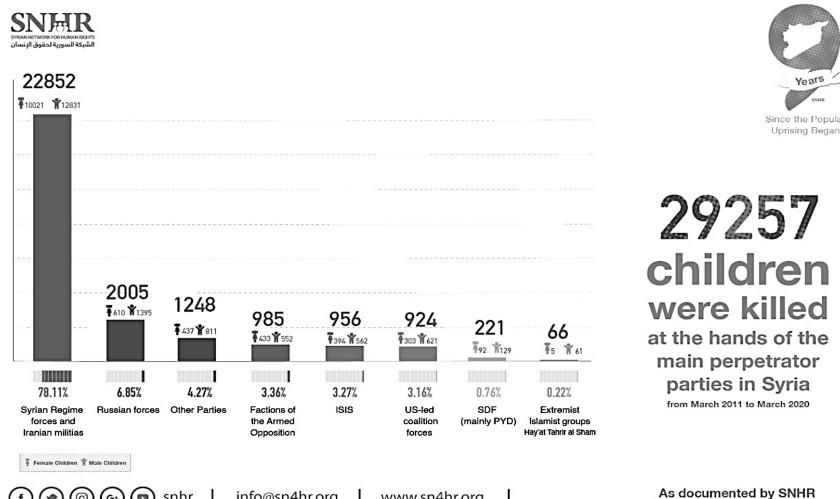
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173 Nuremberg, 12 October 2019.

174 Nuremberg, 16 October 2019.

175 The Syrian Network for Human Rights, p. 5, 8.

Figure 5. Numbers of children killed and the parties that killed them



As documented by SNHR

In addition to the family's fear for their children's death and arrest, education was a major concern as there was the fear that the war would continue and that school-age children would remain without education. The report of the Syrian Centre for Policy Research indicated that in 2014, the year before the major wave of asylum for Syrians, the number of children (between the ages of five and seventeen) who were out of school reached 2.3 million, and in 2019 the number was close to that as well.<sup>176</sup> "During the conflict, schools have been targeted, and other factors including insecurity and fear, loss of human capital, mobility restrictions, forced displacement, and economic hardship have contributed to poor access to education for Syrians."<sup>177</sup>

I got to know Čalāl and his wife through their son Ma'mūn, with whom I had a friendship before fieldwork. The family was interviewed in a refugee compound where the family lived. Čalāl came from Daraa governorate, which is known for extended families with a big number of children. Čalāl has seven children. During the war, Čalāl sent two of his children -

176 Rabie Nasser et al., *Syria, Justice to Transcend Conflict, Impact of Syrian Conflict Report*, ed. by Jonathan Latham and Kit Catterson (Syrian Center for Policy Research, 2020) <<https://www.scpr-syria.org/justice-to-transcend-conflict/>>, p. 81.

177 Ibid., p. 80.

who were in their teenage – to Jordan for fear of being killed or arrested. However, the intensity of the conflict in his area prompted him to leave with his whole family to Jordan. Nevertheless, the difficulty of life in Jordan financially, in addition to the strict legal measures taken against Syrians, prompted him to take the decision to seek asylum in Germany. Čalāl said:

“Frankly, had it not been for my children, I would not have thought of coming to Germany or leaving my country or even my village [...]. I would not have thought of leaving it even if I died there. What brought me out were my children, my family, and my responsibility for them [...]. It forced me to leave. It is not easy – for anyone – to leave the family or leave mother or father, it is not easy to leave the surroundings in which I was living in and then suddenly come here. It is not easy.”<sup>178</sup>

What prompted Čalāl to emigrate was his sense of responsibility towards his family. However, Čalāl refers to the suffering of refugees in exile countries. Most difficult are the lack of communication with family or relatives, the division of families between several countries, and the inability to see or visit them. These factors still worry many of them. The German asylum law prohibits those who have obtained the right to asylum from visiting their country of origin in general,<sup>179</sup> in addition to the fact that many of the refugees are afraid of being kidnapped, arrested, or killed if they return.

It is worth noting that the restrictions on the Syrian family were not only in Syria, as the restrictions extended to neighboring countries. Čalāl indicated how Jordanian security intelligence stopped his wife for long hours because she was living with her family in the “Aqaba” area, which Syrians are prohibited from entering. The family’s car entered that area by mistake, and they settled there for months before Jordanian security knew this. When the police found out about the matter, they arrested his wife and then summoned him to the security center for investigation. Čalāl stated that they only released him after he signed a pledge not to work in Jordan. We can imagine how difficult is the life of a large family without the support of its breadwinner! This leads us to the next point concerning the deterioration of financial resources for Syrian families.

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178 Nuremberg, 9 December 2019.

179 § 72 para. 1-1a of the Asylum Act (AsylG).

## 2.4 The Deteriorating Economic Situation and Religion Cleavage

The security threat to the Syrian families, or the fear for the life and future of the children, did not cause distress to all the Syrian governorates or all the Syrian families, but what greatly affected the majority of families was the economic destruction that occurred at the level of the entire country. People were affected in their livelihoods and started to lose their sources of income. Many of them either had their properties destroyed, lost their jobs, or had their businesses stopped and had no resources left for them. Even for those who were not exposed to the foregoing economic collapse of the Syrian state,<sup>180</sup> the big difference between the per capita income (after the collapse of the exchange rate of the Syrian pound) and the prices of daily goods, which were dozens of times higher than they were before,<sup>181</sup> was enough to cause great harm to the people. Data shows that for most of those interviewed (breadwinners of the family) the economic situation played a role, as a reason for their departure could be:

- Their work was stopped and, consequently, they had no material resources (four cases).
- The infrastructure of the commercial premises that they owned was destroyed (four cases).
- Their income was no longer sufficient to meet their basic needs and the needs of their families (three cases).

Traveling abroad was sometimes not a decision made in the interest of the nuclear family alone. Rather, it was a decision made in the interest of the extended family.

I got to know Nadā and her husband through a German language course. The couple was interviewed in their apartment. After she found her partner during her university stage, Nadā (26 years old) found out that it was very difficult to continue building a family in light of the economic conditions that emerged in Syria during the war. Therefore, she and her husband decided to travel, but what encouraged her to make this decision was her family:

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<sup>180</sup> The Syrian state's losses due to this war are estimated at approximately USD 530 billion. See Rabie Nasser et al., p. 58. For more details on the entire economic situation in Syria, see *ibid.*, pp. 34–67.

<sup>181</sup> *Ibid.*, pp. 63–65.

“What really encouraged us is that most of my mother’s family decided to leave. Their idea was that at least one person from the entire family should migrate. This individual shall be able to support his family that remains in Syria. If this person is under the age of 18, he will be able to apply for a reunion for his family. That idea was circulating among middle-income or poor families, especially those who own something that could be sold so that they can escape. But the mistake we made was that we did not know the risks of the trip [...] that there were people who die drowning during the trip. My aunt’s daughter, for example, travelled, but her daughter drowned and died in the sea; this is very difficult psychologically and physically for the family.”<sup>182</sup>

Nadā pointed out to a crucial issue, which is that the resilience of many families who stayed in Syria depends on those who fled, especially those in Europe, through the assistance sent from people abroad to help their families inside Syria.<sup>183</sup> It is worth noting that most of this money sent to help families at home was sent illegally from Germany to Syria. That was done through what is known as a “mediator”, who often charges a 5% commission on the amount.<sup>184</sup> I met a broker in Nurnberg to learn more about the mechanism for sending these funds. What the broker does concisely is to receive the amount that is to be sent and to obtain an invoice via a program on the mobile phone. The mediator sends the invoice via WhatsApp to the person who wants to send the money, and then the person to whom the money was sent receives the equivalent of this amount from one of the secret offices that are often unlicensed in Syria.<sup>185</sup>

During the fieldwork, I have observed several times talks in the families about the need of the people in Syria and how difficult their economic situation is. They talked about how the refugees in Germany had to save money in order to send it to their relatives to help them secure their essential needs. The Syrians resort to this - unlawful - method of transfer for several reasons, including the control of the German government over the transferred funds. Therefore, the sender, especially if he lives on social assis-

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182 Nuremberg, 8 December 2019.

183 We will see the impact of this in creating conflicts within families.

184 Due to the Covid-19 pandemic, the commission increased to 8% as money transfer became more difficult according to one mediator.

185 Nuremberg, 3 March 2020.

tance, will be afraid that his “salary”<sup>186</sup> (social benefits) could be stopped or that the person in charge at the “Job Center” could hold him accountable if he/she knew about that. The most important reason is that the amount sent will lose much of its value if the official banks of the Syrian government or other banks licensed by the government received it, given the difference in the exchange rate of the Euro or the Dollar between the price of the black market and the price set by the regime.<sup>187</sup>

I mentioned earlier that Amīna’s husband was arrested and paid a large amount of money as a bribe to get him out, and that not only he was arrested but also his sewing workshop, the source of his income, was destroyed. Amīna explained:

“The war came, and his (the husband’s) work stopped, he had semi sewing workshop in Harasta [...] it was completely destroyed, and he no longer had anything. He lost everything, even the house that he owned in the Mleiha [a town in southern Syria, administratively part of the Rif Dimashq Governorate] was destroyed. Then we found that everything we have had gone.”<sup>188</sup>

### Religion cleavage

During fieldwork in Nuremberg, I have been several times to an evangelical church that brings together Christians and uses the Arabic language as the one language understood by all ethnicities and nationalities, including Arabs, Kurds, Assyrians, Syriac, Chaldeans, and Iranians. I also met a family from Idlib governorate. My expertise from living in that province is that it is a generally conservative area, as a conservative Sunni majority inhabits it, with some small numbers of followers of other religions and minorities. I asked the family about their situation as Christians in that governorate after the war in Syria. The husband mentioned that he owned a store selling alcohol in the city and that the radical groups had burned it;

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186 Syrians use the word “salary” instead of social benefits due to many considerations, the most important of which may be avoiding the feeling of being dependent and living on state aid.

187 Ḥusām Ḡablawi, ‘Hulūl Ḡadida Yatabi’uhā Asūriyūn Li’iṣāli L-Ḥwālāt Ilā ‘usarihim’, *Syria TV*, 2020 <<https://www.syria.tv/qUi>> [accessed 22 June 2020]; Marion Mac-  
Gregor and Muhyī ad-Dīn Husayn, ‘Athwilāt al-māliā llmuḥāfirin’, *Infomigrants*,  
2019 <<https://bit.ly/4hQvhk0>> [accessed 22 June 2020].

188 Nuremberg, 24 February 2020.

consequently he lost his livelihood and had to immigrate to Lebanon and then to Germany.

Most of the Christians who live in these areas have been forced to flee because either the regime bombed their towns and villages or because the radical “Tahrir al-Sham” group placed many restrictions in their areas. The group’s actions include demolishing some churches or breaking crosses raised on them and preventing church bells. These actions compelled them to move out of Syria. Only a few Christian elderly people were left in those areas.<sup>189</sup>

This also sparked religious conflicts, which extended inside and outside Syria, between the two parties. While attending a sermon given by a Syrian Christian, who hails from Al-Hasakah governorate, he asked the congregation: “Do you know the city of Jericho? Is it a city of evil or good?” The husband whom I sat next to him replied laughing, “Yes, we know that it is an evil town from which most of the Brothers came out.” He was referring to the Muslim Brotherhood movement in Syria, some of the men of this city were affiliated with and which was destroyed by Hafez al-Assad in the 1980s. The preacher took this as a joke and said, “I meant Jericho Palestine, not Jericho Syria”, and he completed his sermon in which he wanted to demonstrate the amplitude of the mercy of the Lord and the generosity of his forgiveness. Despite the evils of the people of Jericho, the Lord did not torture or kill them, and despite the strength of its walls, it was conquered by faith. “By faith, the walls of Jericho fell, after the army had marched around them for seven days” (Hebrews 11:30).

After his sermon and after the prayer ended, I sat with the preacher and introduced myself as a Muslim. We had a lengthy discussion about the subject he was preaching and discussed the anger that some of the attendees felt - apparently Iraqis - when he mentioned the subject of Soleimani’s killing.<sup>190</sup> In the sermon he said that we should look at him with compassion because the heart must be filled with mercy and forgiveness for all people no matter how bad they are. Mentioning Soleimani in this context angered some young men who left the church. The preacher mentioned that the Bible commandments were applied in this aspect to solve peace in the whole world. I said to him: “The spirit of all religions calls for peace,

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189 'Aqıl Ḥusayn, ‘Taḥrīr Šām Tantahik Ḥuqwq Masiḥi Edlib: Miṭāl Ḥī Yaḥḍum n-İzām’, 2020 <<https://bit.ly/4hMLyXb>> [accessed 9 July 2020].

190 Qassim Soleimani was an Iranian major general in the Islamic Revolutionary Guard Corps (IRGC) and a commander of its Quds Force. He was assassinated in a targeted U.S. drone strike on 3 January 2020 in Baghdad.

and this is a duty that all religions must do.” He answered thus: “Can I say without you getting upset?” I told him, “Sure, feel free and say whatever you like.” He said, “It is different in Islam.” Then he pointed to some verses that incite killing. Our dialogue continued for about an hour with other participants. His words carried a negative view towards Islam and Muslims to a degree that he angered one of the Muslims who were sitting with us. Our meeting concluded that, if we want to build a network of good relations between people, we should embrace a humanitarian discourse emanating from the spirit of religions that goes beyond accusations or using history as evidence to judge any religious, sectarian, or ethnic group.

My intention in introducing myself as a Muslim and involving him in that long conversation was an attempt to understand these views within Syrian society in Germany. Such views are somewhat tainted by cautious relations if any, and many families are somewhat closed. Strong relationships are often built only with persons of similar religious and cultural backgrounds. Relationships between people before the war may be more intimate, but the war played its role in exposing the cracks of the network of relations in a rough manner and greatly weakened such relations among people.

Sāmir comes from a peaceful area where the majority of the Ismaili community lives. Sāmir and his wife were interviewed in their apartment. I got to know Sāmir through ’Agiad. When I did ask him what religion means to him, he replied, “It means ‘zero’.” Sāmir mentioned that one of his wife’s friends – a Christian who used to visit the church – in one of her visits described Islam and all Muslims as terrorists and used offensive language in talking about them, so he got angry and told her that he does not like to hear these words in his house. It is true that he is an Ismaili, but Islam remains a reference to which they belong, and Muslims are one of the major components of Syrian society; therefore, it is not acceptable to describe them in such a manner.<sup>191</sup>

On the other hand, I noticed that the Sunni families look cautiously and obsessively at the rest of the components of the Syrian people from other sects or religions. This is most true when it comes to the Sunnis’ view of Alawis, given the history of bad relations in the past<sup>192</sup> and because most of the Alawis were supporters of the regime recently. “Syrian Sunnites assume,

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191 Nuremberg, 19 January 2020.

192 For instance, the bloody conflict between the regime and the Muslim Brotherhood in the early 1980s; for more details, see Hanna Batatu, *Syria’s Peasantry, the De-*

and in schools are apparently taught, that they are the only real Muslims; the other sects are all heretical. They express particular disdain for Shi'a [the dominant sect in Iran; a very small minority in Syria] and Alawis, who many assume are merely a Shi'a sect".<sup>193</sup> Nonetheless, this view applies also to other religions and sects but to a lesser degree.

The truth is that turning the sectarian divide into conflicts accompanied by campaigns of violence and persecution, or harassment and humiliation, led some members of these sects not only to retreat from the group to which they belonged but also to resort to religious sacredness to support their opinion on the demonization of others and justify their violence towards them.

Going back to the deteriorating economic situation and its impact on people, I mentioned earlier 'Imād, whose income was no longer sufficient to meet the needs of his family, which was one of the factors that prompted him to leave the country. I have also referred to the case of Salmā, whose shop was burned, which led to her displacement to Lebanon and then to Germany. Several international reports indicate that people suffer severe - and unprecedented - levels of poverty and deprivation and that the poverty rate reached 86%.<sup>194</sup> According to the UN report in 2019, more than half of the Syrian population, or nearly 11.7 million, are in need of assistance.<sup>195</sup> The economic crisis and better living conditions are still among the most important reasons that motivate young people to migrate, according to the field study conducted in Damascus.<sup>196</sup> This leads to the next reason for migration related to the search for a better future after people lost hope that conditions for life will change for the better and no longer see any future for them in Syria.

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*scendants of Its Lesser Rural Notables, and Their Politics* (New Jersey: Princeton University Press, 1999), pp. 260–78.

<sup>193</sup> Borneman, *Syrian Episodes*, p. 19.

<sup>194</sup> Nasser et al., p. 93–94; Khalid Abu-Ismail, Osama Nojoum, Omar Imady, Aljaz Kuncic, and Justine Walker, *Syria at War. Five Years On* (Beirut: ESCWA (Economic and Social Commission for Western Asia), 2016), p. 28–29; Syrian Centre for Policy Research, *Food Security and Conflict in Syria* (Beirut: Syrian Centre for Policy Research, 2019) <<https://www.scpr-syria.org/launch-of-food-security-conflict-in-syria-report/>>, p. 50.

<sup>195</sup> United Nations Office for the Coordination of Humanitarian Affairs, *Humanitarian Needs Overview: Syrian Arab Republic* (United Nations Office for the Coordination of Humanitarian Affairs, 2019) <[https://www.humanitarianresponse.info/files/documents/files/2019\\_syr\\_hno\\_full\\_1.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2019_syr_hno_full_1.pdf)> [accessed 23 June 2020], pp. 5–9.

<sup>196</sup> Al-Mubārak, p. 13.

## 2.5 Looking for a Better Future

I mentioned earlier that the families' fear for their children and their future pushed them to decide to migrate with them in order to secure a better future for them. Some families that did not migrate sent their young - males often - in search of a future. Mahmūd - who comes from the governorate of Aleppo - saw that the future was dark and foggy for him after he finished studying pharmacy. This is because his family's financial situation deteriorated after his father's real estate company was burned, and they could no longer access the homes or farms they owned. This was added to the threat of kidnapping. Thus, Mahmūd said, "My future has become unknown," so his last option was to escape. Before fleeing, Mahmūd was supposed to marry after his graduation, as he was engaged to his cousin, but as he puts it: "As a young man in his twenties, it is not a good idea to think about marriage. Impossible! I am left in the unknown, I do not know what I should do."<sup>197</sup> Thus, the circumstances that surrounded him forced him to leave his fiancée. "Meanwhile, my relationship with her ended, I ended the relationship honestly, because of problems and the pressure which came from her mother, and I hated the whole business of engagement, and I hated this type of traditional marriage", as Mahmūd stated.

Mahmūd's words demonstrate the interference of the family in the issue of engagement and marriage, which is one of the factors that play two contradicting roles in Syrian societies, namely the stability or the lack of it for the family in which they interfere. It is a topic that I will explore further when discussing the causes of family conflicts.<sup>198</sup> Her mother's opinion was that he should complete the religious marriage contract and then do whatever he wanted. Mahmūd was opposed to this idea in light of the circumstances he is going through, as he indicated. His hatred for traditional marriage shows the emergence of a trend among the youth segment that tries to rebel against the customs and traditions related to marriage. These include parents choosing their son's or daughter's future spouse, reserving their consent in the choice of the person, determining the date and form of the marriage, or marrying off their son to a relative. Anthropologist Bornman highlights the prevalence of these customs - especially the marriage of relatives - in the province of Aleppo. In one of his discussions with university students, they pointed to such customs without

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<sup>197</sup> Nuremberg, 16 October 2019.

<sup>198</sup> See chapter 4, 4.2.2.4 and 4.3.2.2.

any objection on their part, which explains – in his view – why the province of Aleppo is more conservative than other cities such as Damascus. The students did not object to these customs either because they accept them socially or because they were unable to rebel against them.<sup>199</sup>

The dream of pursuing their education, especially for those who were studying at the university level or were about to go to university, was the biggest motivation for many young people to come to Germany. Usāma and his wife, Nadā, who met at university, could not complete their university studies due to insecurity and to high expenses. This was an incentive for them to search for another country where they could pursue their studies. Usāma stated:

“I finished studying at a community college and I was studying at a university at the same time. The uprising erupted after I graduated from the community college. I was not able to finish my university studies. This is the reason why I came to Germany. My brother was arrested. So many reasons. Therefore, I had to leave.”<sup>200</sup>

I met Ma’mūn in my apartment. He is one of Čalāl’s children whom he sent to Jordan out of fear about them before they came to Germany. Ma’mūn recounts his suffering in Jordan. In addition to being away from his family at a young age, he started working when he was 14 years old. He used to work 12 hours a day, as this was the norm in Jordan, and sometimes he worked for 16 or 17 hours. Despite all of this work and despite his father’s work after the family joined them later, the income was not enough to cover the family’s basic needs. The suffering caused by his exploitation to work long hours for little money has had a negative impact on Ma’mūn’s psychological well-being. Ma’mūn should have been in school, but life forced him to work in very difficult circumstances. Four years and a half were enough to break his hopes and to let him reach the stage of frustration and despair. Ma’mūn stated:

“You don’t see the future there (Jordan), so you start thinking you do not have any value in life. What value! [...] But I always dreamed that I would go back to studying. That is why coming to Europe was a dream for me [...]. I used to tell my father that we should go to Europe. For me, it was

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199 Borneman, *Syrian Episodes*, p. xiv.

200 Nuremberg, 8 December 2019.

a dream to come to Europe to study and work and do something and feel like a human being.”<sup>201</sup>

Although his father accepted the idea of migrating, he was put off by the openness of the European community, and his fear for his seven children made him retract the idea of emigrating to Germany for a period of time. However, in the end he was convinced that there was no future for his children if Jordan was taken. He took the decision to immigrate by himself and to reunite with his family later. Ma'mūn repeatedly indicated during his talk that, just as the German society has preconceived ideas about Syrians, Syrians themselves have preconceived ideas about Western societies in general. This is why his father was afraid to come and bring his family to Germany despite the difficult circumstances in which they were living.

It is notable that the decision to emigrate for families was made by the men in the family - the husband, the father - and Ma'mūn's talk about convincing his father indicates this. Most of the families I have interviewed have arrived in Germany by being reunited by the father/husband as he was the one who took the decision to migrate. Women who arrived in Germany were accompanied by either their husbands, brothers, or one of their male relatives. On the other hand, what I have mentioned does not preclude the presence of cases where the woman was the decision-maker and has arrived in Germany before the husband, as was the case of Suzān.

It was not just the aforementioned reasons that drove Syrians to come to Germany, but it can be considered that these were the most important and most influencing factors for the majority of Syrians in their drive to flee their country. There are other reasons that cannot be widely generalized and that motivated some people to come to Germany, such as with the escape of Fādiya (almost 40 years), who was living in Damascus Governorate with her brother and her three children. During the war, there were a lot of conflicts between her and her husband. They agreed to divorce. Before the divorce was completed, the husband threatened to take the children, and he used this to pressure her. So, she secretly took the children and migrated with her brother to Germany without his knowledge.<sup>202</sup> Another example is Tāriq (34 years). He used to live in the governorate of Damascus, and his work was good. He made the decision to travel under pressure from his wife's family, and he believes that travel for some was not necessary

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201 Nuremberg, 26 October 2019.

202 Nuremberg, 24 February 2020.

at the time but rather was similar to a “fashion” trend, according to him. But the irony is that his wife’s family did not know what awaited them in Germany. So when they saw that the conditions did not suit them, they returned to Syria with his wife and asked him to divorce her due to marital disputes. Tāriq remained stuck in Germany and could not return because he was on the regime’s list to serve in the army as a reserve, and he did not want that.<sup>203</sup> In fact, the “fashion” trend that Tāriq referred to is more like the effect of the social environment of families on each other and their interaction towards making such decisions under the pressure dictated by reality and the war. Fear might be a common factor in the interaction with the social environment.

Another reason is illustrated by the deportation of Ranā (20 years) and her family from Kuwait due to the humanitarian aid that her father was sending from Kuwait to the people of his region in Daraa since her family was classified under the “black list” of the Assad regime. Neighboring countries such as Lebanon or Jordan were not a desirable choice because of the father’s fear for his children’s future (he has seven children). Thus, her father made the decision to come to Germany.<sup>204</sup>

It is not a secret that in many cases a number of reasons could be accounted for a family’s decision to emigrate, as in the case of Usāma. However, these reasons vary in the degree to which they affect the decision to emigrate. For instance, among the reasons that also played a role in pushing people to emigrate and take refuge in other countries are food shortages in the sieged areas of Syria or the lack of public services such as education, health, water, electricity, and gas services. The institutions that provide these services were partially or totally damaged. Consequently, the services stopped and people’s lives became very difficult.<sup>205</sup>

The report of the World Food Program attempted to understand the reasons for the displacement of Syrians. Based on qualitative data collected from Syrian families, the report points out that the participants in the “Focus Group” “highlighted ongoing fear, life in collective shelters, limited access to basic services, and the struggle to find food. In many cases, the

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203 Nuremberg, 13 October 2019.

204 Nuremberg, 29 November 2019.

205 For more details, see Khalid Abu-Ismail et al., pp. 28–33; United Nations Office for the Coordination of Humanitarian Affairs, p. 30; Nasser et al., pp. 80–97.

immediate trigger point to leave was related to injury or death,”<sup>206</sup> which was also an outcome of insecurity.<sup>207</sup>

### 2.6 *The Contexts of the Causes of Displacement and the Emergence of Conflicts within Syrian Communities*

The political, economic, and public service conditions in Syria were not at their best before the war, as they were straining under a totalitarian oppressive regime that controlled all forms of life in Syria. However, despite these conditions the Syrian people were not obliged to migrate except for well-qualified people who migrated in search of a place where they could realize their aspirations for a better future.

The revolutions that sparked in other Arab countries spread to Syria. The uprising, embraced by the majority of Syrian people, began to spell gradually from one city to another. The regime’s fierce response to facing demonstrators with live ammunition was brutal. The outcome was a movement of defection inside the army that later formed the nucleus (backbone) of the Syrian Free Army. Some part of the population carried weapons in order to avenge atrocities committed against them or for self-defense.<sup>208</sup>

The emergence of radical ideologized groups at a later stage has complicated the situation further. Things took a dramatic turn as the regime used the army, security, and police forces as well as local militia (Šabiha<sup>209</sup>) to fight all those who challenged the regime, declaring a scorched-earth policy on revolting Syrian cities.<sup>210</sup> Later, the conflict took the shape of a regional and international proxy war, which, as described by the United Nations

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206 World Food Programme, *At the Root of Exodus. Food Security, Conflict and International Migration* (World Food Programme, 2017), p. 36.

207 The World Food Programme conducted a mobile survey on the reasons for leaving Syria. The results were as follows: 46% due to safety and security, 12% injury or death of a family member, 10% the demolishing of their residence, 23% lack of work and income, 7% food shortages, 1% other reasons. *Ibid.*

208 For more details see, Bišāra, pp. 187–200.

209 This term is commonly used in Syria to refer to outlaw gangs and individuals, supported by the government since the start of the revolution, who deploy violence and threat the opposition.

210 For more details about their role in the war, see Yāsīn al-Ḥāgg̃ Ṣalīh, *At-tawra al-mustahīla* (Arab Institute for Research & Publishing, 2017), pp. 63–84.

(UN),<sup>211</sup> led to one of the largest humanitarian crises in contemporary history with Syrian civilians becoming the greatest losers in this conflict.

I argue that the regime's primary structure is based on a totalitarian form of governance that controls all state institutions built on a sectarian basis.<sup>212</sup> However, the problem of sectarianism has its own historical contexts, which I will delineate briefly for the sake of a better understanding of events that stand behind the escalation of the conflict in its early years and its continuation until the moment. Deconstructing the Syrian regime and understanding its working mechanisms will aid in disentangling the causes of the dramatic exacerbation of the crisis in Syria and thus in understanding the societal rifts that followed the Syrian uprising in 2011.

The Syrian communities, which were part of the Ottoman Empire, were largely divided and closed. Perhaps it is vital to refer to the description of Albert al-Hourani of the state of these groups under the Ottoman Empire:

“This description will have made it clear that the Ottoman Empire was not a military state; it was composed of a large number of groups, local, tribal, linguistic, and religious. On the whole, these groups formed closed communities. Each was a ‘world’, sufficient to its members and exacting their ultimate loyalty. The worlds touched but did not mingle with each other; each looked at the rest with suspicion and even hatred.”<sup>213</sup>

In fact, this accurate description of these groups by al-Hourani did not change much later in the relations of these groups in Syrian communities. What changed is that the worlds of these groups began to come into contact and mix with each other, but the mixing remained marred by caution and doubt, perhaps hatred at times. Torstein Worren wrote – in his distinctive ethnographic master’s thesis “The Alawis in Syria” – that people often “will employ vagueness rather than admit to having negative views of other sects.”<sup>214</sup>

Sectarian strife began to take shape more and more with the exploitation of sectarian, religious, and ethnic minorities in Syria by the French mandate in the years 1920–1946, based on the principle of “divide to reign”.

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211 UN News, ‘Syria, Ahbār Al’umam Almutahida’ <<https://news.un.org/ar/focus/syria>> [accessed 13 July 2020].

212 This argument was adopted by a number of Syrian researchers and authors, such as Burhān Gālyūn, Ṣādiq Jalāl Al-’Azm, Miṣl Kilū, and Yāsīn al-Ḥāgḡ Ṣāliḥ.

213 Albert Habib Hourani, *Minorities in the Arab World* (London: Oxford University Press, 1946), p. 22.

214 Worren, p. 72.

Following the division of Arab countries into small states between France and Britain through the Sykes-Picot Agreement (1916), Syria fell under the French mandate. Four confessional states were formed: the State of Damascus with a Sunni majority, the State of Aleppo with a Sunni majority as well, the State of the Alawis in Latakia and Tartus, and the State of Jabal Druze in Sweida.<sup>215</sup>

In a very serious development, France started recruiting minorities - especially Alawis - to form the nucleus of an army called the "East Special Forces" in order to suppress any movement against the French mandate in the region. This is one of the factors that brought Syria to the current situation today. These forces formed the nucleus of a sectarian army following Syria's independence that later staged many military coups that paved the way for the Assad regime.<sup>216</sup> After his 1970 coup,<sup>217</sup> Assad - an Alawi - embarked on demobilizing army officers from other sects and appointing Alawi officers in their place. He then established security departments

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215 Kamāl Dīb, *Tārīḥ Syria Lmāšir* (Beirut: Dār nhār lilnašr, 2011), pp. 37–42.

216 Dīb, p. 54–55; Alghoul, p. 197.

217 Numerous studies were published in an attempt to dismantle and understand the nature of the Syrian regime and its basic structure as well as the Alawi sect that forms its backbone. In addition to the study of Worren and Van Dam referred to earlier in this chapter, there is the study of sociologist Michel Seurat in his book "Syria the Barbaric State" and a recent doctoral thesis in political science by Leon Goldsmith entitled "The Cycle of Fear. Syrian Alawis in War and Peace". Both studies rely on Ibn Khaldun's theory of 'asābiya which purports "that leadership is only achieved by superiority and superiority is only achieved through 'asābiya". 'Abd ar-Raḥmān Ibn Ḥaldūn, 'Muqadimah Ibn Ḥaldūn' (Damascus: Dār ya'rub, 2004), Part 1, p. 261. 'Asābiya can be based on ancestry or what comes in its place such as loyalty or alliance; *ibid.*, p. 256. For instance, Seurat sees that "power in Syria is only Alawi without any partner"; Seurat, *Syria Ad-Dawla Al-Mutawāhiša*, p. 84. Through ties of blood or similarity of fate and the exploitation of a religious or political cause, the Alawis came to power. It is through this trilogy that Ibn Khaldun's theory manifests itself in Seurat's work; *ibid.*, p. 83. Ibn Khaldun's theory of 'asābiya led Smith in his study to conclude that Ibn Khaldun's hypothesis relates to "contemporary Syria where Hafez al-Assad ceased political power and established the rule of his family by relying on the strength of the collective feeling of his Alawi sect"; Goldsmith, pp. 63–64. Therefore, the secret behind the Syrian regime's resilience until now lies in the strength of sectarian 'asābiya – whereby the minority controls the majority – as opposed to tribal or partisan 'asābiya, which collapsed in other countries; *ibid.*, pp. 65–66. The regime used the complex of fear prevalent among his Alawi sect and linked its fate to their fate. This has led in turn to the continuation of the conflict, which had very negative consequences for all components of the Syrian people.

in order to control later all centers of power in the Syrian state.<sup>218</sup> Consequently, he created a “political climate charged with confessionalism and a grievous rift in Syrian opinion along sectarian lines.”<sup>219</sup> Subsequently, the sectarian divide was exploited from internal and external sides, and the conflict was transformed from a revolution between a people and an oppressive dictatorial regime to a Sunni-Alawis or Sunni majority struggle against other minorities. Also, with the intervention of other powers, the situation turned into a proxy war.<sup>220</sup>

However, it is paramount to question the essence of this sectarianism. Does it have a religious dimension? Sociologist Halim Barakat answers this question in his study of contemporary Arab societies:

“Sectarian strife is essentially a struggle between groups occupying different positions in terms of wealth, influence and status in social structures arranged hierarchically according to class divisions. In this sense, sectarian prejudice is not an expression of religious faith but rather a tool<sup>221</sup> to preserve the group’s privileges or to obtain their rights or as a reaction to counter-intolerance.”<sup>222</sup>

The reason for that, as Barakat points out in another book, is due to the specificity of social relations in Arab societies, in which group loyalty predominates at the expense of society or the individual. This is the case because social relations in these societies are still for the most part primary relations<sup>223</sup> belonging to the group – be it religious, ethnic, or national identities – and not to civil society. Yāsīn al-Ḥāgḡ Ṣāliḥ believes that “sects

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218 For more details, see Hiroyuki Aoyama, ‘Syria: Strong State Versus Social Cleavages’, in *Syria. From National Independence to Proxy War*, ed. by Linda Matar and Ali Kadri (Cham: Springer, 2019), pp. 71–90; Nikolaos Van Dam, *The Struggle for Power in Syria* (London, New York: Tauris, 2011), pp. 34–47, 68–69.

219 Batatu, p. 227.

220 Elitok Seçil Paçacı and Christiane Fröhlich, ‘Displacement, Refugees, and Forced Migration in the MENA Region. The Case of Syria’, in *Routledge International Handbook of Migration Studies*, ed. by Steven J. Gold and Stephanie J. Nawyn (London: Routledge, 2019), pp. 111–13.

221 This does not mean that some groups in the Syrian conflict have adopted the religious dimension as an objective and aim for the fighting and not as a tool, such as ISIS, the Al-Nusra group, Hezbollah, and the Shiite militias.

222 Ḥalīm Barakāt, *Al-muğtama’ al-‘arabī al-mu’āṣir (المجتمع العربي المعاصر) (The Arab World. Society, Culture, and State)* (Beirut: Center for Arab Unity Studies, 1998), p. 38.

223 Ḥalīm Barakāt, *Al-muğtama’ al-‘arabī fi al-qarni al-‘iṣrīn* (Beirut: Center for Arab Unity Studies, 2000), p. 38.

themselves are artificial social constructions made under certain political conditions” and that “sectarianism is one of the policy plans and tools of governance in the present, and is not a continuation of something old that has failed to die.”<sup>224</sup>

It is very important to mention that these primary relations are reflected among the same family members. Barakat concludes that “the distribution of labor in the family is part of the broader system of distributing labor in society – that is, the relations of exploitation and control are the same in the society and its institutions and organizations. It is characterized by relationships among classes, between man and woman, governor and the governed, and the strong and weak state. These relations are not isolated entities, but rather they are intertwined that reinforce each other, and form a hierarchical, inhumane system that stirs in human beings ugliness rather than beauty, oppression, injustice, ferocity, and lack of love.”<sup>225</sup> Therefore, this hierarchical, authoritarian, and patriarchal system represented in the structures of families and societies will be focused on in this study.

### Conclusion

The Syrians did not witness a large wave of forced displacement movement in their history as the one witnessed in the aftermath of this war. The sectarian nature of the regime played a crucial role in the continuation of the war, on the one hand, and in creating a major rift among Syrian communities, on the other. This has created many factors that led people to flee inside and outside Syria. The reasons for this displacement are numerous, the most important of which are: 1) insecurity: being exposed to the risks of bombing, killing, kidnapping, or compulsory army service; 2) fear of being arrested; 3) the protection of children and seeking a better future for them; 4) the deterioration of the economic situation in Syria; 5) the search for a better future.

This chapter demonstrated that the risk does not only lie in the forced displacement of Syrians but also in the social situation preceding or subse-

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<sup>224</sup> Yasin al-Haggag Shalihi, ‘Aṣ-ṣultān al-ḥadīṭ: al-manābi’ as-siyāsiya wa-līgītimāṭya llīṭā’ifiya fi Sūriya. I’, *Aljumhuriya* <<https://www.aljumhuriya.net/ar/33057>> [accessed 10 November 2020]. For more, see Alghoul, p. 197.

<sup>225</sup> Halim Barakat, ‘An-niżām al-iġtimāṭi wa-‘alāqatuh bimuškilat al-mar’ah al-‘arabiah’ <<https://www.ahewar.org/debat/show.art.asp?aid=23415&r=0>> [accessed 31 August 2020].

quent to the trip of displacement. This showed a major rift in the network of social relations among Syrian families. The collected data revealed identity conflicts along national lines such as Syrian-Palestinian, along sectarian lines such as Sunni-Alawis or Sunni-Christian, and along societal and political lines as regime supporter vs. opponent. All of these conflicts pushed people to return to the primary ties, i.e. their religious, sectarian, ethnic, or tribal groups. This had negative repercussions manifested largely in the rift in relations among Syrian communities.

The destruction of houses of some of these families or scenes of killing, kidnapping, and others created extreme instability and trauma for many. Being arrested and tortured traumatized others long after they were released. Furthermore, the financial insecurity that the war created led to a kind of anxiety toward the future. All this was compounded by the frequent news of deaths back in Syria and a sense of helplessness being away from it all. All these factors play a big role in the relationships within families. Therefore, in chapter 3 and 4 we seek to analyze these effects on the family in terms of the shifts in the modes of relationships with the new environment and within the members of the family themselves.

## Chapter 3: The New Birth: Changes and Challenges in the New German Environment for the Syrian Family

### *Introduction*

“We have come to another world; there is a huge difference between our life in Syria and life in Germany or Europe. This will cause you a shock as if you were reborn in a new world [...] indeed you are reborn in a new world.”<sup>226</sup> With these words, Muṣṭafā describes his feelings about the new environment - Germany - in which he sought refuge. This dichotomy between “here” and “there”, the shock, and the new birth are scenes that most Syrians may have lived through. Since Syrian communities are not homogeneous, the forms and directions of these visions were various, each person or family seeing it from their own perspective.

Everyone was carrying his “luggage of dreams” together with his/her perceptions before arriving into Europe, as Sāmir mentioned,<sup>227</sup> but the reality came as a shock. In Germany, the journey was a road of torment that is full of challenges. “When we arrived, we thought that the journey of suffering was over. We did not know that by entering Germany the journey had just begun [...] the real journey had just started,”<sup>228</sup> adds Nadā, who I met along with her husband in their house. Syrians, as individuals in general and as families in particular, faced new aspects of life in this new environment. These include religious, moral, cultural, and legal norms, besides different standards in education and work as they began to compare two different societies and worlds.

The previous chapter reviewed the main reasons that prompted the Syrian families to migrate and the conditions of the families before this displacement in light of the war. This chapter will continue observing the conditions that accompanied the asylum process in the German context from several angles. These episodes are related to the conditions of Syrian families in the countries of asylum - whether they are related to them before, during, or after the war, they cannot be separated from each other in

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<sup>226</sup> Nuremberg, 26 October 2019.

<sup>227</sup> Nuremberg, 19 January 2020.

<sup>228</sup> Nuremberg, 12 December 2019.

order to understand any phenomenon related to these families. Therefore, this chapter will demonstrate how these changes and challenges that have occurred in the Syrian family will play a direct or indirect role in fueling family conflicts. It will also unveil the dynamics and mechanisms adopted by families to adapt to, or reject, the new environment. These dynamics and mechanisms, in turn, sometimes constituted a clash or internal challenge between the individual and his/her convictions, principles, and norms, on the one hand, or between the person and members of his/her family or his/her external social environment, on the other hand.

### *3.1 Theoretical Reflections on Adaptation to a New Life in Germany*

The process of adaptation is one of the stages of the classical theory of assimilation whose concepts still dominate studies of immigrants, according to Alejandro Portes and Rubén G. Rumbaut.<sup>229</sup> The concept of assimilation views the situation of immigrants as “involving a clash of conflicting cultural values and norms”<sup>230</sup> between the indigenous majority, who are the “core”, and immigrants referred to as “periphery”. Thus, the process of “assimilation occurs by the diffusion of values and norms from core to periphery.”<sup>231</sup> That is, by assimilation of new cultural forms immigrants become closer to the majority. This process is sometimes called acculturation. After this process of acculturation comes a stage of structural assimilation, which includes the participation of immigrants in the basic majority community. After that comes the stage of integration and then the stage of forming a common national identity on the basis of the basic majority.<sup>232</sup>

Despite its strong presence in academic studies and state policies, the concept of assimilation has been viewed negatively<sup>233</sup> since the 1960s on the grounds that the assimilation process is an ethnic imposition of the

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229 Alejandro Portes and Rubén G. Rumbaut, *Legacies. The Story of the Immigrant Second Generation* (Berkeley: University of California Press, 2001), p. 45.

230 Rubén G. Rumbaut, *Immigrant America. A Portrait* (Berkeley: University of California Press, 2014), p. 71.

231 Ibid.

232 Ibid.

233 The concept of assimilation has wielded the support of politicians with extreme liberal political views who were concerned with the concept of racial justice, as it destroys legal and institutional barriers between races and promotes for an environment of equality free from racial discrimination. Alba and Nee, *Remaking the American Mainstream*, p. 3.

majority on the minority, which may struggle to maintain its cultural or ethnic identity.<sup>234</sup> Hence, the theory faced many criticisms, with the result that Alba and Nee reformulated the concept of assimilation by rejecting the old concept “as a normative state-imposed program aimed at eradicating minority cultures”<sup>235</sup> and by redefining assimilation as “a social process that occurs spontaneously and often unintentionally in the context of interaction between the majority and minority groups.”<sup>236</sup> Esser defines assimilation as “the ‘alignment’ of the actors or groups in certain characteristics to a ‘standard’.” He argues that understanding “alignment or approximation” as forced and imposed, which may involve abandoning the cultural, religious, and ethnic identities of minorities, is a naive understanding<sup>237</sup> and an “unrealistic idea.”<sup>238</sup> It did not stop there, but attempts were made to develop this theory through this criticism. Portes and Zhou note that the assimilation process does not proceed in a straight line and therefore does not lead to its expected results. “Instead of a relatively regular mainstream whose mores and prejudices dictate a common path to assimilation, we observe today several distinct forms of adaptation.”<sup>239</sup> They, therefore, proposed the concept of “segmented assimilation” to describe “the diverse possible outcomes of this process of adaptation”. They also introduced the concept of “modes of incorporation” to develop “a typology of vulnerability and resources affecting such outcomes.”<sup>240</sup>

The theory of segmented assimilation purports that “it stands to reason that the adaptation of second-generation youth is conditioned by what happens to their parents.”<sup>241</sup> Thus, the history of the first generation is a critical factor in the theory of segmented assimilation.<sup>242</sup> With this in mind, and given the observed intersections between some aspects of this theory and the data collected from Syrian families, some parts of this theory will be used to develop a deeper understanding of the dynamics of

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234 Ibid., p. 1; Friedrich Heckmann, *Integration von Migranten. Einwanderung und neue Nationenbildung* (Wiesbaden: Springer-Verlag, 2015), p. 75.

235 Alba and Nee, ‘Rethinking Assimilation Theory for a New Era of Immigration’, p. 827.

236 Ibid.

237 Esser, ‘Welche Alternativen zur ‚Assimilation‘ gibt es eigentlich?’, p. 45.

238 Esser, *Integration und ethnische Schichtung*, p. 24.

239 Portes and Zhou, p. 82.

240 Ibid., p. 74.

241 Portes and Rumbaut, p. 46.

242 Ibid., p. 45.

these families' adaptations in the new society, moving away from the use of "assimilation" as a concept from any negative policymaking or its old classic understanding, in other words, to denote the concept of integration adopted by Germany as policies and laws.<sup>243</sup> "Some, probably for reasons of the political sensitivity of certain words and political correctness towards migrants, have replaced the terms cultural, structural, social, and emotional (or identificational)<sup>244</sup> assimilation with the term cultural, structural, social, and emotional (or identificational) integration, or have always used it that way. But this is just another word for the same facts. It is misleading in this respect because it does not explicitly express the special aspect of social integration. And it is also misleading because it distracts from the fact that social integration into the host society cannot be happen without some form of 'alignment or approximation'. For these reasons, we deliberately use the term 'assimilation' here, which word also denotes what is always meant"<sup>245</sup>, as Esser wrote. "The story of how a foreign minority comes to terms with its new social surroundings and is eventually absorbed into the mainstream of the host society is the cloth from which numerous sociological and economic theories have been fashioned."<sup>246</sup> In a similar manner, it is the cloth that will form the features of this chapter.

The theory of modes of incorporation and segmented assimilation posits that the outcomes of first-generation integration depend largely on three things: 1) the individual characteristics of immigrants, 2) the social environ-

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243 Esser argues that the concept of assimilation is closely related to the concept of integration and is somewhat equated with it, but to distinguish between the two concepts it can be said that the "integration" of immigrants and ethnic minorities does not mean their 'assimilation' without a trace." Esser, *Integration und ethnische Schichtung*, pp. 18–19.

244 "Cultural assimilation means assimilation in knowledge and skills, especially in language; structural assimilation means the occupation of positions in the various functional systems, for example in education and especially in the labor market, as well as the enjoyment of certain rights; social assimilation means assimilation in social acceptance and in relationship patterns, for example in marriage behavior; and emotional (or 'identification') assimilation means assimilation in emotional identification with the host society. The latter would then also mean: If the natives show little emotion toward their 'society' and if their support is limited to neutral acceptance, then the emotional assimilation of the migrants would also consist (only) in developing this feeling in the group mean." Esser, *Integration und ethnische Schichtung*, p. 22.

245 Ibid., p. 22.

246 Esser, 'Welche Alternativen zur ,Assimilation' gibt es eigentlich?', p. 44.

ment or conditions in the host country, and 3) their family structures.<sup>247</sup> With this in mind, this chapter will attempt to review two aspects:

- The first relates to the dynamics used by Syrian families through the lens of individual characteristics of family members to integrate and adapt into the new society.
- The second aspect relates to the challenges and difficulties faced by Syrian families in the context of their new receiving environment, here Germany. The aspects related to family structures will be delineated in separate places in this chapter and the following chapter.

By addressing these aspects, a link will be made between the family's position in the process of adaptation or integration as a practice and the dynamics that the family resorted to, on the one hand, and the effects that this had on the family, on the other. This is especially with regards to familial conflicts that are the focus and subject of the research.

### 3.2 Changes in Syrian Families – Choices and Factors

This section of the chapter will address two main issues. The first relates to the choices made by Syrian families in the new environment, while the second deals with the factors that played a role in adopting this or that option.

The Syrians, both within families and as individuals, found themselves in front of a new environment and a new society that they forcedly (by the war) had to seek refuge in. This was a society that does not resemble the communities in which they lived or are accustomed to; in other words, it was the transition from a relatively closed society to a relatively open society.<sup>248</sup> The prominent philosopher Karl Popper defines closed and open

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<sup>247</sup> Ibid., p. 46. See also, Esser, *Integration und ethnische Schichtung*, pp. 24–26; Maik Grote, *Integration von Zuwanderern. Die Assimilationstheorie von Hartmut Esser und die Multikulturalismustheorie von Seyla Benhabib im Vergleich*, Migremus Arbeitspapiere 2 (Bremen: Universität Bremen, 2011), pp. 22–23.

<sup>248</sup> I described closeness and openness as “relative” because we will later see the diversity in terms of closeness and openness within Syrian societies, especially with regard to the relationship between the sexes, dressing up, and observance of religious and social values and standards. On the other hand, we will see that the openness of German society is also diverse. German society is closed with regards to some forms of religious expressions and closed with regards to foreigners. It might formally treat men and women equally, but it does not treat “Germans” and foreign-born

society as follows: “A magical, tribal, or collective society is also called a closed society, and a society in which individuals face personal decisions, an open society.”<sup>249</sup> Thus, a closed society is dominated by a rigid attitude towards social customs and traditions. The institutions of society do not leave room for personal responsibility. In these types of societies, “family and tribal loyalty takes precedence at the expense of both the community and the individual.”<sup>250</sup> In contrast, an open or modern society is dominated by abstract relationships such as exchange and cooperation. Intimate personal relationships or contacts are reduced, so its members live in somewhat secrecy and isolation.<sup>251</sup>

Faced with these differences between the two societies and based on my observation, Syrians in general and families in particular found themselves in front of three options:

- Rejecting this new reality and clashing with it, thus building their own reality in Germany, or deciding to return to Syria.
- Accept it and fully adapt to it.
- A special compromise process by which the two societies are harmonized, by maintaining or rebelling against what they have become familiar with their societies and accepting or, conversely, rejecting what they experience in the new society. This is the choice the majority of Syrians opted for.

As was mentioned previously in this chapter, the theory of modes of incorporation and segmented assimilation models links the integration of the first generation with the integration of the second generation. Thus, the theory pays attention to the relationship between the acculturation of these two generations. In light of this, a three-dimensional classification was developed that intersects with the classification of Syrian families adopted by this research:

- 1) Dissonant acculturation: It occurs when children learn the language and methods of the future society in spite of parents' refusal to do so.

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persons/immigrants equally. The second section of this chapter will review some examples of this closure.

249 Karl R. Popper, *The Open Society and Its Enemies* (New Jersey: Princeton University Press, 2020), p. 165.

250 Barakāt, *Al-Ígtirāb Fi At-Taqāfa Al-‘arabīya*, p. 115.

251 For more, see Popper, pp. 161–67.

- 2) Consonant acculturation: It occurs when parents and children assimilate at the same pace into the mainstream of the host society, gradually abandoning the language and culture of the country of origin.
- 3) Selective acculturation: It occurs when the acculturation process of both generations takes place in the new society, with partial preservation of the language and norms of the motherland.<sup>252</sup>

In a type close to these three divisions, Esser argues that immigrants and ethnic minorities are faced with four types of social integration: "First, multiple integration as the social integration of an actor into both types of societies or milieus; second, ethnic segmentation as social integration into a domestic-ethnic milieu and simultaneous exclusion from the spheres and milieus of the host society; and third, assimilation as social integration into the host society while abandoning social integration into the ethnic references. Finally, the fourth type is marginality, as the socially integrative exclusion from all spheres."<sup>253</sup>

The important question that arises in this context is: What are the factors that played a role in pushing families to adopt one of these options?

It is the contention of this research that the levels of dealing with the new society – clash, integration, or alignment – and the effects of this on the family were the results of many internal and external factors. In this section, factors relevant to the same study group will be listed successively, with examples of the previous three options adopted by families. The factors that challenge the family – the new environment contexts – are listed in the second section of this chapter.

Individual characteristics that are critical to the theory of segmented assimilation include age, education, professional skills, wealth, and host country language skills.<sup>254</sup> In this context, it is important to emphasize the interaction of these factors with the contexts of the receiving country, as these same individual characteristics become aiding factors in the acculturation process, or *vice versa*, depending on the policies, regulations, and ways of dealing with the host country. In light of data collected from the field, some of these factors that showed their impact on the dynamics adopted by the Syrian families will be addressed as individual-internal characteristics. Other factors will be dealt with as host society contexts when these contexts play a major role in influencing dynamics adopted by

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252 Portes and Rumbaut, pp. 53–54.

253 Esser, *Integration und ethnische Schichtung*, p. 20.

254 Ibid., p. 46.

Syrian families, or to put it differently: when these contexts represented an external challenge to the family. In addition, new factors that played a major role in the process of acculturation and in the interactions of families with the new society will be addressed. These factors are the result of the specificity of the contexts of the original country from which the families came.

### 3.2.1 Social environment (conservative and extroverted families)

The social environment from which the families came played a major role in the process of adaptation, or *vice versa*, that is, the lack of adaptation of Syrian families in Germany – in other words, accepting or rejecting change. The process of adaptation, or the lack of it, is related to the awareness of the parents, which in turn is related to the environment to which they belong.<sup>255</sup> Is the environment conservative or open? The concept of “conservative families” among the cultures of Syrian societies is different from the Western understanding of it, and it is a problematic concept in three respects:

First it is problematical from the point of view of the source of this conservatism, because many religious, customary, and cultural norms govern Syrian societies. Social institutions, including the family, work to preserve and reproduce these norms.

Second it is problematical in terms of looking at it positively or negatively, as the social environment that surrounds these families condones and looks positively at families that adhere to the teachings of their religion and preserves the societal customs and traditions in the environment in which they live. On the other hand, families who rebel against these norms – in these conservative segments – are viewed in a negative gaze.

The third problem relates to the intensity and weakness of this conservatism or to its presence or absence in the first place: Maintaining these norms varies from one environment to another, depending on many factors, such as the presence of religion in the family’s life, the level of adoption or the rejection of customs and traditions, and the subsequent factors that will be listed below, including age and gender. Considering this will help in exploring this difference in the environments within Syrian societies.

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<sup>255</sup> Alghoul, p. 104.

In contrast to these conservative families, there are families who came from open environments in Syria. Some of these open families, in the Syrian context, may maintain the minimum cultural, religious, and customary norms to preserve the family's position or reputation within the communities that surround them or to which they belong to. Meanwhile, some of them may abandon all these norms and make use of other pillars, such as money or power, to maintain this social status.

Data demonstrated that “conservative” families are more cautious in dealing with the openness of the German society and less flexible in adopting its culture or norms and values than the rest of the other segments of Syrian societies. They are also more isolated from the German majority than others.<sup>256</sup> It also showed that open families were more in contact with Germans and involved in the new norms of society.

In 2016, in one of the refugee housing complexes on the outskirts of Nuremberg where the majority of the residents were Syrians (only males), two married male residents – whose families are still in Syria and with whom I was in contact – were openly expressing their concerns about bringing their families into the German society which they claimed to be “too open”. Especially with regard to sexual relations, dressing up, or raising children, one said, “I would not bring my family to live in such a society.” Thus, they made the decision to return to Syria, and they actually did.

This example expresses the shock and internal conflict that some spouses felt after their arrival in Germany. What facilitated the decision to return for them was that their families were in Syria and did not accompany them on their trip to Germany. The social environment from which this couple came – one from the city of Hama and the other from al-Hasakah – is somewhat conservative, religiously and socially, and therefore their vision of the nature of family life in the German society was a shock to them, and this shock prompted them to decide to return and not bring their families to Germany.

Through my relations with Syrian families before and during the field-work, I noticed that many of the “conservative” families that I met did not have contact with German families, and their network of relations was limited to other families of their relatives or to some families that resembled

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256 This isolation is the result of some factors that will be referred to in the second section of this chapter. What is referred to here is related to the family dynamics.

them in their characteristics; thus, they isolated themselves somewhat - or they were isolated because the majority of society rejected them, an issue which will be discussed below - within this circle they built for themselves.<sup>257</sup> Pastor Burhān, whom I met in the Evangelical Church, addressed during my interview with him in the church the issue of the difference between these social environments and the type of conflicts that Syrian families may face in the German context. He said:

“If we talk about the Middle East or about families or people who come from the Middle East in general and if we talk about Syrians in particular, regardless of their racial or ethnic background, we are coming from societies that are closed, regardless of some places where there is more openness or other places where they are more closed, but in general the issue of freedom of thought, freedom of opinion, freedom of religion, criticism of religion, criticism of authority and the state, full equality between men and women, all this does not exist in the way that it is found in Europe.”<sup>258</sup>

This process of transition between two societies - one closed and one open - will undoubtedly create some kind of clashes or changes inside and outside the family with the new environment. This social environment leads to the next point, as it will play a role in the strength or weakness of the social control that exists within Syrian communities.

### 3.2.2 Social control

The social environment in which the Syrian family has lived, imposes certain cultural, religious, and customary norms that the family adheres to and tries to preserve through the family's upbringing of its children. The concept of social control refers to “the control of norm violations, including informal norms in relatively small social settings, as well as more and more highly formalized norms in large-scale societies.”<sup>259</sup> The term also refers “to any process by which people define and respond to deviant

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257 Data will be further analysed and expanded in chapter 3.3.4.

258 Nuremberg, 20 January 2020.

259 Mathieu Deflem and Charles F. Wellford, *The Handbook of Social Control* (John Wiley & Sons, 2019), p. 1.

behavior.”<sup>260</sup> Social control is often called “customary law” or “unwritten law”.<sup>261</sup> The presence of customary laws within Syrian societies is strong, and in some places it is even more present than the official law of the state itself. Especially when we talk about some areas inhabited by prominent tribes. Pastor Burhān referred to this and said:

“One of the things that any Syrian, or let’s say any Middle Eastern, is exposed to is that before (his/her immigration) he was surrounded by barriers. In one way or another, they either controlled his thinking or prevented him from thinking outside the box. There is the influence of the clan, the influence of the family, the influence of religion or the religious center or the place where he is present in [...]”

Families leaving these environments and arriving into new ones were left with two options:

1) The relative liberation from this societal censorship which resulted in changes in their behavior. In this context, we can refer to many examples that were observed before and during the fieldwork, for example: accepting the handshake between the opposite sexes, men and women, some women removing the veil “ḥiğāb”, some family members going to bars or discos, drinking beer and other alcoholic drinks, filing for divorce, especially women, staying out late at night, marriage to a non-Muslim or divorced woman, accepting the idea of a boyfriend or girlfriend. All of these things were either noted or pointed out, explicitly, by some of the interviewees. These are behaviors that were not acceptable in the context of the Syrian society for the majority of its segments. In this context the question arises: Was the adoption of this change in behavior made by choice or under the pressure of the new reality? Wā’il comments about his fiancée’s struggle with the veil/head cover by saying:

“She wore the veil under the pressure from the society in Syria. It was imposed on her, now, she removed it (the ḥiğāb) under the pressure of society here in Germany. She faced problems in Syria because she was without a ḥiğāb, so she put it on. Here (in Germany) she faced pressures because she was veiled, so she decided to take it off completely.”<sup>262</sup>

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260 Donald Black, ‘Social Control as a Dependent Variable’, in *Toward a General Theory of Social Control*, ed. by Donald Black (Orlando: Academic Press, 1984), p. 1.

261 Ibid., p. 2.

262 Nuremberg, 7 January 2020.

Mahmūd, who is from a religiously observant Muslim family, mentions his mother's position on his marriage to a German girl, a committed Christian, as he refers: "For my mother, it was a brow rising for her to attend my Islamic wedding ceremony since the bride was a Christian divorced German girl who is two years older than me; I mean, she was against all these things."<sup>263</sup> Some families may go even further. Agyad believes that "the social structure outside your home [in Syria] compels you to take roles that you may not like, such as preventing your wife from wearing a certain dress which is a societal contradiction. Here I felt freer."<sup>264</sup> Thus, he does not mind that one day his daughter will have a boyfriend. This was not acceptable in his Syrian environment, even though he comes from a very open segment of Syrian society.

Despite this change in behavior, the liberation from the power of society was relative, as was described. Wā'il mentions that a young man lives with a German girl who, according to his description, "loves and adores him." However, he still finds the idea of getting married to a German girl who had sexual relations with other men than him highly problematic. This is despite the fact that this young man in question is not religiously practicing, as he drinks alcohol, eats pork, and is in a relationship without marriage. Wā'il believes that "not being emancipated from society is a catastrophic situation."

This duality experienced by some Syrians between "here" and "there" leads us to question the extent of the power of society's norms and customs to change or influence human behavior, on the one hand, and the family and its conflicts, on the other. Social facts have an authority external to individuals and, in Durkheim's words, constitute a "force majeure that is the reason why it can impose itself on the individual whether he wants it or not."<sup>265</sup> Freedom from the family's social control varies from one family to another, but the presence of societal control over the family becomes stronger whenever the nuclear family is surrounded by the extended family in the German context or by a network of relationships with other families from their environment. Consequently, the family becomes cautious not to deviate from the norms of the Syrian society, because this might lead the family to lose its good reputation.

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263 Nuremberg, 16 October 2019.

264 Nuremberg, 10 October 2019.

265 Emile Durkheim, *Qawād al-mnhaq fi 'ilm al-iqtīmā'* (*Les règles de la méthode sociologique*), trans. by Mahmūd Qāsim (Cairo: al-marqaz al-qawmī liltarqama, 2011), p. 50.

2) The feeling of cultural and identity threat. This feeling constituted for a segment of Syrians in general, and families in particular, a defense mechanism to preserve this identity against the threats of the new environment or against any new change. The insistence of a segment of Syrians' to observe the absence of even the smallest percentage of pork fat or alcohol in foods and drinks they consume is "an indicator of religiosity, interest, adherence, [...] they show their commitment to religion through this thing"<sup>266</sup>, as Imam 'Umar explains. He also sees that, while societal control, which was referred to earlier, was weakened in the German context, a large segment of Syrians remained generally committed to their religion. What Imam 'Umar points to might be true. However, there is also a possibility that this segment still fears the judgment of their extended families, even if these families are in Syria, or this might be a counter reaction to preserve their religious and cultural identity after they feel that this identity is under threat in the new environment. That is, the religious dimension is not an end in itself but one of several cultural and societal dimensions and norms.<sup>267</sup> Sāmir mentions that there is "a segment of people who became more radical or extremist after coming to Germany. In order to make sure their kids remain religious, they faked prayer and religiosity in front of their kids."

Extremism in this context is not used here in its negative political meaning, according to Agyad, who used the same concept of "extremism" تطرف to describe the situation of some Syrians. Rather, the concept here expresses "a mechanism for defending a society, its existence, and its home"<sup>268</sup>, as Agyad explained. For Sāmir and Agyad, the sectarian backgrounds of "Ismaili and Alawis" allowed for a wider margin of freedom in the Syrian society compared to Sunni Muslims, especially with regard to relations between the sexes. This is in addition to their presence in the German society in which they live. All these backgrounds may have formed this characterization for them. Although the examples mentioned may be considered as daily or habitual practices for many families in the Syrian context, some families became keen to adhere to these religious norms in the German context as a defense mechanism, despite the absence of these norms in their everyday life in Syria.

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266 Nuremberg, 14 January 2020.

267 An important qualitative report confirmed this; see Hindy, p. 25.

268 Nuremberg, 10 October 2019.

The position of the family, be it freedom from societal control or, on the contrary, the feeling of a threat to identity, will create a conflict in the attitudes of family members, where the attitudes of the spouses, on the one hand, or the parents and children, on the other hand, conflict with these changes. This will create disputes over the lines that can or cannot be crossed. This means that this conflict will be reflected on the family itself from within, a conflict in the exercise of the role of authority, especially by husbands or fathers, over the rest of the family, and this is the role that men used to play in Syrian societies. This brings us to the next point about gender.

### 3.2.3 Gender

As the process of change is linked to the social environment and societal control, it is also linked to the gender of the person, that is, between women and men, between husbands and wives, and between fathers and mothers.

Based on the data, I will show that some women are more flexible in accepting change than men. This flexibility was enhanced by their presence in a new environment that provides a wider margin of equality between men and women and a legal protection for them. Previously some examples were highlighted, such as women asking for separation from their husbands, accepting the idea of living alone, showing flexibility in dealing or mixing with the opposite sex - the male -, shaking hands, removing the veil for some, changing the dress pattern,<sup>269</sup> asking husbands for their share of the social aid provided by the state, attending social events with Germans and freedom to enter and leave the house, etc. Based on these new realities, it can be said that the change in the personality of women in general, and the wife-mother in particular, has taken on a somewhat rebellious character. The important question here is: Why did some women adopt this rebellious stance? To answer this question, it can be said that the process of changing or adapting to the new reality does not pose a great challenge for men. With his patriarchal authority within Syrian societies, he

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269 The long dress (Manteau, "Mānṭū", or Jilbab, "Ǧilbāb") along with the headscarf (veil) is considered a common dress code for women in Syria. The majority of female interviewees used to wear this in Syria, and after their arrival in Germany they changed for a more modern look with Jeans or long skirts and long sleeves jumpers as well as a headscarf.

had much more freedom of action than any woman had. “There is nothing that the men would do that would bring shame on them”<sup>270</sup>, according to the culture and traditions of the society in Syria.

Thus, “the world of a woman is narrow and besieged in comparison to the world of a man”<sup>271</sup> in most societies of the world. Women in the Arab world, in particular, “are subject to the authority of two contradictory laws: the first is a general law that does not differentiate between citizens on the basis of gender, religion, nationality, and class and gives them nearly equal rights, and the second is based on discrimination on the basis of sex/gender. The moment a woman crosses her doorstep, she shall be subject to the laws of custom and tradition and becomes another race that has no entitlement to claim its legitimate rights”<sup>272</sup>, as the sociologist Ibrāhīm al-Hāidarī wrote. Rather, some Syrian legal rules – which al-Hāidarī referred to – differentiate between citizens in some aspects in Syria. For example, the citizenship law grants the Syrian citizenship to a child born to a Syrian father but not to a child born to a Syrian mother and a foreign father.<sup>273</sup> This unequal treatment could be seen in many articles of the Personal Status Law.

Pastor Burhān comments on the acceptance of family members of the new way of life of women in Germany:

“As she is, in general, victimized in societies [he means the Arab society], she came to Germany with a need to breathe. If her family controls her, and his [the husband’s] family controls her, he himself controls her, and her children control her. [...] Where are you going? Why are you dressed like this? Society, religion, and the clergy are also controlling and affecting her daily life. Now she has reached a place where she wants to live normally, she is not doing anything wrong – we are talking in general [...]. Usually when we talk about such matters, the family opens up the subject of women falling in love [...]. I tell you, what is the problem with that? They answer back that, if she falls in love, she might commit a wrongdoing! But what if the young man makes this same wrongdoing? They are usually the same; they say: no, whatever the young man does,

270 It is one of the common proverbs in Syria “الرجال ما يعيشو شي”.

271 Ibrāhīm al-Hāidarī, *An-nizām al-’abawī wa ’iskālit al-ğins ‘inda al-’arab (The Patriarchal System and the Problem of Gender among Arabs)*, E-Book (Dār al-Sāqī, 2011), pp. 4, 8.

272 Ibid.

273 § 3 of the Syrian Nationality Law states that “A Syrian Arab shall be considered legally: A. Whoever was born inside or outside the country to a Syrian Arab father.”

his actions shall not bring shame to him or to the family. But again, why is that acceptable? [...] because he is male.”

The change of circumstances of the position of a woman in society that surrounds her will push her to rebel. However, her rebellion remains at bay, and the segment that can rebel is also limited, given the many norms that are still present among Syrian families and surrounding them in Germany. Rather, her departure from these norms will expose her to “social exclusion” by some segments of Syrian communities, as Imam ‘Umar and Imam Ahmad point out. Therefore, adapting to the new reality means, and continues to represent, a more difficult challenge for women than for men.<sup>274</sup> This challenge will motivate her to “learn the language and integrate into society more than men”, according to Imam Ḥalid. He believes that, given the challenges that women face in the new environment from going to the doctor with their children to following up on their school affairs, these roles, which are usually entrusted to them in Arab societies, push them to learn the language faster. In addition to these challenges, the different roles and tasks assigned to each of the spouses or the conflicts between the Syrian minority and the majority will sometimes constitute a source of conflict within the family itself, and not only outside it.<sup>275</sup>

### 3.2.4 Age group

All the factors mentioned above - social environment, social control, gender -, which influence the process of adaptation, change in behavior, or rejection of it, are also related to age. The reception of new styles, concepts, values, norms, and behaviors by individuals in different stages of their life - from childhood to adolescence to maturity - will not be equal. The process of socialization<sup>276</sup> contributes to the integration of the individual into society by adopting its culture, customs, traditions, and norms. It is true that all individuals of all ages are subject to this upbringing. However,

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274 Nuremberg, 5 March 2020.

275 These effects will be discussed further in the second part of this chapter and will be further analysed in other parts of this research.

276 Socialization is defined as “the process by which the individual learns to be a member of a particular society and culture, and thus to be a genuinely social and cultural being.” Andrew Edgar and Peter Sedgwick, *Cultural Theory. The Key Concepts* (London: Routledge, 2008), p. 315.

the formation of the human personality as an integrated person in society crystallizes greatly in the early stages of life. Thus, those who came to Germany at the beginning of their social upbringing and were barely exposed to this upbringing in their old environment, that is, they grew up and formed their awareness in the new German society, will not be like the ones who completed this stage of upbringing and reached the stage of maturity and advanced stages of life in the old environment. The essence of this factor lies in the flexibility or adaptability of the human being, which is formed in the early stages of a child's life. As Durkheim pointed out, "we cannot adapt something according to what we want unless it is flexible enough to accept this adaptation."<sup>277</sup>

This factor stems from a hypothesis that was observed during fieldwork, which is that the exposure of young people to institutions responsible for socialization, such as schools, society, health system, and the media, is greater than that of the elderly, and the speed of their learning of the host country's language is faster. On the other hand, their exposure to other institutions that contribute to the formation of their personal characteristics, such as religious institutions and their norms that exist in the mosque, church, school, street, or society, will not be similar in the new society as it was "there" in the original society. In addition, the family itself is the most influential institution in the process of socialization. The role of parents in it differs in the process of bringing up their children or in their dealings with their adolescent children in the new environment, as was explicitly indicated by many of those who were interviewed. Thus, responses to adaptation and change between the early age group and the middle or later age group will be different.

Ma'mūn (22 years old), who arrived in Germany at the age of about seventeen, believes that great changes occurred in his life after coming to Germany, and it is important to convey his description of these changes in this context:

"I arrived here, of course you know how Eastern culture is completely different from the Western or German culture. To be more accurate, there [he refers to Syria] this is forbidden and this is a taboo and this cannot be. This is not to say that there are no taboos or limitations in the German culture, but at least you have the right to express yourself and

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<sup>277</sup> Emile Durkheim, *At-tarbīa al-ahlāqīq (L'éducation Morale)*, trans. by Muḥammad Badawī (Cairo: al-marqaz al-qawmī liltarqama, 2006), p. 129.

develop your personality as long as you are not causing harm to others. Of course, there are many customs and traditions that I have abandoned [...]. This is something they - my family - have begun to notice about me [...] and even things related to religion, they also notice a lot that I have begun to divert from some of the usual customs and traditions. I started talking about it, it is not important to me. I am an Arab Muslim and still adhere to the good Arab morals such as generosity, and bravery [...].”<sup>278</sup>

In a family interview in a refugee housing complex where Ma'mūn and his family live, Ma'mūn's mother, 'Ā'iša, points out that the children “have become very free, meaning that when they are eighteen years old they leave their parents to live alone [...].”<sup>279</sup> It is a custom that was not prevalent in Syria. A young man does not go out to live away from his family except for study or work, that is, if the university or workplace is in another city, far from his family home, or when he gets married. During the interview with Ma'mūn's family, Munīr - 18 years old, her second son - comments on her words about the changes that have occurred in the young children. He says, “To be honest [...] our awareness was constituted here in Germany [...] we arrived in Germany at a young age, and we have seen things that we have never seen before.” The two brothers feel the great cultural differences between the two societies. There is a society “there”, where rigorous restrictions (on members of society in general and the young in particular) are numerous, and a society “here”, which exalts the freedom of the individual, and children and young people are surrounded by many laws to protect them even from their families.

In contrast to the impact of the new environment in the process of adaptation or to the major changes on the young or middle age segments, there was a kind of preservation of the culture or customs and traditions of the Syrian society and of reservations towards any change. One of the attendees in a focus-group discussion,<sup>280</sup> a husband separated from his wife in Germany, indicated his absolute rejection, with great emotion, of the idea of change regarding the “patriarchal” role of men and women in the family. Many factors may have played a role in his adoption of this conviction, but his age, which has exceeded fifty years, may be a hugely influential factor in his rejection of any change. This was also noticed through the complaint of men of older age about women's rebellion against

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278 Nuremberg, 26 October 2019.

279 Nuremberg, 9 December 2019.

280 Nuremberg, 20 February 2020.

them and their change after their arrival in Germany, which they frequently voiced in conversations with me.

### 3.3 Challenges Faced by Syrian Families

German citizenship was based on the concept of *jus sanguinis*, so for many years Germany was reluctant to be considered an immigration country until the late 1990s – “Wir sind kein Einwanderungsland”.<sup>281</sup> This opposition did not express “a social or demographic fact but a political-cultural norm, an element of national self-understanding”<sup>282</sup>, as Brubaker wrote. This had negative consequences, especially in the absence of a coherent integration policy and with Germany’s unwillingness to deal with non-German settlers “guestworkers”.<sup>283</sup> As a result, and given Germany’s Nazi history, immigrants were not required to assimilate into the German culture or relinquish their cultural differentiation.<sup>284</sup> Under the change of government in 1998 and in the midst of the asylum campaigns to Germany, the political parties agreed to issue an asylum law based on the British Asylum and Immigration Act which recognizes Germany as a country of immigration. Subsequently, the government embarked on reforming immigration and integration laws, leading to the Citizenship Act of 2000, which decided to grant German citizenship on the principle of the right to land, that is, to grant it to the children of immigrants born in Germany under certain conditions.<sup>285</sup> Since that time and following a huge controversy, there has been

281 Liza Schuster, *The Use and Abuse of Political Asylum in Britain and Germany* (Abingdon: Taylor & Francis, 2005), p. 185–88; Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1994), p. 174; Sabine Mannitz and Jens Schneider, ‘Vom „Ausländer“ zum „Migrationsintergrund“: Die Modernisierung des deutschen Integrationsdiskurses und seine neuen Verwerfungen’, in *Kultur, Gesellschaft, Migration. Die reflexive Wende in der Migrationsforschung*, ed. by Boris Niewand and Heike Drotbohm (Springer-Verlag, 2014), p. 72.

282 Brubaker, p. 174.

283 Petra Bendel and Andrea Borkowski, ‘Entwicklung der Integrationspolitik’, in *Einwanderungsgesellschaft Deutschland*, ed. by Heinz Ulrich Brinkmann and Martina Sauer (Wiesbaden: Springer, 2016), p. 100; Mannitz and Schneider, p. 72; Anika Haverig, ‘Managing Integration: German and British Policy Responses to the “Threat from within” Post-2001’, *Journal of International Migration and Integration*, 14.2 (2013), 345–362; Brubaker, p. 174.

284 Haverig.

285 Mannitz and Schneider, p. 73; LaPoint, p. 3; Haverig.

a consensus to improve the integration of immigrants. The Immigration Act of 2005 was passed, which included provisions related to integration policies.<sup>286</sup> This controversy over the issue of immigration and refugees has returned with fervor after the recent arrival of large waves of asylum seekers into Germany, especially in 2015–16. This has resulted in a return to discussions about concepts such as the “Leitkultur” (“guiding culture”) and the “Parallelgesellschaft” (“parallel society”), an increase of Islamophobia at the political and academic level, and responses to amendments regarding refugee residency and their acquisition of German citizenship at the legal level.

In the previous chapter we saw how people’s motives for emigration are different. People’s social, educational, religious, and professional backgrounds and their relations with the country of origin are also heterogeneous, meaning that ethnic groups different from the host society are part of this multidimensional diversity.<sup>287</sup> So, all of this poses great challenges. A challenge to the German government was the integration of refugees in general into the German society. In addition to the concept of segmented inclusion mentioned in the theoretical section of this chapter, many concepts such as “integration, belonging, diversity, and inclusion” have emerged as alternative frameworks for the study of immigrants. Among all these concepts, in Germany the concept of integration has been emphasized in most discourses. This is because it is linked to certain legal demands through which political, social, and economic benefits are granted, or denied, to those who engage or, *vice versa*, to those who do not engage in the integration process regulated by Chapter 3 of the German Residence Act.<sup>288</sup>

From the German laws that have been established for refugees to obtain permanent residence or German citizenship, four necessary criteria can be deduced to consider refugees as integrated:<sup>289</sup> 1) knowledge of German language, 2) economic self-sufficiency, 3) adequate housing, and 4) integra-

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286 Dietrich Thränhardt, ‘Integrationsrealität und Integrationsdiskurs’, *Aus Politik und Zeitgeschichte*, 46–47 (2010), 16–21.

287 Viola B. Georgi, ‘Integration, Diversity, Inklusion’, *Deutsches Institut für Erwachsenenbildung*, 2015 <<https://www.die-bonn.de/zeitschrift/22015/einwanderung-01.pdf>>.

288 Chapter 3 § 43–45a of the Residence Act (Aufenthaltsgesetz – AufenthG).

289 See, § 8, 10 of the Nationality Act. (Staatsangehörigkeitsgesetz).

tion into the German living conditions.<sup>290</sup> This section of the chapter does not treat the issue of integration through government policies that measure their success or failure; rather it will attempt to reveal these criteria as external challenges - in addition to other challenges - that Syrian families faced in the new environment, besides the interactions and dynamics that the family used to deal with these challenges. Most importantly, it will examine the repercussions of these challenges on the family from the inside, that is, observe their effects on the stability or, conversely, the instability of families through the lens of conflicts that are the subject of this research.

### 3.3.1 Language

“Human beings are social beings, and in a large group of Syrians or Middle Eastern asylum seekers there are educated, well-cultured, clever, and experienced individuals. They came to this country wanting to grow and benefit others. But in order to transfer this storage of cultural, scientific knowledge, to a German or a European person, you need to be well versed in the German language. The language barrier is a big issue, many people find it painful that they can offer a lot: I have a store of culture, knowledge, and science, but I sit with people and the level of conversation is very simple and general, without being able to express the knowledge that I have, and exchange benefit; language is a big problem [...].”

With these words, Pastor Burhān expresses what foreigners in general and Syrians in particular face: the problem of transferring knowledge due to the language barrier, which prevents it, and the pain accompanied by frustration due to the inability to do so.<sup>291</sup>

Syrians are generally aware of the importance of language in their new society; in Janā's words, “If you do not know how to speak the language of the country, you are mute, blind, and deaf.” Most of them also agree

290 On 09.08.2019, the fourth paragraph of Article 8 was amended as follows: from: “4. sich und seine Angehörigen zu ernähren imstande ist”, to: “4. sich und seine Angehörigen zu ernähren imstande ist und seine Einordnung in die deutschen Lebensverhältnisse gewährleistet ist”. See Buzer, ‘Fassung § 8 StAG a.F. bis 09.08.2019 (geändert durch Artikel 1 G. v. 04.08.2019 BGBl. I S. 1124)’ <<https://www.buzer.de/gesetz/4560/al74696-0.htm>> [accessed 30 December 2020].

291 Nuremberg, 26 October 2019.

that the German government has provided great facilities for them to learn the language through integration courses. On the other hand, most of the Syrians interviewed, even those who were fluent in German, agreed on the difficulty of the German language. Not only did they describe the difficulty, they also described it as “torment” or “anxiety” and considered it a “pressure factor”. This difficulty increases with those who are advanced in age and those who are illiterate or who have only received a simple education, as demonstrated by a project to assess integration courses.<sup>292</sup> In addition to these two factors, Hartmut Esser notes that language acquisition is influenced by the conditions of the immigrants’ country of origin – which were reviewed in the previous chapter – and the living conditions of the individual and that of his/her family. In addition, the “presumably strong socio-cultural distances (xenophobia) between the immigrant group and the majority society can inhibit the second language acquisition by immigrants.”<sup>293</sup> It is a real problem faced by many of those I interviewed that they had few opportunities to communicate with Germans, and the restriction of practicing the language in classes is not sufficient to acquire and master the language.

On the other hand, returning to study benches in classes and starting to learn the language as if adults became children again constituted an excessive pressure factor on families, prompting some of them to return to Syria. Tāriq states that one of the reasons for his wife’s separation from him was the decision of his wife’s family to return to Syria, adding that this decision was motivated by their unwillingness to study or sit in the classes of language schools again.<sup>294</sup> Esser has pointed out the negative impact of the linguistic assimilation process of a second language on family cohesion.<sup>295</sup> In this context, language pressures on families can be observed in two ways:

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292 Anna Tissot et al., *Zwischenbericht I zum Forschungsprojekt „Evaluation der Integrationskurse (EvIk)“* (Nürnberg: Bundesamt für Migration und Flüchtlinge, 2019), pp. 115–16.

293 Hartmut Esser, *Migration, Language and Integration* (Berlin: AKI & WZB Social Science Research Center, 2006), p. ii.

294 Nuremberg, 13 October 2019.

295 Esser, *Migration, Language and Integration*, p. 56.

### 3.3.1.1 On the relationship between spouses

Rāma, whom I met in a café, told me that she has health problems that prevent her from getting pregnant and that she was trying to get treatment for that. This required going to the doctor's office for numerous periodic reviews. The big problem in communicating with the doctor and in everything related to this health condition is language. Rāma said:

“The issue is putting pressure on me that I am sick, and every time I go to a doctor, clinic or appointment I have to have someone to translate for me. This brings a lot of pressure on me [...]. I get embarrassed when he [her husband] is talking to other people trying to find someone who speaks the language and can go with me to medical appointments. Most of my problems with him [her husband] have to do with urging him to study the language [...]”<sup>296</sup>

In contrast to Rāma's account, her husband, Agypt, blames her, saying that he has a health condition that prevents him from concentrating or being in closed rooms such as classrooms because of his arrest and torture - as I mentioned this earlier -, while she has no reason that prevents her from learning the language.<sup>297</sup> The nature of this type of conflict between spouses can be portrayed as a disagreement over new responsibilities, *in casu*, language, that have arisen in the German context.

Each party in the relationship expects the other to take responsibility and help him/her in it. This happens in parallel with the existence of a large language gap that prevents these families from forming a link with state institutions in general and other parties refugees have to deal with on a daily basis - educational, medical, etc. - in particular.<sup>298</sup> At the beginning of the arrival of these families, translators were hired, whose wages were borne by the refugees. However, finding them was not easy for them, and civil institutions were unable, despite their great efforts, to bridge this gap, which put enormous pressure on these families. This leads us to the next point, which is the effect of this gap on the relationship between parents and adult children.

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296 Nuremberg, 13 October 2019.

297 Nuremberg, 10 October 2019.

298 Baobaid et al., pp. 38–39.

### 3.3.1.2 On the relationship between parents and adult children

I mentioned earlier that the age group played a major role in acquiring language skills. Children and young children were much faster than their parents in learning the language; this creates two issues within the family:

1) The first relates to the parents' need for language assistance in all matters related to their daily lives and their resort to their adult children in this regard. This heavy dependence constituted an additional burden on the underage or adult children, which sometimes led to disputes with their parents. Sārah - 20 years old -, whom I met in the cafe with her little sister, compares her situation in Syria and Germany and says: "There I did not have a job [...]. But here I had to translate the mail for them and all that was related to them and to follow up on all their matters and to make sure to make right all matters related to them [...] so the pressure on me was excessive."<sup>299</sup> Sārah undergoes a professional training ("Ausbildung"), in addition to which she takes on a large part of the housework, for it is one of the common customs in Syria that the housework is the responsibility of the wife and adult daughters, meaning the females. In addition, her parents' need for language assistance added additional work:

"When I come home, I like to rest. Unfortunately, my family does not appreciate the situation. On the contrary, they start their requests: translate this document for us and fill in this application form, etc., then the matter develops into shouting and squabbling and saying that they are quarreling with each other because of these matters [...]. Then I start crying and ask them to leave me alone. [...] My family has a habit of saying bad supplications, and if I do not do what they want, they do it with me, and they say, for example, 'May God never help you', and this bothers me a lot and makes me cry while I shout at them to leave me alone."

This is similar to Mamoun's case in his disputes with his family because of his neglect to follow up on the post with them. It is also similar to the relationship of Ranā - 20 years old - with her family in their dependence on her in the subject of language, which referred to her father's repeated anger at home at the large number of "posts" and letters they receive and need to respond to because of the bureaucracy in Germany.<sup>300</sup>

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299 Nuremberg, 7 December 2019.

300 Nuremberg, 29 November 2019.

2) The second issue is related to the parents' loss of self-confidence due to their inability to follow up on their kids' studies in German, which they have not yet mastered. In my meeting with Fātīma and her husband and their three adult children in their house, Fātīma described this problem and said:

"For me, I was responsible for my child's education [...]. So I was a follower of mathematics, physics, chemistry, Arabic [...]. When I came here to Germany, the story changed. [...] Honestly, this thing was putting pressure on my nerves, because I no longer knew anything about my children, I did not know anything about their studies, I do not know anything about their school environment."<sup>301</sup>

To alleviate this issue and to bridge this gap between parents and educational institutions to follow up on their children, the city of Nuremberg implemented the NEST program, which was the most successful project of 2012. The idea of the project, as explained by Sulaimān, one of its employees, is "to create a link between refugee families and foreigners ['Ausländer' in general] and schools in practice", and the project's mission is to provide information to parents about their children in schools and establishing a partnership between home and school in a multicultural context.<sup>302</sup> Through a cultural mediator, "Kulturmittler", who is from the parents' country of origin, many outstanding problems between the two parties are resolved, as Sulaimān mentions. It does not stop at the language gap but also includes the cultural gap related to the education and upbringing of children.<sup>303</sup>

### 3.3.2 Work<sup>304</sup>

One of the most important challenges that the Syrian family members face is "proving oneself in society: to become a productive person, relying on yourself, getting out of the circle of pressure, pressure of the Job Center,

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301 Nuremberg, 27 October 2019.

302 Nuremberg, 27 January 2020.

303 NEST, 'NEST – Nürnberger Elternbüro Schulerfolg und Teilhabe', Institut für Pädagogik und Schulpsychologie Nürnberg – IPSN <[https://www.nuernberg.de/internet/paedagogisches\\_institut/nest.html](https://www.nuernberg.de/internet/paedagogisches_institut/nest.html)> [accessed 8 December 2020].

304 The issue of employment is related to this research in many facets. Some will be tackled in this chapter while some other aspects will be dealt with in the next chapter dedicated to familial conflicts.

pressure of searching for work”, as Imam ‘Umar points out. Through the interviews it is possible to extract the problems of seeking for a job as seen by the Syrians in four aspects:

### 3.3.2.1 The difficulty of language which is key to the job market

The pressures exerted on the family from the language side were discussed from several aspects. Fātima believes that the interruption between one language course and another often leads to forgetting the language, and this does not help them integrate into the labor market. Fātima criticizes the language teaching policies aimed at integrating them into the labor market. She says:

“Should I work after the B1, say in a kindergarten, for example? I shall focus on the subject of kindergarten. If they enrolled me in a year-long course in a specific subject, for example, kindergarten, then after the course I could work in a kindergarten. In this way, they will be able to identify the largest possible number of people who come to this country and direct them to work in the fastest possible way. As for the B1 and B2 method, it failed [...]. It is a failed plan, and it makes people say: Let them spend money on us, we no longer want to go to work. Okay, why B2, what is it? Originally, what we took in the level B2 will not help me with the professional training (Ausbildung) in anything [...]. I mean, they are pushing people to fail, by the way. They are pushing people to leave the field of study and stay at home; the language must be learned in the field.”

Her husband, ‘Adnān, adds that in language teaching policies a distinction should be made between young people who want to complete their university studies and the elderly, who are professionals, which is something that was not taken into account, as they say. Many of those interviewed shared Fātima’s opinion that there is a gap between the language they learn in language schools and the language of the street or work,<sup>305</sup> a problem that may be overcome by some professions that do not require many language,

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305 LaPoint explores some of the interviewees’ opinions about language courses. Many described them as boring difficult and useless. They also mentioned the lack of training for language courses instructors. As a result, refugees find themselves relying on their social network with Germans in order to learn the language. See LaPoint, pp. 64–65.

but it is difficult to overcome in light of the bureaucracy of many German work institutions.

### 3.3.2.2 Age

Employers prefer young people over older ones. Therefore, elderly spouses or fathers face refusal to accept them in vocational training programs or work when the competition with them is young persons. This is the second issue that 'Adnān and his wife Fātima suffer from in order to get a job.

### 3.3.2.3 Finding an appropriate job

Many Syrians hold university qualifications in various disciplines, and many of them were professionals in jobs similar to those they follow the vocational training for in Germany, called "Ausbildung". However, they do not hold certificates for these professions. The first group of Syrians faced the obstacle of finding a job that suited their university major, and the second group faced the challenge of finding a job without a German vocational training certificate. These two obstacles frustrated many of them, and this frustration formed a pressure factor on this segment of Syrians.

Sāmir, who was working as a photographer in Syria, thought that it would be easy to return to his work as a photographer. However,

"we were shocked by a very ugly reality, I thought it was easy to open a photography studio due to my experience in this profession, which exceeded 20 to 25 years, but it turned out that you are required to do what is asked of you. I have no problem working [...], I made DHL delivery, I worked in warehouse 'Lager' [...]. But with all due respect to all work, this is not my profession."

Suzān describes her husband's suffering:

"My husband is a dentist. We thought that in Germany the fields would be open to those who learned and studied and had certificates and experience [...]. But it turned out that it is not the case [...]. It is terrible and fatal, because you come to this country and know that you have a certificate and that people know you as a doctor, as well as your community from which you came, everybody knew you as a doctor, and you think that you come to Germany as a doctor [...]. The first time my

husband came, he was very optimistic, then he began to feel shocked. His certificate was not recognized, and he had to undergo exams in order to be able to obtain a license to practice the profession.”

Not only did the husband suffer, but this suffering was exacerbated by the negative experience in dealing with the employees of the Job Center, which is what will be addressed in the next point. Thränhardt refers to a new pessimistic surge towards the process of integration; he mentions that the lack of recognition of qualifications for immigrants from outside the European Union is one of the reasons for this economic erosion. “Phenomena such as a highly qualified mathematics teacher from Russia who goes to clean, or a microbiologist who drives a taxi.”<sup>306</sup> This issue was and still is the biggest problem which Syrian academics face. It is true that many of them have managed to overcome the legal restrictions imposed to amend their diplomas, However, many of them are still caught in the whirlpool of bureaucracy and severe restrictions.

### 3.3.2.4 Job Center

People’s experiences with Job Center employees vary sharply, from maximum satisfaction to extreme discontent. Suzān points out that her husband struggled to get approval to complete German courses at B2 and C1 levels, although others got this directly from other employees. She wonders: Is it because of age? Is it because he is a dentist and they realize that his degree is not recognized? The matter did not stop at this point, as the employee of the Job Center used to send him job offers that did not suit his profession at all. Suzān narrates the effects of this on her husband, saying:

“I meant a feeling of humiliation, a feeling of degradation [...]. That is getting on his nerves, not to mention other physical problem such as his backache [...] they send job offers for cleaning, ‘Reinigung’ [...], but my husband has a very high self-esteem. If it was me, I would have worked [...]. It will not make any difference [...]. Even if it is cleaning toilets or whatever. But a dentist to work like this [...]. Do you imagine the insult!”

The result is that “the employee could either open the world to the client [‘Kunde’] or push the client to curse the hour in which he came to Germany.” With these words, Fātima describes her experience and the experi-

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306 Thränhardt, p. 20.

ences of others she knows with Job Centers' employees. 'Adnān, Fātīma's husband, recounts how the employee responsible for his file had delayed his application for a bus driver course for more than one year, while another man of his age and circumstances obtained a certificate without any hitches. Fātīma also complained about the mistreatment she faced from the employee, while her friend, a university graduate like her, had many things facilitated for her by the Job Center employee responsible for her, so she could get a job in a kindergarten.

Through such experiences, Syrians seeking employment feel that they are not recognized as social beings or individual human beings but rather treated as a number. Being described as a customer of the job center and being treated like a number is experienced as a dehumanizing relationship. It begins with the description of the relationship between a "Kunde", a customer, and a responsible employee, and it can go much further – a dehumanizing relationship. Sāmir refers to his negative experience with one of the employees. The employee told him: "Do not dream that you could work in a studio - as a photographer - here." When I asked him about the reason for his negative opinion, Sāmir answered, "Because they are dealing with you as a number, the 'Kunde', customer; when you call them and give your number, you became just a number [...] as long as you are in the Job Center you are just a number."

While talking with 'Adnān about his suffering with the Job Center, he appeared agitated and said: "The Job Center used to pressure us in a way that you must do so, 'muss, muss', and they made us feel as if we were their slaves or servants. They made us feel as if we were putting a numerical pressure on them [...] and that we have to do any work to get out of the total control that we feel [...]. This is in the early years, they make us feel that we are nothing, of course, all of this is wrong." Just numbers, slaves or servants, with a feeling that they are "nothing", that they have no existential value in this country.

The experiences of these people with the Job Center employees indicate that miscommunication exists between the Job Centers' employees and these newcomers. On the other hand, it indicates the existence of a large gap in German policies between the recognition of these people's qualifications - university and professional - and their integration into the labor market as ordinary people and not as mere numbers to be dealt with.<sup>307</sup>

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307 Hindy.

What matters in this context is the impact of these pressures on the family's relationships from within. Sāmir's wife, Dāna, describes the change in her husband's handling of her in a negative way. In the same manner, Suzān adds: "Conflicts? I am in a conflict. I am suffocating, upset, but I return to the fact that I should understand that he [her husband] is experiencing a crisis." Suzān referred to the many quarrels that occur within the family between her and her husband, on the one hand, and between her husband and their adult children, on the other hand, as a result of these pressures.<sup>308</sup>

### 3.3.3 Place of residence

"I did not know anything about Germany [...]. It was surprising that there was something called 'Heim' (a refugee housing) that you go to live in it with other people [...]. So it was surprising that we were sitting in an old school, and I had twelve people in the room, half of them Albanians and the other half from Kosovo, twelve people in a room! It was the first shock of asylum." In these terms, Mahmūd talks about his first shock after his arrival in Germany.

When Germany opened its doors to refugees in 2015, it was not prepared to receive the large numbers that were recorded that year and the following year, i.e. 2016. As a result, it faced a great challenge in finding suitable housing for these large numbers of people, as the housing complexes for refugees were no longer able to absorb these large numbers. Because of this, the state rented many hotels, opened gyms and schools, and set up tents to contain this crisis. In addition, it stacked a large number of individuals and families. Others were placed in uninhabitable places. This was a huge shock for Syrians, especially families. The rosy dreams they had about the "Paradise of Europe" before their journey were a mirage. This overcrowding, or the inappropriate place of residence at the beginning of the arrival of the Syrians, had negative consequences, especially on families. The consequences that emerged in this aspect can be summarized in two points:

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308 It is worth mentioning that those who were frustrated resorted to other alternatives, whether governmental or non-governmental or through their social network with Germans. Samar points that a German lady helped her find a job as an engineer while another German family helped her husband participate in specialized courses in dentistry. Something that requires research.

### 3.3.3.1 Loss of privacy

Most Syrian communities are social, but in return they value privacy, especially when it comes to women. Thus, putting several families in one house or in a gym without any barriers between the people occurred as a shock to many of them.<sup>309</sup> “The first difficulties in Germany was when one is with his wife and is asked to live in an ‘Asylheim’ or a ‘Camp’ or in a room with many people in the same space; that was really difficult because we came from an oriental society, meaning that you would feel jealous and uncomfortable even if you are an open-minded person. The most irritating thing was my feeling that my wife is sharing the same room with strangers”, adds Tāriq. Tāriq also indicated that this may be one of the reasons that prompted his in-laws to return to Syria, as they came from a well-off family and it did not suit them to reside in such places.

It does not stop at the loss of privacy but was also the negative atmosphere that prevailed in the place, especially since different linguistic and cultural groups were placed in the same place, as Rāma indicates. The packing of large numbers for a small place, in addition to the heterogeneity of the residents, constituted great pressures that led to many conflicts at the beginning of the arrival of the Syrians.

Imam Ahmād comments on the housing situation: “There are many stories that I was witness to. Divorce cases occurred in the camp, because there are a large number of families in one place, and there are a lot of familial conflicts.”<sup>310</sup> This was confirmed by Imam 'Umar, pastor Burhān, and many families who were interviewed. Muṣṭafā and his wife, Ġanā, mentioned their suffering in moving between the refugee housing centers, the “Heime”, and because of the constant illness of their children, especially in the winter. “We argued a lot during that period. We were stressed, [...] pressure, we vented this stress at each other. Many couples divorced during that period as they could not handle the stress”, says Muṣṭafā. This issue of accommodation was resolved after many families obtained the right to reside and rent an apartment suitable for them, but this problem still remains for many families who have been living in the refugee housing complex for years. In this context, it is important to convey what pastor

309 Helberg, pp. 106–07.

310 One of the repercussions of staying in the camp for Syrian refugees was the spread of marital infidelity, which contributed to the disintegration of the Syrian family even leading to homicides in some cases. This issue will be dealt with in the next chapter.

Burhān narrated about one of the cases he encountered and the negative consequences that resulted from a family staying for a long time in these places, paying attention to his social analysis of these results and the negative consequences that the family experienced. He says:

“A Syrian family stayed in the refugee complex, the ‘Heim’, for four years in a single room. Father, mother, and children were actually in a single room. They slept in it, ate and drank in it, and after a while the children became teenagers. Their private lives were compromised since everyone was in a one room. The residence permits took a long time to be issued. Finding accommodation before the residence permit was issued was difficult. This thing led to the adult child running away from the house. In the morning he went to school, after school he did not return home as he should, because when he comes home he would sit in one room with all the members of his family. So he stayed outside all the time and got to know friends who were of bad influence. He picked up the habit of smoking and started to smoke weed and hookah. That created the need to weed, so he needed money, and the parents did not have money, so he had to steal. This developed into selling weed. In one case the boy took a plastic pistol and entered a supermarket and put the pistol in the girl’s head and told her to give him everything she had or he would blow her head up. Cameras they had everywhere filmed the event; he took a certain amount from the ‘Kasse’ (payment box), and then he ended up in jail. We know that what the boy has done is wrong, but if we analyze the whole event sequentially, we would find the roots of it. He was confined to a room with his dad, mom, sister, his brother, and his second brother, and I do not know who else was living in the same space. He did not have any private life, the parents did not have their own life, he had to run away from the house, when he ran away from the house [...], it happened that he met with people who taught him taking drugs and stealing, and he ended up in prison. This is one of the clear matters where, let us say, the negativity happens to the parents while they have no hand in it.”

Pastor Burhān does not blame this mistake on the parents. Despite the mistake committed by this young man, it was the social reality in general and the inappropriate housing for a long time in particular that had the greatest impact on the disintegration of the family. On the other hand, he also does not place all the blame on the government, which bore a heavy burden in opening its doors and received a huge number of refugees in less

than a year. The question that arises in this context is what hinders families from obtaining adequate housing even after many years of living in the refugee housing complex? Pastor Burhān pointed out the delay in issuing residence permits, which is a reason that played a big role in the beginnings of the large wave of refugees that Germany received. But the matter does not stop at this reason only, which leads us to the next point.

### 3.3.3.2 The difficulty of finding adequate housing

In many cases, finding suitable housing is linked to work, and finding work is linked to language. Thus, “when the Germans [the German house owners] know that a family is registered in the Job Center [that is, it takes social benefits from the Job Center], they refused to rent out the properties to them.” Sihām, whom I met with her adult children I met in Adnan’s house, added that she is angry at the long period of her stay in the “Heim” without finding a home. The brief period of the families’ presence in Germany was not sufficient to achieve either of the two conditions (work and language) properly, and therefore some families are still running in a vicious circle in search of a home among large numbers of competitors, especially in cities that suffer from a housing crisis. In my opinion, there are three important obstacles that prevent some families from obtaining homes:

- 1) The first obstacle is the spread of illegal (exploitative) brokerage. The broker, i.e. the mediator between the owner of the house and the family, takes advantage of the families’ need for homes and asks for a large sum of money from the family in return for securing a house for them. This amount of money varies from one city to another. From my observations in the field, it is estimated in Nuremberg between 1,500 and 3,000 euros, increasing or decreasing depending on the size of the house and the size of the family. But this amount may double in other cities. Many who reach a state of despair of finding a home through companies or acquaintances eventually turn to brokers to secure homes for their families. Čalāl, who still lives with his family in the refugee housing complex, mentioned how the brokers asked him for nearly 3,000 euros to secure him a house, a large sum that he cannot pay.
- 2) The second obstacle relates to the size of some Syrian families. There is a tendency among a segment of Syrian families to desire more children, and the social environment plays a major role in this trend. Čalāl, who is from Daraa, has seven children, meaning that the number of family

members is nine. A family of this size faces more problems of finding a suitable home than other families, as homes in Germany are often designed for small or medium families, not large families of this size.

I visited Ġalāl's family in the apartment complex of the "Heim", in which he and his family live, several times. The complex is equipped with the latest furniture and resembles a hotel system, separate rooms equipped with a kitchen and some bunk beds. Families of different nationalities reside in this community. The entity responsible for distributing families gave Ġalāl and his family two separate rooms. The father and his wife live with three of their young children in one room, and Ma'mūn and the rest of his three adult brothers live in the other. The movement of Ġalāl and his family between one residential complex and another has been going on for five years, and his struggle to find a home for him and his family is his biggest problem in Germany, as he pointed out.

- 3) The third obstacle relates to racial discrimination: Ma'mūn, the eldest son of Ġalāl, relates that most of his problems with his family are due to his inability to provide a home for his family despite his many connections with German governmental and civil institutions, and he feels that he is not welcome in the new society, as they put him and his family throughout this period (more than four years) in a refugee housing complex located far from the city. "We have tried hard to find a house, but I always see that the reason is just because we are people from another culture or from another society [...]. If my family called me Max Müller or Paul Hoffmann, everything would have taken a different way. There is a great deal of racism, but it is not well noticed by the people." His father feels that one of the reasons they do not have a home is racial discrimination, as their well-known Arabic names reveal their ethnic background. This discrimination may be due to prejudices about them as refugees, notes Lily Hindy.<sup>311</sup>

The problem of Ma'mūn and his family does not stop there. Rather, he points to the effect of a long stay in the refugee complex, as he feels very embarrassed to tell his friends about his place of residence, and another, perhaps greater embarrassment is that he cannot invite anyone to visit him in a place that was not prepared to receive guests. In addition, the place does not provide a suitable environment for study, neither for him or for his

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311 Hindy, p. 23.

siblings or for his parents, not even to study German in general. Rossello's words sum up this dilemma families face by saying:

"Being at home is being where you can not only eat and drink but also invite someone to eat, to drink, to chat. Being at home is where you can be the host, where you can offer hospitality ... If one cannot offer hospitality, one has an address, not a home: 'You live here, but you are not at home'."<sup>312</sup>

### 3.3.4 The religious-cultural challenge – "the arena of persuasion"

I pointed out in the first section of this chapter that a segment of the Syrians found themselves facing a religious-cultural challenge, in other words, a challenge to the identity that these people hold. This challenge left them with the options of either accepting, rejecting, or aligning the norms of the new social environment with the norms they have. In this paragraph, we will review the repercussions of these challenges coming from the external environment on the family members under study. The repercussions of the clash of adaptation between family members – that is, on the relations between spouses or between parents and children – are discussed in the next chapter.

Some aspects, most of which are part of the culture of German society, have shocked some Syrians, especially those that clash with their religious or cultural norms. Some of them, as expressed by some interlocutors, include the phenomenon of alcohol and weed, same-sex relationships activities in public, intimate kisses in the streets, revealing clothing, and the presence of places for sex industry. All these manifestations were shocking to many segments of Syrian societies, even to some who came from open environments. In the context of her talk about German society, Nadā comments:

"When there is a big difference in cultures, you will face difficulties, they are difficulties because during the process of persuasion you can accept, and they can also accept you. When you sit with other people who are completely different from you, you will find yourself in a possible arena of persuasion; I would like to try to influence you with my culture and

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<sup>312</sup> Mireille Rossello, *Postcolonial Hospitality. The Immigrant as Guest* (Stanford: Stanford University Press, 2001), pp. 17–18.

push you to integrate with me, and you are trying to influence me with your culture and push me to integrate with you. No matter which side is more right than the other, it is possible, even in a very small percentage, that you cause me harm, or the other way around, even in a small percentage. Therefore, I find that we should be careful in dealing with the culture factor. We must always take the best and give the best only.”<sup>313</sup>

The circuit of persuasion referred to by Nadā does not always proceed cordially in the relationship between Syrian families and the majority of the host community. ’Adnān and his wife recount that the first doctor (ophthalmologist) accepted her refusal to shake hands with him with an open heart. However, another doctor showed clear signs of discomfort for the same kind of incident.

Ma’mūn also recounts how his family cut off contact with a German family who was helping them with the language because of their repeated pressure to give up things his family deems “essential, meaning that it is impossible to give up.” On one occasion, the German man wanted to introduce the family to his friends and asked Ma’mūn’s mother to shake hands with them despite knowing that she did not shake hands. At that time they said that it was impossible to meet with him again. I asked them why, and they said, “It is our culture, and it is impossible to give it up. He has his culture and does not want to give it up and we respect that. But at the same time, he must respect us and respect our personal freedom that we do not give up.”<sup>314</sup>

This seemingly simple “handshake” act sparked widespread controversy recently after a Lebanese doctor was denied German citizenship during his receiving ceremony as he refused to shake hands with the person responsible for handing over the citizenship certificate. The Court considers that “it can be assumed that the plaintiff does not give a hand to a woman for religious reasons and does not support the basic values of the constitution – here human dignity and equality between men and women.”<sup>315</sup> Thus, this contradicts the principle of equality which is considered as a value of the free democratic basic system.<sup>316</sup> “[He refused to shake hands] as a result of

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313 Nuremberg, 8 December 2019.

314 Nuremberg, 26 October 2019.

315 ‘Urteil des 12. Senats vom 20.8.2020 – 12 S 629/19’ <[http://lrbw.juris.de/cgi-bin/laender\\_rechtsprechung/document.py?Gericht=bw&nr=32523](http://lrbw.juris.de/cgi-bin/laender_rechtsprechung/document.py?Gericht=bw&nr=32523)> [accessed 28 October 2020], par. 12.

316 ‘Urteil des 12. Senats vom 20.8.2020 – 12 S 629/19’, par. 20.

a fundamentalist cultural and moral concept and because she is of different gender and thus *per se* a threat of sexual temptation or immoral behavior for the man. [This] does not guarantee its classification in German living conditions.”<sup>317</sup>

Regardless of the circumstances and complexities of this case, it is certain that such a decision frightens these families. Many of those who refuse to shake hands are simple people who lived in a certain social environment that is not accustomed to shaking hands, whether from a religious or cultural perspective, which has nothing to do with a “fundamentalist” perspective. I noticed that many of the women whom I met might have refused to shake hands in the Syrian environment but showed flexibility in accepting and practicing it due to the nature of German society which deplores them not shaking hands. I also noticed that many of them tried to change the dress from the traditional Manteau, “Māntū”, to a more contemporary dress such as the shirt and skirt or jeans, so that women keep the veil in contemporary forms and at the same time adapt to the culture of the new society in which they live. But the question that arises is what if some insist - as in the case of Ma’mūn’s mother - not to shake hands. Will they be destined to be socially and legally excluded under the pretext of clashing with German living conditions?

The clash of families was not confined only to the external environment, but it was reflected in the relations between spouses or between parents and children because of their different perceptions about adapting to the new social environment and what can be abandoned - or *vice versa* what cannot be abandoned - of the religious/cultural norms that they came with from their original community.

### 3.3.5 Children’s responsibility

The responsibility of children to parents has increased in the German context. The reason for this is due to two factors:

#### 3.3.5.1 The fear of parents for their children

Among most of the parents who were interviewed there is a tendency to fear for their children because of the new German environment. This fear

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317 ‘Urteil des 12. Senats vom 20.8.2020 – 12 S 629/19’, par. 30.

differs from one family to another, from reduced severity of the fear to an exaggerated one. The family's concerns about their children can be summarized in the following directions:

1) "Excess freedom", which is the main source of fear for most families. These aspects of freedom are issues related to extramarital sex, homosexuality, alcohol, or drug addiction. When Salmā was asked if she had any fears for her son, she answered, "enormously". When I asked her about the reason for this fear, she replied:

"The increased freedom, and although I support my son enjoying his rights and building his personality in the right way as he wants, but I am afraid of many things, God forbid, I pray to God that we do not go through these things like homosexuality or drug use, for example, that he leaves me and moves to live alone, that he becomes like those boys who live without any rules. I love the family atmosphere. I hope my family is big and my family is always by my side. I love that kind of atmosphere."

Syrian families, in general, have a fear of losing their children because of German society's culture, customs, traditions, and "to be too open", as Janā puts it. Janā adds, "I do not want to lose my children here. We lost our country. What if I lose my children too! That is the problem."

2) That the children leave the family home to live alone when they become young. Salmā indicated her fear of her son leaving her when he grows up, influenced by the culture of German society, which considers it common for children to leave their families after the age of eighteen. Fātimā refers to these two cultural differences in this context, saying:

"The society here pushes the children out of the parents' control [...]. The Europeans abandon the responsibility of their children when they reach the age of 15, while in Syria the son gets married and has children, and he keeps living in the same house as his parents. Yet, the father keeps feeling that he is still responsible for his son and his grandchildren as well."

Syrian families, in general, realized the danger of this matter for them, and as a result many of them, under the pressure of German laws that protect children or young people, showed a change in their behavior with their children by fear of losing them. This change occurs within a scope going from parental control and domination over the family, which may amount

to violence or coercion to carry out orders, to giving free space to children or young people to express their opinions or do whatever they want within the scope that this allows. Čalāl indicated that he is forced to talk to one of his sons through dialogue and not to pressure him for fear of losing him by leaving the family. This change from the parents was a reaction to a change in the behavior of the children, who felt the freedom and legal protection granted to them in the new German context, which is something the families realized too.

3) The loss of the “Arabic” mother tongue. If the obsession with losing the religious-cultural identity for children represents the greatest challenge for families, then the fear for the children losing their mother tongue is another. This obsession is a common fear among most Syrian families. Sāmir, who belongs to the Ismaili sect, says: “My daughter [she is in the fifth grade] is losing the Arabic language, which is very upsetting to me.” During a conversation about his discomfort with living in Germany, Čalāl points out his concerns about his young children: “I have my son now who is six years old. He has a disability in Arabic. His Arabic is not strong, he cannot express in Arabic words as he should. This society is different from our society, to be honest.” Because of these fears, many families share Čalāl’s thinking of returning to Syria in the future if the situation changes and the country stabilizes.

#### 3.3.5.2 The nature of the German system towards children

Job Centers, which provide social assistance to families, require both spouses to learn the language and to look for work. This is something many Syrian families are not accustomed to. Many families are accustomed to different roles that are divided between the husband/father, who works and secures the family’s livelihood outside the home, and the wife/mother, who bears the responsibility of the home and cares for the children inside the home. Nurseries or kindergartens were not widespread in Syria, and the child often started going to school when he/she reached the age of six. It was therefore difficult for parents when the Job Center obliged them to send their children to kindergarten so that they would be able to search for

work and take employment.<sup>318</sup> This family's daily routine has put pressures on them that were not there before.

"You don't suffer in your country as much as here [...]. There you will find your family around you, you will not feel the responsibility or the burden of your son/daughter being on the street and doing something wrong, because then your neighbor will alert him and tell him not to do this, otherwise I will complain to your father, while here everyone lives alone and has nothing to do with others [...]. There we have the uncle who does part of the upbringing, and the most important people in the house are the grandfather and grandmother. I told you that we were living in my parents' house, and when we were going out to work, we would leave our son with them [i.e. on the lower floor where his family lives], [...] this was not a problem for us."

With these words, Muṣṭafā describes the contribution and assistance of the extended family in raising children and taking care of them in the absence of parents. The separation of the Syrian nuclear families from their extended families constituted a great burden that doubled the roles of both spouses, as the wife bears the burden of learning the language, searching for work, and caring for children, and the husband was not accustomed to carrying out childcare responsibilities. This burden was also indicated by Hindy through her interviews with some workers in some civil institutions that offer initiatives to develop the individual skills of women refugees.<sup>319</sup> In addition, in Syria families had little fear of children's delinquency. The social control that Muṣṭafā referred to, which was also discussed in the first section of the chapter, plays a large role in the process of raising children, so the anxiety that they formed in their new environment did not exist in their previous environment. 'Imād confirms this and mentions that

"the responsibility here is double. There I had my responsibility to work and provide for the needs of the house and children. If my wife had to go to a place and my daughter was in the house, she was with my family. My mother or my sister was taking care of her. This thing here does not exist. It is one of the problems. The second problem: the children who are close to the school, I cannot leave them to go to school alone, there is

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318 There are other challenges such as sex lessons, swimming, and school trips that clash with the norms and culture of Syrian families, and some of the interviewees pointed to them as a kind of cultural difference between Syria and Germany.

319 Hindy, p. 18.

a distance of about one kilometer, every day I take them [...]. Everything is difficult, here the issue of raising children is more difficult than [in] Syria.”

In this context it is important to wonder what do parents do in the face of these challenges. Parents intend to preserve the linguistic, religious, and cultural identity by sending their children to the mosque or the church to teach them the Arabic language and religious teachings. But some families from other sects refuse to send children to these places, and Sāmir believes that he does not like to send his children to the mosque, as he does not know what they can teach his children there. He urges his children to read some Arabic books for children, and he wishes that there were centers that focus on the Arabic language away from “religious ideologies”. Many families wish that Arabic could be taught in schools as an optional language for children.<sup>320</sup>

The result of these fears is that they generate pressures that create anger or bad feelings in the relationship between parents and children on the one hand, given the different views between parents and children regarding adaptation in the new society, and lead to a crack in relations between spouses on the other hand. In a qualitative study conducted by Baobaid and colleagues that monitored the effects of pre- and post-immigration on Arab-Syrian/Iraqi families in Canada after settlement, he stated that “conflict may also be heightened in response to parental worry about their children and their future.”<sup>321</sup>

It should be noted that, in contrast to these concerns for children, there is a keenness and motivation from parents for their children to excel in school.<sup>322</sup> This motivation and encouragement from the parents may be motivated by the economic, social, and psychological sacrifices they made on the refugee journey in exchange for a better future for their children.<sup>323</sup> Or it may be because they feel the loss of their home country. This explains

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320 The newspaper “Der Spiegel” reported in a survey that ten German states offer Arabic lessons, which are organized and financed by these states. However, there are six states that do not provide this support for the mother tongue of immigrant children, including Bavaria, where the city of Nuremberg is located. See “Arabisch an Schulen: Zehn Länder machen mit”, *Der Spiegel* 36/2017 <<https://www.spiegel.de/spiegel/print/d-152925991.html>> [accessed 14 December 2020].

321 Baobaid et al., p. 32.

322 Ibid.

323 Charles Hirschman, ‘The Contributions of Immigrants to American Culture’, *Daedalus*, 142.3 (2013), 26–47 <[https://doi.org/10.1162/DAED\\_a\\_00217](https://doi.org/10.1162/DAED_a_00217)>.

the superiority of a number of Syrian students in several German states in schools.<sup>324</sup> It also shows the different dynamics of Syrian families' responses to these challenges.

### 3.3.6 Racial discrimination and racism

"I do not feel safe because I wear the veil, the 'hijāb' [...]. This causes fear for us [...]. For a while, when there were incidents of assault on veiled girls, I became afraid to go out alone, so I always went out with my husband, because I was afraid that someone would push or hit me; this could happen, I was exposed to a number of racist situations here in Germany, when I used the Subway (U-Bahn) and when I sit next to one of them (Germans), she (a German woman) immediately changes her seat and sits in another seat just because I wear the hijāb [...]. Once I was walking with my husband, then someone said a very bad word to me, 'Du bist böse', which means evil, just because I wore a headscarf, and looked at me in a way I would never forget. Then he insulted me."

With this comment, Janā and her husband went on to talk about many topics after I asked them about the challenges they face in Germany, especially with regard to the religious challenge.

The data revealed that most of the veiled women who were interviewed were exposed to racist or racially discriminatory attitudes. Hāgar notes that she has been subjected to a lot of situations: insults in the middle of the road, the uncomfortable look and frown when you are sitting in the subway, and they change places because they do not want to sit near you, and a lot of these things. She says:

"Once we were going to the church because our kids were having a party there, and when we came back at night, someone started cursing us non-stop even though I did not understand most of those insults pouring in, I was not bothered [...]. Everyone is free in their religion and maybe she is right [...]. But what really bothered me was that all of this happened in front of my children, and it is possible that such behaviors affect my children, they will say to themselves, 'surely something is wrong'. Perhaps

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<sup>324</sup> See for instance Joachim Fahrun, 'Die klugen Schüler von Neukölln', *Berliner Morgenpost*, 2020 <<https://www.morgenpost.de/bezirke/neukoelln/article229366384/Die-klugen-Schueler-von-Neukoelln.html>> [accessed 13 September 2021].

my daughter is afraid to wear the *hijab* because I was insulted because of it.”

Her husband, ‘Imād, mentions about being subjected to harsh words from a German woman, such as, “they do not like to see these scenes in Germany”, and “you are ruining German society.” The dangerous thing about some of these situations, which Hāgar pointed out, is that young children sometimes get involved in them. ‘Imād recounts that “once I was with her (i.e. with his wife), when another woman said to her: Do you really think about wearing this veil for your little daughter? She said it with a point of mockery and ridicule. It was my daughter who responded to her, and said to her: ‘Yes, I will wear the *hijab* when I grow up and you have nothing to do with us.’” These attitudes with women, especially when they speak in front of their children, cause greater pressure on them than men because of the apparent religious identity of women represented by the *hijab*. In addition, this does not mean that men are not subjected to racist situations or racial discrimination. When I asked Sāmir if he was exposed to racist situations, he said: “A lot [...]. Once I was behind the central train station (Hauptbahnhof). A woman hit me with her umbrella [...] and said, ‘go back to your home’ (‘Zurück in deine Heimat’) [...],” and Sāmir continued by telling that such physical violence was normally accompanied with strong verbal insults.

People’s experiences in this aspect are varying. Some situations are harsh and some are less severe than others. The sources of racism or racial discrimination vary, from those emanating from ordinary people in everyday life on the street to workplaces to some employees of government institutions. Ma’mūn recounts that he was insulted by a German woman in the city center and called the police during the incident.

“They told me, ‘we will communicate with you, and we regret this thing’ that I experienced [...]. They told me that I cannot file a complaint against her. I told them, ‘why?’ They told me that she is a woman from the street and a stranger whom you do not know. Honestly, I felt they were a bit biased with her since she is German. It is possible to talk in this context about institutional racism. Then I did not know what to do, as I was new to Germany [...]. This was not the only time that I was exposed to it, it is possible that you will be exposed to the same bitterness every weekend, when I go to the bar, for example, or to any place where there are security guards; because I look like a stranger or Arab, they say: ‘No’ (‘Nicht’)! ‘Why?’ (‘Warum?’) ‘Today no’ (‘Heute nicht’) [...] just

because of your appearance. They allow the Europeans to enter and leave you outside because you are merely Arab or perhaps oriental."

I went out with Ma'mūn several times to some of the places he frequented, sometimes with him alone, sometime with him and his companions, and I could observe that many of these situations occurred in the manner he had explained in his interview. While Ma'mūn was prevented from entering the bars, young people with "blond" European features were allowed to enter them, which made Ma'mūn and his friends madly angry at this treatment. The result, as Sulaimān pointed out after recounting some of his painful situations in his "expression" of racism or racial discrimination, is that you "feel that society does not want you, so you say, what a predicament!"<sup>325</sup>

Racial discrimination is not only a stress factor on families and their relations with each other but also plays an important role as an obstacle to the process of integration or assimilation in general and economic assimilation in particular.<sup>326</sup> Their failure to integrate or assimilate in the face of experiences of discrimination makes them become caught in a vicious circle with regards to the legal conditions that guarantee their stay and stability, i.e. the process of obtaining citizenship, in Germany.

### 3.3.7 Feeling alienated

Christine Helberg, who lived in both the Syrian and German society, describes the shock of a Syrian coming from his/her country to Germany. She writes:

"We see that 81 million people live in Germany preoccupied with themselves most of the time. It is a shock for a Syrian who has defined himself through his community throughout his life, feeling safe in his family circle. And he feels quite lost alone, and his daily life consists of networks gathered around him, accustomed to a familiar environment (friends, neighbors, colleagues, classmates), as life also in Syrian cities still has village-like characteristics, so that everyone knows each other. It is a shock."

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325 Despite this position, many of those who were interviewed have pointed to the help and support they have received from certain German individuals as they started their new life in Germany.

326 Frank Kalter and Nadia Granato, 'Recent Trends of Assimilation in Germany', *Zentrum für Umfragen, Methoden und Analysen – ZUMA*, 2001/02 (2001), p. 8.

The Germans do not talk to each other, no one knows their neighbors, everyone is in a hurry, no one greets anyone from afar in the street, people do not talk when they are shopping, “this is how many Syrians describe their first impressions in Germany.”<sup>327</sup> Many of those interviewed expressed their feeling of shock, as there is a vast difference between the social lifestyle in Syria and Germany. The Syrian crisis has forced many Syrian families to become dispersed in many places and many countries. This division is not only between extended families; rather, it is within the nuclear family, that is, between husband and wife, or between brothers, or between parents and children. This has led to the severing of the bonds of communication between them, as the countries on the borders with Syria have almost completely closed their borders, and those living in European countries are not allowed by the laws of these countries to bring in some family members or relatives except in limited and exceptional circumstances.<sup>328</sup> In addition, the Syrians see that their feeling of alienation and loneliness is exacerbated by two things: 1) the fact that the German society is closed to foreigners,<sup>329</sup> and 2) the weakness of social ties in German society compared to their strength in their country, Syria.

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327 Helberg, pp. 96–97.

328 For instance, German law does not allow minor siblings and other family members to be reunited with brothers/sisters except in the case of an “extraordinary hardship” (“außergewöhnliche Härte”), (“Härtefallregelung”) that poses a direct threat to a person’s life such as a serious illness or disability. This is in addition to the many requirements that made it difficult to take advantage of the law. For more, see § 36a of the Residence Act (AufenthG) and § 26 of the Asylum Act (AsylG).

329 There were two contradicting currents in Germany with regards to the refugee crisis. The first is a radical right-wing position that polarized the German society in opposition to a more welcoming current. Nonetheless a sizeable segment of the German society still saw refugees as a great challenge that has actually gave voice to right wing movements. These movements adopt “Cultural Hegemony” theories and promote the fear of “the great exchange” in favor of Muslims. Instead, they advocate a closed culture which explains the retreat of the welcoming current and the closure of the German society vis-à-vis refugees. For more details, see Inken Rommel, “We Are the People.” Refugee–‘Crisis,’ and the Drag-Effects of Social Habitus in German Society’, *Historical Social Research / Historische Sozialforschung*, 42.4 (2017), 133–54; Herfried Münkler and Marina Münkler, *Die neuen Deutschen. Ein Land vor seiner Zukunft*, 2nd ed. (Berlin: Rowohlt, 2016).

Muṣṭafā points out that one of the things that shocked him in Germany was

“the closure of German society regarding refugees.<sup>330</sup> Not everyone of course [...]. In general here in Nuremberg they are used to foreigners. They will talk to you in the street but not to the extent of forming strong social ties that would help with learning the language. As a family, we tried to make friends. We were only able to develop ties with one girl who helps us occasionally. The last time she visited us was six months ago but I met her through AWO.”

Like Muṣṭafā’s family, many families tried to find a place for themselves in German society, but they could not. Ǧalāl compares the social ties in Syria and Germany, saying: “I mean, our surroundings are completely social. Here, you feel that the social ties between them are very limited, that is, even when they are friends, these relations still have limitations.”

In addition to the societal alienation there was a kind of religious alienation. ʿAmir tells about his brother’s psychological suffering due to his failure to hear the call to prayer or his inability to practice his devotional rituals – especially Friday prayers – after he was placed for nine months in a remote area where there is no mosque, after which he decided to return to his family in Turkey to settle there.

As a result of this alienation, many of those interviewed recounted the painful psychological conditions they experienced, either themselves or their family members. From crying, to experiencing isolation and wandering the mind all the time, to feeling orphaned, to contracting some diseases, to being exposed to a stress factor that leads to marital conflicts. Nadā and her husband Usāma recount that the conflicts between them after their arrival to Germany increased and that “external factors are what cause problems, such as loneliness, and alienation.”

The question that arises in this context is, what are the dynamics that families resort to mitigate this alienation? ʿAdnān and his wife mentioned

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330 Rohe and Jaraba point out in their field study conducted in Berlin to the feeling of alienation among Kurds and Palestinians in particular as a result of policies targeting refugees which lead to the formation of parallel societies. Despite of the great changes introduced to these policies in order to better integrate refugees, the feeling of alienation still dominates among many Syrian refugees. See Mathias Rohe and Mahmoud Jaraba, *Paralleljustiz. Eine Studie im Auftrag des Landes Berlin, vertreten durch die Senatsverwaltung für Justiz und Verbraucherschutz* (Senatsverwaltung für Justiz und Verbraucherschutz, 2015), p. 54–55.

that he suggested to five or six families they know that they meet periodically once a week in one of their homes, but the idea did not work, as these families were not fully compatible with each other, he added. The other alternative that families resorted to is places of worship - the mosque or the church - as some families there found an outlet for performing their religious rituals on the one hand and an outlet for their children and family gathering on the other. The third option is for a few of them to go to participate in some of the activities carried out by German religious or civil institutions, such as the Contact cafe ("Kontaktcafé"), in which they found an opportunity to communicate with each other on the one hand and with a small group of German society on the other.

*Conclusion*

There is no doubt that there are many reasons that constitute pressure factors on the Syrian family within the German context, including the fluctuation of the German political mood towards the presence of Syrians in Germany and thus the continuous change in the issuance of decisions or laws affecting their status as refugees. In addition, the media monitors their news and focuses on bad incidents related to some individuals that may harm their reputation as a whole. All of these things constituted a state of insecurity or instability for refugees. This chapter focused on the factors that play the most important roles in their family lives. There are other factors that need further research and exploration, especially with regard to the family's interactions with these other factors and to the dynamics with which families use to cope with them. This includes, for example, observing the effects of government policies towards them.

After its introduction, this chapter attempted to review theories that help in understanding the family dynamics towards the integration process adopted by the German government as a law and practice for the integration of new refugees, parts of which have been referred to in separate places in this chapter. The first section of this chapter reviewed the three options facing the Syrian family, which are to clash with the new society, to be in full harmony with it, or to harmonize between it and their previous society. These choices were driven by many factors that played a major role in the dynamics with which the Syrian family interacted, the most important of which are: 1) the social environment from which the Syrian family came; 2) social control and its role in monitoring the family's behavior

and responses, in rejection or acceptance of the new reality; 3) gender, as women had a tendency to accept this change more than men, which sometimes took a rebellious character and led to many conflicts; 4) age, as it appeared that young people were faster in adapting to the new society than the elderly, due to their greater exposure to the institutions of the new society and the reduced immersion in the culture of their previous society. Hence their susceptibility to change is greater than that of the elderly.

In the second section of this chapter, I reviewed the challenges that the Syrian family faced in its new society and the effects of these external challenges on the family from within. These challenges were represented in: 1) language, 2) work, 3) housing, 4) religious-cultural challenges, 5) children's responsibility, 6) racism and racial discrimination, and 7) feeling alienated.

In the end, it should be noted that, in return for these pressures and their negative consequences for the family, there is a positive side that these pressures may create and push towards. Charles Hirschman wrote, “[m]arginality is often considered to be a disadvantage. Migration, upward mobility, and intermarriage can bring people into new contexts where their mother tongue, religion, and cultural expectations are not the norm. The new experiences – cultural shock, feelings of loss, and uncertainty – are generally uncomfortable, at least until the new culture becomes familiar. Many immigrants, particularly those who arrive as adults, never really feel at home in the place of settlement. However, marginality can also stimulate creativity.”<sup>331</sup> During the fieldwork, it was noticed that some of these families were keen for their children to achieve their ambitions and to strive in their studies to prove themselves in this new society.

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331 Hirschman.

## Chapter 4: Factors of Family Conflicts

### *Introduction*

If what has been addressed in the previous two chapters regarding the traumatic experiences of war and forced displacement on the one hand and the challenges and pressures on the family on the other can be described as indirect conflict factors, this chapter will focus primarily on direct factors. These factors can be categorized along two dimensions. The first set of factors are internal, i.e. linked to the characteristics, structures, and functions of the family, i.e. the context from which the family came from. The second group of factors is externally dictated by the war and the new German context. While these two dimensions can be conceived as separate theoretically, they cannot be completely delineated from each other in terms of their interaction and mutual influence in provoking conflicts within the family. Since this chapter revolves essentially around the Syrian family, it was necessary to provide a quick overview of the traditional and customary characteristics and perceptions of the family in Syrian societies, which is sometimes not without generalization that ignores the different dynamics that families coexist or deal with. So, I will try to present the different points of view very briefly.

It is common in the Arab/Syrian environment that people's lives revolve around the family, regardless of ethnic and religious diversity.<sup>332</sup> In the Arab world, marriage to start a family is therefore not only an individual matter but a decision for the whole family, and the association is often between two families rather than between two individuals.<sup>333</sup> This importance accorded to the family manifests itself in many ways, starting with the extended family in general and parents in particular, exerting pressure on their adult offspring (males or females) to get married to start a family at an early age. Those who delay the formation of the family are looked upon

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332 Barakât, *Al-muğtama' al-'arabī al-mu'āṣir*, p. 171.

333 Christa Salamandra, *A New Old Damascus. Authenticity and Distinction in Urban Syria* (Bloomington: Indiana University Press, 2004), p. 54.

of being the subject of the suspicion of their families and their society.<sup>334</sup> Hence, getting to know someone's family and his relatives is a cornerstone of the individual's identity, as El Guindi put it.<sup>335</sup>

Some researchers classify the Arab/Syrian<sup>336</sup> family as an extended family heading towards the nuclear family.<sup>337</sup> However, this state of orientation remains complex in the Arab world,<sup>338</sup> as the nuclear family maintains a network of relationships with relatives and their families of origin. Therefore it remains "with extended family despite its legal, residential and economic independence."<sup>339</sup> Thus, the Arab/Syrian family in its nuclear state is similar to extended families, although it is apparently classified as a nuclear family.<sup>340</sup>

Some studies generally describe the traditional Arab family, including Syria, as a patriarchal family, in which the father holds authority and power over financial resources. It is also a manifestation of this patriarchalism that the children belong to his family and are given his family name and not that of the mother. In addition, the family resides in the house where the husband's father's family lives, not with the wife's family. It is considered socially and customarily unacceptable in Syrian communities for a husband to live in his wife's family home. As a result of this patriarchal authority, other family members – wife and children – are expected to obey, respect,

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334 The physical integrity of the author of this document was questioned by some of his relatives due to the fact that he did not get married. Social customs in the area I come from frowns upon postponing marriage until after thirty or beyond.

335 Fadwa El Guindi, *Veil. Modesty, Privacy and Resistance* (Oxford: Berg, 1999), p. 164.

336 Despite the multiplicity of ethnicities in Syria, such as Kurds, Armenians, Circassian, and others, Arabs are the majority in Syria, and family structures and functions in general are similar in other ethnicities.

337 Barakāt, *Al-muğtama' al-'arabī al-mu'āṣir*, p. 193; Muṣṭafa Ḥiğāzī, *Al-'usra wa ṣiḥḥatuhā an-nafsiyā* (Family and Mental Health) (Markaz at-ṭaqāfi al-'arabī, 2015), p. 16; al-Āḥras, p. 24.

338 Barakat quotes Bruther and Diab in their study of social changes in the Arab East, according to whom the percentage of nuclear families in Damascus in the 1960s rose to 59%, and 9% of marriages lived for a limited time with the husband's parents. Barakāt, *Al-muğtama' al-'arabī al-mu'āṣir*, p. 194; Edwin Terry Prothro and Lutfy Najib Diab, *Changing Family Patterns in the Arab East* (American University of Beirut, 1974), pp. 66–70.

339 Ḥiğāzī, *Al-'usra aa ṣiḥḥatuhā an-nafsiyā*, p. 16.

340 Barakāt, *Al-muğtama' al-'arabī al-mu'āṣir*, p. 195; Hisham Sharabi, *Muqadimāt lidirāst al-muğtama' al-'arabī* (مقدمات لدراسة المجتمع العربي) (*Introductions to the Study of Arab Society*) (ad-dār al-mutahida llilnašr, 1984), pp. 34–35.

and comply with the husband's/father's orders.<sup>341</sup> It is also a societal custom in Syria for a father to name his eldest son after his father and then, later, to lose his real name socially and be nicknamed by his eldest son's name, for example, Abu Omar.

This patriarchal characterization of Syrian families is to an extent stereotypical and is not far from overgeneralization.<sup>342</sup> It overlooks the debates and contradictions that individuals face in their life contexts. As Hammoudi explains in his comparative anthropological study on power in Arab societies in Morocco, Algeria, and Egypt, the situation of parents in current societies has become complex and faces economic and social failures that have shaken their sovereignty within the family.<sup>343</sup> Because of the structural changes in society with the establishment of the nuclear family, the orientation of women towards work, and the spread of education and migration, this patriarchy has been subjected to major transformations that have softened it. However, the role of male - father or brother - coupled with obedience and power in exchange for the submission of family members to this power is still present, and the father's position within the family has remained essential, according to sociologist Barakat.<sup>344</sup> A recent quantitative study that highlighted the place of women in Syrian society confirms Barakat's claim: "[D]espite the relative improvement on the levels of education, health and living conditions of women in Syria before the crisis, institutions, networks, and values have often carried a dominant male character, as Syrian society lives this contradiction between strengthening the status of women and another trend that would like to exclude them and marginalize their role."<sup>345</sup>

The Syrian family, in my point of view despite of its diversity at the level of ethnicity, religions, and sects, cannot be separated from two contexts that have contributed to the formation of these characteristics and previous perceptions. The first is the Arab milieu in which it is located and to

341 Barakāt, *Al-muḡtama' al-'arabī al-mu'āṣir*, p. 179; Sharabi, *Neopatriarchy*, pp. 29–32; Hīgāzī, *Al-'usra wa sīḥhatuhā an-nafsiyya*, p. 16; Léon Buskens, 'Recent Debates on Family Law Reform in Morocco: Islamic Law as Politics in an Emerging Public Sphere', *Islamic Law and Society*, 10.1 (2003), 70–131, here p. 75.

342 Abdellah Hammoudi, *Aš-Šāfi' wa l-murid* (*Master and Disciple* - الشیخ و المرید -), übersetzt von 'Abd al-Ma'ğid Guḥfa (Dār Twbiqāl lil-Naṣr, 2010), S. 19.

343 Ibid.

344 Barakāt, *al-muḡtama' al-'arabī al-mu'āṣir*, pp. 181, 195; Orna Cohen and Rivka Savaya, 'Adjustment to Divorce: A Preliminary Study among Muslim Arab Citizens of Israel', *Family Process*, 42.2 (2003), 269–90, here p. 217.

345 Ismail et al., p. 51.

which most Syrian communities belong. The second context is religion in general, particularly Islam, which is the religion of the majority in Syria and played a role in shaping the family: in the functions assigned to it and through the legislative provisions relating to the family. This was later reflected in the multiple family laws in Syria. The interaction of these three dimensions: the contexts of the Arab/Syrian environment, religion, and the law on the family, will shape this chapter, reviewing the factors of family disputes related to these dimensions on the family from within and then the interaction of the family with its characteristics, functions, and structures formed in previous contexts with the new Germany environment. However, the discussion will not overlook other dimensions, which may sometimes intersect with the previous dimensions and are no less important than these three dimensions, such as the political dimension, when the family presents them as a problem in these conflicts.

#### *4.1 A Theoretical View of Conflict Factors – Dominance Masculinity*

The scientific study of masculinity has progressed dramatically in the twentieth century.<sup>346</sup> Analytic psychology has addressed this topic, demonstrating that both masculinity and femininity are products of often unstable psychological settlements. Later, the Frankfurt School shifted its focus to “authoritarian personality”, combining social analysis and psychoanalysis to trace the development of masculinity and its role in building the foundations of democracy and fascism. Feminist theories have embraced this form of argument but with a focus on “patriarchy” rather than the class as the structural background.<sup>347</sup> At a later stage, the framework for action on masculinity evolved into the concept of “social role”, which had developed through anthropology since the 1930s and became the common concept of the social sciences, eventually leading to the concept of “sex roles”<sup>348</sup>, understood “as patterns of social expectation, norms for the behaviour of men and women, which were transmitted to youth in a process of ‘socialization’.”<sup>349</sup> Ethnographic/empirical studies of sex roles have given a whiff of

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<sup>346</sup> For more details on this development, see Raewyn Connell, *The Men and the Boys* (Berkeley: University of California Press, 2000), pp. 3–6.

<sup>347</sup> Ibid., p. 7.

<sup>348</sup> See more, Connell, *Masculinities*, p. 22.

<sup>349</sup> Connell, *The Men and the Boys*, p. 7.

realism to the abstractions of role theory,<sup>350</sup> and they also challenged the generalizing and simplistic theories of masculinity.<sup>351</sup> However, role theory has been criticized on the grounds that “a theory based on ‘expectations’ or norms gives no grasp on issues of power, violence, or material inequality. It misses the complexities within femininity and masculinity, and it offers very limited strategies of change.”<sup>352</sup>

Regardless of the many theoretical trends that have attempted to understand masculinity, Marcia C. Inhorn, in her study of masculinity in the Arab world - Lebanon and the UAE -, believes that any ethnographic study of masculinity must begin with Connell’s theory of “hegemonic masculinity”, due to her great influence in general on masculinity research.<sup>353</sup> This is a concept that Connell introduced into discussions of masculinity “to deal with relational issues – most importantly, the connections between the differences and hierarchies among men, and the relations between men and women.”<sup>354</sup> Connell embraced the gender relations approach<sup>355</sup> because it offered “a way of understanding the different dimensions or structures

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350 Connell summarizes the most important empirical conclusions from this research on masculinity as follows: 1) Multiple masculinity: There is no single pattern of Masculinity that is found everywhere. 2) Hierarchy and hegemony: As masculinity has hierarchical relationships, some are dominant and others are marginalized or subordinated. 3) Collective masculinities: Masculinity patterns transcend the behavior of individuals to institutions such as workplaces and others. 4) Bodies as arenas: Men’s bodies are not biologically determined by the patterns of masculinity, rather they are dealt with and given outlets and pleasure according to the status of both males and females in society; therefore bodies are considered as arenas for creating gender patterns. 5) Active construction: Masculinity is produced using the resources and strategies found in a particular social environment and therefore is not programmed into our genes. 6) Internal complexity and contradiction: Masculinity is not static, and it is in a state of internal and external tension. This tension is an important source of its changes. 7) Dynamics: Masculinity changes under different circumstances. For more insight into these conclusions, see Connell, *The Men and the Boys*, pp. 10–14.

351 Ibid., p. 9.

352 Ibid., p. 18; Connell, *Masculinities*, pp. 25–27.

353 Inhorn, p. 41.

354 Connell, *The Men and the Boys*, p. 23.

355 Connell suggested a four-fold model of gender relations that he used in his books: power relations between men and women, production relations or division of labor, cathexis or emotional relations, symbolic structures. For more details about these models, see ibid., pp. 24–26, 42–46; Connell, *Gender. In World Perspective*, pp. 76–85.

of gender, the relation between bodies and society, and the patterning or configuration of gender”<sup>356</sup>, as she wrote.

Bourdieu also addressed the dominance of masculinity and the interrelationship between sexes in the social sphere on a large scale in his writings. Therefore, this study will rely heavily on his conceptualizations. Bourdieu sees that human beings behave according to subconscious tendencies in various aspects of life. In his theory, the structural forms of an environment, such as material resources, produce what is referred to as the “habitus”.<sup>357</sup> The habitus is “understood as a system of lasting, transposable dispositions which, integrating past experiences, functions at every moment as a matrix of perceptions, appreciations, and actions and makes possible the achievement of infinitely diversified tasks.”<sup>358</sup> Accordingly, Bourdieu views the constituent divisions of the dominant and exploitative social relations between the two genders as falling “in two different classes of habitus, in the form of opposed and complementary bodily hexis<sup>359</sup> and principles of vision and division which lead to the classifying of all the things of the world and all practices according to distinctions that are reducible to the male/female opposition.”<sup>360</sup> Bourdieu understood the relationship between the two genders as the representation of a dichotomy between an “active” man and a “passive” woman.<sup>361</sup> This symbolic domination renders the separation between both sexes normal and deeply rooted in the unconscious. “The particular strength of the masculine sociodicy<sup>362</sup> comes from the fact that it combines and condenses two operations: it legitimates a relationship of domination

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356 Connell, *The Men and the Boys*, pp. 23–24.

357 Bourdieu, *Outline of a Theory of Practice*, p. 72.

358 *Ibid.*, pp. 82–83.

359 “‘Hexis’ in Bourdieu’s work is reserved for the externally perceptible ensemble of permanently acquired body postures and movements.” Gerhard Fröhlich, ‘Habitus Und Hexis: die Einverleibung der Praxisstrukturen bei Pierre Bourdieu’, in 29. Kongress der Deutschen Gesellschaft für Soziologie, 16. Österreichischer Kongress für Soziologie, 11. Kongress der Schweizerischen Gesellschaft für Soziologie (Centaurus-Verl.-Ges., 1999), pp. 100–102.

360 Pierre Bourdieu, *Masculine Domination*, trans. by Richard Nice (Stanford: Stanford University Press, 2001), p. 30.

361 *Ibid.*, p. 44.

362 “A sociodicy is a structured attempt to justify the social order in spite of its manifold injustices...In short, sociodicies are the narratives of the dominant, imposed on the dominated, so that the dominant might continue to dominate.” Victor Shamas, ‘Sociodicy: Notes on the Thought of Pierre Bourdieu’, 2023 <<https://criticallegalginking.com/2023/09/06/sociodicy-notes-on-the-thought-of-pierre-bourdieu/>> [accessed 30 January 2025].

by embedding it in a biological nature that is itself a naturalized social construction.”<sup>363</sup> Connell points out in this context that “[b]odies have agency and bodies are socially constructed. Biological and social analysis cannot be cut apart from each other. But neither can be reduced to the other [...]. There is a loop, a circuit, linking bodily processes and social structures.”<sup>364</sup> Thus, “[g]ender is a specific form of social embodiment. Gender relations form a particular social structure, refer to particular features of bodies, and gender practices form a circuit between them.”<sup>365</sup>

Although the factors of conflict that will be reviewed in this chapter are different and manifold, it is possible to put a general framework for most of them, which is the theory of masculinity. This theory and its familial, social, political, and legal representations in the Arab context were the subject of study of many Arab researchers.<sup>366</sup> When it is approached in the Middle East or the Arab world, masculinity in general is depicted with “self-stereotypy”, in which Orientalism played a major role in shaping it, followed by selective representations in the West of the Arab male in the media, in addition to some generalizing writings, as I previously mentioned above, that all place the Arab or Middle Eastern man in the mold of a hegemonic masculine man. However, this image has become “backward”, “old-fashioned” and “traditional”, as the anthropologist Marcia C. Inhorn indicated.<sup>367</sup> The chapter will, therefore, attempt to present the different models of the masculine personality that stand in complex relationships of domination and subordination to each other, and it will explore the changes that occur in this masculine character through the relations between spouses within Syrian families in the German context.

To understand these complex relationships in the new context, it should be noted that, from my point of view, the patriarchal system or dominance of masculinity<sup>368</sup> in Syrian societies reveals, in general, through the concept of “obedience” “الطاعة at-ta'a”, which is one of the main features of male domination in society. It manifests itself in three dimensions:

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363 Ibid., p. 23.

364 Connell, *Gender. In World Perspective*, p. 67.

365 Ibid., p. 68.

366 See, for instance, Sharabi, *Neopatriarchy*; Yasin, *Azmit al-mar'a fi al-muğtama' al-dukori al-'arabi*; Barakat, *Al-Ígtirâb Fi At-Taqâfa Al-'arabiya*.

367 Inhorn, p. 55.

368 I consider that the two concepts in this context signify the same meaning, giving that the patriarchal system has no meaning without hegemony rooted in it and helping it to continue.

- 1) In societal culture, where the role of women in the home is determined as taking care of the household and children. Their role is confined to the private sphere, and their role in the public sphere is restricted. In return, the role of men lies outside the household and is determined in working and bread-earning for the family.<sup>369</sup> It is therefore socially degrading for a man to participate in housework.<sup>370</sup>
- 2) In personal status laws.<sup>371</sup> A man's obligation is to pay maintenance or provide for his wife, and the wife's right to maintenance is revoked if she refrains from having sexual relations with the husband or if she works outside the home without her husband's permission, etc. In this manner, obedience in return for maintenance is indirectly enshrined in laws.<sup>372</sup>
- 3) In religious rulings. This patriarchal power is supported religiously by carrying the meaning of "qiwāma"<sup>373</sup> قِوَامَةٌ or "qawwāmūn"<sup>374</sup> قَوْمَانٌ in Islam on "head", "leader", or "protector" and thus portraying the relationship of men and women as a patriarchal hierarchical authority.<sup>375</sup> A similar concept is also deep rooted legally and socially in other religions and sects.<sup>376</sup>

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369 These roles have economic implications that will have direct consequences for conflicts in the German context, which will be discussed below.

370 Barakāt, *Al-Igtirāb Fi At-Taqāfa Al-‘arabiya*, p. 118.

371 The obligation of the husband to maintain the wife is provided for by most personal status laws of other communities and religions, for example: Article 177 of the Greek Orthodox Community Act, Article 34 of the Orthodox Syriac Act, Article 31 of the Evangelical Denominational Courts Act.

372 § 71 para. 2, § 73 para. 1–6 of the personal status law.

373 One study relied on the concept of "guardianship" as an analytical framework establishing male authority and working on sexual division to work in all political, economic, and religious fields in Arab countries. The focus was on women's domestic work to monitor the opportunities and coercions generated by this concept. See Rab'a an-Naṣirī, *Al-qawāma wa at-taqṣīm al-ğinsi lil'amal an-nisātī al-manzilī bidūn aqr* (Guardianship and Sexual Division of Women's Domestic Work without Pay) (Collective for Research and Training on Development).

374 *الرَّجُلُ قَوْمُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضِهِمْ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ* =4&aya=34> [accessed 24 November 2021].

375 For more details on this concept, see Azizah Al-Hibri, 'Islam, Law and Custom: Re-defining Muslim Women's Rights', *American University International Law Review*, 12.1 (1997), 1–44, here pp. 28–33.

376 These manifestations of masculinity do not differ in other religions or communities in Syria, as laws of other sects and religions derived from the teachings of religion or sect are entrenched in many of their articles. For example, Article 33 of the

At the same time, these three dimensions cannot be separated from the great role of the state, its institutions, and its policies, which may ally with religious institutions to perpetuate – or *vice versa* – the status of women. It also legislates laws through judicial institutions. In addition, its marginal policies, especially in the countryside, with low standards of living and education, contribute to perpetuating a culture of marginalization for women and preserving customs and traditions that preserve the dominant positions of men.<sup>377</sup> “Clearly, masculinity cannot be isolated from its institutional context, including the state, the workplace or labor market, and the family”<sup>378</sup>, as Inhorn wrote.

The question that arises in the context of this study is: What happens to this power and this patriarchy when families are in a crisis of forced displacement not only from their homes but also from the social context with which this male system coexisted? How will they behave within a new German context, which is quite different from that of the original one?

I am fully aware that “the research should attempt to go beyond description (whether statistical or ethnographic) and try to understand why families have certain forms and characteristics in certain circumstances”, as William Young and Seteney Shami write in the context of their critique of purely descriptive terms like “patriarchy” that are made without explanation. What I try in this chapter is to provide explanations for the penetration of this system into family structures and functions through the lens of conflict.

I argue that the collapse of the patriarchy in all its representations, be they family, social, economic, legal, cultural, religious, and political, in the German context is the reason for which various factors of marital disputes have arisen within Syrian families in Germany. Patriarchy, although weak and subject to many recent changes and fluctuations within Syrian societies, has remained present and pervasive in most aspects of these societies. Fieldwork data have shown that most of the factors that led to marital

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Orthodox Syriac Personal Status Act states: “The wife is obliged to accompany her husband after the contract, and she must accompany him to any place wherever she is [...]”, and Article 46 of the Armenian Orthodox Community Act: “The man is the head of the family and its legal and natural representative. A man must protect his wife and the mirror must obey her husband.” Such material, which demonstrates a man’s jurisdiction and leadership in the family, is numerous in multiple personal status laws.

<sup>377</sup> For more insights, see Al-Rasheed, pp. 15–17.

<sup>378</sup> Inhorn, p. 43.

disputes were in one way or another linked to this patriarchal system. This explains why most divorce applications for these disputes were made by women.<sup>379</sup> “Statistics tell us that more than 90% of divorces are requested by women, not men, which never means that they are the cause of divorce, but that they are the ones who initiated the legal proceedings for divorce”, as Berlin-based lawyer Ġalāl Amīn said in an article.<sup>380</sup>

The new context of the family revealed the paradoxical logic of masculinity that had permeated Syrian societies. It also demonstrated the effects of patriarchy on both women and men and also highlighted the previous spontaneous preparations granted to the system. The Syrian families were living with this patriarchy in the Syrian context without showing any contradictions, as female submission in Syrian societies was “spontaneous and extorted”<sup>381</sup> in Bourdieu’s words. Indeed, through the values and norms associated with it in the Syrian context, this system played a role in maintaining official marital ties.<sup>382</sup> What happened later was that the perception of gender relations associated with this system entered a restructuring phase among many family members. These perceptions were later reflected in behaviors assisted by the new German context, leading to clashes and cracks on the surface within these families. However, the research did not rule out important external factors, which have indirect links to the rift of that system and played a major role in fueling these conflicts. These factors cannot be separated from the internal factors associated with the

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379 All disputes that ended in divorce with those interviewed during field work were at the request of the women.

380 Statistics are intended through his personal experience in dealing with such issues and are not official statistics. See Ġalāl Amīn, ‘Izdiād hālāt aṭ-ṭalāq baina al-qādimīn ql-ġudud: T’atur taqāfi ām mumārasah lilħuriaya?’ (‘Increasing Divorce Cases among Newcomers: Cultural Influence or Exercise of Freedom?’), *Abwab* <<https://bit.ly/3DYdysX>> [accessed 8 July 2021]. See also Sāmia Lāwnd, ‘Tazāud hālāt aṭ-ṭalāq bain al-lägi’iñ as-sūriyin’ (‘Divorce Cases are Increasing among Syrian Refugees’), *Geiroon* <<https://www.geiroon.net/archives/139577>> [accessed 8 July 2021].

381 Bourdieu, *Masculine Domination*, p. 38.

382 Of these criteria, for example, the status of divorced women, to which the “culture of shame” adheres and which is viewed negatively by society, thus refrains many women from seeking divorce so as not to be “divorced”. In addition, pressures are exerted by the family, especially males, to prevent women from separation from her husband. So, her decision is not just hers, it’s about the whole family. To expand around that, see Faṭīma az-Zahrā’ aš-Šāfi’i, *Taqāfat al-‘aib fi ḥayatīnā al-yawmīya* (Shame Culture in Our Daily Life) (Dar al-’adham, 2012), pp. 110–111, 116–117; Ann Al-Naġdawī, ‘Aṭ-ṭalāq al-ṭāfi’i fi al-muġtama’ al-’urdunī’ (‘Emotional Divorce in Jordanian Society’), *Al-’ulūm Al-‘insāniyya Wa Al-’iġtimā’iyya*, 45.4 (2018), p. 55.

characteristics and structures of the family. Chief among them the effects of the Syrian war on the members of these families and the effects of the German context itself in all its dimensions.

Bourdieu noted that the revolution of feminist movements cannot change this male dominance by bringing about a change in awareness and will. For this change to occur and to achieve a break in the relationship of complicity, which occurs through the predispositions granted by the dominated victims to the dominant, there must be “a radical transformation of the social conditions of production of the dispositions”, through which the dominated “take the point of view of the dominant on the dominant and on themselves.”<sup>383</sup> The question in this context is whether these radical shifts in social conditions in the new German context have brought about changes in the predispositions governing the hegemonic relations of members of the Syrian family, especially women. That is what this chapter will try to examine.

“Another cause of the growing conflicts within Muslim families is the cultural, social and economic unrest caused by migration from a relatively conservative Middle Eastern society”<sup>384</sup>, wrote Mathias Rohe and Mahmoud Jaraba in their qualitative study of different Muslim communities in Berlin. Many persons from largely patriarchal societies suffering from war and conflict have migrated to a relatively open society in which men and women enjoy equal rights. The most important reason referred to for familial strife seems to be the changing understanding of the roles of men and women.<sup>385</sup>

Based on the many factors referred to, I will classify factors for familial conflicts into internal and external determinants. These determinants then will be thoroughly discussed and analyzed based on data collected from the field.

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383 Bourdieu, *Masculine Domination*, p. 42.

384 Mathias Rohe and Mahmoud Jaraba, *Parallel Justice. A Study Commissioned by the State of Berlin, Represented by The Senate Department for Justice and Consumer Protection* (Senate Department for Justice and Consumer Protection, 2015), pp. 109–110.

385 Ibid.

## 4.2 Internal Determinants of Conflict Dynamics – Clouds in Syria Rained in Germany

Marital disputes within the Syrian family generally take three directions: 1) Coexistence with these disputes and maintaining the marital bond between the parties. 2) Ending the marital relationship with divorce. 3) In a few cases, these conflicts escalate to violence that may amount to murder, the victims of which are often women.

Statistically, divorce and violence may be one of the biggest indicators of the escalation or decline of these conflicts. However, ongoing disputes that do not result in the separation of spouses within the family are difficult to track statistically, making it challenging to assess their impact. Therefore, in a qualitative study on Jordanian society, the so-called informal “emotional divorce” was studied and “represented in the dissatisfaction with the marital relationship by one or both parties.”<sup>386</sup> So, it is not important to focus on any results associated with quantitative studies. What is important is to highlight the factors of these conflicts in the German context for a deeper understanding, based on qualitative data.

First of all, it must be said that these conflict factors in their German context cannot be separated from the characteristics, structures, functions, and conflict factors within the family in its Syrian context, as I indicated above. In the words of Imam ‘Umar, “The cloud that was in Syria rained here in Germany.”<sup>387</sup> This section will therefore review the factors of family disputes through the family’s interaction with the new German context and the implications and developments that this interaction has inflicted on the family.

### 4.2.1 Gender roles

Gender in Syrian societies largely defines the roles of both men and women in the family. Inside the house, the man often expects obedience and the execution of his orders, while he works outside the house to secure the family’s livelihood. In return, women obey their husbands in matters related to the household, but they play a major role in the upbringing of children.<sup>388</sup>

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<sup>386</sup> Al-naǵdawī, p. 46.

<sup>387</sup> Nuremberg, 14 January 2020.

<sup>388</sup> Barakāt, *Al-Ígtirāb Fi At-Taqāfa Al-‘arabiyya*, p. 118.

The societal beliefs based on these divisions support “structural barriers that impede the achievement of gender equality within the family.”<sup>389</sup> This is not confined to the Syrian society but is also common in other parts of the world where such cultural beliefs with regard to the roles of men and women are still adopted.

Due to the vast difference in the definition of these roles between Syrian and German society, unrest began to take place in the roles of spouses within the family after the family came to Germany, leading to disputes between the two parties, because “[e]veryday life is an arena of gender politics, not an escape from it”<sup>390</sup>, as Connell wrote. Mahmoud, whom I met at a Nuremberg café, pointed to this change and the comparison between “here” and “there”:

“In Syria, the concept of the relationship for 70 to 80 percent of people is that of a sexual nature or that she [i.e. the wife] cooks and I [i.e. the husband] work, but when people arrive here, the role of the pivotal man whose task is to ensure basic life requirements disappeared. He is no longer the man that the women depends on [...] they became equal [...] he receives the 400 Euro, I [i.e. the wife] also receive the same from the German government. We are both renting the house. It becomes normal for divorce-related problems to occur.”<sup>391</sup>

Women used to be excessively dependent – some refer to her as being pampered – on men for day-to-day household matters, adds Nada, whom I met along with her husband in her house.<sup>392</sup> This dependency relationship started to fade away in the German context as the wife’s role outside the family system, i.e. in the public sphere, has changed, because she is required, like a man, to learn the language, attend integration courses, and seek employment. This is a role that has put pressure on her between home affairs and childcare, and it means the loss of her “pampered” status within the household. Bourdieu noted that the increasing number of working women “could not fail to affect the division of household tasks and therefore the traditional male and female models, which has no doubt had

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389 Janice M. Steil and Liora Hoffman, ‘Gender Conflict and the Family’, in *The Handbook of Conflict Resolution. Theory and Practice*, ed. by Morton Deutsch, Peter T. Coleman, and Eric C. Marcus (New York: John Wiley & Sons, 2011), p. 231.

390 Connell, *Masculinities*, p. 3.

391 Nuremberg, 16 October 2019.

392 Nuremberg, 8 December 2019.

consequences for the acquisition of the sexually differentiated dispositions within the family.”<sup>393</sup>

Husbands/fathers have lost their roles outside the household when they have become unemployed, which in turn has affected their authority to make decisions about home affairs, and they felt that their role in the family has become questionable. The new reality involved new household burdens, such as caring for children, cleaning the house, cooking, etc., that were usually considered to be culturally unacceptable for men to do in Syrian societies, because these actions conflict or threaten the husband’s masculine identity that is rooted in society, as Morton Deutsch points out.<sup>394</sup>

As a result, the image of an arranged marriage that divides roles inside the house (allocated to women) and outside (allocated to husbands) changed. During my visit to Salmā (separated twice, first in Syria and second in Germany) for an interview, her sister, who married in Germany, was also visiting her.<sup>395</sup> During our conversation about the great responsibilities of the wife in Germany, I noticed how Salmā became cynical of her sister, who divides household chores such as cleaning, cooking, etc. between her and her husband equally. Salmā, as she pointed out, likes to do housework as a wife, even though she worked in Syria, but the image of the tasks of the house that women in Syrian societies bear has remained rooted in Salma’s mind in both societies.<sup>396</sup>

Raşa’, who is about 40 years old and a separated woman whom I met in the café with Amina and her sister to talk about the causes of conflicts within families, stated that one of the reasons “is that the nature of life has changed, the nature of the marital relationship has changed, that is, the husband was accustomed to the fact that his wife often stays at home. Here she does not have time for her child or her husband. They are both equal. Like the husband, she wants to go to work as well, and she has to.”<sup>397</sup> In the context of Syrian societies, women were not left alone to carry out household chores, and many of those interviewed confirmed that they often

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393 Bourdieu, *Masculine Domination*, pp. 89–90.

394 Morton Deutsch, ‘Introduction’, in *The Handbook of Conflict Resolution. Theory and Practice*, ed. by Morton Deutsch, Peter T. Coleman, and Eric C. Marcus (New York: John Wiley & Sons, 2011), p. 2.

395 Salmā may have asked her sister to come in consideration of social norms in not receiving men (the researcher and a mutual friend of mine) alone at home.

396 Nuremberg, 20 March 2020.

397 Nuremberg, 24 February 2020.

relied on the parents of the husband or wife (i.e. the extended family) in some of these responsibilities, yet by migrating to Germany they lost this support, which placed an additional burden on them. In the face of these new pressures and burdens, wives may have expected a decrease in their domestic work, especially since the economic burden of the family is no longer the sole responsibility of the husband.<sup>398</sup> They felt, with the social aid that they receive along with their children, that they are partners in the household economy. This expectation was not realized because of the male identity of the husbands who feel degraded by household work. They expect wives to take care of both family duties and them, which in turn is consistent with the obedience they are accustomed to.<sup>399</sup> On my frequent visit to Imad's house and other couples, I noticed how he relied on his wife for all the housework, from providing hospitality, to preparing and serving food, to carrying pots into the kitchen after it was finished, something that was the subject of quite a bit of grumbling expressed by his wife several times in front of me.

In a qualitative study that tried to observe the impact of displacement on masculinity<sup>400</sup> among Syrian refugees in Lebanon, it was found that responsibilities and gender roles are changing because “men and women

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398 Theodore N. Greenstein, ‘Economic Dependence, Gender, and the Division of Labor in the Home: A Replication and Extension’, *Journal of Marriage and Family*, 62.2 (2000), 322–35, here p. 333.

399 In a qualitative anthropologic study on the causes of divorce in the town of Tora in Jordan, the researcher concludes that from the point of view of divorced (couples), who are often the decision makers in divorce, it is the wife's failure to obey her husband, such as frequent departure from home, excessive freedom, and lack of interest in family duties and her husband. In another qualitative study that monitored emotional divorce, the researcher emphasizes the agreement of all interlocutors. However, the husband's personality is one of the most important reasons for this type of divorce. In a master's thesis monitoring the causes of divorce from the point of view of divorcees, she concluded that a man's authoritarianism, dictatorship, and the husband's severe anger at home were one of the most important reasons for the rise in divorces. Aiman aš-Šbūl, ‘Al-mutağaīrāt al-īlāmī‘iya wa at-ṭaqāfiya lżāhirat at-ṭalāq’ (‘The Social and Cultural Variables of the Phenomenon of Divorce’), *Maġalat ġāmi‘at Dimašq*, 26.3–4 (2010), p. 683; Al-naġdawī, p. 52; Mahitab 'Abo Zint, 'At-ṭalāq, 'asbābuh wa natā'iġuh min wġħat nazar al-muṭlaqat' (‘Divorce, Its Causes and Consequences from the Perspective of Divorced Women’) (ġāmi‘at an-naġħaġ al-waqtaniya, 2016) pp. 70–71.

400 The author uses the concept of ‘protest masculinity’ as collective practices by marginalized men who are fighting for their authority and status. These male protests take the form of violent or non-violent aggressive behaviors towards women and children. Tuzi, *Forced Migration and Gender Relations*, p. 9.

are required to act in accordance with the new ‘settings’<sup>401</sup>, which in turn has changed power relations. Changing power relations, if not observed by the parties, leads to disputes between them.

A qualitative study of the needs and challenges of refugee youth in Germany - Syrians and others - has reached the following conclusion: “The displacement situation changes gender roles within the family. This supports or leads to new conflicts within families.”<sup>402</sup> One of the supervisors of a refugee reception center in this study points to men’s clash with new German norms, especially those relating to women, so women are told that they do not have to live with previous norms. As a result of these clashes, he concludes: “I have also experienced a lot of divorces.”<sup>403</sup>

Not only have gender roles, such as practices and work, occurred within and outside the family, but they have affected the authority of both husband and wife within the family, which will be addressed below through the effects of the external German context on the relationship of the parties.

#### 4.2.2 Economic factors – economic alienation<sup>404</sup>

As a result of the men’s and women’s status in Syrian societies, the roles of work have been divided culturally, legally, and religiously. A man is responsible for supporting his family, whereas the woman has to take care of the affairs of the household.<sup>405</sup> This division of work is rooted in “the division of productive activities with which we associate the idea of work.”<sup>406</sup> These divisions were established through the family and the entire social

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401 Ibid., p. 6.

402 Iris Dähnke, Irina Linke, and Birte Spreckelsen, *Geflüchtete Männer in Deutschland* (Bundesforum Männer, 2018), p. 69.

403 Ibid.

404 “When a person loses control over his creatures, products and property, he is employed for the benefit of others rather than stealing them for his own benefit. In other words, the human being becomes subject to other entities.” For more on this concept and its applications in the Arab context, see Barakāt, *Al-Īgtirāb Fi At-Taqāfa Al-’arabiya*, p. 37.

405 It should be noted that women’s participation in the labor market in Syria was about 18% in the latest statistics before the Syrian crisis, and due to this small percentage they depended heavily on the husband economically. See, Al-Ǧumhūriya Al-’arabiya as-sūriya, *Al-barnāmaġ al-waṭānī llil’amal al-lā’iq* (Al-lā’iq, Al-barnāmaġ al-waṭānī llil’amal, 2008), p. 3.

406 Bourdieu, *Masculine Domination*, p. 47.

system.<sup>407</sup> As a result of this system, the power and parenthood of men within the family have been largely linked to this factor, as he is the source of livelihood, and therefore the family depends on him for their livelihood. In return, the husband awaits obedience from his family members, who should follow his instructions.<sup>408</sup> In contrast, given the determination of the role of women in the home, they, in turn, will have to rely heavily on men economically.<sup>409</sup> Even if she works, most jobs do not pay women to enable them to be economically self-sufficient.<sup>410</sup>

The distribution of these roles in this way leads to two contradictory outcomes, such as the contradictions arising from the gender status of both men and women in Syrian societies:

- 1) As a deterrent to official divorce. Women's economic dependence on men limits their choices. This, therefore, affects their decision to separate from their husband in the event of marital disputes between them.<sup>411</sup> This economic exploitation of women is the most important factor in determining their relatively subordinate status in society.<sup>412</sup> Therefore, women suffer from "economic alienation"<sup>413</sup>, which represents a "clear class struggle in the distribution of professional activities between men and women. They are always given secondary, or marginal work [...]. [A woman] remains dependent on a man who monopolizes basic business, allowing him to extend his influence over her", as Ḥiġāzī wrote.<sup>414</sup>
- 2) As a cause of marital disputes. Poor economic status leads many couples to live with the husband's family, which increases parental interference

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407 Ibid., p. 57.

408 Annika Rabo, "Doing Family": Two Cases in Contemporary Syria', *Hawwa*, 6.2 (2008), 129–53.

409 Barakāt, *Al-İgtirāb Fi At-Taqāfa Al-‘arabīya*, p. 118.

410 Salamandra, p. 52.

411 Al-naġdawī, p. 55.

412 Ḥalīda Sa‘īd, *Fi al-bad‘i kan al-muṭanna (Dualism from the Start)* (Dār as-saqī, 2009), pp. 78–81; Barakāt, *Al-muġtama‘ al-‘arabī al-mu‘āşir*, p. 188.

413 Ḥiġāzī refers to three expropriations of women: economic alienation, in which women's economic dependence on men is manifested, sexual alienation, where women are reduced to the limits of their bodies, and ideological alienation, in which women are convinced of their inferiority towards men. Muṣṭafa Ḥiġāzī, *At-tahalluf al-īgtimā‘i – Dirāsa fi sīkūlūgiya al-insān al-maqhūr (Social Backwardness. A Study in the Psychology of the Oppressed Person)* (Casablanca: Al-markaz At-taqāfi Al-‘arabī, 2005), pp. 211–219.

414 Ḥiġāzī, *At-tahalluf al-īgtimā‘i*, p. 211.

in the details of the couple's lives, and as a result their disputes intensify. Work is also regarded as a man's identity, which in turn is linked to the negative or positive view of society.<sup>415</sup>

In the German context, the husband wants to maintain his authority and place within the family by maintaining control over financial resources from the German government as aid from Job Center, ignoring the fact that the legal and social context for women and children has changed radically from what it was in Syria. The following question arises here: How do the social assistance system provided by Job Center or funds provided by the family fund (Familienkasse) to support children play a role in fueling conflicts between the parties?

The husband's loss of work, his reliance on social aid, and the sense of threatening his status and authority lead to a significant pressure on him, reflected in his actions with his family members. Moreover, the wife's knowledge of her rights to demand a share of the husband's income is reflected in three dimensions:

- 1) Absence of impediments to divorce. One of the most important obstacles to formal divorce for women in Arab societies, in general, is the economic factor as I have pointed out, and with Syrian women receiving financial resources in the form of aid from the German government, women feel freer to decide to divorce without fear of want and need. In other words, the barrier that prevented them from seeking divorce from their husbands has been eliminated. This means that the factors of separation between them were present before the couple arrived in Germany, and these factors may be linked in one way or another to factors of previous conflicts within Syria. Ġanā points out the importance of this reason in conflicts and says: "The material factor is the one that ruined the relationships between couples. Now most women think like this: Now I have financial independence (salary)."<sup>416</sup> If the husband treats his wife and his children badly [...], she will question why should she stay under his care [...] the job center will give her a

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<sup>415</sup> Anthony Keedi, Zeina Yaghi, et al., *A Qualitative Study on War, Masculinities, and Gender Relations with Lebanese and Syrian Refugee Men and Women* (DM Gender Group, 2017), p. 20; Zint, p. 136.

<sup>416</sup> All those interviewed use the word "salary" instead of social aid, perhaps because they, especially men, deny classifying themselves as dependent on others and live on state aid. There is also the possibility that this is because of the system in which aid is paid, which resembles that of companies and institutions with their employees.

salary and she can later find work and provide for her children as she does not need him anymore.”<sup>417</sup> This brings us back to the authoritarianism of the man in the house and to his position, which he refuses to change, as reasons stimulating and supporting conflicts in the context of the material independence that women have enjoyed in the German context.

- 2) Disputes over financial independence and matters related to allowance. Another type of dispute that arose between spouses is the wife’s demand for her financial independence,<sup>418</sup> the opening of her own bank account independent of that of the husband’s, and the organization of the household budget. This is one of the most important factors for marital disputes within Syrian families, as Imam ‘Umar<sup>419</sup> and Imam Ahmad<sup>420</sup> pointed out, stressing that many of the conflicts that come before them are related to financial issues. Here we have two contradictory points of view between husbands and wives, as the interlocutors have shown. Interviews show that, from the wives’ point of view, husbands have become stingy and do not give their wives any of their financial rights. They exert control over these finances without granting them a share. From the husbands’ perspective, wives have begun demanding these financial rights without recognizing that they also have obligations and responsibilities in contributing to household expenses. The wives expect to be treated as they were in Syria, where the husband fully provided for them without requiring them to bear any financial responsibility. However, the financial aid granted to the husband alone is never sufficient to cover all household expenses. This contradiction in trends has caused many conflicts between spouses.
- 3) Sending money to help parents in Syria: The majority of the population in Syria is now living below the poverty line because of the war, which has necessitated assistance from family members living abroad. Many of those interviewed spoke of providing such assistance to their families in Syria. What arises from this situation is that by the husband’s

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417 Nuremberg, 26 October 2019.

418 When the two parties sign the aid receipt papers with the employee responsible for them, the two parties can choose to deposit the aid in one account (the husband’s) or in two separate accounts, i.e. in the husband’s account and the wife’s account; husbands often choose to deposit in their account only. The same applies to child’s benefits.

419 Nuremberg, 14 January 2020.

420 Nuremberg, 20 December 2019.

control over the family's financial resources he can sometimes send some assistance to his family when money has been saved. In return, the wife demands that her family members also be helped with these funds. Because of the lack of money or the husband's feeling that he is dominant, her demand may be rejected, resulting in disputes between them, often ending with the wife asking her husband for her financial independence. Pastor 'Adnān refers to such a case that ended in the couple's divorce due to their continuing differences over their share of the money and the wife sending aid to her family without her husband's knowledge, which led to her being beaten in one of these disputes, to the intervention of the police, and to the end of their divorce case.<sup>421</sup>

Fātima mentions one of her classmates in her language course and how she "fought with her husband over a bank card: Why do you have a bank card and I do not have one? [...] You know [i.e. talking to me] that the guy takes responsibility for his mother, sister, family, I mean he is obliged to send money to his mother [she refers to the wife's protest]. Why did you send it to your mother [i.e. husband's mother], not to my mother!"<sup>422</sup> Fātima's attitude during her account of her friend's incident with the vision of her husband was that she objects to the wife's first argument by insisting that the husband "was the one who was spending on her" in Syria, so why is she now asking him for her independence. She objects to the second argument that the wife is "a girl [i.e. a female], there are her male brothers, who are involved in spending on their mother." Fātima is a model for many women coming from Syrian societies. In addition to her adoption of economic alienation of women, she adopts ideological alienation in which women are "convinced of their inferiority towards men, and firmly believe in their [the men's] superiority, in their control over women, and the latter's subordination to men." In other words, "she accepts her status, the position of oppression she suffers as part of her nature, she has to accept it, and adapt her presence by imprisoning her"<sup>423</sup>, as Hijazi wrote. Many of the women who were interviewed blamed wives for provoking marital conflicts, because they were convinced of their previous status in Syrian societies.<sup>424</sup> This conviction is further reinforced by the insistence

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421 Nuremberg, 28 January 2020.

422 Nuremberg, 27 October 2019.

423 Hijāzī, *At-tahalluf al-iğtimāī*, p. 217.

424 A position also referred to by Rabo in her study of the Syrian family in urban and rural areas, and she concluded that, although women know about men's mistakes in

of husbands in maintaining women's economic and ideological alienation status. Fātīma's husband 'Adnān comments about the incident, which his wife recounted: "Unfortunately, this demonstrates a lack of reasoning on the part of women, because it is the man who brought her and her children to Germany." This view of 'Adnān - and like him other interlocutors who shared the same opinion - is also part of his dominant masculine nature in society, which sees himself responsible for the woman/wife, ignoring the great work that the wife was doing inside the house from managing its affairs to raising children, because the fact that "women's domestic labour has no monetary equivalent does indeed help to devalue it, even in their own eyes"<sup>425</sup>, as Bourdieu wrote.

The general orientation of a segment of women towards this economic independence has undermined men's control on the one hand, but on the other hand it has led to numerous conflicts within the family. Although the economic independence is not real because of its reliance on social aid conditional on preparation for the job market and demanding job searches, it has revealed such multiple conflicts. In the years to come, if women enter the labour market and thereby challenge the patriarchal system, which wants them to stay home, more conflicts may arise. Greenstein and Davis's study, which attempted to monitor the effects of women's power and prestige on divorce rates, revealed that women's labor force participation was associated with high divorce rates.<sup>426</sup>

#### 4.2.3 Cultural-religious clash

The Syrian and German contexts cannot be separated when discussing cultural-religious factors, nor can these be separated from the status of both men and women in both communities. The cultural-religious factors are reflected in positions of acceptance or rejection of change, and the clashes arise from the conflicting opinions between the spouses towards these positions. In chapter three of this research, when talking about the changes

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the family, they often blame other women. See Rabo, "Doing Family": Two Cases in Contemporary Syria'.

425 Bourdieu, *Masculine Domination*, p. 98.

426 Theodore N. Greenstein and Shannon N. Davis, 'Cross-National Variations in Divorce: Effects of Women's Power, Prestige and Dependence', *Journal of Comparative Family Studies*, 2006, 253–73, here p. 269.

in the Syrian family, I noted that women were more receptive to cultural and religious changes than men, which in turn created a kind of tension or conflict between the demands and orientations of the two parties. Syrians in general and men in particular were afraid of the cultural/religious threat, which then triggered a more severe reaction in their treatment of family members as a defensive mechanism against this threat.<sup>427</sup> When asked if his role as a husband and father has changed between Syria and Germany, Tāriq replied: “This issue is up to the woman, I mean, the husband is a husband, whether he is in Syria or he is in Germany, but it is usually the woman who wants to come here and say that ‘I have rights!’ This question should be asked to a woman. Ask her: How do you find yourself in perspective of your husband? Is it the same thing as when you were in Syria?”<sup>428</sup> Tāriq indirectly rejects the idea of his change, but he sees that it is women who have changed in the new reality. Many interviews reveal disputes between spouses caused by religious/cultural clashes between the two parties; the desire of one, often the wife, to change and adapt to the new society; and the other’s rejection of this change.<sup>429</sup>

Rāma recalls how a Christian family close to them disintegrated as a result of these clashes. The man was accustomed to his authority inside the house in Syria, especially since he came from a tribal society where men had great status and authority. When he came with his family to Germany, he lost control over the family, and his wife rebelled against him. Things became worse because his son had a child from a relationship outside marriage. As a result, the father left his family in Germany and returned to Syria.<sup>430</sup> Imād also tells of a family he knows where a husband divorced from his wife because she removed the headscarf, which is something the husband rejected. However later he came back to his wife and had to put up with the new change.<sup>431</sup> Relatedly, Fātima points out how a mother of four daughters wanted along with her daughters to take off the *ḥiğāb*, but the

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427 Hindy, p. 25.

428 Nuremberg, 13 October 2019.

429 In fewer cases it is the opposite, i.e. the wife refuses to change the husband. Some imams pointed out how some wives clash with their husbands as a result of abandoning certain religious/cultural values, such as drinking alcohol or using drugs, etc.

430 Nuremberg, 13 October 2019.

431 Nuremberg, 12 October 2019.

husband refused, and the disputes between them escalated as he beat her. She filed a complaint against him, after which they separated.<sup>432</sup>

On the other hand, Amīna also recounts some of the incidents she witnessed, involving disputes between spouses over issues relating to the disrespect of past values and norms by wives, and how these disputes then evolved into husbands beating their wives. She thus adopts the view that the women violated the previous values and norms, in other words, that they are the ones to blame in this case. Because of the high occurrence of such incidents, Imam 'Umar ranks the cultural clash within couples as one of the most important factors of family disputes. In his view, the husband "refuses to change. He refuses to believe that he is now in another society. He behaves with the same mentality as when he was in his country, whether Syrian or Iraqi or I do not know what, he still insists on this mentality, and this causes suffering; he controls his wife and controls his children and controls their studies and their income, and whatever they do they reach the stage of explosion."<sup>433</sup> Regarding one conflict in which Imam 'Umar was involved in order to help solve it, he points out how a major conflict between two spouses took place and led to the wife's request for divorce. The wife wanted to put a ring in her navel, which the husband rejected completely as he saw it as an imitation of Western values and a violation of the values and norms on which they were raised. Although Imam 'Umar criticized the dominance of men, in this context he indirectly criticizes the position of the wife who wanted to get divorced from her husband because of such an attitude. Couples generally feel that the family must maintain the previous religious/cultural norms they grew up with. Because of the effects of the German context, some members of families - wives or adult children mostly - abandon some of these norms. The man then feels that his authority, on which the family was founded and under which obedience from his family members is expected, is threatened, thus generating numerous conflicts between family members in general and between spouses in particular.

### 4.3 External Determinants of Conflict Dynamics

External factors have played an important role in breaking up and undermining patriarchy on the one hand and in influencing people's behaviour

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432 Nuremberg, 27 October 2019.

433 Nuremberg, 14 January 2020.

on the other. Accordingly, new cultural norms and values have emerged that have brought about significant changes that have contributed to the reshaping of the identity of newcomers. These changes were not at the same level, and therefore their consequences for relationships within the family were diverse and different.

#### 4.3.1 The impact of war and forced displacement – violence as a “defense” mechanism

Many Syrian families have experienced the most severe bombings of modern times, and the Syrian war has been the most costly contemporary war financially and, more importantly, at the human level. Many people suffered losses in human lives and personal belongings. In addition, some members of these families, mostly men, were arrested and tortured, leaving significant physical and psychological scars on their souls. The second chapter of this research portrays the causes of displacement through the accounts of the people themselves. In this section, I will only present its direct effects in fueling family conflicts.

Penny Johnson wrote of the war, violence, and asylum experienced by Arab families: “The economic, social, and moral dilemmas of women and their families in sustained conflict are heightened to a great degree when families become refugees, either internally (internally displaced persons or IDPs) or outside their country as refugees or forced migrants.”<sup>434</sup> When I ask Sulaimān about the causes of family disputes, he states that, “in a period of war, life was destroyed, everything was destroyed. So, the war dismantled everything that is old; I mean it is not possible, or very difficult, to find someone who is still thinking in old ways. The war has caused a frightening rift for everyone and the general environment. I mean, what was not accepted in Syria, it became normal and traditional on the street.” Sulaimān gives some of the examples he observed, including a coup against the customs, traditions, and societal values that prevailed before the war. In other words, the war dismantled many societal values and traditions, which in turn affected the values and traditions of the family, which is one of the most important social structures in society.

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<sup>434</sup> Johnson, pp. 473–474.

Agyptad, whom I met many times at home as I was involved in solving his unrelenting problems with his wife repeatedly - by virtue of my friendship with him -, was arrested in Syria three times before coming to Germany. During the interviews he blamed his wife for raising these problems, but he made no secret that his imprisonment and torture in Syria had greatly affected his psyche and actions, which in turn impacted his relationship with his wife, as illustrated in his extreme anger and impatience with some of his wife's behavior.<sup>435</sup> Some of those interviewed tried to treat the "psychological trauma" condition, as in Nirmīn's case. Her mother, Suzān, recounts that the horror of the bombing, the destruction they witnessed, and the threat to their lives several times is the reason why the relationships of family members (both between spouses and between parents and children) are no longer the same after they have come to Germany.<sup>436</sup>

Speaking about the causes of conflicts within Syrian families, Imam Ahmād points out:

"My analysis of the subject is that psychological pressures through war, whether on men or women, even on children, psychological pressures that we have all been through, are very difficult, affecting the husband's psyche and the psychology of the wife, meaning that the husband has reached a stage where no one can bear anyone, I mean a small problem that is growing and becoming big. It means great pressure. There are people who lost their mothers, their brothers, and their uncles. Some of them arrived here through the sea and they faced deadly dangers to get over here."

He also recounts one of the incidents when a husband divorced his wife over a trivial clash while he was driving his car.

One of the most important consequences of the effects of war and displacement is the spread of violence, especially against women. In many instances, women were used in the Syrian war as instruments of pressure, humiliation, and violation of opponents' honor, which is considered one of the most precious cultural values of the family. This is a representation of the masculine mentality prevailing between the conflicting parties in Syria.<sup>437</sup> This violence has spread in one way or another to the family as

435 Nuremberg, 10 October 2019.

436 Nuremberg, 3 December 2019.

437 'Alyā' Ahmād, *Wāq' almar'at as-sūriya fi al-azma ar-rāhīna* (*The Reality of Syrian Women in Modern Times*) (bayt al-muwātīn lilnašr wa at-tawzī, 2014), p. 49.

a reflection of that reality of external violence. Tuzi wrote in this context: "Throughout the Syrian refugee crisis, domestic violence appeared as the most common expressions of protest masculinity. It ranges from psychological to physical, emotional, and sexual abuse."<sup>438</sup>

Violence is often treated as one of the reasons for divorce or separation of spouses; it is not seen as a result of other conflicts that have led to it. Data revealed numerous cases of violence in which wives, some of whom had been interviewed, the majority, however, of interlocutors' acquaintances or observations, had been subjected to violence. German laws on domestic violence are strict, and husbands often refrain from practicing it against their wives for fear of legal consequences. Nonetheless it remained a practice that sometimes took on a severe retaliatory character including some cases of homicide that took place in various cities in Germany. In one case where Agyptad requested my intervention to resolve a conflict between him and his wife Rāma, the police car was roaming under the building looking for the house where there was a problem. Apparently, one of the neighbors had reported to the police the loud noises of the couple. When I arrived, I noticed redness around Rāma's neck and hands. It seems Agyptad was trying to silence her so that the police would not hear the loud screaming. While I was trying to calm both sides, Agyptad seemed to be outraged and at the height of his anger, and he exclaimed, "If we were in Syria, I would have slaughtered her and stepped over her."<sup>439</sup> I found Rāma crying and showing me the traces of his hands on her body, and despite her wish that the police would come, plus her verbal threats to her husband to call the police, she did not do that.

During Rāma's interview, she referred to many incidents of violence and recalled her husband's previous attempts to silence her. This was at the beginning of her arrival in Germany, and she was not knowing that there was a police force to protect her from this violence. "I thought he was trying to silence me so that no one could hear the sounds. I did not know he was afraid of the police." The concerns of the police were not only for himself but for his daughter (who is from another divorced wife) to be taken from him by the Youth Office (Jugendamt). What was shocking while I was with them was his threat to his wife that, if he lost his daughter, "I will kill you and return to Syria or go to prison [...]. I do not care what will happen."

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438 Tuzi, *Forced Migration and Gender Relations*, p. 9.

439 Often this term is used as a threat in Syrian dialects, not in the true sense of the word.

Ağyad may not have meant what he said at that time because of his rage and him losing control over himself, but the cases of extreme violence that occurred in Germany are clearly illustrated by this incident.

There is also the incident of Abu Marwān, who killed his wife while broadcasting this incident live via Facebook to send a message to the general Syrians, in which he stated, “What I did is an act of deterrence to every woman who thinks of separating from her husband and taking the children from him, after the husband sells all his property and loses everything to get her to Germany.” What he did was “the end of a brave man.”<sup>440</sup>

This violence, especially towards wives, calls for seeking its causes and understanding its motives, especially among men. The data collected highlight many factors that are difficult to separate from the violence during the war, the material and moral losses to which they were subjected, and the journey of forced displacement to other countries, which in turn dismantled gender positions based on masculine domination. As a result, the husbands felt the loss of control and dominance, they feared that their authority and place within the family would be removed; in other words, they felt threat to their masculine identity on which they grew up and which they exercised throughout their lives as an axiom imposed by reality with all its representations around them, from family to school to religious, economic, and political institutions, all of which were built progressively to increase the power and dominance of men. The husband/father will therefore resort to violence as a defensive mechanism to maintain his or her status within the family. This defensive mechanism is not only linked to the threat to his status and image in front of himself but also takes into account in large part the fear of “what will people say about me!” expressed by some interviewees, i.e. the position and reputation of the husband in front of his family and the society to which he belongs. A man’s loss of the “family identity” he knows, and the loss of his economic and social capital, all of that will make him lose his balance, prompting him to try to replace what he has lost with violence against those who are weaker and with less power. The oppression situations to which men are subjected exacerbate their internal hatred, which may explode at any moment. “Violence is the last weapon to restore something that has been lost to oneself [...]. Violence is the last possible language of communication with reality and with others

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440 I watched the video that was deleted from most social platforms because it contained manifestations of violence. I have referred to some of the messages he has mentioned. For some details of the case, see Hepfer and Gonzalez.

when one feels helpless [...] and when his conviction is rooted in the failure to persuade others to recognize his being and his value”<sup>441</sup>, as Hijazi wrote. Imam ‘Umar pointed out that one of the women was asked by the employee at the Job Center if her husband was beating her. The question was posed in front of the husband. The employee said to her that she could seek assistance from them or other organizations if that happened. As a result, when the husband arrived at the house, he beat the wife and told her, “now you can go to complain.” His violence is an indirect result of his sense that the employee is threatening his authority and challenging it, and he wanted to prove to his wife that no one could threaten his status, dominance, and control within the family.

Many adult children interviewed noted their parents’ frequent anger at home because of the pressures they are now experiencing after losing everything. A study conducted in Canada confirms the impact of these traumas on marital relations in Canada and how they have widened the gap between the spouses.<sup>442</sup> In some cases, the transmission of bad family news and what is happening in Syria continues to affect marital relations in some cases observed during fieldwork.

Psychological pressures relate not only to painful experiences, such as war and the journey of displacement experienced by individuals, but also to anxiety and fear of the unknown, of the challenges and obstacles they face in the future country, of discrimination or racism, language learning, job search, of the threat and disappearance of cultural identity.<sup>443</sup> These aspects were discussed in the previous chapter.

#### 4.3.2 German context – new environment effects

Imam ‘Umar said:

“Migration makes you face new challenges [...] the challenge of living in a new society, i.e. a society radically different from the original society from which man emigrated, culturally different, religiously different, linguistically different, this difference makes the immigrant person face

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441  Hığazı, *At-tahalluf al-iğtimāt*, p. 165.

442  Baobaid et al., p. 29.

443  Ibrahim Aref Kira and Pratyusha Tummala-Narra, ‘Psychotherapy with Refugees: Emerging Paradigm’, *Journal of Loss and Trauma*, 20.5 (2015), 449–467, here pp. 452–453, 460.

a conflict [conflict of existence]. Let us put it this way, how can I find myself faced with something that is totally different from the thing I grew up on, and lived on?”

The German context has played a major role in reshaping Syrians in general and women in particular for their identities. In this section of the chapter I will point out some of the dimensions that played this role in reshaping the new identity of the arrived, and I will look at the clash that has taken place within Syrian families as a result of this process.<sup>444</sup>

#### 4.3.2.1 Legal dimension

Given the presence of Islam as a religion in the public life among Syrians in general, Article 2 of the Constitution of Syria states that “the religion of the President of the Republic is Islam”, and the second paragraph states that “Islamic jurisprudence is a major source of legislation.”<sup>445</sup> However, “[l]aws do not operate in a vacuum and have to be understood in context, not only its historical and socio-political context but also its cultural context.”<sup>446</sup> Therefore, the mixing of social/religious norms in Syrian societies will be reflected in the Constitution and in family laws in many ways. I will refer here to three main points relating to the Constitution:

- First is to emphasize the importance of the family, as the Constitution states that “the family is the nucleus of society and the law preserves its entity and strengthens its ties.”<sup>447</sup>
- Second: To emphasize that marriage is the basic form of family establishment, the Constitution stipulates that “the state protects and encourages marriage and removes the physical and social obstacles that hinder it.”<sup>448</sup>
- Third: The state guarantees freedom of religion and religious communities in Syria, as the constitution states that “the personal status of religious communities is protected and observed.”<sup>449</sup> Personal status laws

<sup>444</sup> Nuremberg, 14 January 2020.

<sup>445</sup> § 1, para. 1–2 of Constitution of Syrian Arab Republic.

<sup>446</sup> Esther Van Eijk, *Family Law in Syria. A Plurality of Laws, Norms, and Legal Practices* (Leiden University Institute for Area Studies (LIAS), Faculty of Humanities, 2013), p. 115.

<sup>447</sup> § 20, para. 1 of Constitution of Syrian Arab Republic.

<sup>448</sup> § 20, para. 2 of Constitution of Syrian Arab Republic.

<sup>449</sup> § 3, for. 4 of Constitution of Syrian Arab Republic.

affect a person's personal life and regulate his or her family relations in the event of his or her death, so compromising them is a clash with religious/social norms of people's private lives. In order to avoid any social/religious clashes, this privacy of Syrian societies has been maintained by successive regimes. This is based on the "system of sects" that France<sup>450</sup> established during its mandate in Syria.<sup>451</sup> In the result there are two things: 1) We find a diversity of personal status provisions in Syria, where there are eight personal status laws,<sup>452</sup> which explains the text of the previous article of the Constitution. 2) These laws are derived from various religious and sectarian laws in Syria. It is the result of a nature that observes the personal status of religious communities.

Despite several amendments to personal status laws, they remained essentially conservative in the privacy of religious communities and sects in Syria. Kinship, descent, and religious status have played a major role. Van Eijk noted this through her qualitative study of Syrian personal status law, writing that "[k]inship or descent through the father's lineage is a key feature of patriarchal Arab families" and that "[k]inship determines one's religion and with that also one's status in family law."<sup>453</sup> As a result, she believes that the patriarchal family model in Syria is generally enshrined in all personal laws, be it Muslim or Christian.<sup>454</sup> Syrian family laws, therefore, face a lot of criticism as discriminatory between men and women<sup>455</sup> and for maintaining patriarchy or men's authority in the family.<sup>456</sup> It also maintains

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450 This legal pluralism has existed since the Ottoman era when the imperial authorities recognized the right of the various sects, the 'millets', to regulate their internal affairs. For more details, see Annika Rabo, 'Syrian Transnational Families and Family Law', in *From Transnational Relations to Transnational Laws* (London: Routledge, 2016), p. 33.

451 Van Eijk, p. 2; Da'd Mwsā, *Qawānīn al-'aḥwāl aš-ṣaḥīya fi sūryā* (*Personal Status Laws in Syria*) (Beirut: Friedrich Ebert Foundation, 2018), p. 84.

452 For Muslims, Syriac Orthodox, Armenian Orthodox, Evangelical Denominational, Catholic, Greek Orthodox, Eastern Church, and Religious Community System.

453 Van Eijk, p. 118.

454 Ibid.

455 Such as patriarchy in divorce. See Mathias Rohe, 'Islamisches Familienrecht in Deutschland im Wandel', in *Beiträge zum islamischen Recht XI*, ed. by Irene Schneider and Thoralf Hanstein (Leipziger Beiträge zur Orientforschung 34) (Frankfort: PL Academic Research, 2016), p. 77.

456 Mwsā; pp. 2–3; Rābiṭṣ an-nisā' as-sūriyāt, *At-tamūz fi qawānīn al-'aḥwāl aš-ṣaḥīya fi sūryā* (*Discrimination in Personal Status Laws in Syria*) (Rābiṭṣ an-nisā' as-sūriyāt, 2009), p. 8.

a “family ideology” that regulates family life in a standard way, which expects the wife to obey and perform her homework in exchange for the man’s support for his family.<sup>457</sup> These social/cultural/religious implications affect not only the enactment of laws but also their enforcement. Through widespread corruption and nepotism in Syria’s justice systems, family relations and patriarchy play significant roles in granting greater rights to men at the expense of women in many respects while enforcing the law.<sup>458</sup>

Thus, as is the case with all modern countries, Syria has inscribed “all the fundamental principles of the androcentric vision in the rules defining the official status of the citizens.”<sup>459</sup> The Syrian state has been keen to establish masculinity or the patriarchal family through its institutions, particularly with regard to family laws,<sup>460</sup> to make “the patriarchal family the principle and model of the social order interpreted as a moral order, based on the absolute pre-eminence of men over women, adults over children.”<sup>461</sup>

#### 4.3.2.2 Legal Protection

As Syrians move from this complex and intertwined legal situation with Syria’s multiple standards to Germany, the clash in this aspect is clearly emerging with the new laws. Germany is a state where the law enjoys great independence and integrity. Men and women are considered equal in rights, as stipulated in the German Constitution.<sup>462</sup> In another separate paragraph of the Constitution it states that every mother deserves the protection and care of society.<sup>463</sup> Women in general and mothers in particular

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457 Van Eijk, p. 120.

458 In one case a wife was beaten, her nose broken, and the children were taken from her by the husband. When the wife turned to the police and paid bribes to arrest her husband, although this was her right, the husband paid more to the police, took the children and fled. In another case, a woman was stripped of her property after the death of her husband. See Alghoul, pp. 18, 20.

459 Bourdieu, *Masculine Domination*, p. 87.

460 Anthropologist Annika Rabo wrote, “The Syrian state gives equal access to education for both boys and girls, and salaries and social benefits in the public sector are equal for men and women. But there are many other policies and routines which serve to underline the ideal patriarchal family.” Rabo, ‘Syrian Transnational Families and Family Law’. p. 34. See also Rabo, “Doing Family”: Two Cases in Contemporary Syria’.

461 Bourdieu, *Masculine Domination*, p. 87.

462 § 3, para. 2 of German constitution.

463 § 6, para. 4 of German constitution.

are therefore particularly protected by the majority of State institutions. This has generated a strong feeling among Syrian women in general with regard to this protection after their arrival in Germany, especially since the law in Syria is either in some aspects related to the personal status law, which does not equate men and women, or its enforcement is subject to the norms and structures of patriarchal societies, apart from corruption in the judicial system often biased to the strongest authority, thus often biased towards men, as I mentioned above. Ġanā refers in this context, “I know many people who were divorced [...]. Because I [i.e. the wife] have arrived in Europe, you [i.e. her husband] can no longer oppress me anymore [...]. I feel that the law was on my side, I feel strong.”<sup>464</sup>

Data revealed two contradictory gender-based visions regarding the legal dimension. In general, husbands believe that women “have a confusion between the concept of freedom and laws on one hand and the concept of when to use this freedom and laws in the other hand and what are my rights and duties.”<sup>465</sup> Consequently, they believe that there has been legal exploitation by wives against their husbands, daring to file complaints against them to the police even if the complaint did not have its legal justification.

Wā’el recounts how his wife accused him at the police station of beating her, which he allegedly did not do, but that one of her friends instigated her to complain against him to take custody of their two children after they decided to separate.<sup>466</sup> Sāra tells of one of the wives who separated from her husband following multiple complaints against him, one accusing him of beating her and another of raping her. Sāra points out that this wife beat herself and then accused her husband of doing so in order to separate from him. The separation took place, and the husband subsequently returned to Syria, leaving his wife and daughter in Germany. Imam ‘Umar recounts another case:

“A man swore that his wife had lied to the police and had told them that he had hit her, even though he had never hit her and had never done anything to her. They disagreed on something [...] she wounded herself and accused her husband of doing it. She took advantage of the law; she used this cover immorally.”

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464 Nuremberg, 19 January 2020.

465 This is Agyad’s view, and that view is shared by many husbands.

466 Nuremberg, 7 January 2020.

At the opposite end of this vision, many wives believe that, because of the oppression and humiliation of some wives, they were able today to reclaim some of their rights by the law, which may also take on a retaliatory character. Speaking about the causes of the conflicts, Amīna recalls that “the woman is the one who exceeded the limit, the woman here, when she came here, had a deep hatred”, and when I asked her why this hatred, she replied “that her husband is not good with her.” Imam Ahmād recalls one of the cases before him, in which one of the wives took money that her husband brought from Syria, took his children, and filed a case against her husband, after which he was informed that he was forbidden to approach her, and the reason is also quoted as “revenge of the days she lived in Syria with him” because of his ill-treatment of her.

#### 4.3.2.3 Effects of different family laws

There exists another aspect of the legal dimension that encouraged spouses in general and wives in particular to make the decision to separate without fear of the consequences of the decision. This factor relates to the differences in Syrian and German family law, especially in both divorce and custody.

Syria's personal status law states that “the subject of divorce is a woman in a valid marriage, or an iddat ‘mu'tadda’ (waiting period) of a revocable divorce.”<sup>467</sup> This means that divorce is a right of a man who can exercise it towards his wife. He can delegate this right to her, i.e. give her the right to divorce herself.<sup>468</sup> Because the unilateral divorce right is granted to husbands only, it was not easy for women to obtain divorce. Women used to resort to Mukāhla'ah “Khul” (agreed divorce, whereby a woman initiates the process of divorce through courts)<sup>469</sup> or to ask a judge to rule for separation.<sup>470</sup> The problem of Mukhāla'ah is that it imposes the approval of both spouses as a condition for the separation. “Each of the spouses has the right to retract his approval before the other party gives his agreement.”<sup>471</sup>

<sup>467</sup> § 86 of Syrian Personal Status Law.

<sup>468</sup> § 87 para. 3 of Syrian Personal Status Law.

<sup>469</sup> For more about this concept, see Al-Hibri, pp. 21–24.

<sup>470</sup> Separation is possible in very special cases, such as infectious diseases or physical illnesses that prevent sex, the long absence of a husband (more than one year), his imprisonment, or his inability to maintain his home.

<sup>471</sup> § 96 para. 2 of Syrian Personal Status Law.

Seeking separation through a judge of court requires the presentation of proofs related to sickness, absence, or the inability of the husband to spend and provide for the wife,<sup>472</sup> or the proof that one party has inflicted harm on the other in a way that renders the continuation of normal marital life impossible.<sup>473</sup> That is, separation through a judge cannot be resorted to at the wife's unjustified request.

Amīna points out these difficulties: "It is easier to die than to try to obtain divorce through a court. There is no judge who would rule for her in less than five to six months, or in seven to eight months as she needs to present proofs, and wait for the court to report her request to the husband, they must attempt to report to him four times [...]. All of this mean endless torment." However, despite the husband's ability to prolong the period, this is not the determining factor in women's reluctance to file for divorce. Even as the husband procrastinates, the duration of obtaining a divorce document in Germany may be longer than in Syria.<sup>474</sup> The judge gives the parties in Syria at least a month in the hope of reconciliation,<sup>475</sup> while German law requires the actual separation of the couple for one year - and may last up to three years - before starting divorce proceedings, unless "the continuation of the marriage would be an unreasonable hardship for the petitioner for reasons that lie in the person of the other spouse."<sup>476</sup>

Through the data, it appears that the economic, social, or legal consequences of a divorce application are the determining factors in abstaining from filing for divorce. The most important of these factors in this context can be noted as: 1) The lack of economic autonomy of women in general. This factor has been discussed. 2) Fear of shame culture, in the words of Imam Ḥālid, "the problem of societal perception." This factor will be discussed below. 3) Loss of custody of children. Because this factor is linked to the legal dimension, it will be discussed in this context.

Raġā' did not want to emigrate and come to Germany. But because of conflicts with her husband, she changed her mind; the reason, she recalls, is "my husband's threats that he will take the children." Raġā' also adds, "You know, the law in Syria is always with the man, there are always bribes, and

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472 § 105, 106, 109, 110 of Syrian Personal Status Law.

473 § 12 para. 1 of Syrian Personal Status Law.

474 It appeared in some cases of interlocutors in which the couple has separated that the party wishing to secede has resorted to the legal courts in Syria to obtain a divorce.

475 § 88 para. 1 of Syrian Personal Status Law.

476 § 1565 para. 2 of German Civil Code.

the woman in the marital relationship is always oppressed. The husband can take the children. Not like here [i.e. in Germany], where the woman controls her husband [...]. And without a doubt, the children will be with the mother." Rağ'a recognizes the significant differences between Syrian and German law with regard to custody not only legislatively but also in the integrity of law enforcement.<sup>477</sup>

In the context of the Syrian personal status law with regard to this aspect, it is necessary to differentiate between custody (*haḍāna*) and the guardianship (*wilāya*). The Syrian Personal Status Act amended by Law No. 4 of 2019 states that "the right of custody is for the mother, then to the father, then to the mother's mother [...] then to the father's mother [...] then to the sister [...] then to aunts from the side from the mother, then for aunts from the side of the father."<sup>478</sup> This article shows that the right is primarily limited to females, with the exception of the father included in this new amendment.<sup>479</sup> The custody right ends by completing the boy/male or female<sup>480</sup> 15 years of age.<sup>481</sup> The new Law 20, which includes amending some articles of the Personal Status Act on this article, added an important paragraph, namely that after this age the teenage child chooses to stay with one of his parents; therefore the father no longer has the right to demand the extradition of the child to him after the end of the custody period as stipulated in Article 146, the third paragraph of the previous law.<sup>482</sup>

Although Syria's personal status law does not have a specific definition of custody, Article 137, which provides for the conditions of the custodial parent, notes that there should be "the ability to raise, care for, and preserve the health and morality if the child under their custody." Although there

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477 Many other legal materials could be exploited in the father's favor, such as the removal of custody from the mother by marrying a foreign man, for example, as stipulated in Article 137.

478 § 139 para. 1 of Syrian Personal Status Law.

479 The duration of the custody has been significantly amended. Law 59 of 1953 provided for "the custody period ends with the completion of the 9-years-old for the boy, and the 11-years-old for the girl." Article 146 was then amended by Law 18 of 2003 to become "custody ends with the completion of the 13-year-old for the boy, and the 15-year-old for the girl."

480 Most laws for other religions and communities in Syria indicate that the custody period for the mother ends with the completion of the boy seven years and the girl nine years. See, Article 130 of the Armenian Orthodox Community; Article 82 of the Evangelical Denominational Courts; Article 182 of the Greek Orthodox.

481 § 146 para. 1 of Syrian Personal Status Law.

482 § 146 para. 3 of Syrian Personal Status Law, Law No. 19.

is this right of the mother to custody, which appears to be a victory for a woman's right to her children, it is unfair to the child by denying him the care of his father and his presence in his life.<sup>483</sup> It also involves an extension of the masculine symbolism that sees childcare - especially as it includes breastfeeding, which is a female job - as a cultural act, and therefore custody in the early stages of a child's life was legally considered a female task.<sup>484</sup> What indicates that this victory is illusory is that the guardianship over the minor is always for males. It is the right of the father, then the grandfather, and then the male agnate.<sup>485</sup> The guardianship includes "the power to discipline, provide medical care, educate, direct to money-paying craft, consent to marriage, and other matters of care for the minor."<sup>486</sup> As long as the guardianship includes power, it is a male task that is usually not owned by females. This guardianship applies to Muslims and non-Muslims, contrary to custody that is usually determined by multiple personal status laws.<sup>487</sup> This reflects the patriarchy that permeates Syrian societies.

In contrast to this legal reality in Syria, women generally found not only protection and care in Germany but the legal safety of not losing their children. German law as a rule grants joint custody to parents.<sup>488</sup> If they disagree, the court decides on custody, which may be for the parents or one of them, primarily on the child's interest.<sup>489</sup> This means that women are generally almost certain that they will have custody if the husband is violent with them or their children, a gap that some women have tried to use either legitimately or illegally with their husband to obtain custody.<sup>490</sup>

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483 Of course, the father has the right to see his children through *irā'a* اِرَاءَةٍ. However, the law does not regulate how the right to visit and see is actually implemented, leaving it to customs and traditions (Art. 148 para. 1). See Van Eijk, pp. 142-143.

484 Patriarchy is clearly the law on this point in most personal status laws in Syria. For example, Article 122 of the Catholic Communities Personal Status Act stipulates that the most important rights and duties of parental authority are: breastfeeding of children, support, save, raise, discipline them, and manage and exploit their money and hopes, etc. Article 123: "Breastfeeding is for the mother. Other rights and duties of parental authority are initially with the father."

485 § 21, 170 for. 1, 2 of Syrian Personal Status Law.

486 § 170 for. 3 of Syrian Personal Status Law.

487 Van Eijk, p. 78.

488 "The parents have the duty and the right to care for the minor child (parental custody)." § 1626. para. 1 of German Civil Code.

489 § 1628.

490 § 1628.

In addition, German law does not distinguish between custody and guardianship, as “Parental custody includes the representation of the child. The parents represent the child jointly.”<sup>491</sup> Thus, with the wife/mother’s custody, she will receive, in turn, the money provided as the child’s benefits (Kindergeld). Some of those interviewed believe that this money was also a source of conflict and a motive for obtaining divorce for some families, which brings us back to the trends on the financial issues that have already been discussed.

#### 4.3.2.4 Socio-cultural context

The context of freedoms in German societies and the freedom from social control that existed in the context of Syrian societies helped to free families in general and women in particular relatively from the many constraints that defined the individual’s actions within the system of values and culture of the communities to which they belonged. I will refer to some of the dimensions associated with this system with regard to conflicts through data collected from fieldwork.

##### 4.3.2.4.1 Extramarital relations

Imam ‘Umar considers extramarital relations to be the biggest cause of marital disputes, which have led many of them to divorce. These extramarital relations are difficult to observe statistically in Syrian societies; they occur, but they are hidden.<sup>492</sup> The one who wants to do it does not show it, especially women, as it threatens their lives and harms the reputation of the whole family. As Christa Salamandra writes in her anthropological study in Damascus: “The appearance of sexual purity becomes a form of capital for a young woman. Its absence can be disastrous for her future prospects. It can also become ammunition for opposing families to hurl at their enemies. In order to preserve their chastity capital, young women should not be seen interacting with men, particularly one-to-one, before they are engaged.”<sup>493</sup>

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491 § 1629 para. 1.

492 “Although premarital social and even sexual contact between men and women is not unknown, discretion is key.” Salamandra, p. 51.

493 Ibid., p. 51.

In addition, the Syrian Penal Code punishes infidelity with imprisonment from one month to one year.<sup>494</sup> This cover-up and caution against its commission are gradually dissipating in the German context. Nevertheless the question arises here: What factors have encouraged these marital betrayals in the German context? Data have revealed a number of reasons that can help understand the causes of this phenomenon.

- 1) Margin of freedom, male domination. Imam Alhmad believes that women “have exploited the margin of freedom granted to them in a spoiled manner.” Such exploitation he sees with some women in Germany who “understood [as] freedom that, even if they were married to a man, they had the right to befriend another man and betray her husband.” Imam Alhmad recounts one of the disputes between a couple, in which he interfered to solve it. In this case, the husband complained that “his wife had a lover, and the husband was suspicious, and when he saw the messages on WhatsApp, finally, she confessed.” When Imam Alhmad met with this wife, he tried to understand the reasons why she betrayed her husband, which led the wife to complain: “Since we were in Syria he was unjust to me, and he used to go to Lebanon for two or three months, and at the same time he put his mother with me to take care of her. In return, he did not take care of us.” Speaking about the causes of the conflicts, ‘Imād pointed out how one of his relatives’ families separated because of mutual accusations between the two parties. The wife claimed that her husband beat and insulted her, and the husband claimed that she was in relationships with other men.<sup>495</sup>

Injustice or dissatisfaction within the family is undoubtedly one of the most important incentives for a wife to seek love, passion, attention, and respect - that she does not find from her husband - outside her marital relationship, and because of the great restrictions imposed in Syrian societies, especially on women, whether in terms of gender relations with each other or by having sexual relations outside the marriage system, this was not readily available. In other words, the margin of freedom and protection for women, their exposure to injustice or “arranged marriage”, as Amīna pointed out, are factors that cannot be separated from each other. Salmā tells of two of her friends who divorced their husbands after falling in love with other people, taking

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494 § 474 of the Syrian Penal Code.

495 Nuremberg, 12 October 2019.

advantage of the space of freedom they had, arguing that their husbands did not treat them properly.

- 2) Long periods of separation of the spouses. I noted in chapter two that the cost of a physical asylum trip and its seriousness often prompted men to endure the hardship of travelling to Germany, hoping to apply for family reunification and to meet with them again quickly. Because of the large number of requests, many have been delayed for long periods, some of which have reached two years or more. This long wait between the spouses prompted the parties, or one of them, to look for satisfaction with their emotional or sexual needs. 'Imād points out that one of the husbands had a girlfriend while waiting for his family to be reunited with his family. When the Syrian wife arrived, he told her about the girlfriend. The wife forgave him and told him to forget about it. "But he confessed that he does not want to leave his girlfriend. He left his two children and wife and married his girlfriend after he divorced the Syrian wife." The long absence has created a rift in communication between the spouses, each looking for alternatives that satisfy their needs. Imam 'Umar states that it is not only the period of absence that played this role, but "even during the period of presence there is contact with an open society. The channels of communication are very easy, and if there is not some kind of self-censorship, no kind of caution, no kind of scruple, if we want to call it 'religious influence' or 'moral scruples' [...] – what is easier than seduction? This is also a reason for this [i.e. disputes] and then divorce."
- 3) Long stay in asylum complexes. The stay of large numbers of families, young people, and girls in the centers prepared to receive them, where families also often lose much of their privacy, has led to the opening of channels of communication between men and women that have not been so common in Syrian societies. This has also been helped by the availability of modern technology and social media in the new context and by the absence of societal control as it existed in the Syrian context. Speaking about the causes of marital disputes while staying at the camp, Ġanā recalls that "there are betrayals, families together, men I do not know what happened to them, and women I do not know what happened to them, there are betrayals that we saw with our eyes."

Many of the interviewers on infidelity have shown their diverse understanding of this concept, in which its connotations expand or narrow from person to person. What is infidelity at one party, such as a wife going out

with someone else alone, may be acceptable and normal for someone else. This brings us back to the social environment that these families come from, which plays a major role in defining this concept. Many of these betrayals may be emotional, not sexual, but they are totally unacceptable to some of them according to the religious and cultural norms and values on which they grew up.

Wā'l has no problem if his wife "at a moment of weakness" has a sexual relationship with another man, because in his view she is "a possible human being who mistakes", while he has a big problem if her relationship with another man is emotional. On the contrary, the majority of Syrian societies, as the interviewees have shown, consider sexual infidelity to be unforgivable, and if betrayals on "non-physical" social media have in many cases led to the separation of the couple, how about physical betrayal! Nevertheless, treason in all its forms remains more problematic when it is a woman, and what may be acceptable to men may not be acceptable to women at all. 'Imād comments about this and says, "Why do they look at the guy as a young man! I mean, he can do whatever he wants, but the woman, if she does this thing [i.e. infidelity], it is too much." It is a problem that is widespread in many societies around the world, and several studies have found that "the most frequent cause of wife battering and wife killing is male sexual jealousy."<sup>496</sup>

However, through its legal protection of personal freedoms, the new German context dismantled many of the restrictions of hegemony over women and dedicated them to not fearing the consequences of men's jealousy; they had the audacity to reveal many of the things they feared to do in the context of Syrian societies.

#### 4.3.2.4.2 Freedom from the shame culture

The concept of "shame" in Syrian societies is strong in attendance and derives its strength from many religious, cultural, customs, and traditional norms. Both the community and the family try to preserve them through socialization and family. Many Arab societies consider it a shame for a

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496 Todd K. Shackelford and David M. Buss, 'Cues to Infidelity', *Personality and Social Psychology Bulletin*, 23.10 (1997), 1034–45; see also David M. Buss, 'The Evolution of Desire', *PsycCRITIQUES*, 40.7 (2004); Martin Daly and Margo Wilson, 'Evolutionary Social Psychology and Family Homicide', *Science*, 242.4878 (1988), 519–24.

wife to divorce her husband. The attachment of the status of “divorced” to women is also a disadvantage, and this may affect the reputation of the family itself, as they are perceived to be not suitable for mingling with.<sup>497</sup> Many women, therefore, refrain from seeking divorce or separation through court, despite sometimes her husband’s ill-treatment of her. Speaking about the causes of marital disputes, Sāmir points out that “in Syria there are many women who live with their husbands, although there is no love for them, they live because society rejects them as divorced. Here [i.e. in Germany], society accepts her as a divorced person, and she can marry once, twice, or three times, and it is normal.” What Sāmir mentioned is related to a trend among Syrian societies in dealing with the divorced woman, as she faces relative societal revulsion and control over her behavior after she lost her virginity. Also her chances of remarrying become very low, as it is considered culturally shameful for a single person to be engaged to her.

All these factors are barriers that prevent women from seeking divorce even if they are not satisfied or happy in their marriage. Sāra refers to this culture as follows:

“In our norms and our societies we consider her as she is a divorced woman, so no one approaches her, she becomes accountable for her trips and going out, since she is divorced and can do what she wants [i.e. sexual relations outside the marriage system] without any objection. She is not like a girl, because the girl has nothing to do with this thing [i.e. virginity prevents her] [...]. Do you understand me? So, the women had to be patient.”<sup>498</sup>

Here we have the transformation of women into a body that is a symbol or a center of honor and chastity, where women lose their freedom for their decisions, and they lose “control of the production of their own image”<sup>499</sup> in Lee Bartky’s expression in the context of her talk about the physical alienation of female women. The German context has removed most of these barriers; societal censorship is no longer the same, women are no longer afraid to be called divorced in a culture where they see no shame for a divorced and where their chances of remarrying are more possible than before. In other words, the new context removed the heteronomy or subordination that used to form women in symbolic objects that exist for

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497 Šāfi‘ī, pp. 111, 265.

498 Nuremberg, 7 December 2019.

499 Bartky, p. 42.

the gaze of others, and in turn it constituted the principle of dispositions according to which women act; as a result, however, their ability is formed to self-denigration and to embody social judgments on themselves in the form of physical embarrassment and timidity.<sup>500</sup> Imam Ḥālid summarizes the status of women by comparing them between two communities:

“Bad talk and the traditional view of divorce in our Arab societies make women accept the state of oppression. They are afraid to be called divorced by the society [...]. They are afraid of people’s looks and talk. But when a woman comes to Germany, a society with freedom, and this view does not exist, and she knows that even if she is divorced, the state will support her and will give her a salary, with which she can lead a normal life, why then wouldn’t she ask for divorce? A woman stays with her husband in our Arab countries for two reasons: the first is that she has no source of income or livelihood except the money her husband brings, so she accepts to remain oppressed in exchange for living, eating, drinking, and living in his home. The second reason is to avoid the society’s view of her as a divorced woman.”<sup>501</sup>

Salmā comes from a poor family, but because she married a financially well-off person who helped her have her own clothing store, this allowed her to mingle with the relatively “rich” class in Syria. When discussing a “culture of shame” with her, Salmā points to a very important issue, relating to the levels - intensity or weakness - of the impact of this culture according to the social class in which people are economically classified. Salmā believes that the shame culture is not practiced or applied except on the poor or needy.

“I socialised with people with different social levels in Syria. Many have no shame. They betrayed their husbands, got divorced, and remarried ten times, they do not have haram, they do not care about reputation, and they do not have it. But for poor people, you feel everything is wrong, and everything is forbidden, all the laws in life apply to them; in my opinion, I saw it like this. I mean because I mingle with both classes. You see a girl from a rich family getting divorced, and then getting engaged many times – why is this not a shame? Is she not divorced? Why is it that if a poor girl divorced – it would be a shame and humiliating, etc. Can you deny this fact?”

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500 Bourdieu, *Masculine Domination*, pp. 66–67.

501 Nuremberg 05 March 2020.

There is no doubt that the economic situation plays a major role in mitigating or aggravating the impact of the shame culture on the family, as the capital of the poor classes shifts from physical capital to the moral capital, which is their reputation, and the loss of this reputation means losing their place in society, thereby ostracizing them. By contrast the rich compensate their physical capital for this reputation and thus maintain their moral capital through the power they acquire through their physical capital. However, the effects of the shame culture depend not only on the economic dimension of the family but also on the religion or sect to which the family belongs or on the family title, because many families in Syria have positions of power through their political bonds or through the center of their power, like some extended tribes that own their own human and economic reservoir.<sup>502</sup>

#### 4.3.2.4.3 Family intervention – and loss of extended family

In Syria, once they are married, the wife or husband are not separated from their extended families. Although the rate of couples living with the extended family in the same house has declined, the husband's or wife's family's involvement in the couple's lives does not stop. The question arises in this context: What does this intervention from the higher structure of the family, represented in parents, or from equal level, as brothers and sisters, entail for the new structure that wants to start a family (i.e. adult children/husbands and wives)?<sup>503</sup> This intervention takes many directions affecting the conflict process:

- 1) Interference with the decision of marriage in which pressure may be exerted on the parties or on one of them to accept the other, often contrary to the wishes of one of them.<sup>504</sup>
- 2) Interference in the inner life of the family can come along with the type of housing, independent or with the parents of the husband, or with

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502 In the previous chapter, I referred to some of the factors that influenced the process of change on Syrians, and some of those factors may be significantly related to the effects of the defect culture.

503 I mentioned it earlier; see Barakāt, *Al-muğtama' al-'arabī al-mu'āşir*, p. 194.

504 Aš-Šbūl, p. 678.

the interference in the reproduction or upbringing of children, personal behavior, eating and drinking, or visits.<sup>505</sup>

Family interventions result in two contradictory trends. On the one hand, this intervention provokes disputes between spouses due to conflicting visions and interests between the parents of the husband and wife. Studies in several Arab countries have shown that the intervention of parents is one of the most important reasons for divorce.<sup>506</sup> In contrast to this negative role of parental authority over spouses, the extended families of the parties try to maintain the marital bond, which is often exercised on women for many reasons, for example, social reasons related to the family's reputation, an economy associated with difficulties, or difficulty in bearing their expenses and the maintenance of their children.<sup>507</sup>

Data revealed that the process of family intervention became less severe in the German context due to the spatial divergence between families caused by forced displacements that led to the fragmentation of many extended families inside and outside Syria. As a result, the negative and positive role played by the extended family has diminished. However, some cases of divorce or separation of spouses have been observed as a result of negative parental intervention, i.e., interference has played a role in fueling disputes between spouses. Amīna points out how she was verbally divorced<sup>508</sup> from her husband twice because of the interventions of her

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505 Fahmī Ḥazawī, 'Al-'asbāb al-'ḡitmā'iya aa al-iqtiṣādiya llṭalāq fi šmāl al-'urdun', *al-'ulūm al-īnsāniya wa al-'īgtimā'iya*, 34.1 (2007), p. 74.

506 Aš-Šbūl, p. 677; Al-Naġdawī, p. 53; Zint, pp. 103–104; Yahyā 'Abd al-Ḥuḍr, 'Asbāb at-ṭlāq fi al-muġtama' al-kuwaitī min wğhat nazar al-muṭallaqāt' ('Reasons for Divorce in Kuwaiti Society from the Perspective of Divorced Women'), *Al-Mḡallā al-'urduniya l'l'ulūm al-īgtimā'iya*, 5.3 (2012), p. 335; Ḥazawī, p. 74; Bahā' Ad-dīn Turkīya, 'At-talāq fi al-qutr al-ārabī as-sūrī min 2000–2009' ('Divorce in the Syrian Arab Republic between 2000 and 2009'), *Maġalat Ġamiyat Dimašq*, 31.3 (2015), pp. 168, 187.

507 A quantitative study of a sample of 600 families tried to monitor the causes and repercussions of divorce in Syria, concluding that 52% of the parents' interventions directly caused conflicts and therefore led to divorce, whereas 20% were indirect interventions. The rate of parental intervention to prevent divorce was 18%. Turkīya, p. 168. The original study is quoted in Naġwā Qaṣṣāb and Raġdā' al-Āhmad, *At-ṭalāq asbābuḥ wa mun'akasātiḥ (Divorce. Causes and Consequences)* (al-īttihād al-'ām an-nisā'i, 1998).

508 It should be noted that, in accordance with Article 36, 87, 91, 94, 119, 120 of Syrian Personal Status Act derived from Islamic law, a man is entitled to divorce three times, whether verbal or written. The wife can return to her husband after the first and second divorce, but she has no right to return to the husband after the third

mother-in-law (who came to visit them for days that may last for months) in her entry and exit from the house and in her cooking and in many details of her life, which led to her husband's suspicion of her "because of the many things she would tell about me (i.e. her mother-in-law). This led to intense disputes and disagreement. I then dressed up because I wanted to get out of the house, I wanted to go walk in the street, and then he took the oath of divorce to divorce me if I got out of the house. I am of a very stubborn type, I went out, it was the first divorce."<sup>509</sup> The second divorce was due to her mother-in-law accusing her of not being clean and cooking her what she did not like with the intention of disturbing her.

Through these incidents we can see the process of parents interfering with the small details of the couple's lives. We witness the feelings of the husband's parents in particular, who think that the wife should respect all their wishes and not violate them. They feel like they have a right to appreciation, respect, and obedience, which is difficult for many wives to bear. This provokes many conflicts and clashes between spouses, or between spouses and parents.<sup>510</sup>

Husbands also suffer from the interventions of the wife's family. Tāriq recalls how from the first day of his life with his wife he suffered from the interventions of her mother and how his wife was telling her mother all the details of their lives. To make matters worse, his wife is the only adult girl in her family, which has increased her family's attachment to her and their unwillingness to break up with her. Tāriq claims that her family pressured her heavily to break up with him and persuaded her to return to Syria with them as they did not like the situation in Germany. Because the wife was attached to her family and did not want to disobey her parents, she decided to return to Syria. Tāriq claims that his wife filed a divorce suit in the Syrian courts, accusing him of beating her and being stingy, although these are reportedly untrue allegations. Tāriq appears to be not the type to resort to violence, but I have noticed his keen material concerns, which may be interpreted as stingy, a nature that wives in Syrian societies in general hate. Tāriq, however, recalls his wife's crying about this decision at a meeting of

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divorce until she marries another man and then divorces her, with a new contract and dowry.

509 This is a picture of a pending divorce that does not occur if the husband intends to induce anything or refrain from anything. It is considered an oath in accordance with Article 90 of the Personal Status Act, which has taken the opinion of some jurists that the pending divorce does not take place.

510 Nuremberg, 24 February 2020.

a mediator organized by his family in an attempt to resolve the dispute with the wife and her family, which he interpreted as meaning that the return to Syria was a decision made by the wife under the pressure of her father and mother, therefore not being her own decision.<sup>511</sup>

In exchange for this negative intervention of the parents, some cases were observed in which the families intervened to prevent divorce, as Tāriq's family did. Sāra also stated that her uncle had mediated and succeeded in resolving the dispute between her father and mother, but the disputes soon re-emerged and her mother filed for divorce.

#### 4.3.2.4.4 Freedom from arranged marriage

Arranged marriage is a natural consequence of parents' interference in the life paths of their adult children. Marriage, for example, is not an individual option, as parents often interfere with the marriage of a young man and a girl, as I have pointed out. The effect on this decision is more exerted on females than on males, ranging from "giving an opinion, warning, or quarreling and severing relationships, to legally obstructing marriage, and in some communities (province, semi-Bedouin) it may amount to murder"<sup>512</sup>, as Yāsīn points out in the context of parents' intervention in exaggerating dowry to hinder marriage. This practice is lighter on the young man, but it is still often exercised, especially by sisters and mothers.

As a result of the loss of extended families and in contrast to the protection and support provided by German government laws and policies to women, some girls – especially young girls – who have married in a traditional way have found an opportunity to break free from such marriage. Sāra recounts after asking if she knew families in conflicts:

"I know a girl who said she wanted to divorce. She wanted to go out and discover life. She had married young, and had gotten kids, and now she wanted to go out and enjoy life. So, they broke up because she brought him to the police [...]. The husband was kicked out of his house, and the police told both of them it was forbidden to get close to each other [...].

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511 Since Tarek's wife lives in Syria, I could not verify the husband's account of the two reasons the wife referred to in her suit against him.

512 Bu'Ali Yāsīn, *Azmat az-zawā'ī fi Sūriyā* (Marriage Crisis in Syria) (Dār ibn Rušd, 1979), p. 31.

Immediately she removed the veil, she became a bad and not a modest woman, and her children became so as well “فَلَتَ وَفَلَتُ الْوَلَادُ مَعَهَا”

Sāra points to two main reasons for this divorce. The first relates to an arranged marriage, which often takes place at an early age, especially for girls. The second relates to the religious/cultural clash concerning the dress of this woman and her desire to be free from the domination or control of her husband. What is interesting about Sāra’s speech is that despite her liberal and open orientation she was making social judgments derived from the standards of Syrian societies. In conservative societies, those who take off their veils become “violator فَلَتَانَةٌ faltāna” (i.e. has no discipline by societal norms), to take over Sāra’s expression, as they have violated and challenged the social and religious norms and traditions of the society to which they belong. This act is not easy to carry out in conservative Syrian societies, as it results in ruining her reputation and that of her family because of the “shame” she has provoked.

It is important to note that what helped this wife and others to make this decision is not only the desire to be free from the shame culture or social control exercised by the nuclear and extended family or society but also the general feeling of women being protected by the German police, through laws that protect women’s right to such decisions.

### Conclusion

Patriarchalism, which is rooted in the structures of society, seeks its justifications, and it finds in cultural, social, political, and religious norms what is prescribed for its existence, helping it to sustain and continue. As an endless rotational movement, different socialization norms are adopted between male and female as the basis for the upbringing that prepares both men and women for male power,<sup>513</sup> which makes the parties – male and female – predisposed for this or that action. They become the subject of predispositions for gender discrimination. Over time, these predispositions become part of their nature. This explains why a segment of women stand with the male vision against other women who demand their rights to justice and equality, as they are convinced of the role they have been given as “females” in all the family, social, economic, and political contexts in which they grew up.

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513 Bourdieu, *Masculine Domination*, p. 79.

The internal factors of conflict dynamics, whether through the reshaping of gender identity, the redistribution of roles based on perceptions of this identity within the family system, the domination of economic resources, or the control of decision-making places with regard to religious/cultural behaviour, have contributed to the fracture of this patriarchal system. These internal factors would not have taken this direction without the contribution of the external dynamics of conflict factors, from the war that caused major cracks in all social systems, values, and norms, to the new German context, which radically changed the social conditions on which this patriarchy was based, resulting in a significant acceleration in its collapse on the one hand and in fueling conflicts within the family on the other. In all its dimensions, the new context has provided an opportunity for women to discover themselves as human beings in their own right and not of others, first, and to be able to identify themselves as divorced, secondly. On the other hand, men have shown resilient in giving up the masculine advantages they inherited from their community.<sup>514</sup>

Causes of conflict have emerged in the German context that have shown their effects on gender relations and on both the social and economic status of men and women. However, in return for that, some families continue to adhere to the former system, with some wives waiting for their husbands to find work to get rid of Job Centre claims for them to work. At the same time, this desire to divide the roles of the husband also continues, i.e. to find work through which to provide for the needs of his family, with his wife remaining unemployed and caring for the affairs of the house and the children. This shows the different dynamics of the family in dealing with the new reality.

Despite the emergence of these conflicts as a result of this major rift in the patriarchy, it must be emphasized that the dynamics with which Syrian families have dealt with the experience of displacement and living in a new environment are diverse and different. While past factors have affected some families in fueling conflicts, other families have had different dynamics to deal with, pushing them closer to each other rather than creating conflict. This convergence may be seen in wives telling their husbands that “I have no one else in this alienation”, as some wives expressed. It may be fictitious, driven by fear and anxiety about the unknown or by the language, cultural, and legal barriers of the new host country, as in

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514 Amīn.

other cases I have observed during fieldwork. Lokot, therefore, challenged the literature confirming the collapse of the social relations network in its qualitative research among Syrians in Jordan and revealed how men and women challenge and maintain these relationships.<sup>515</sup> Although the German and Jordanian contexts concerning the family differ, it is important to say that the dynamics of the family's interaction with the patriarchy, whether in Syria, in the Arab context in general, or in the new German context, are diverse and contradictory. This may be related, on the one hand, to the extent to which social transformations arising from the context in which the family lives affect the family itself and, on the other hand, to the extent to which this family accept or reject these transformations.

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515 Lokot. See also in this context, Harry Goulbourne et al., *Transnational Families. Ethnicities, Identities and Social Capital* (London: Routledge, 2010), p. 137.



## Chapter 5: Managing Family Conflicts – Alternatives and Mechanisms

### *Introduction*

“In Syria, disputes between spouses are mediated either by parents, grandparents, or the person who introduced the couple to each other in the first place. In Germany, this is not the case. If a couple is in a conflict, the partners have to resolve their disputes by themselves or they might resort to a marriage/psychological counsellor. Their parents would not like to interfere, and the couple also would be reluctant to involve their families.”

Mahmūd, who is married to a German woman, is aware of this cultural difference between the Syrian and the German society in terms of resolving marital conflicts. Informal institutions represented by the extended family and the norms set by them constituted the greatest guardian of family cohesion and the first refuge for resolving family disputes, particularly in rural and tribe/clan<sup>516</sup> communities.<sup>517</sup> The law is often used to resolve the

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516 Tribe means the group of people belonging to one father, or one grandfather. As for the clan, it carries a broader meaning and includes, in addition to those who belong to one grandfather, all relatives. See, Ibrāhīm Anīs et al., *Al-muğam alwasīt* (magm' al-luga al-'arabiya -maktabt al-ṣurūq al-duwaliya, 2004), pp. 602, 713. For more insight on the names and distribution of clans and tribes in Syria, see Akil Hussein, ‘Division Defines Syria's Tribes and Clans’, 2018 <<https://syria.chathamhouse.org/research/division-defines-syrias-tribes-and-clans>> [accessed 31 May 2022].

517 In most cities and rural Syrian provinces (Homs countryside, Hama countryside, Daraa, Damascus countryside, the countryside of Deir ez-Zor, Raqqqa, Hasaka, Aleppo countryside, Quneitra countryside, etc.) the society is organized around clans or tribes. In many of these areas what is usually referred to as ‘Customary Tribal Law’, ‘al-qadā’ al-‘urf al-‘aṣā’irī’, is prevalent as a conflict resolution tool. Syrian lawyer and researcher Rāmī Al-munādī defines it as “an informal social judiciary system dictated by customs, traditions and conflict resolution experiences in these societies.” In many instances, tribal law played a crucial parallel and supporting role to the official government judiciary in Syria. In the aftermath of the Syrian crisis, tribal customary law regained power in some areas such as Al Jazeera. Tribal leaders in that region put together a document called ‘Madbaṭat Ṭaiy’، which formed a special reference for tribes in the region and stated that it “contributes to resolving conflicts and organizing people's daily affairs in an internal tribal local

dispute when mediation efforts by elders of the two families or religious actors fail, or it serves to formally document the outcome of the conflict. In this context, the social historian Batatu wrote:

“For very long in most of Syria’s villages the family and, to a lesser degree, its extensions – the clan and the tribe – formed the fundamental units of life. From the standpoint of the peasants in these villages, the ties of blood and marriage transcended in significance all other social ties. In their eyes, the kin group enjoyed more moral authority than the state, which they in essence distrusted.”<sup>518</sup>

In doing so, he draws attention to an important point which is the public distrust of state institutions, particularly the judiciary, due to widespread corruption, nepotism, and bribery. It is one of the reasons why people have relatively avoided resorting to the judiciary to resolve their disputes in the Syrian context.<sup>519</sup>

In addition, resorting to formal judicial systems involves “expense, bureaucratic hassles, and social exposure”, so “it would appear reasonable that many individuals and families might avoid such a procedure of conflict resolution.”<sup>520</sup> More importantly, family affairs are broadly considered to be private matters, and there is no doubt that societal and cultural norms play a major role in the reluctance of many spouses, especially wives, to resort to the law, because of its association with “a shame culture” referred to by some of the wives that were interviewed.

As my research focuses on the factors of family disputes between Syrians, this last chapter of research examines the alternatives Syrian families resort

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manner.” In this way, the document constituted a law parallel to the law of the state. For more, see Rāmī Al-munādī and Āḥarīn, *Al-qadā’ al-‘asā’irī fi Dir az-Zur (Tribal Judiciary in Deir Ez-Zor)* (Haramoon Center for Contemporary Studies, 2021), pp. 8–11; ‘Abd al-‘Azīm ‘Abd Allah, ‘Sūriyā... Qānūn ‘aṣā’irī la yata’āwn ma’ aṣ-ṣurtah wa yaḥkum bi maḍbati ṭayi (Syria... a Tribal Law That Does not Cooperate with the Police and Rules with “Taify Prosecution”) <<https://snacksyrian.com/Syria-Law-Tribal-No-Cooperates-With-Police/>> [accessed 16 September 2021].

518 Batatu, p. 217.

519 Lack of trust in the institutions and systems of native countries may be “imported” and maintained under certain living conditions in countries receiving migrants and refugees, as Mathias Rohe pointed out. See Mathias Rohe, ‘Alternative Dispute Resolution among Muslims in Germany and the Debate on “Parallel Justice”, in *Exploring the Multitude of Muslims in Europe*, ed. by Niels Valdemar Vinding, Egdunas Racius, and Jörn Thielmann (Leiden: Brill, 2018), p. 108.

520 William C. Young and Seteney Shami, ‘Anthropological Approaches to the Arab Family: An Introduction’, *Journal of Comparative Family Studies*, 28.2 (1997), 1–13.

to in resolving their disputes in the new German context. This will demonstrate the diversity and complexity of conflict resolution mechanisms and will reveal the extent to which families have returned to religious norms in general and Islamic “Sharia” in particular in their attempt to resolve or end the conflict between the parties. Although not all of the research group was Muslim, the majority of those interviewed during fieldwork were Sunni Muslims. Some of the thorny cases that have occurred in the context of asylum processes in the new German environment have emerged in this group, which I have seen as important to highlight. This does not turn a blind eye to the mechanisms used by families of different religions or communities as is shown in the data. Therefore, the focus of this chapter will be on two aspects: the first is on alternatives to the conflict resolution mechanisms which are used by Syrian family parties in the conflict through their attempt to resolve or end the conflict. The second relates to the mechanisms for resolving the conflict and the obstacles and complexities that stand in the way of practical solutions to these conflicts. In other words, these two aspects focus on where and how Syrian families settle their disputes.

### 5.1 Conceptual Framework: Normative Pluralism – the Interaction of Law, Religion, and Socio-cultural Norms

“Law is everywhere as a social phenomenon, based on cultural foundations, which the dominant positivist approach has unsuccessfully tried to ignore in order to privilege the state and its laws.”<sup>521</sup> Legal pluralism is often marginalized and questioned in legal discourse, which may be due to the dominance of Western legal theory that tends to be “monist (one internally coherent legal system), statist (the state has a monopoly of law within its territory), and positivist (what is not created or recognised as law by the state is not law).”<sup>522</sup> However, facts have proven that this belief is wrong,<sup>523</sup> as daily life shows a normative pluralism among different groups within a

521 Werner F. Menski, *Comparative Law in a Global Context. The Legal Systems of Asia and Africa* (Cambridge: Cambridge University Press, 2006), p. 82.

522 William Twining, *Globalisation and Legal Theory* (Cambridge: Cambridge University Press, 2000), p. 232. For more discussion on this point, see also Brian Z. Tamanaha, ‘Understanding Legal Pluralism: Past to Present, Local to Global’, *Sydney Law Review*, 30.3 (2008), 375–411.

523 Foblets, p. xi.

social space.<sup>524</sup> Therefore, as Rohe wrote in this context, “[n]ew mediation laws further encourage extra-Judicial conflict resolution in matters beyond the limits of mandatory law. Nevertheless, the scope and intensity of state intervention into the legal relation between private persons largely differed, and still differ in the different parts of the world. The less centralised and institutionalised states are, the more tribal, ethnic, religious, or local stakeholders are capable to exercise power in setting and enforcing legally or socially binding norms.”<sup>525</sup> This research challenges the central view of state law and calls for a new methodology for understanding the law by linking it to anthropology and its understanding of law as a social phenomenon.<sup>526</sup> Therefore, the concept of legal pluralism refers in short to “[t]hat state of affairs, for any social field, in which behavior pursuant to more than one legal order occurs.”<sup>527</sup>

In chapter three of this research, I referred to the developments in German laws with regard to integration policies that took place under the influence of the reality of increased migration from different countries to Germany. In chapter four, I reviewed some aspects of the overlap between social, customary, religious, and legal norms in the Syrian context.<sup>528</sup> The review included also the impact of new German social and legal norms on the family through the lens of conflict. For a comprehensive review, it is necessary to briefly highlight normative pluralism in Germany, its interaction with religious and social norms in general, and the cases of marriage and divorce in particular. This will form the entry point that

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524 For more insight into the debates about the admitting or non-admitting of legal pluralism, see Franz von Benda-Beckmann, ‘Who’s Afraid of Legal Pluralism?’, *The Journal of Legal Pluralism and Unofficial Law*, Vol. 34 (2002), 37–82.

525 Rohe, ‘Alternative Dispute Resolution among Muslims in Germany and the Debate on “Parallel Justice”’, p. 93.

526 Menski, pp. 82–84; Manfred O. Hinz, ‘Jurisprudence and Anthropology’, *Anthropology Southern Africa (Anthropology Southern Africa)*, 26 (2003).

527 Kalindi Kokal, *State Law, Dispute Processing, and Legal Pluralism. Unspoken Dialogues from Rural India* (London: Routledge, 2020), p. 3.

528 Islamic jurisprudence (Fiqh) has witnessed a great diversity throughout its various development stages. Social reality or “custom ‘urf” is one of the sources of this diversity. Some Islamic Sharia (Fiqhīya) rules were drafted taking into consideration customary norms and were implemented in many cases. This includes the “Habit is a Law” rule and the rule of “What is customarily known is equivalent to conditionally imposed rules”. The Syrian Personal Status Law takes into consideration these customary laws. For instance, if a wife’s dowry is not mentioned in marriage contract, the amount determined by custom will be assigned as her dowry. See Article 61, 54, 51 of the Personal Status Act.

will help understand why Syrian families are resorting to the alternative mechanisms that will be reviewed in this chapter. In other words, it will aid our understanding of the interactions within the Syrian family that exhibit tendency to avoid formal legal systems and to resort to the normative, religious, and cultural systems that they embrace.

Ever since the establishment of the Islamic Shari'a Council (ISC)<sup>529</sup> in Britain in 1982,<sup>530</sup> public political and academic debates on the application of certain Sharia norms, particularly in the family law side, have intensified in the European arena. Many of these studies have focused on the mechanism and role of these courts and how they are developed, but also on how Muslim communities negotiate by resorting to Sharia rules on resolving family disputes away from the institutions or court systems of the countries in which they live.<sup>531</sup> This controversy has also emerged in German circles, and there has been interest in topics related to the resolution of family disputes such as Parallel Justice<sup>532</sup> and Alternative Dispute Resolution (ADR).<sup>533</sup>

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529 "Shari'ah councils operate as unofficial legal bodies specializing in providing advice and assistance to Muslim communities on Muslim family law matters [...]. In essence, a Shari'ah council has three key functions, issuing Muslim divorce certificates, reconciling and mediating between parties and producing expert opinion reports on matters of Muslim family law and custom to the Muslim community, solicitors and the courts." Samia Bano, *Muslim Women and Shari'ah Councils. Transcending the Boundaries of Community and Law* (London: Palgrave Macmillan, 2012), p. 84.

530 Tanya Walker, *Shari'a Councils and Muslim Women in Britain. Rethinking the Role of Power and Authority* (Leiden: Brill, 2016), p. 46.

531 See John R. Bowen, *On British Islam* (Princeton: Princeton University Press, 2016); Mohamed M. Keshavjee, *Islam, Sharia and Alternative Dispute Resolution. Mechanisms for Legal Redress in the Muslim Community* (London: Tauris, 2013); Ihsan Yilmaz, 'Muslim Alternative Dispute Resolution and Neo-Ijtihad in England', *Alternatives: Turkish Journal of International Relations*, 2.1 (2003).

532 For more insight on the discussion on 'parallel justice', see Federal Ministry of Justice and Consumer Protection, *Is there a parallel justice system in Germany? Dispute resolution under the rule of law and Muslim traditions* (Federal Ministry of Justice and Consumer Protection, 2014), pp. 5–9; Universität Leipzig, 'Dr. Hatem Elliesie über „Parallelgesellschaften“, den Islam und die Herausforderungen für die Gesellschaft' <<https://www.uni-leipzig.de/newsdetail/artikel/dr-hatem-elliesie-ueber-parallelgesellschaften-den-islam-und-die-herausforderungen-fuer-die-gesell/>> [accessed 5 November 2021].

533 In a qualitative study together with Mahmoud Jaraba, who also published several publications on aspects of conflict resolution among Muslims in Germany, Rohe tried to examine parallel forms of justice in Berlin among Muslim communities on both sides of family law and criminal law. This was done through studying

In principle, the German Constitution grants religious groups the freedom to exercise their religious rituals, to form their own associations, and to be free to organize and manage their affairs under the condition that they remain subject to common law.<sup>534</sup> To understand the freedom to practice these rituals and their compatibility with common law (European or German), the distinction should be made between religious issues on one hand and legal ones on the other, as Mathias Rohe rightly explains:

“Religious issues are regulated by the European and national constitutional provisions granting the freedom of religion. It is mainly in the sphere of religious rules-concerning the ‘ibādāt (dealing with the relations between God and human beings) and the non-legal aspects of the mu‘āmalat (concerning the relations between human beings) – where a European shari‘a is possibly developing.”<sup>535</sup>

Germany grants ample freedom to Muslim religious practices on its devotional side, and the Constitution preserves such religious practices and even preserves their public expression without a strict separation of state and religion, as in France or Switzerland.<sup>536</sup>

As for the legal field, the principle of legal territoriality prevails around the world. The application of foreign legal provisions, including Islamic

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informal arbitration and decision-making mechanisms among socially separated families and clans. Rohe has also written numerous articles in which he tried to reveal controls and restrictions or point at areas where Sharia can be applied in general under German/European secular laws – the Law of the land – through the alternative dispute resolution mechanism. See Rohe and Jaraba, p. 9, 12; Mahmoud Jaraba, ‘Private Dispute Mediation and Arbitration in Sunni-Muslim Communities in Germany – Family Conflicts and Divorce’, in *Marital Captivity. Divorce, Religion and Human Rights*, ed. by Susanne Rutten, Benedicta Deogratias, and Pauline Kruiniger (The Hague: Eleven International Publishing, 2019); Mahmoud Jaraba, ‘Khul’ in Action: How Do Local Muslim Communities in Germany Dissolve an Islamic Religious-Only Marriage?’, *Journal of Muslim Minority Affairs*, 40.1 (2020), 26–47.

534 § 140, 4 for. 1–2 of the Basic Law for the Federal Republic of Germany (Constitution for the Federal Republic of Germany).

535 Mathias Rohe, ‘Application of Shari‘a Rules in Europe: Scope and Limits’, *Die Welt des Islams. Ereignisse, Entwicklungen und Hintergründe* (Frankfort: FAZ 2004), 323–50, here p. 326.

536 Ibid., Rohe, ‘Application of Shari‘a Rules in Europe: Scope and Limits’, p. 327; Mathias Rohe, *Muslim Minorities and the Law in Europe. Chances and Challenges* (New-Delhi: Global Media Publications, 2007). p. 82–83.

provisions, is an exceptional case.<sup>537</sup> Thus, the applicability of foreign legal provisions, including Islamic provisions in Europe in general, is carried out at three levels:

A. Private international law, through rules governing conflict of laws in matters relating to civil law, including areas of family law. "The application of legal norms in Germany and in other European countries is often determined on the basis of the nationality of the persons involved rather than by their domicile. However, the application of such provisions must comply with the rules of the relevant national public policy."<sup>538</sup> Therefore, provisions of private international law are often ignored by Western courts as inappropriate.<sup>539</sup>

B. Optional civil law, where the application of certain Islamic rules relating to marriage contracts as an optional law in Germany and the acceptance by German courts of the regulation of the payment of dowry (mahr or ṣadāq) in marriage contracts is an example.<sup>540</sup> In this context, Sharia councils in Britain play a major role in trying to resolve some cases of family disputes by Islamic religious norms, especially in the case of religious divorce, particularly when the husband refuses to grant divorce, and in cases of dowry and inheritance. In Germany, arbitration decisions in such cases may be deemed invalid, especially those based on gender discrimination. Those procedures, such as marriage contracts and religious divorce, may not be recognized legally.<sup>541</sup>

C. Legal segregation with regards to religion, as some European countries (Greece, Spain, and Britain) have applied the provisions of Islamic law relating to family affairs to the Muslim population.<sup>542</sup> This is the case in some aspects of the organization of marriage and divorce contracts. In the

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537 Rohe, 'Application of Sharī'a Rules in Europe: Scope and Limits', p. 334; Rohe, *Muslim Minorities and the Law in Europe*, p. 89.

538 Rohe, 'Application of Sharī'a Rules in Europe: Scope and Limits', pp. 335–36; see also, Rohe, *Muslim Minorities and the Law in Europe*, p. 45.

539 Shah, p. 3.

540 Mathias Rohe, *Der Islam in Deutschland. Eine Bestandsaufnahme*, ebook (München: Beck, 2018) <[https://play.google.com/store/books/details?id=eLxoDwAAQBAJ&rdid=book-eLxoDwAAQBAJ&rdot=1&source=gbs\\_vpt\\_read&pcampaignid=books\\_booksearch\\_viewport](https://play.google.com/store/books/details?id=eLxoDwAAQBAJ&rdid=book-eLxoDwAAQBAJ&rdot=1&source=gbs_vpt_read&pcampaignid=books_booksearch_viewport)>, p. 202; Rohe, 'Application of Sharī'a Rules in Europe: Scope and Limits', p. 339; Rohe, *Muslim Minorities and the Law in Europe*, p. 46.

541 Rohe, 'Application of Sharī'a Rules in Europe: Scope and Limits', pp. 339–42.

542 Rohe, 'Application of Sharī'a Rules in Europe: Scope and Limits', 342; Rohe, *Muslim Minorities and the Law in Europe*, p. 46.

German context, some Sharia rules can be applied through levels I and II, i.e. within the framework of Private International Law and Optional Civil Law.<sup>543</sup>

From the above discussion it can be concluded that, compared to other European countries, Germany takes a middle position on this issue. While on the one hand it accepts the application of certain religious and cultural norms of Muslim minorities under its official legal systems, it does not recognize any normative religious regulations that take place outside its legal system, except within the limits of arbitration and official mediation as long as they do not conflict with the general rules of their legal systems. For instance, even though religious marriage is permitted within religious associations,<sup>544</sup> these contracts have no legal recognition or official status.<sup>545</sup> The question arises as to how Syrian families interact with this new and different normative pluralism. This is what the following sections will attempt to review.

## 5.2 Different Forums for Conflict Resolution

Alternatives and mechanisms for resolving disputes may vary based on many criteria. Those criteria play a major role in directing the conflicting parties to these alternatives or mechanisms. The alternatives adopted may vary according to the nature of the conflict between the parties, the social environment from which they originate, the family's religiosity, the religious sect to which the spouses belong, or the family's relations with the

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543 Rohe, *Muslim Minorities and the Law in Europe*, pp. 113–114.

544 Generally, Muslims can conclude “religious” marriages totally in private if they wish to do so. One new exception is religious marriages involved with minors, which is an offense under the criminal law. § 180 para. (1) of the Criminal Law states: “Whoever promotes sexual acts of a person under sixteen years of age on or in front of a third person or sexual acts of a third person on a person under sixteen years of age 1. through his mediation or 2. by granting or procuring an opportunity is liable to a custodial sentence not exceeding three years or to a monetary penalty.” Para. (2) also states: “Any person who directs a person under the age of eighteen to perform sexual acts for remuneration on or in front of a third party or to have such acts performed on him or her by a third party, or who encourages such acts through his or her mediation, shall be punished by imprisonment for not more than five years or a fine.”

545 Pascale Fournier and Pascal McDougall, ‘False Jurisdictions: A Revisionist Take on Customary (Religious) Law in Germany’, *Texas International Law Journal*, 48.3 (2013), 435.

social environment. This section of the chapter will review the alternatives used by Syrian families while delineating some of the mechanisms that parties use to find solutions to these conflicts.

### 5.2.1 Resort to intermediaries from extended family or friends – home ownership in exchange for divorce

“The custom is that, when problems happen, the family elders or dignitaries (cousins, uncles) interfere to resolve the conflict [...]. Here [i.e. in Germany] nobody interferes.” Tāriq narrates many of the details related to the conflict and its proceedings before it ended in divorce. I mentioned earlier (in chapter 3 and 4, section 4.2.2.3) that Tāriq’s in-laws did not want to stay in Germany and thereof decided to take his wife (their daughter) with them when they returned to Syria. Following that, the parties strove to reach a solution to resolve the conflict. Tāriq turned to his cousin, who lives in Syria, because of his revered status in the family, as he describes him as “a university professor, imam of a mosque and a dentist.” His cousin suggested to the wife to communicate with her husband directly and reach an agreement with him away from her family’s interventions. However, the strictness of the wife’s family, especially the mother, during the mediator’s meeting (Tāriq’s cousin) with the wife and her family prevented him from reaching a solution that satisfied both parties. With things reaching a “dead end”, there was only the option of separation. “In matters of family law, relatives are often consulted first”, as Rohe writes.<sup>546</sup>

Tāriq generally refused to divorce, but under the insistence of his wife’s family he decided to grant the wife a divorce in exchange for his wife giving up ownership of a house that he registered under her name. Although this conflict case has reached the Syrian courts, the contribution of family mediators has been the key factor in resolving it. It is necessary to convey Tāriq’s account in this regard about the complexities of this conflict, the processes in which the divorce proceedings were conducted, and the resolution of the dispute under the mediation of his cousin:

“I bought a house in Syria, and I registered the ownership documents under my wife’s name. She was my life partner. When her family asked me to divorce her, they asked that I give her half of the property. How

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546 Mathias Rohe, *Alternative Dispute Resolution in Europe under the Auspices of Religious Norms* (RELIGARE Working Paper, 2011).

is that possible?! I paid half of the price of this house from inheritance money following the passing away of my father in Germany. I paid the rest through money I saved while here in Germany. Her family argues that I should give her half of the house because the savings were from her Job Center social benefits as well as mine. The rest I borrowed from her uncle. Half of the house! Her money only amounts to 5 percent of the house value. I told the family mediator that I will not divorce until she transfers the house property to me. I put them under pressure and told them to give up the house. Then, I would divorce. They agreed to do so under the condition that I divorced her verbally and this is what happened. Later, I completed the official divorce documents. My cousin called me and said I was on the phone speaker so that they could hear me. So, I divorced her verbally saying: I divorce you. According to Shari'a Law she is, yet this is not a valid divorce. I refused to divorce her officially until the property transfer papers were signed (which means that the divorce took place in exchange for home ownership)."

Tāriq's narrative reveals many of the problems that have permeated the conflict resolution process. Since his wife's family is in Syria, Tāriq has had to resort to intermediaries from his family to resolve the dispute between him and his wife, and this highlights the great role played by the elders of the families and the absence of civil institutions specialized in family disputes. It also shows that the law is a step behind the mediation of the elders of the family when it comes to family affairs. Tāriq argues in his account that his "verbal" divorce was coerced and therefore considered to be illegal. According to some schools of jurisprudence in Islam, his point of view is valid, since forced divorce under threat or inflicting monetary damage is considered void by most Islamic jurisprudents.<sup>547</sup> This view is in harmony with the Syrian Personal Status Law, as Article 89, paragraph 1 states that "[d]ivorce is considered void if forced or obtained under the state of intoxication or mental illness [...]."<sup>548</sup> This stage of the case (forced divorce) has not been brought before Syrian courts. In fact, some form of coercion that reached the extent of blackmailing has been exerted by both parties involved. The most difficult level of exploitation is the travel of the wife and her family with Tariq's child (2 years old) to Syria and

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547 Kamāl Bin as-Saiyd Sālim, *Sahīh fiqh as-sunnah (True Fiqh of the Sunnah)* (Cairo: al-maktabah at-tawfiqiyah, 2003), Part 3, p. 42.

548 § 89 para. 1 of the Personal Status Law.

their realization that Tariq was unable to obtain any right to custody of him or even not allow Tāriq to see him through social media unless they wanted to.<sup>549</sup> Conversely, Tāriq took advantage of his right to divorce to transfer the ownership of the house to him, and the wife and her family found in his bargaining over the ownership of the house an opportunity to expedite the divorce or khul' procedures. According to classical Islamic jurisprudence, it is difficult to decide who has the right to own the house without knowing many details such as, why did the husband register the house in the name of his wife? What is the amount of money that the two parties contributed to buy the house (the narrative of the other party, i.e. the wife)? Especially since the husband's account shows a contradiction, as once he claims that he inherited half the price of the house from his father after his death, and at another time he indicates that he borrowed this amount from the wife's uncle. Extortion practices (whether justly or unjustly) are common, especially on the part of husbands, as they try to use the reconciliatory attempts led by family figures to compensate for marriage expenses such as the dowry and other costs, and this in many instances turns out to be extortionate. Basically, this case reveals several normative conflicts that the parties use in many directions.<sup>550</sup> The case also shows the complexities pertaining to the spouses' financial income (social assistance) in the German context and their impact on negotiations for a mutually satisfactory solution. The effects of economic factors on the differences between spouses were discussed in the previous chapter.

Although some families remained loyal to the role of family elders or dignitaries in mediating conflicts, the dispersal of families in many countries and their physical distance have greatly hampered the effectiveness of this aspect in the German context. Sāra points out how her uncle –her mom's brother who lives in a Gulf Arab country – came to Germany and played a big role in mediating between her parents. When the family learned of Sāra's mother's request for divorce, her brother tried to intervene in an attempt to dissuade her from this decision. "As you probably know, familial

549 Tariq indicated that at one time he was prevented from communicating with his child (who is now 8 years old) for more than a year. He also indicated that he had asked the judge "verbally" not to allow his wife and her family to deprive him from seeing his child, but his request was ignored because the judge realized that he could do nothing in this case, because he does not have any legal mechanisms obligating the wife to do so.

550 This point will be discussed in the German context in the second part of this chapter through the mechanisms and contraindications of conflict resolution.

and social ties are strong [...] [Quoting from her uncle addressing her father and mother:] You are our brother in-law. You should not desert her while in a foreign country [...]. He is your husband [...]. You also should not leave him in a foreign country." None of the couple requested the mediation of the uncle. However, his intervention was the result of social and cultural factors specific to women's status. "He did not want to see his sister's marriage collapsing. He tried to mediate between them, and he succeeded in fixing the relationship." Soon after, conflicts renewed between the couple, and the husband requested the intervention of the wife's aunt to dissuade his wife from divorce. Nonetheless, mediatory efforts were unsuccessful this time, and their relationship ended in divorce. In exile, wives became free from the pressure of parents and their extended family. This has weakened the influence of parents and family on wives in general.

Due to the weak role of extended family mediation, many of those interviewed have resorted to the network of friends surrounding them in their new environment, which constituted a robust alternative compensating for the absence of the role of parents or the extended family. I have been involved several times in attempts to resolve some of the disputes between some couples with whom I have strong friendships. Even though Sāmer has a network of German friends, he prefers to resort, as he actually did, to his Arab friends. The reason, as Sāmer points out, is that "the Germans will not understand us."<sup>551</sup> Cultural differences indeed may hinder understanding "the other" in the context of these conflicts. Alexander Collo writes about family counselling institutions in identifying the factors complicating marital disputes regarding child custody among refugees or migrants (Syrians and Afghans) in the German context: "Counselling centers are seldom staffed and organized in a qualified manner to address the situation of migrants [...]. Moreover, these centers can hardly do justice to the cultural and linguistic heterogeneity of the various cultural groups. On the whole, migrants, therefore, seldom turn to them."<sup>552</sup>

The network of friends sometimes plays a negative role, as friends often have no experience in dealing with family disputes and therefore may fall into bias on one side or suggest solutions that aggravate disputes instead of resolving them. Rāmā recalls how a friend of her husband who mediated to reconcile them tried to convince her to leave her spouse because there

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<sup>551</sup> This, in turn, is an indicator of the ineffectiveness of traditional German civil institutions in dealing with such conflicts.

<sup>552</sup> Collo, p. 28.

is “a great chance that she will find a better one.”<sup>553</sup> This in turn complicates conflicts further. Family or imam interventions carry a moral and religious dimension that is not necessarily provided by friends’ network. Consequently, the outcome of friend’s interventions might be negative and more complicated than those of other actors.

### 5.2.2 Resorting to religious actors – attempting jurisprudence

Despite many conflicts within families, the ways in which husbands and wives address them remain different and varied. Despite many cases of marital conflicts with those who were interviewed, the option of resorting to religious actors was excluded by the majority. This option may be used by a certain segment of Syrians, often those who relatively trust these imams or the religious establishment. The discussion below depends largely on interviews with religious actors and their experiences in mediating marital disputes.<sup>554</sup>

One or both of the couple’s parties are often received in the mosque or church, and religious actors sometimes meet with the parties (spouses) in their homes, as Imam Ahmad and Pastor Burhān mention. Pastor Burhān, Duhā (his assistant) and Imam Ahmad all point out that the majority of those who come to solve their problems are women. On the other hand, Imam Hālid estimates that the majority of those who seek his help are men, while Imam ‘Umar believes that the number who come to see him from both sexes are similar. This illustrates the diversity in their experiences in resolving marital conflicts.<sup>555</sup>

Solutions provided by religious actors are often of a preaching nature, including advising both parties to be patient or trying to persuade one party to cede to the other party so that the marital relationship can continue. Imam ‘Umar refers to the types of solutions they offer as “to a great extent preaching, the imam presents a preaching role.” Pastor Burhān elaborates on the aid they provide for couples:

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553 Especially in the new German context, where the number of males exceeds the number of females among Syrians. Women are now aware of this and exploiting this gap in their favor.

554 Druze, Alawis or Ismailis have no religious references or worship places in Nuremberg. This might be the case all-around Germany. Thus, they are unlikely to resort to religious actors.

555 Nuremberg, 3 February 2020.

“We have spiritual support through prayers and verses from the Bible emphasizing love, forgiveness, sacrifice, understanding, faith, and patience, this is a key part of resolving differences. The second part is to see what the problem is, and how we can solve it. Many problems arise from a misunderstanding, for example, there might be a difference in the environments they come from. What I consider as a taboo, she considers as a normal thing. What I see as right, she sees a wrong.”

Pastor Burhān generally proceeds from the Gospel’s view of men and women and the differences between them to understand the actions of each party and bring the views between the two parties closer as he indicated.

In addition to this preaching role, imams sometimes play a role in applying some Islamic Sharia rules as alternatives to resolve differences related to financial issues, such as the distribution of money provided as financial assistance between the two parties, “i.e., the dispute is material and we try to satisfy the parties, for example when the disagreement is on salary (social assistance payments) [...]. I redistribute it based on Sharia law, and usually the couple agrees to this. Especially if the woman was asking for her right in the money based on Sharia and not the law. Most of the women here are religious, and a woman in Islam has financial independence and really the salary is her right. Some cases were not solved by the way, we were reaching a dead end, they were both stubborn and things will end in divorce”, as Imam Ahmad narrated. Despite Imam Ahmad’s conviction of the classical vision of Islam regarding women’s financial independence, in other words their right to keep money and the obligation of the husband to maintain them at home, he still has another view with regards to solving these disputes in the German context:

“It is true that women are entitled to get a salary here in Germany. However, they also have an obligation to contribute to the household’s expenses. It is not reasonable that she gets hold of her Job Center salary, and at the same time the husband is required to pay for clothes, food, electricity, water [...]. Is it fair that she takes her salary and then will also have a share in the children’s money?! And then he will spend on the household! It is not right. Either they share the household expenses in half, or – as I used to suggest – the wife takes the third of her salary and then the husband will pay the household expenses. In Islam, if someone would leave a will, he is allowed to allocate up to one-third of his money. So, one is entitled to one-third of his money, and the rest is left for the inheritors. This is how I resolved it.”

Although Imam Ahmad tried to use the analogy, ‘*qiyās*’<sup>556</sup> which is one of the sub-sources of the Islamic legal system, i.e. analogous the will to divide the salary provided as financial assistance between the spouses, his jurisprudence in accordance with the same analogy rules is not correct. The testator willed that his money is disposed in this way, while the German state that provided social assistance to the wife did not request that the money provided to the wife should be divided between her and her husband, and therefore the money belongs to her. Imam Ahmad’s awareness of the new context, which is totally different from the previous context in which the couple lived, is what prompted him to issue this type of fatwa and to object that the husband bore the burden of the household budget solely.

Often, solutions provided by religious actors are confined to religious preaching and fatwas whenever they are involved in marital disputes that require radical solutions. In certain cases, their involvement might exceed that to the application of certain Sharia provisions such as in the case of divorce or ‘*khul*’.

### 5.2.3 Recourse to judicial systems

In the case of Tāriq, whose conflict with his wife and wife’s family I have described above, the dispute resolution process eventually moved into the Syrian court system and continued as the following:

“What was left was that divorce had to be made in court. The wife’s family demanded that my family should not say that I am out of the country when the court notification arrives at my family’s place of residence in Syria. This would mean that I received the court’s notification and refused to attend. In this case, the judge would be strict in his ruling and would give her all her rights (the dowry). Thus, the judge would grant her divorce with all her rights. My lawyer advised me that this would incur damages on me (the loss of the dowry money) and he also advised that my family should tell that I am outside the country. Her family filed for ‘*Khul*’.”

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<sup>556</sup> *Qiyās* or analogy is defined as the application of a sharia rule that was mentioned in Quran and Hadith to another case that is not mentioned in Quran and Hadith based on their similarity in meaning and in justification. See Birgit Krawietz, *Hierarchie der Rechtsquellen im traditionellen sunnitischen Islam* (Schriften zur Rechtstheorie 208) (Berlin: Duncker & Humblot, 2002), p. 204.

The judge asked Tāriq by phone about his position vis a vis his wife, and he replied, “I do not force anyone to live with me [...]. I gave her up (meaning his wife) for the sake of taking the house; I did not give her up because I no longer want her, I agreed to divorce because I cannot be in the same place with her, I have no choice.” The unilaterality of divorce (exclusively a right of the husband) and imposing dowry payment on the husband after divorce sometimes fuel complex conflict processes, as in Tāriq’s case.<sup>557</sup>

There is still a trend among a segment of Syrians to resort to Sharia courts in Syria instead of German courts for many reasons that will be discussed below. Sāra says that

“her mother hired a lawyer in Syria to separate her from her husband [Sāra’s father]. In order to do so, the lawyer filed a khul’ lawsuit in Syria. The court notification was being sent to my grandparents’ address so that someone would attend the court hearing on behalf of my father. Nobody would attend, and consequently the court hearing would be annulled and the decision would be postponed. In Syria, the courts are usually on the side of men. So, if a husband refuses to grant divorce, the court proceedings might extend for one or two years to finalize the divorce papers depending on how experienced the lawyer is. [...] My father refused to divorce.”

However, after things reached a dead end, he agreed to divorce his wife. Sāra indicates that her father sent an audio file to his wife’s family where he utters the divorce words in accordance with Islamic teachings, and then he sent someone to represent him to finalize the divorce in court. I asked Sāra why her parents had gone to Sharia courts. She said that their marriage was not registered at the Civil Status Service, the “Standesamt”, in Germany, even though they were married for a long time in Syria.

It is remarkable that in the previous two cases the Khul’ and divorce were done through social media. Syrian courts are aware of the complex situation of expatriates, their large numbers and their growing need for such contracts, whether marriage or divorce. Syria’s first Sharia court judge, Maḥmūd M’arāwī, therefore announced procedures to facilitate these transactions by conducting them on social media and in the presence of two witnesses.<sup>558</sup>

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557 Fournier and McDougall, p. 460.

558 Șawṭ Al-Āsimah, ‘Kitāb aš-šāiḥ mamnū’ wa tashīlāt litaqibit az-zawāġ min ḥāriġ sūriyā’ (‘The Imam’s Marriage Contract Is Forbidden and Facilities Are Provided to

Meanwhile, another segment of Syrian refugees preferred to resort to German courts to terminate marriage, as in the case of Wā'il, who belongs to the Druze community. After a one-year separation from his ex-wife, Wā'il hired a lawyer to finalize the divorce. Wā'il did not turn to the Druze Confessional Court to get a religious divorce, he only used German courts. Therefore, as he points out, “we are not divorced in Syria yet.” He seems not to know a lot about religious divorce in his sect. When asked, he said: “To be honest, I do not know for sure. But I think I should be uttering the divorce words three times.” The Personal Status Law of the Druze community considers that divorce is the right of the couple. That is, it is not limited to the husband, and it does not fall simply by the verbal uttering of the divorce words as in the Syrian Personal Status Act for Sunni Muslims. Only a judge of the Druze Sect Court can annul a marriage contract as stipulated in Article 37.<sup>559</sup> Thus, the sentence “Druze Sect Judge” dictates that any divorce ruling by husbands is illegal and does not terminate the marriage contract. In the case of Wā'il, his position on religion, “which means nothing to him”, as he points out, and his rebellious attitude towards societal norms explain why he did not resort to his sect’s court in order to obtain divorce.

### 5.3 Mechanisms and Obstacles to Conflict Resolution – Causes and Results

This section reviews alternative resolution methods for familial conflicts in the German context and religious jurisprudence views on family issues, particularly with regards to marriage and divorce. It also examines the implications of these views and the practical interaction of Syrian families with them in the German context. This section looks at how actors resolve their familial conflicts in the German context through alternative mechan-

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Establish Marriage from Outside Syria), *Al-āsimah, Şawt*, 2018 <<https://damascusv.com/archives/3264>> [accessed 13 October 2021].

559 It should be noted that lawyer Camille Mulla, director of the Druze religious courts in Israel, stated that the Personal Status Act, which is based on the Law of the Sect in Lebanon, annulled the article which required a court a sect judge ruling for divorce to become effective in 1979. The decision to divorce may therefore be valid under certain conditions without the judge’s decision. For further explanation, see Kamil Mullā, ‘At-talāq fi al-qānūn al-dīnī al-durzī’ (‘Divorce in Druze Religious Law’), *Al-īmāma (Al-Amama)*, 117 (2014) <[http://www.al-amama.com/index.php?option=com\\_content&task=view&id=1626](http://www.al-amama.com/index.php?option=com_content&task=view&id=1626)> [accessed 16 September 2021].

isms. In order to do so, I first explain the reasons for resorting to religious marriages among Syrians and the complexities of obtaining a divorce resulting from this type of marriage, before I turn to familial conflicts and divorce. I will also draw attention to how procedures in religious marriage and divorce are factors that complicate the resolution of such disputes and increase chaotic arbitration, whether it is conducted by the conflicting parties themselves or when resorting to the other parties reviewed in the first part of this chapter.<sup>560</sup>

### 5.3.1 The jurisprudence of Muslim minorities – various doctrinal opinions

I begin by introducing some necessary background information on various doctrinal opinions in the jurisprudence of Muslim minorities on how marriage and divorce should be handled. The two cases to be discussed in this section – marriage and divorce – relate to religious rules or laws or the so-called jurisprudence “al-Fiqh”. The increased interest of Muslim scholars in Muslim minorities in Western societies, especially following the great waves of immigrations of Muslims to the West, has led to the emergence of the so-called “minority jurisprudence” “*fiqh al-aqaliyāt* فقه الأقليات”. Minorities here refer to “every human group in any country, different from the majority of its people in religion, sect, race, language, and so on.” This notion refers to Muslims living outside Dār al-Islam (Land of Islam) who, in the view of Qaraḍāwī, may be natives or immigrants.<sup>561</sup> The ancient divisions in the classical jurisprudence books between Dār al-Islam and Dār al-Kufr (Land of disbelief) were somewhat reflected in jurisprudence of Muslim minorities, which eventually produced and continues to produce contradictory views regarding Muslims’ practice of their religious rituals as a minority within the European context. A current emerged that rejects these classical divisions as the jurisprudence of former jurists concerning the “description of the reality” of that specific historical moment which represented a war with the other at that time.<sup>562</sup> Nonetheless, the fatwas on the implications of

560 It should be noted that the focus in this section will be on Muslim families and Muslim religious actors, the “imams”, as the church run by Pastor Burhan – as mentioned – does not engage in any procedures related to divorce and its repercussions.

561 Yūsuf Al-Qaraḍāwī, *Fi fiqh al-aqaliyāt al-muslimah* (In the Jurisprudence of Muslim Minorities) (Cairo: Dār al-ṣurūq, 2001), pp. 15–17.

562 Faiṣal al-Mawlawī, *Al-usūs aš-ṣāri‘yā lil’alāqāt bain al-mulimīn wa ‘āīr al-mulimīn* (The Legal Foundations of Relations between Muslims and Non-Muslims) (Beirut:

this division remained contradictory, and no unified opinion was adopted to resolve this old-new dispute. This vision was reflected in fatwas on marriage and divorce issues related to Muslims living as minorities under secular legal systems.

With regards to marriage, there are two trends in relation to the legality of the civil marriage contract conducted in non-Islamic courts. The first believes in the illegality of this contract because the conditions of the religious marriage contract, which boil down to the positive acceptance between the husband and wife, the witnesses and the guardian, are not realized in such contracts.<sup>563</sup> Therefore this contract is considered “corrupt فاسد”, meaning it can still be corrected.<sup>564</sup> This view was adopted by the Sharia Scholars’ Assembly, which includes a group of scholars from various Muslim countries, and by Sālim bin ‘Abd al-Ġānī al-Rāfi‘ī, a Salafist-oriented scholar, in his dissertation on the personal status provisions of Muslims in the West and Germany.<sup>565</sup> In contrast to this view, another trend adopted by Faiṣal al-Mawlawī, Vice-President of the European Council for Research and Fatwa, believes in the legitimacy of this contract because the main pillar of Islamic marriage contract (conducted according to Sharia) is the acceptance and agreement between the two parties, a condition that is present in civil marriage contracts. According to this view, the consent of the bride’s guardian and witnesses are conditions that are not agreed upon in all Islamic doctrines. It should be noted that despite the legality of the contract, one or both parties could be considered to have sinned if one or both of them hold

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dār al-rašād al-īslāmiyah, 1987), pp. 91–106; Tahā Ĝābir al-‘Ulwāni, ‘Madḥal ilā fiqh al-aqaliāt’ (An Introduction to the Jurisprudence of Minorities), *Islamiyat al-ma’rifah*, 5.19 (1999), 29; Rohe, *Muslim Minorities and the Law in Europe*, p. 138.

563 For more details about these conditions and the difference between Islamic schools of thought about them, see Mathias Rohe, *Islamic Law in Past and Present*, trans. by Gwendolin Goldbloom (Leiden: Brill, 2015), pp. 104–09.

564 Jurists distinguish between a corrupt and a false contract: The former is corrected, and therefore the relationship of the disabled is not adulterous, while the false contract is not considered to be the basis.

565 Assembly Members, *Kitāb al-mu’tamar at-tānī limaġma’ fuqahā’ aš-šarī‘a bi’amrīka* (The Book of the Second Conference of the Assembly of Sharia Jurists in America) (Copenhagen: Assembly of Sharia Jurists in America, 2004), pp. 37–38; Sālim bin ‘Abd al-Ġānī al-Rāfi‘ī, *Aḥkām al-ahwāl al-ṣahṣiya llmuslimin fi al-ġarb* (Rulings on Personal Status for Muslims in the West) (Beirut: dār ebn ḥazm, 2002), p. 403.

the nationality of an Islamic country, because they have resorted to a non-Islamic law while being able to go to the Sharia courts in their countries.<sup>566</sup>

With regards to divorce rulings issued by Western civil courts, al-Mawlawī distinguishes, as in marriage, between the legality of divorce obtained through civil court and the sinfulness of obtaining this kind of divorce. Thus, if the divorce is filed by nationals of an Islamic country, it is a sin. The exception is those who held the nationality of the country in which the parties reside, i.e. citizens.<sup>567</sup> Al-Rāfiī differentiates between three cases: 1) The husband's willingness to divorce and the actual filing of a divorce request. The husband's signature on the court division, in al-Rāfiī's view, is a confirmation of divorce. 2) A woman's desire to divorce without the presence of ill-treatment on the part of the husband. In this case she has the right to *Khul'*, and a divorce issued by the court is not legal unless the husband signs the court's decision. 3) A woman's desire to divorce with the presence of the husband's ill-treatment, in which case divorce occurs even if the husband refrains from divorce.<sup>568</sup> On the other hand, according to the Council of Sharia Jurists in America, the divorce of civil courts does not end marriage from a Sharia point of view, i.e., divorce is not accepted. Their justification is that women can resort easily to Islamic centers to end the marriage.<sup>569</sup>

Apart from this conflict of opinion, the three imams – Syrians and Egyptians – interviewed during fieldwork show their unconditional flexibility in accepting marriage and divorce decisions issued by German courts. Imams are aware of the complexities entailed by real situations in which it is difficult to exercise these theoretical fatwas, and they appreciate the many conflicts in which the rights of one of the parties may be lost. These conflicts occur as a consequence of the conduct of marriage contracts outside the civil registry office, and they find themselves involved in attempting to resolve them with barely any professional experience or formal frameworks to help them. Perhaps it is their awareness of this reality that has led them to adopt less stringent attitudes towards the decisions of civil courts. Nonetheless, there is another segment of imams who differ with their orientations

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566 Faiṣal al-Mawlawī, ‘Aqd az-zawāġ al-madanī fi al-ġarb’ (‘Civil Marriage Contract in the West’), *Islamonline* <<https://bit.ly/4iK3sec>> [accessed 21 September 2021].

567 Faiṣal al-Mawlawī, ‘Ḥukm taṭliq al-qādi ġair al-muslim’ (‘Ruling on Divorcing a Non-Muslim Judge’), *European Council for Fatwa and Research* <<https://bit.ly/3XyedrJ>> [accessed 21 September 2021].

568 Al-Rāfiī, pp. 619–21.

569 Assembly Members, p. 38.

and adopt the previous views (fatwas) that have been presented above. Therefore, in the face of these contradictions between theoretical fatwas on the one hand and the position of imams in the field on the other, it is important to present the interactions of families with this theoretical religious discourse, focusing on marriages and divorces that take place as practices in the daily lives of these families. Religious discourse, which was based on the division between “Muslim societies” and “non-Muslim societies”, and fatwas issued by these divisions in general<sup>570</sup> may play a major role, in one way or another, in shaping people’s perceptions of their religious practices. In other words, the public religious discourse<sup>571</sup> has been one of the main sources of building people’s religious perceptions, particularly through the process of cognitive sharing and social media discussions. This is the case even though public perceptions may not be directly rooted in the deep religious concepts on which minority jurisprudence was built. People might be even unaware of the very concept of “minority jurisprudence”.

### 5.3.2 Limping marriage – justifications for resorting to religious marriage

Many Syrians resort to religious marriage for different reasons. The term “limp marriage or divorce” is used in the context of recognition of marriage or divorce contracts in one country without another or in cases where the parties are married or divorced in accordance with State law but unmarried or divorced from the perspective of their religion or their religious or social community.<sup>572</sup> From the perspective of Syrian families themselves, it is necessary to discuss the reasons for resorting to religious marriage in this section, while in subsequent sections we have to consider how this type of marriage contract is conducted and what are the consequences and repercussions that ensue.

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570 Ğalid Muħammad 'Abd al-Qādir, *Min fiqh al-aqaliyat al-muslimah (From the Jurisprudence of Muslim Minorities)* (Doha: wizārat al-awqāf wa al-šu'ūn al-islāmiyya, 1997), pp. 60–64; Al-Qaraḍāwī, pp. 16–17; Al-Rāfi'i, pp. 18–34.

571 Forms may vary in receiving this speech, from Jummah's sermons (Friday sermons), to many religious platforms and sites on the Internet, to the speech of scholars in the media or social networks, to books and articles.

572 Mosa Sayed, ‘Religious Divorce in a Secularized Legal Context: The Case of Sweden’, in *Marital Captivity. Divorce, Religion and Human Rights*, ed. by Susanne Rutten, Benedicta Deogratias, and Pauline Kruiniger (The Hague: Eleven International Publishing, 2019), p. 329.

### 5.3.2.1 Religious dimension

“Now, first of all, this is our religion, I mean, one must do this.” This is how Sāra, who has been religiously married twice, answered my question as to why people resort to mosques or imams to conclude religious marriage contracts.

Syrians are generally convinced that marriage contracts should be conducted in a religious manner, and Sāra explicitly points to religious motivation as the reason for this act.<sup>573</sup> The religious aspect plays an important role in the lives of people in Syria, especially in this aspect, which has social dimensions. In fact, this religious motivation cannot be separated from previous religious discourse, with which people interact in different and diverse ways. In general, “many Muslims, including imams and other representatives of Muslim communities, consider compliance with German marriage and divorce regulations to be sufficient, also from an Islamic religious point of view. Others exclusively acknowledge the legal impact of German family law regulations and procedures but consider additional religious affirmation and regulation necessary”<sup>574</sup>, as Rohe elaborates in this context. This compliance with the laws in this aspect among Syrians is contradictory, as many still see the need to obtain a religious contract for the marriage to be religiously admitted (شرعی *ṣar’i*). But is the desire to comply with religious orders the only motive for resorting to religious marriage? At the same time, how far do people resort to German law to stabilize marriage?

In general, the religious factor is a great motivation for many people. Sāra shares this vision, in faith and practice, with many of those interviewed who have been married religiously through imams. However, other factors that cannot be ignored play a role in directing Syrians, especially Muslims in general, to religious centers or imams to conduct these contracts, although some of these contracts are associated with their affirmation in German official circles or are subsequently confirmed.

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573 I also noticed many similar discussions on these issues on social media.

574 Rohe, ‘Islamisches Familienrecht in Deutschland im Wandel’, p. 85.

### 5.3.2.2 Customary dimension – كتب الكتاب ‘كتاب الشيخ’ or ktāb aš-šīḥ’ or Katb al-ktāb: marriage conducted by an imam before it is confirmed in court

“According to customs, they resort to a ktāb aš-šīḥ (a marriage conducted by imams), because they will be an engagement party, and by conducting a religious marriage it is religiously permissible for the bride to be with the groom [...]. In most cases the religious contract is registered in a court short time before the wedding party. In very rare cases, the religious contract is registered in courts right after it is conducted [...] these are the customs.”

Nadā describes one of the customs that is prevalent in Syria, namely, conducting marriage by an imam before it is confirmed in the courts. This is called the ktāb aš-šīḥ or katb al-ktāb or ‘aqd barrānī in Syria. All of these are different designations for a marriage contract that takes place outside the official courts. Most of those interviewed indicated that their marriage in Syria took place in this way in accordance with the following stages: the engagement ceremony, then the Sheikh’s contract (imam contract), later marriage confirmation in court. “Judicial sources revealed that 70 percent of Syrians marry according to custom, i.e. outside the court before the marriage is confirmed in a court of specialization.”<sup>575</sup>

Although this type of marriage is widespread, families have been the guarantor against any kind of conflict that may occur as a result of such contracts. In addition, the affirmation of the contract in the courts was not so complex, as such contracts were recognized when the parties resorted to registering them in the courts, especially when the spouses have children. Nadā points out that recently, during the war, this changed a little, as “many people registered the marriage in courts straight away. This became the case as the Sheik’s marriage became oral. Previously, the Sheik would write a document to confirm the marriage. The groom then takes the document to the court as a proof of marriage.” This transformation may stem from changes in the position of the courts and laws in Syria regarding these contracts.

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575 Muhammad Manār H̄mīgū, ‘70 bilm̄ah mina as-sūrīyīn yatazawwağün ‘urfīyan qabla ṭaṭbītih bil-maḥkama’ (‘70 Percent of Syrians Marry by Customary Law before It Is Confirmed in Court’), *Şahīfat Al-Waṭān*, 2018 <<https://alwatan.sy/archives/148192>> [accessed 24 September 2021].

In 2018, legal restrictions were imposed by placing sanctions on those who conducted this type of marriage contract. Article 2, paragraph 2 of the Penal Code states that “anyone who conducts a marriage contract outside the court of specialization prior to completing the transactions stipulated in the Personal Status Act shall be fined 10,000 to 20,000 Syrian pounds.”<sup>576</sup> It is perhaps the chaos in the conduct of contracts as a result of the war that prompted the passage of this law. Custom might be the reason why a large segment of Syrians has resorted to Islamic centers and imams in Germany to conduct such contracts before they were registered in German civil courts. It is a cultural custom with social dimensions that cannot be separated from the religious dimensions related to the relationship of the two fiancées, Nadā noted.<sup>577</sup>

### 5.3.2.3 Social aid

“Some married couples do not register the marriage in German court so that Job Center financial subsistence is not reduced.” I raised this point during my conversation with Sāra, who married religiously, as I have pointed out, trying to understand the reasons why people resort to religious marriage. Sāra laughed when she heard it, and then she commented: “Do you want me to be honest? We are like this [i.e. she married religiously for this reason] because I am now without vocational training [Ausbildung], and he [she means her husband] is no longer working. We have nothing left other than the salary of the Job Center [social assistance], and if we get married they do not give us enough money to get by.”

German social welfare laws ensure that the basic needs of livelihoods, such as food, clothing, and household items, are provided for the unemployed.<sup>578</sup> Unemployment benefit laws differentiate between married or partner and single persons. Singles are given 446 euros, while those in a relationship (partnership or marriage) are given 401 euros in monthly unemployment benefits.<sup>579</sup> In order not to lack such social assistance, a

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576 For more details about the customary marriage in Syria, see Van Eijk, p. 169–73.

577 For more details on these cultural reasons, see Mathias Rohe, ‘Shariah in Europe’, in *The Oxford Handbook of European Islam*, ed. by Jocelyne Cesari (Oxford: Oxford University Press, 2015), pp. 689–91.

578 § 20 for. 1 of the Social Act (SGB) Book (II).

579 Hartz IV Rule set; see Bundesagentur für Arbeit, ‘Merkblatt. Arbeitslosengeld II/ Sozialgeld. Grundsicherung für Arbeitsuchende, Pößneck’, 2021, p. 42.

segment of Syrians will refrain from registering marriage contracts in the Civil Status Department, as Sāra indicated.

#### 5.3.2.4 Lack of information on the mechanisms of action of the legal system

German law allows marriage to be in the presence of a witness or two if the spouses wish to do so. Article 1312 of the Family Code also makes it clear that the registrar responsible for concluding the contract must ask the spouses whether they want to marry each other, i.e. the process of affirmative action and acceptance.<sup>580</sup> Thus, the most important pillars and conditions of the Islamic marriage contract are fulfilled.<sup>581</sup> Such information is not available to some Muslims, and its lack of knowledge is an obstacle to accepting such a civil contract religiously. This leads them to religious marriage.<sup>582</sup>

Although the imams interviewed during fieldwork have embraced the legality of marriage and civil divorce, a segment of Syrians considers such marriage and divorce to be religiously illegal, either because they have not heard the views of these imams or because they are not sufficiently convinced of these views. Through fieldwork, I have observed in some discussions between Syrians a kind of accusation against imams that they would issue their fatwas under pressure imposed on them by the German-Western status quo. Consequently, this leads to their rejection of this type of fatwa either because they were not convinced with its arguments or because the fatwa contradicts their previous convictions, which were made up of contrary opinions; I have already referred to the diversity and contradiction of these views in the religious community. In this context, it is important to convey the dialogue that I had with Sāra in this regard. I asked her: “If there were facilitating procedures on the part of the Civil Affairs Department, would you accept to be married in civil court?” She answered: “Are you crazy! I mean you want me to sleep with him (her husband) outside the wedding lock!!”, meaning a religiously forbidden relationship. I replied: “Well, do you not know that there are imams here who consider civil mar-

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580 § 1312 of the Civil Act (BGB) Book 4/Family Law.

581 There remains the problem of the Custodian/Guardian ‘Wali’, whose consent is required by the majority of Islamic schools for the marriage to be valid.

582 Rohe, ‘Islamisches Familienrecht in Deutschland im Wandel’, p. 86; Rohe, ‘Shariah in Europe’, p. 690.

riage to be a legitimate (شرعیة şar‘i) marriage?" And for her to reply: "Really! I did not know that!"

It appears from the dialogue that Sāra, like other women or families, is unaware of these religious fatwas issued by these imams. Although there is this gap, I do not believe that closing it is sufficient to reduce families' resort to religious marriage instead of civil marriage. Rather, they must accept the views of the imams who see the legitimacy of civil marriage contracts, and this needs a long-term persuasion process to succeed.<sup>583</sup> This should be accompanied by solutions to the other factors driving the resort of religious marriage.

#### 5.3.2.5 Lack of documents – the law does not protect ignorants

The completion of the legal marriage contract in the German civil status services requires some documents including:

- Birth certificate issued by the birth register.
- Proof of residence.
- Proof of nationality that requires a valid passport for both spouses.<sup>584</sup>
- Certificate of marital status for foreigners (Ehefähigkeitszeugnis).<sup>585</sup>

Most of these documents represent an obstacle for Syrians fleeing the war in two respects. The first relates to the difficulty of obtaining these documents from official departments in Syria, especially in some cities that are devoid of official government institutions to extract them. The second relates to the high cost and the exploitation they are subjected to by lawyers or others inside Syria. Some, therefore, resort to conducting the marriage in other European states that do not require such documents. Others prefer to settle for religious marriage.<sup>586</sup> "Formal reasons such as the lack of

583 I have noticed many discussions between Syrians who sometimes reject some imams' fatwas because they are not convinced of them.

584 § 12 of the Civil/Personal Status Act (PStG).

585 § 1309 para. 1 of the Civil Act (BGB) Book 4/Family Law. See also § 39 of the Civil/Personal Status Act (PStG). For more details about the conditions of marriage in the civil registry offices, see juraforum, 'Ehefähigkeitszeugnis – Beantragung, Ausstellung, Befreiung', *Juraforum*, 2021 <<https://www.juraforum.de/lexikon/ehefähigkeitszeugnis>> [accessed 29 September 2021].

586 For more insights into the complexities of documentation between Syrians and German bureaucratic institutions, see Veronica Ferreri and Leibniz-Zentrum Moderner Orient, 'The Wondrous Life of Legal Documents. Transformations and Continuities

documents required for marriage under the law of the land might draw immigrants to enter into informal religious marriages in order to create socially accepted fundaments for living together”, as Rohe writes.<sup>587</sup> For example, it was the difficulty of obtaining some of these documents that prompted Ali not to document his religious marriage in the Civil Registry so far, as he noted in his interview.

It should be noted that in contrast to this trend of religious marriage there is a segment that insists on documenting marriage contracts in the civil registry circles before the wedding. After that, the couple is allowed to have sexual intercourse, and the bride is permitted to move to live with the husband. This insistence is often to guarantee the rights of the wife in a context where the network of family relations between Syrians is unable to guarantee any rights for both parties. In marrying his daughter, Čalāl indicates that his daughter’s marriage contract was registered in the Civil Registry a month before the wedding. Čalāl understands the importance of religious marriage religiously and socially, but his fear of his daughter’s relationship with a young man in exile, and an attempt to protect her from problems that may occur as a result of this association, prompted him to insist on documenting the marriage in the civil registry. This shows us the different dynamics leading families to resort to German laws. As there is a segment being aware of the dangers of religious marriage without formally confirming it, Nadā commented during my discussion with her about the problem of divorce arising from a religious marriage that “the law does not protect the ignorant.”

### 5.3.3 How to conduct religious marriage contracts?

Through interviews in the fieldwork, it has been shown that religious marriage contracts between Syrians through imams are carried out in two ways:

- 1) Contracts are conducted in some form of professionalism. “There is a Syrian imam who refused to marry me because he was afraid, as

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in the Encounter of Syrian Papers with German Bureaucracy’, *Das Leibniz-Zentrum Moderner Orient (ZMO)*, 31 (2022), pp. 9-10.

587 Rohe, *Alternative Dispute Resolution in Europe under the Auspices of Religious Norms*. See also, Rohe, ‘Islamisches Familienrecht in Deutschland im Wandel’, p. 86; Rohe, ‘Shariah in Europe’, p. 689.

he thinks that one should have a marriage contract according to the regulations of the country [that he/she lives in] and then go to finalize it at the church or mosque. But I do not want to go from the beginning to have my marriage contract registered in the state official departments.” Ali refers to the process of his marriage contract, which was marred by the refusal of some imams to conduct this religious contract. Both Imams Ḥālid and ‘Umar confirm their refusal to conduct religious contracts for parties who would like to get married as in the example of Ali. They refuse to perform these contracts before they are registered with the Civil Status Department (Standesamt) or, at least, before the two parties get an appointment to register the marriage contract. In a qualitative article, in which Jaraba analyzes many marriage contracts in Germany that he collected during his fieldwork, he refers to this type of procedure by imams, in which they may require the presence of the wife’s guardian, examining the personal status of both parties (single or married) and the age of the spouses, in addition to a contract that includes this information and shows the agreement of both parties to its terms.<sup>588</sup>

- 2) A form of randomness in the conduct of contracts and non-professionalism. After more than two weeks of Ali’s search for an imam to conduct his marriage contract, he eventually found a Pakistani imam who had concluded the contract unconditionally. This chaos involves the marriage being held orally, and therefore it is not recorded or even documented. In addition, it involves a lack of information about the spouses, the failure to archive contracts, consequently the loss or sabotage of the documents due to the unstable or unregulated relationships between the imam and the mosque.<sup>589</sup> Salmā recalls that she married religiously even though her husband is officially (i.e. in German civil registry departments) married, and it is true that he is in fact separated from his wife, but they are not divorced officially. Nevertheless, her marriage was legitimized by an imam.

Although the ban on concluding a religious marriage before a civil marriage has been registered has been lifted in 2009, so that such religious marriages

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588 Mahmoud Jaraba, ‘Problems Relating to Archiving Nikah Documents in Germany’s Arab Mosques’, *Journal of Muslims in Europe*, 11.3 (2022), 315–32 <<https://doi.org/10.1163/22117954-bja10061>>.

589 Ibid.

(without a civil marriage) can be concluded in Germany, these religious marriages have, as I mentioned earlier, no legal values.<sup>590</sup> As long as state law does not recognize such marriages, as is usually the case, disputes including “divorce” can only be resolved under alternative mechanisms.<sup>591</sup> In this context, the question that arises is: What are the dynamics that Syrian families resort to in cases of marital disputes based on these religious marriage contracts? This brings us to the next point of religious divorce and the dynamics that families use to reach the termination of these contracts.

#### 5.4 Limping divorce – the complexities of getting divorced

I once asked Fātima: “Can a woman be content with divorce obtained from the German official departments?” She answered: “She is not considered a divorced woman. The husband must pronounce the divorce (ṭalāq طلاق). This is our religion.” This answer illustrates the necessity of obtaining a religious divorce from the husband, as otherwise the wife is not considered religiously divorced. Syrians’ attitudes towards the divorce decision issued by German courts vary, as do the fatwas I mentioned above. A segment of the Syrians considers the official divorce a legal divorce (i.e. religiously acceptable), while another group requires a religious divorce from the husband for the wife to be considered legally divorced. The second group represents the limping divorce cases.<sup>592</sup> Despite these two different positions, the problems in conflict resolution are not only related to the Syrians’ attitude towards official divorce but, as I already mentioned, rather relate to all the divorce cases that result from religious marriages that were not registered either in Syria or in Germany. However, obtaining a religious divorce is very important for a large segment of women, as “[a] religious divorce decision within religious communities seems to affirm a sense of belonging through

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590 Fournier and McDougall; Rohe, *Der Islam in Deutschland*, p. 201; Rohe, ‘Alternative Dispute Resolution among Muslims in Germany and the Debate on “Parallel Justice”’, p. 104.

591 Rohe, *Alternative Dispute Resolution in Europe under the Auspices of Religious Norms*. See also Rohe, *Der Islam in Deutschland*, p. 204.

592 Pauline Kruiniger, ‘Untying the Religious Knot’, in *Marital Captivity. Divorce, Religion and Human Rights*, ed. by Susanne Rutten, Benedicta Deogratias, and Pauline Kruiniger (The Hague: Eleven International Publishing, 2019), p. 350.

the use of regimes connected to an individual's religious and ethnic identity", as Sayed wrote in this context.<sup>593</sup>

The religious frameworks established to terminate the marriage contract between the parties also hinder divorce procedures. Basically, Islam grants the man the right to divorce, and thus he has the right to terminate the marriage contract whenever he wants, verbally or in writing, provided that he pays the full dowry named in the contract to the wife. In return, Islam gives the woman the right to *Khul'*, in which the wife returns the dowry to her husband or gives up her right to it and hence separates from him according to Sharia Law. As for the third way, it is the divorce by the judge, which is often done in special cases to remove the harm inflicted on the wife, such as the long absence of the husband or the husband's imprisonment, where the husband is not spending on her, or her being directly harmed by her husband. The judge may annul (فسخ fash)<sup>594</sup> the marriage contract in some cases, such as a disease that prevents the husband or wife from having sexual relations, or one of the spouses declares apostasy from Islam.<sup>595</sup> As a consequence, husbands can take advantage of their right to divorce, while "wives are in need of mechanisms dealing with their rights to *tafriq* or *Khul'* under Islamic law. Here, imams and other representatives of religious associations are frequently consulted for assistance."<sup>596</sup>

It should be noted that the wife can obtain the right to divorce like the husband through the authorization (*at-tafwīd*), meaning that the husband could grant her this right if she stipulated this condition in the marriage contract.<sup>597</sup> Nadā comments on this right: "We describe this option as if she obtained the right of divorce [the delegation of divorce, العصمة al-īṣma]. It has existed for a long time, but we do not have anyone using it, because we, as an eastern society, consider it harmful to manhood. If the wife stipulates that *īṣma* [the right to divorce] be in her own hands, she can spoil the en-

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593 Sayed, p. 331.

594 There are several differences between the divorce of the judge and his annulment of the marriage contract. It can be noted, for example, that divorce does not terminate the contract until after the waiting period has ended, while annulment invalidates the contract from its foundation. The woman is also entitled to half the dowry if the annulment was due to the husband, while the wife is entitled to the full dowry in divorce.

595 For more details about ending a marriage in Islam, see Rohe, *Islamic Law in Past and Present*, pp. 116–23.

596 Rohe, 'Alternative Dispute Resolution among Muslims in Germany and the Debate on "Parallel Justice"', p. 105.

597 Rohe, *Islamic Law in Past and Present*, p. 121.

tire marriage.” Thus, there is a right to delegate divorce for the wife; yet society, in general, does not accept the presence of this condition in the contract, as its condition harms the reputation of the husband’s masculinity, as Nadā points out. That is why women usually do not dare to stipulate it, and men do not accept it.

In the face of the lack of formal recognition of such marriages in the German context, and given the options in terminating the marriage contracts, it can be said that the dynamics that families resort to in order to resolve their disputes are varied. In addition, they come sometimes with certain risks, such as threats or extortion. Below, I will present some of the cases I have collected during my fieldwork.<sup>598</sup>

#### 5.4.1 Divorce under threat

I mentioned earlier that Sāra had married religiously twice. She had been divorced from her first husband, but this divorce process had not been easy and smooth, and it involved complicated negotiations. Sāra noted that her divorce from her husband was verbal, i.e., “he said three times the term ‘you are divorced’.” When I asked Sāra about the process in which the divorce took place, she said,

“[H]e opposed it, he ran away for a week and a half. He went absent from all people. He even disappeared from WhatsApp, he disappeared altogether. He evaded divorcing me. Until lastly my dad threatened him. My father spoke with him directly saying: I will kill you; I will do anything to have you leaving my daughter. My husband reply: I want the gold set that I presented to your daughter. My father said, come, take it [...]. But when you come, you have to divorce my daughter [...]. We must guarantee our rights too. Indeed, he took the gold and divorced before he left.”

This gold presented to her maybe a gift, and in most cases it is part of the dowry agreed upon between the two parties in the contract, i.e. between

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598 I mentioned earlier that there was a mutual extortion between Tāriq and his wife’s family in the Syrian context due to the loopholes in the Personal Status Law, such as prolonging the divorce period for the wife. Yet, the family could have obtained the wife’s right to separate from her husband in one of the ways I mentioned above. In the German context, the situation is different, as neither party has any official legal authority to turn to because their marriage is not registered there.

the wife's guardian and the husband. This case reveals a certain kind of negotiation between the two parties – the father of the wife and the husband – to resolve the conflict and end this relationship with divorce. This negotiation involved Sāra's father's threat to the husband, and the submission of the other in return for obtaining the gold that he gave to the wife.

#### 5.4.2 Divorce in exchange for refunds

Many imams are involved in cases similar to Sāra's. Imam Ahmād mentions that in one case a religious marriage was concluded with a girl who was residing in Spain. Arrangements were made according to which she would travel with her family to Germany to reside there with the help of her husband. Nonetheless, after bringing the wife's family, disputes arose between the two parties. The wife demanded divorce, but the husband refused to it. Imam Ahmād and another imam were threatened not to get involved in separating the wife from the husband by the way of khul' or by another way.

When Imam Ahmād sat down with the husband, the wife, and her family to resolve the dispute, he recalled that the young man declared that "he was ready to divorce her but on one condition, namely that he would regain his financial rights." The young man spent about 1,500 euros in costs for arranging the marriage, which he had signed as a result of charges during the process of moving the family to Germany and buying some new furniture for the house. Imam Ahmād refused to obligate the family to these costs because they were not included in the marriage contract and were not handed over to the wife, unlike Sāra's case. Therefore, these were responsibilities that the husband had himself committed to, and he therefore did not have the right to obligate the family to pay back as he saw fit. The husband refused to divorce the wife, and Imam Ahmād reached a dead end with the parties in trying to resolve this dispute.<sup>599</sup>

Most of divorce disputes have financial causes that can take different forms. The husband may exert pressure that can amount to accepting the divorce only in return of recovering the money spent during the engagement or marriage process. "Since all kinds of solutions stay in the hands of

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599 Imam Ahmād pointed out that the girl's father later told him that the young man had agreed to divorce after turning to the young man's family to exert pressure on him, which shows how much the family has influence in resolving marital disputes.

the husband, he has the potential to exercise pressure on the wife regarding her claims to mahr [dowry], which then have to be waived in favor of the husband.”<sup>600</sup> From the point of view of Sharia, the husband has the right to take back the dowry he gave to his wife or to waive it if it is a debt (i.e. unpaid yet), provided that he is not the one who caused the spoilage of this marital relationship for one of the reasons I mentioned above, that is, if the wife is willing to separate from the husband without reason through *Khul'*. The problem in the *Khul'* allowance or compensation lies in the following question: Is it permissible for the husband to take more than the dowry or not? The majority of scholars (*fujahā*) hold that there is no limit to the *Khul'* allowance, while others are of the opinion that it is not permissible for the husband to take more than the dowry.<sup>601</sup> The Syrian Personal Status Law did not set a limit for the *Khul'* allowance,<sup>602</sup> and thus it has implicitly adopted the first opinion. This doctrinal and legal silence about determining the dowry allowance encourages husbands to use it as a kind of blackmail when they demand more amounts than the dowry or the expenses that were made as costs for the equipment and requirements of the marriage.<sup>603</sup>

In exchange for this pressure exercised by the husband, there is what can sometimes be called “exploitation of the conflict” by the wife, or rather often by the wife’s family, who tries to keep the gold or the money provided as gifts or as dowry. This is especially true if this dispute occurs before the wedding ceremony or the so-called Syrian custom during the engagement, which may be a religious marriage (imam’s contract), in other words before the sexual relationship between the spouses takes place. This is a gap that often gets neglected by the researchers as it is related only to the Syrian customs and is generally uncommon in other countries.<sup>604</sup>

During my fieldwork, especially in my sessions with some Syrian families, I heard that some kind of exploitation by some of the wives’ families

600 Rohe, ‘Shariah in Europe’, p. 690.

601 Kāmila Ṭwāhirīya, ‘Ahkām al-*hul'* fi al-fiqh al-islāmī wa qānūn al-usra al-jazā’irī’ (‘Provisions of *Khul'* in Islamic Jurisprudence and Algerian Family Law’), *Gāmi’ aš-ṣayḥ al-arabī at-tibṣī*, 20.39 (2015), 315–46.

602 § 100 para. 1–2 of the Personal Status Law.

603 See for more details Jaraba, ‘*Khul'* in Action’; Jaraba, ‘Private Dispute Mediation and Arbitration in Sunni-Muslim Communities in Germany’, p. 18; Keshavjee, pp. 1–2.

604 In countries such as Palestine or Morocco (as I asked some residents of these two countries) and maybe others, religious marriage is not allowed before the marriage is confirmed in official circles. Indeed, these countries do not practice this custom of religious marriage through imams.

would take place when conflicts occur between the two parties. In my discussion with Imam 'Umar, who is an active and experienced figure in resolving such disputes, about the problem of religious divorce, he referred to this point and commented it:

“When the husband refuses to divorce, sometimes he does not reject divorce because of the love of his wife or because he wants her to stay [...]. He is not committed to the marriage because of his desire towards the wife. Rather he wants the marriage to last because he has a right [financial right] [...] i.e., she owes him financially. For example, a week ago, I came across the following dispute: The problem was that a couple got married, and after a month of marriage a disagreement ascended between the two [...]. They disagreed over very trivial things. Imagine for example that the girl told the young man that she wanted to put a ring in her belly button. He replied: ‘Why are you doing this [...]. Who are you trying to imitate by doing such a thing?’ They differed sharply on this matter. Then she added: ‘Do you think you are a religious guy, really! Do you think that what you claim is religion! Do you think that you are the one who taught me religion?’<sup>605</sup> Then she left the house.”

Their marriage was a customary marriage, and they did not register the marriage contract in the civil registry offices. The husband had paid a lot of money in order to complete the marriage.

“He almost bought her 5,000 euros in gold (mostly as a dowry), and gave her sums of money and clothes worth 3,000 euros, gifts of 1,000 euros, etc. Approximately 11,000 euros were actually paid by the husband before the marriage.<sup>606</sup> On the other hand, you find that the girl spent a month with him, only one month, and then she took her things and left [...]. When I spoke with the father, he said that he would not return any of the money to the young man, as they knew how to divorce the girl from him. He hung up the phone in my face. I really do not know how he

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605 This reason shows the religious-cultural conflict between spouses and highlights the changes that have taken place in women especially regarding their freedom in the German context, factors that were discussed in the previous chapter.

606 As a result of these disputes over divorce that have financial roots, there has become a state of fear of marriage among Syrian youth for fear of losing the money saved for marriage, in light of the trend within girls' families to exaggerate the dowries. Therefore, many of them resort to remote marriage through their parents, that is, by bringing in a wife from Syria or from other surrounding countries where Syrians are present, a topic that needs further research.

will divorce her! [...] In this case, the girl's family defrauded the young man and obtained from him 11,000 euros within one month, and he [her father] will marry her again soon.”<sup>607</sup>

This case shows the great influence of the parents and their interference in such disputes and the exploitation of this conflict by the wife's family to obtain the largest possible amount of material benefits that were granted to the wife during the courtship period and the first period of marriage.<sup>608</sup> In such disputes, the imams try to investigate the cause of the conflict and to find out who decides upon the separation. They then decide whether the husbands retrieve their money or not. In the first case, Imam Ahmad decides that the husband is not entitled to the wife or her family reimbursing the expenses he incurred. In the second case, Imam 'Umar considers that the wife is the cause of this dispute, that she has violated the husband's right to hear and obey, and that she is the one who wanted divorce. Therefore, Imam 'Umar believes that the husband has the right to recover the money he spent, regardless of the amount that he may decide in the event that the two parties agree.

#### 5.4.3 Divorce to maintain reputation

In the case of Salmā, who married and divorced religiously in Germany, the problem she was facing was not material or financial. It was rather that the husband himself was stubborn in refusing to divorce with the hope of reconciliation and her return to him. When I asked Salmā about the process in which the divorce took place, she answered: “This was done by force [...]. I went to Munich and created a scandal for him, and I am ashamed to tell you the details of that [...]. But in general, it was like skirmishes, idle talk, and stuff.” I asked her: “Can you tell me what you mean by the ‘threatening’?” She replied: “For example, one time I threatened him that

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607 Imam 'Umar refers in this context to the existence of a type of imams who exploit disputes to earn money by performing a *Khul'* for the wife in exchange for a certain amount of money, even if it is at the expense of the husband's rights, a topic that also requires further research.

608 The wives' parents, in general, achieved a strong bargaining position in the German context in light of the elimination of societal control, in which the family's reputation is important, as well as in light of the chaos of obtaining *khul'* through some imams at small costs. This does not contradict the complexities of divorce that are discussed in this context for other families.

I would expose him [...]. And he was afraid of a scandal in the face of his brothers and sisters and his family. I threatened him that I would inform his family and his brothers that he was such and such [...]. This is what happened. As a result, I told him that I would come every day to Munich, and I would make scandals to him. I know the places where his family and community are. He eventually gave in to the status quo and divorced me.”

Salmā tried to use some of her husband’s bad behavior, such as him spying on her by placing recording devices inside the house or his stinginess, etc., as means of pressuring him to obtain a divorce. Interesting are people’s different attitudes towards religious divorce. In my attempt to complete the discussion with Salmā, I asked her what she would do if her husband had insisted on refusing the divorce. Salmā commented: “The upper limit is one year [...]. I mean if a year passed without sexual intercourse. According to Sharia, I can get the divorce [...]. I know that without sexual intercourse a woman can be divorced.” I tried to inquire from Salmā about the source of this opinion, and she mentioned that she had contacted one of the imams in Syria, and he had given her a fatwa that if her husband did not provide for her and would not have sex with her, after a year she would be considered divorced by virtue of Sharia. The fatwa is somewhat shocking, and it is difficult to verify the authenticity of Salmā’s narration and who is the imam who issued the fatwa.

In Islamic jurisprudence no divorce takes place in this way. The case of abandonment can be depicted as follows. Either the husband abandons – or deserts – his wife,<sup>609</sup> and in this case the wife has the right to request a divorce or separation from the judge if the period exceeds four months or more. It is what Article 111 of the Syrian Personal Status Law stipulates.<sup>610</sup> Or the wife deserts her husband, and if there is a justification for this desertion, such as the husband not spending on her or harming her by beating or insulting, then she may ask for divorce from the judge or *Khul'*, and if it is without justification, then, in this case, some of her rights, such as her right to alimony, will be forfeited.<sup>611</sup> This case is called recalcitrance (الشدة nušūz),

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609 The majority of jurists did not specify the duration of the husband’s desertion, while the Maliki set it as one month and no more than four months. For more details, see Ismā'il as-Šandī, ‘Ahkām haġri az-zawġa fi al-fiqh al-islāmī – Dirāsa muqāraṇa’ (‘The Rulings of the Deserted Wife in Islamic Jurisprudence – A Comparative Study’), *The Journal of al-Quds Open University for Humanities and Social Studies*, 1.36 (2017).

610 § 111 para. 1 of the Personal Status Law.

611 § 73 of the Personal Status Law.

meaning disobedience, and her right to request Khul' remains. Thus, the previous fatwa has no basis in Islamic jurisprudence. Salmā does not care much about issues of religion as she mentioned, but what should not be ignored is that issues of marriage and divorce do not have a religious dimension only but are related to social acceptance within the community system, and therefore people are keen to resort to them to maintain this social acceptance.<sup>612</sup> Salmā's libertarian lifestyle may be the reason for her adoption of such views that contradict what is stated in Islamic jurisprudence, and therefore people's interpretations and practices sometimes go beyond what is prevalent in this Islamic jurisprudence and personal status laws in a pragmatic way that they are forced to resort to.

#### 5.4.4 Divorce in exchange for the threat of harassment – divorce in the shadow of state law

In one interesting case, the involvement of actors of German society in such conflicts appears. Imam Ḥālid told that one of the ladies in charge of an organization for supporting refugees - he thinks she is responsible for psychological support - got involved with him in solving a religious divorce case. In this case, the husband bet his wife, and as a result the wife wanted to obtain divorce, bearing in mind that the marriage was not confirmed by the official authorities. The wife resorted to this lady in charge. The husband was refusing to divorce the woman despite the mediation of Imam Ḥālid to resolve this dispute. In the end, this lady in charge had to put some kind of pressure on the husband in ways that circumvent the law. "She said that we wanted to solve the matter. As it began in a religious way, it must end religiously; otherwise, we would file a case against this young man [the husband] for harassment. So, when we started threatening him [...] and when he began to feel that he might pay for what he did, he gave in" and eventually agreed to divorce her.

This case, like its predecessors, indicates the complexities of resolutions and alternatives that are used, including blackmail - which sometimes carries a risk - in order to obtain a religious divorce. This is done in view of the imams' inability, in general, to provide practical resolutions in this aspect, and this leads us to discuss the next point that reviews the challenges facing imams in this field.

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612 Rohe, *Alternative Dispute Resolution in Europe under the Auspices of Religious Norms*.

## 5.5 “Primitive Resolutions” and the Inability of Imams

Facing the chaos related to religious marriage contracts, and in view of the problems arising from these contracts and during the processes of conflict resolution, imams are themselves facing two facts:

### 5.5.1 Lack of expertise on family conflict resolutions

Some imams have more knowledge about family law than others. This is reflected in the fatwas they issue to people, and it comes out in the way they deal with these conflicts. Some of them show an understanding of the changes of reality, the new context of these families, and the new legal frameworks. Therefore, this group of imams tries to adapt the fatwa to these new facts even if the process of extracting the appropriate provisions for each case from the rules of the Sharia. Ijtihad (or fatwa) is not consistent with the methodological rules<sup>613</sup> of the process of jurisprudence adopted by classical religious centers and institutions. I have referred earlier to some of these attempts. Others ignore the new context and appear to be strict in adopting classical jurisprudence to resolve the dispute between the parties. Rohe wrote in this context that “[r]epresentatives of religious organisations often lack information about the scope limits of German law regarding ADR as well as sound knowledge of Islamic law.”<sup>614</sup>

On the other hand, imams generally do not have sufficient experience in resolving conflicts of social and psychological dimensions, since their role, in general, and as I have pointed out above, is limited to preaching and advising parties from a religious perspective. Thus, they often neglect the social and psychological aspects associated with these conflicts. In this context, it is important to convey Imam ‘Umar’s reply to my question about how disputes are resolved:

“In my opinion, unfortunately, we are now primitive in solving these problems. Rather, we are primitive and very traditional. We do not succeed, and we have not succeeded. I am speaking very frankly: We failed because of this primitivism and spontaneity with which a Sheikh (imam)

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613 Methodological rules are defined as comprehensive cases by which rulings can be deduced from evidence, such as the Qur'an and Sunnah or other evidence.

614 Rohe, ‘Alternative Dispute Resolution among Muslims in Germany and the Debate on “Parallel Justice”’, p. 106.

behaves, whether in the mosque or in Islamic centers. We are unable to provide solutions to family problems [...] we are not able to do that. The problems we are facing are deep and need comprehensive solutions, not emergency ones. As for the sheikhs, they received an education that is simple in content, and perhaps this sheikh knows jurisprudence and hadith and has some knowledge in this context. However, the sheikh, who carries a primitive character composition, undeveloped indoctrination, and simple education, came to a complex society in which the psychological, social, and legal aspects are far more complicated. Take the subject of children, for example, and other issues, etc. Now the Sheikh wants to interfere with everything, and he wants to solve all the problems. But in reality, the poor Sheikh is in a very difficult position, as people come to him with their problems and demand solution [...]. He is faced with two problematic matters: if he does not answer their question, then that is a problem, and if he answers them, the problem will be greater.”

Imam ‘Umar was one of the founders of the second Conference of Syrian imams “Role of the Imam in German Society” in Nuremberg in 2018. The reason for this conference, he said, is “the increasing problems of Syrian refugees and the inability of existing Islamic institutions to solve them because they are concerned with their different generations or with the German state.”<sup>615</sup> Imam ‘Umar calls for training imams again through vocational teaching by means of which they would acquire skills to solve family and other problems that new refugees encounter, such as drugs or extremism. However, these calls still do not receive enough attention, as he sees it, and the mosque and the imam’s burdensome role and tasks in religious centers refrains these projects to be put in place. Jaraba writes in this context:

“Many Muslim religious actors have neither the accredited mediation certification nor the licences needed to engage in the profession and deal with social and family conflicts as required by law. The overwhelming majority have insufficient knowledge of the main principles of media-

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<sup>615</sup> Matthias Rohe participated in this conference and emphasized the role of imams who have sufficient experience in this field in participating in solving the social problems of Muslims. For more on the conference see Aljazeera, ‘Mu’tamar zabḥat dawr al-a’mah as-sūriyān bindimāğ muāṭinīhim bi’almanīa’ (‘A Conference Discusses the Role of Syrian Imams in the Integration of Syrians in Germany’), *Aljazeera*, 2018 <<https://bit.ly/4c7i05l>> [accessed 11 October 2021].

tion, let alone of practice limitations and modern techniques of conflict management and negotiation. When only a small number of imams understand the fundamental principles governing Germany's personal status laws, the likelihood of imams reaching agreements with disputing parties that are in violation of, or incompatible with, German laws and norms increases.”<sup>616</sup>

### 5.5.2 Lack of authority to enforce decisions

Another problem with the work of imams is that their attempts to resolve disputes between the parties remain in the fatwa circle, and none of them has any official status to compel the parties to accept the solution.

“Thus, the imam’s role is to bring the views closer, but it does not resolve anything [...]. He cannot reach a resolution in which he says, for example, no, you are no longer the wife of so and so. He cannot say that [...]. He can only say that if an institution of the state uses and asks the imam to provide it with the religious legal ruling on this issue, if the imam then provides the ruling, even the execution of this order is not in his hands. The state will be responsible if it reaches the point of divorce or Khul.”

In this context, Imam Hālid refers to the inability of imams and Islamic centers to implement any solutions, as they are not recognized by the German state institution.<sup>617</sup>

Most imams are well aware of this. So Imam Ahmad adds, “I do not statute on divorce and do not force anybody to divorce. I have neither the legal authority nor the religious legitimate authority to separate a relationship between two people.” Despite the imams’ lack of religious authority and thus the loss of legal recognition for religious marriage and divorce, religious rulings issued by them gain their strength from socially binding religious and cultural norms, which shows a normative conflict. This normative conflict is reflected in the chaos seen in the exercise of this religious authority and in the solutions presented to settle disputes. Imam Hālid, therefore, assumes that these solutions will be given legal

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616 Jaraba, ‘Private Dispute Mediation and Arbitration in Sunni-Muslim Communities in Germany’, p. 35.

617 Ibid.

regulation or official status (within the framework of German law) through the cooperation of the official institutions of the German state with imams to perform their objectives.<sup>618</sup> At the same time, this official capacity gives a kind of reassurance and protection to the work of the imams against the threats of some parties – especially husbands – due to the divorce or Khul’ procedure on the part of the imam against their desire and will. I mentioned earlier that Imam Ahmad and Imam Ḥālid were subjected to some kind of threats from one of the spouses in one of the conflicts they were seeking to resolve. Imam ‘Umar believes that solutions to conflicts today need to be institutionalized and not take place in a random way to achieve their goals, otherwise financial or other extortion will continue, and the injustice that befalls one of the parties will continue without being redressed by anyone. As long as the German state does not develop acceptable support mechanisms for arbitration and mediation procedures,<sup>619</sup> such practices will continue.<sup>620</sup> Sayed noted in his study of religious divorce in Sweden that, due to the lack of coordination between formal divorce rules of different countries, or between formal and informal/religious rules, “[t]his may in turn lead to the loss of legal rights for individuals and the inability to access and capitalize interests in multiple societal arenas (jurisdictions, family, religious community, cultural environment, etc.).”<sup>621</sup>

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618 It is highly unlikely that Germany will change its system of separation between state and religions in family law affairs. The probable solution lies in establishing religious institutions recognized within the communities, as the Jews did for a long (Batei Din), as Rohe commented. However, the recognized Islamic institutions will face the dilemma of the great differences in the direction of Muslim scholars and their very diverse jurisprudential positions according to their political, sects, or Islamic schools of thought affiliations.

619 Despite the existence of a mediation law, the reasons for parties not to resort to German institutions may be similar. The lack of language and legal knowledge, in addition to the unaccustomedness of the conflicting parties to resort to such institutions in their origin societies, may be one of the most important reasons. It is worth noting that I recently conducted an interview with someone (a former judge in Syria) in charge with one of the mediation and arbitration institutions that are active in resolving disputes between Muslims in general and Syrians in particular, and they call themselves the “Islamic Sharia Court” although it is basically not a court in the legal sense. For more, see Ḥusīn Barhū Ḥusīn, ‘Naṣrat al-maḥkama aš-ṣarī‘a al-islamiya fi Weiden-Saarland-Germany’ (‘Report of the Islamic Sharia Court in Weiden-Saarland-Germany’) <<https://islamische-familie.de/about>> [accessed 13 June 2022].

620 Rohe, *Der Islam in Deutschland*, p. 204.

621 Sayed, p. 338.

## Conclusion

In Syria, family structures and functions played a major role in resolving family disputes through the religious, customary, and moral authority that was rather lacking in the structure of official judicial authorities. Under the new German context, the family has significantly lost this role, and disputing parties are forced to resort to alternatives and other mechanisms to resolve their marriage disputes. The data showed that the impact of actors from the extended family on the parties to the conflict remained, but nonetheless this role was significantly weakened by the spatial segregation of families and the imbalance caused by the war in the place of these actors within the extended family.

The first part of the chapter reviewed other alternatives that families have resorted to in attempts to resolve their disputes. It has become acceptable within families or between the parties to the conflict to enter the network of friends to help resolve these conflicts, although this had not been a common trend for families in Syria who tended to preserve their privacy. Another alternative for a segment of Syrians, especially religious people, is to resort to religious actors in general and imams in Germany in particular. Imams have resorted to various mechanisms, such as preaching, fatwas, and ijтиhad, to reach legitimate provisions acceptable to the parties and as tools to resolve some of these disputes.

On the other hand, a segment of the conflict parties preferred to resort to the justice systems, especially those who do not have religious institutions, but also in the absence of actors or elders from the extended family. Resorting to judicial systems has varied. Some Syrians are resorting to the Syrian judicial authorities, others, to the German official authorities, depending on the situation of the parties of the conflict.

The second section of this chapter reviewed the challenges posed to conflict resolution in the context of a plural normative landscape and with varying interpretations of the normative requirements for marriage and divorce. It has also focused on the practical consequences of dispute resolution in such a plural normative and transnational perspective. The controversy and jurisprudential differences about the provisions of Sharia regarding marriage and divorce are reflected in one way or another on people's practices and on the dynamics that they resort to in resolving their disputes. These dynamics begin with people resorting to religious marriage. This is widespread among Syrians due to many factors, including 1) the religious dimension, which is a major motive, 2) the Syrian custom to rely

on this type of contract, “*Kitāb al-Sheikh*”, before seeking affirmation in official circles, 3) the German context and the impact of the legal dimensions of differentiation on the amount of social benefits provided to single and married couples, 4) the lack of information about the working mechanisms of the German legal system, and 5) the difficulty of obtaining the official documents required to recognize the marriage contract in Germany.

This section also reviewed how marriage contracts are conducted between Syrians in general, the chaos in which such contracts take place, and, most importantly, the seriousness of the consequences thereof, especially with regard to obtaining a divorce for women. In this context, some cases were examined in which negotiations took place in different ways to resolve the conflict between the parties and obtain a divorce, which often proceeds with a complex process, some of which are carried out under threat or blackmail. These divorce cases demonstrate the diversity of dynamics with which families deal to resolve their disputes in ways that are alternative to formal state institutions. The reason is the lack of official support mechanisms regulating religious marriage or divorce contracts, in light of the chaos in jurisprudential provisions on the theoretical level and in the conduct of contracts and resolution between the parties on the practical level. In addition, the lack of experience of religious actors in dealing with family conflict issues shows the primitiveness of the resolutions offered. It also shows the imams’ inability to implement any solutions presented in light of the loss of any legal framework for their work, which sometimes complicates these disputes.

The data generally show that for the majority, despite the different attitudes of families towards it, religion constitutes in some respects an indispensable resort, especially in matters of marriage and divorce. Therefore “people will continue to seek a sort of compromise or reconciliation between the requirements of their religion and those of civil (state) law”<sup>622</sup>, as Marie Claire Foblets writes. Thus, how individuals can reconcile the demands of civil law with the desire of family members to respect the religious norms dictated by their religious convictions within the German/European context remains in question. Legal pluralism is one of its reflections that needs further development.<sup>623</sup> Foblets suggests three possible scenarios for harmonizing religious norms with law: 1) Allowing rules based on religion

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622 Foblets, p. xiv.

623 Ibid., p. xiii.

to be applicable under civil law, as in the case of marriage. 2) Allowing persons to be independent in regulating their family relations under the law of the State in which they live. 3) Resorting to alternative dispute resolution that is based on religion in some disputes.<sup>624</sup> These perceptions may solve many of the problems that occur between families in their disputes that take place away from the eyes of the official systems if work is done to develop and organize them in a manner commensurate with the needs of those families.

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<sup>624</sup> Ibid., p. xiv.

## Conclusion

Germany has opened its doors in a hard period between 2015 and 2016 to refugees, which prompted many Syrians to seek refuge in it to escape the war that destroyed their homes and threatened their lives. Although large numbers of Syrians had already fled to neighboring countries and are living there, the living conditions in those countries are very difficult. In contrast, the European countries in general and Germany, with its welcoming policies towards refugees at that time, in particular became the best places that refugees could possibly aspire to reach, especially after Germany showed flexibility in accepting Asylum applications for Syrians considering their difficult situation.

The transition of the Syrian families from their accustomed way of living to the new environment faced them with great challenges. This study deals with one aspect of those challenges, namely, the familial conflict within couples. The research reveals many aspects surrounding these conflicts, from the difficult conditions the families went through during the war or during the dilemma of forced displacement, to their attempts to adapt to the new environment under specific policies in the hosting countries in general and in Germany in particular. More specifically, the study analyzes from inside the effects of these surrounding conditions on the intimate relationships among family members - the spouses in particular - and on the gender roles that altered under these new conditions and circumstances.

The first chapter of the research discussed the methodology, based on the qualitative ethnographic method, within which I conducted fieldwork in which I met many Syrian families. Despite the fact that this work lasted only for six months, my residency in the city for two years preceding the fieldwork has proven to be extremely precious because it has enabled me to collect all this data in a short period through the network of relationships and bridges of trust that I had built during these years. This gave me the opportunity to obtain in-depth data, although Syrian families, in general, do not like to reveal their personal issues, especially to strangers. This reveals to us the role of the time factor in two folds: First, it is important in building trust relationships that are usually difficult to build in a short period of time; in other words, it takes time for the researched groups

(families in this case) to test the credibility of the researcher. Second, these relationships have an impact on the quality of the data collected by the researcher: the deeper the trust between the researcher and the researched groups, the higher the quality of the data collected. Nevertheless, the process of collecting data in some specific contexts was not without difficulties and challenges, especially as the researched group is a minority that is scattered over several places in Germany, by which it is difficult to meet with it or build appropriate communication channels with its members not the least in light of their great regional and religious differences and diversity. These challenges reveal developments in the concept of “the field” in anthropology that go beyond the restricted spatial space with regard to the relationships that the researcher establishes with researched groups.<sup>625</sup> These relationships studied in their own spatial contexts (the Syrian-German context for the family) are of great importance when assessing their impact on the families under study.

To depict the context of what the families went through before arriving in Germany, the second chapter of this research focused on the difficult conditions: it did so through the narratives of the refugees themselves. It revealed that what these refugees went through caused psychological, mental, or physical damage to many of them at the individual level, and this is also the reason of a significant imbalance in the structures and functions of the family and in its relationship with other families in the community. The refugee journey appears to be “a profoundly formative and transformative experience and a ‘lens’ on the newcomers’ social condition.”<sup>626</sup> The powerful events combined with difficult conditions change people’s view of life and greatly affect those who experience them, both as individuals and as groups.<sup>627</sup> The war has caused major rifts in people’s relations within the Syrian society, between those who share a different religious, ethnic, or political identity.<sup>628</sup> These conditions did not only constitute a motive for mass displacement and deeply affect the relationship between the family

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625 Holmes and Marcus, p. 126.

626 Gadi BenEzer and Roger Zetter, ‘Searching for Directions: Conceptual and Methodological Challenges in Researching Refugee Journeys’, *Journal of Refugee Studies*, 28.3 (2015), 297–318.

627 Ibid.

628 For more details on this conflict in general and its effects on women in particular, see Țalāl al-Muṣṭafā, Husām as-Sa'd, and Waqīḥ Haddād, *Taṣḥīṣ ad-dmār al-muqtamaṭ as-sūrī (1 Min 3): Al-‘unf wa an-nizā‘at fī Sūriya wa atāruhūmā ‘alā as-sūrīn* (Diagnosis of Syrian Societal Destruction (1 out of 3). *Violence and Conflict*

and its surroundings, but they also had an impact on the relationships within families and on the gender roles among spouses. Field data shows how women – despite their marginalized position within the family in which the dominance is mostly for the man – were entrusted with new familial and societal tasks. This was a direct result of the new circumstances created by the war, in which many husbands were killed, imprisoned or lost their jobs. Indeed, in general these new conditions imposed additional responsibilities upon women.<sup>629</sup> Therefore, one of the results that appeared on the surface and that this study tried to examine is the phenomenon of marital conflicts, where some of these conflicts lead to divorce and others came with violence between spouses. The significance of this chapter's findings lies in the assumption that “better understanding of the experience and meaning of the journey may provide a valuable and distinctive medium through which to develop new insights into the expectations, the challenges and often the pathological and dysfunctional reaction that refugee communities appear to display in exile, encampment and longer term adaptation and settlement.”<sup>630</sup> After exploring this experience, the following chapters reviewed some of these challenges and reactions through a micro-level focus on marital conflicts. They also showed that war and violence are not always the primary motives for refugees flying and that there are more complex causes. At the same time it exposes the rifts and the violence that occur during the war between religious, sectarian, ethnic, and national segments of society.

This study also revealed that the pressure on families does not end with their arrival in a country that provides support and safety for refugees such as Germany,<sup>631</sup> because here starts a new chapter in the families' life with new challenges of another kind, namely, a long process that begins with a feeling of shock and loss, followed by the attempts to find a place for themselves in the new society, that is, trying to adapt or find their way in a new environment that is different from their previous ones. This second process goes through a long series of integration policies that refugees are generally subjected to. Due to the different backgrounds of refugees, their interaction with integration policies will therefore be different. The research shows that the response of Syrian families to the changes in the new society in Ger-

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*in Syria and Its Effects on Syrians*) (Haramoon Center for Contemporary Studies, 2021), pp. 37–44, 60–69.

629 Al-Muṣṭafā and as-Sa'd, pp. 39–44.

630 BenEzer and Zetter.

631 For more, see BenEzer and Zetter, pp. 305–07.

## *Conclusion*

many is conditioned by several factors. The social environment from which the family came plays a major role in the process of adaptation, as the Syrian geography is characterized by its religious, sectarian, ethnic, and cultural diversity. Some of the areas are characterized by great openness, while others are considered moderate or relatively conservative. Some liberal families increased their emancipation, and some moderate or conservative families increased their conservatism. Reverse processes may occur in fewer cases, as the dynamics with which the families deal with the new reality are different and sometimes contradictory. These dynamics are strongly linked with the presence or absence of social control: the more family members share one residential place – a town or city –, the more the families remain strongly tied with the social group to which they belong, the greater then is this control. However, the German integration policies strive at preventing this gathering of social groups through imposing regulations that prevent the movement of refugees in general between states except under certain conditions.

In addition to the previous two factors (social environment and social control), gender has played a large role in these adaptations, as the social pressure and societal control exerted by groups in the Syrian context impacts more on women than on men, as the culture of shame often weighs on women more than on men. Through the new social conditions in Germany, women gained the strength and the courage to rebel against many of the norms that had played a role in their life so far, by limiting them in one way or another. One other factor that impacted on the adaptation processes is age. It was obvious that the interaction of the younger individuals, who were less exposed to the norms of the society in the country of origin, which aims at integrating the individual into the group, were more active than the elderly ones, and their interaction with the various German institutions made their adaptation to the new surroundings smoother. All these factors need further study and examination.

The data showed that – overall – the integration process does not go smoothly, and they revealed the different reactions of Syrians to the new challenges families are facing in the new environment. At the top of these challenges is having to learn a new language, finding a job and suitable housing, religious and cultural challenges in the new circumstances, fear for children and increased responsibility towards them, racism and racial discrimination, in addition to the feeling of alienation. A close look into these challenges reveals their deep impact on marital relations within the

family, that is, as a trigger of the conflicts and often as a cause of disturbing marital relations. These results are in line with some of the few reports that have been published so far about the Syrian families in some countries of asylum.<sup>632</sup> The language, social structures, norms, expectations, and values in the new country are fundamentally different from those that were elemental in refugees' understanding of themselves, which create enormous stress and traumas for these families.<sup>633</sup> These challenges and pressures revealed not only their impact on marital relations but also the obstacles that hinder the integration of these families in the new German environment and the dynamics that some of these families develop to overcome these obstacles, both when these obstacles are on the part of families or because of the bureaucracy in imposing upon them some regulation they are subjected to. Therefore, the legal conditions that regulate the lives of newcomers to Germany in the various previously mentioned fields, and the interaction of refugees with these legal conditions in addition to their personal skills, play a decisive role in the integration and adaptation of refugees in general in the German society. Outlining the various problems that immigrants and refugees face in the United States, Uma A. Segal and Nazneen S. Mayadas write that "[a] number of immigrants and most refugees arrive from nations in which they do not have freedom of speech or choice. Their mistrust of authority, coupled with the possibility of deportation, can erect formidable barriers against probes into lives, experiences, and feelings."<sup>634</sup>

Some official institutions tend to deal with Syrian refugees as "numbers", as some interviewees expressed, or as people who are required to make concessions in exchange for the social support they receive, whether these concessions are jobs they are pressured to accept or the way some employees treat them. This type of treatment must be reconsidered, especially in the case of people who are coming from a war zone, many of whom lost members of their families and see all their possessions being destroyed, not to mention the difficult journey to Europe or the "road of death", as some call it. Although the way the Syrian refugees interact with the officials may seem unproblematic at first sight, this does not mean that the effects of the war depicted in the first chapter have been forgotten, but rather they are still stuck deep in their minds, and their effects may come to the surface

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632 Baobaid et al., p. 42; Körükmez, Karakılıç, and Danış, p. 34.

633 Uma A. Segal and Nazneen S. Mayadas, 'Assessment of Issues Facing Immigrant and Refugee Families', *Child Welfare*, 84.5 (2005), 563–83, here p. 568.

634 Ibid., p. 569.

at any time. On one occasion I witnessed how a Syrian man exploded in an unusual fit of anger at one of the Job Centers in Nuremberg, threw his asylum passport on the ground, and stepped on it, cursing the minute he had decided to come to Germany and expressing his desire not to stay. This tantrum was most probably due to the bureaucracy with which the employees deal with people, the difficulty of communicating in a foreign language, and, most importantly, the result of the previous great pressures he had gone through, all this making him lose his temper. These pressures should be taken into account when dealing with a segment of the Syrian refugees. Social service providers can be expected to understand the culture of the country of origin from which these people come and the harsh migration experience they have gone through.<sup>635</sup>

The experiences of war, the journey of asylum, and the interaction of Syrians with the outside environment and the new pressures it posed upon them are reflected on the inner structure of the Syrian family. "Wars and conflicts minimize the power of social norms and values, undermine patterns of family formation, and hasten family breakdown."<sup>636</sup> This is one of the results that Elizabeth Wanucha referred to in a report on the Conference on the Effects of War Conflicts on the Arab Family. Hence, the fourth chapter of this study revealed these results through the lens of marital conflicts within Syrian families focusing on two dimensions: The first is internal, i.e. related to the characteristics, structures, and functions of the family, and the second is external, i.e., it deals with the effects of the new political, social, economic, and legal conditions in which the family has to live. In both dimensions the focus is on paternalistic attitudes, their changes, and their interactions with the new circumstances. The data showed how these patriarchal tendencies of male dominance underwent major ruptures that eventually led to numerous conflicts among spouses. From the point of view of the internal aspect, these patriarchal tendencies have lost their credit in the distribution of gender roles inside and outside the home as well as in the economic realities that are often controlled by men, and finally they lost their cultural, social, and religious support that

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635 Ibid., p. 567; Andre M. N. Renzaho, Marita McCabe, and Willow J. Sainsbury, 'Parenting, Role Reversals and the Preservation of Cultural Values among Arabic Speaking Migrant Families in Melbourne, Australia', *International Journal of Intercultural Relations*, 35.4 (2011), 416–24, here p. 422.

636 Elizabeth Wanucha and Gilla Camden, *War Conflicts and Their Impacts on Arab Families* (Doha International Family Institute, 2016), p. 4.

works to perpetuate these patriarchal tendencies in Syrian societies. All of this happened as a result of the family's migration from the environment in which both spouses were raised and of their move to a new environment in which many of the prevailing norms and values contradict those previous norms. Men lose their authority and responsibility within the family, and the women/wives bear this responsibility and authority, alongside the state - especially towards children. This leads to changes in roles within the family and causes a kind of disruption in the relationships between family members that eventually leads to marital conflicts or separation.<sup>637</sup> It should be pointed out that these conflicts are not related to a particular religion, sect, race, or nationality, as I have explained in various chapters: patriarchal tendencies, which are the main causes of conflicts, exist among Muslims, Christians, Druze, Alawis, Syrians, and Syrian-Palestinians. However, the complexities of these disputes may be exacerbated in the case of Muslims with regard to the separation between spouses. In particular, we should look both at how to apply this in a German context, in which social norms or the strength of these norms no longer play their usual role and become more complex in light of religious marriages that are not documented in the civil registry, and at the attempts to resolve these disputes.

The new political, social, and legal realities and contexts show at the same time great relevance for the analysis.<sup>638</sup> The external factors become manifest in the effect of the violence the families had witnessed, on the one hand, and the new German environment, on the other, on facing the patriarchal hegemony and challenging them. The legal dimension with its two basis - laws that protect women from any violence in general and family laws - is one of the major influences on many women's decisions to separate from their spouses. Despite some feminist trend in the formal Syrian state that tries to push women to participate in the labor market, in practice this "state feminism" is not aimed at achieving gender equality or dismantling gender polarization within state institutions, including the judiciary institutions.<sup>639</sup> "All Syrian women, regardless of religious affilia-

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637 See, for instance, Renzaho, McCabe, and Sainsbury, p. 421; Baobaid et al., p. 15.

638 Dawn Chatty, 'Syria', in *Arab Family Studies. Critical Reviews*, ed. by Suad Joseph (Syracuse, NY: Syracuse University Press, 2018), p. 244.

639 For more, see Annika Rabo, 'Family Law in Multicultural and Multireligious Syria', in *Possibilities of Religious Pluralism*, ed. by Göran Collste (Linköping University Electronic Press, 2005), pp. 76–78.

## Conclusion

tion suffer from patriarchal family law. They are equal to men in public workplaces but unequal to men in the family”<sup>640</sup>, writes Annika Rabo.

The “patriarchal” dominance of males has remained, and it remains enshrined despite numerous reforms to family laws aiming at achieving some kind of equality. The same goes for laws protecting women from domestic violence as long as they are not supported by strict enforcement policies. The social, religious, and cultural conditions, which in turn are linked to customs and traditions, paralyze any tangible development that would achieve justice and gender equality in the Syrian context. When these conditions changed in the German context, the reflections and contradictions of these relations between the sexes appeared on the surface and manifested itself in the form of marital conflicts.

Hence, the aforementioned legal dimensions cannot be separated from the new German socio-cultural context that played a role on many levels, for example, in daring to seek extramarital relations, freedom from the culture of shame, especially those related to the “divorced” (women), and the interventions of parents who often put pressure on women in particular. Through the protection that women felt in general and by their sense of economic independence, with relative freedom from previous cultural, social, and religious traditions, an impetus was created to challenge these patriarchal tendencies. The position of men in the face of women’s changes, in general, took several forms. Some men acquiesced to these demands, while others refused to give up their masculine status, in which they were brought up and to which they are accustomed. Consequently, separation or violence against women are not unfrequently the result of these conflicts and marital clashes. Despite the numerous changes that can be observed, it can be said that the dynamics of the family in interaction with the new surrounding environment and conditions differed from one family to the other. Some families insisted on maintaining men’s position within the family as relatively dominant, and the women actually submitted and were contented with their position inside the house. In an attempt to visualize these situations for the relationship between husbands and wives, we propose to place them in five main frameworks:

- Feminine protests, which took a rebellious stance and rejected the norms and behaviors associated with the complex patriarchal system that men held.

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<sup>640</sup> Ibid., p. 84.

- Male protests, in which the men strive to preserve the norms of the old patriarchal system and thus the dominant powers of men.
- Husbands and wives maintaining the old roles and frameworks of relationships.
- Men giving up in the face of women's protests and accepting major concessions that limit their previous powers, in the face of the new reality.
- Women submitting due to the lack of strong elements of the ability to protest or rebel.

The last chapter of the research explored the dynamics of families in dealing with their conflicts. In general, "many non-Western immigrant groups traditionally use personal networks to solve their problems, and only seek external help when they have exhausted their own resources."<sup>641</sup> Family notables were - for legal, cultural, and customary reasons - the first refuge for any family conflict in the Syrian context. It seems that - after families were separated and scattered in several countries - this refuge is no longer the basis to which the family turns to resolve its disputes and that the circle of friends, along with resorting to Syrian or German law systems, have replaced it to resolve disputes. The data showed the importance of religious norms for Syrian families, which play a major role in the Syrians' reluctance to resort to official German institutions, and their resort to these norms in light of the freedom of religion guaranteed by German laws. Because of the high importance of these religious norms in the lives of the Syrian immigrants, the study has analyzed the reasons that make them be more inclined to resort to these norms, whether in marriage or in divorce, and the complexities of these approaches to norms with regards to inflaming or resolving the conflicts. The most important factors that played a role in the orientation of Syrians in general to religious norms in the fields of marriage and divorce can be summarized as follows:

- Strong presence of religion in people's lives in general.
- Socio-cultural dimensions related to marriage and divorce in the Syrian context.
- Existence of a system of social assistance that differentiates between single and married.
- A lack of information about the mechanisms of how the German legal system works.

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<sup>641</sup> Segal and Mayadas, p. 571.

## Conclusion

- Inability of the vast majority of Syrians to bring all the documents necessary for a civil marriage contract.

If it is possible to depict the type of relations between the parties and the official German institutions, then it can be said that, when the traditional methods of the families fail to resolve the conflict, the parties to the conflict begin to search for mechanisms to end the marital relationship through the official means. This happens, according to the type of marriage each couple has, within three frameworks:

- When submitting the asylum application, the parties had acknowledged before the German official departments that they were officially married in Syria and thus have to be treated as a husband and wife.
- The couple does not acknowledge the official marriage before the German official departments, despite the documentation of the marriage in the Syrian official departments. This case is rather rare.
- The couple is only religiously married, and the marriage is not confirmed before any Syrian or German official offices. This case is widely spread among Syrians.

In the first case, the German official authorities can easily terminate the marital relationship by divorce if a marriage document proving the family status is submitted to the court. The second case is more complicated, as the couple did not register their marital status before the German official departments, which means practically hiding this information when submitting the asylum application, which has legal consequences related to residency permit and citizenship and can possibly weaken both parties. Consequently, the couple applies in most cases of this type to the Syrian official departments to terminate the marriage. In the third case, resorting to the official authorities to terminate the marital relationship is just impossible because German law does not recognize this type of marriage. Therefore, the alternative option becomes to resort to imams who work in Islamic religious institutions to terminate the marriage contract through religious divorce or what is known as khul'. Some opt for this option from the beginning as the way to end their marriage.

In the case of religious marriages the disputes become particularly complicated when the husband refuses to divorce, which according to Islamic law is essentially his right. It becomes also complicated in light of the lack of experience of the imams and the lack of legal protection for any agreement between the parties. Consequently, the conflict resolution process some-

times is not free from threats of violence or extortion and exploitation in some cases and in other cases from the loss of the material or moral rights of one of the parties. These implications call for the development of a better system for resolving disputes in a more professional and qualified manner, especially with regard to the aspect of the work of imams, as they are closely related to issues of marriage and divorce.<sup>642</sup> Rohe noted that “there is an urgent need formulated by Muslim representatives themselves for professionalising persons involved in ADR.”<sup>643</sup> Therefore, any official support from the German state to make the imams’ work more professional, in turn, will contribute to reducing the negative consequences of conflicts within families.

*Relation between State and religious norms*

Some concerns may be raised in this context related to the issue of the German state’s neutrality towards religions or to the fear of violating the freedom spaces granted by state systems to religions in accordance with the prevailing laws. While these concerns must be taken into account, it is necessary to be aware of the possible consequences if the State party turns a blind eye to the relative chaos in the practices of religious norms that carry a legal nature such as matters of marriage and divorce, and the consequences of both directions must be considered in determining the state and its institutions. The research has shed light on the consequences of a policy of “turning a blind eye” towards the practices of families to their religious norms and on the consequences and complications that resulted from such practices. We think the assessment of the aspect of “state intervention” in such procedures is left to the competent legislators and others. Believing that reliance on the secularization of law away from religious and other norms is the way to solve problems is a “big mistake”, as Marie Claire Foblets points out.<sup>644</sup>

Faced with this complex reality and given the gap between religious norms and civil laws, one can conceivably envision four possibilities, as

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642 Jaraba, ‘Problems Relating to Archiving Nikah Documents in Germany’s Arab Mosques’.

643 Rohe, ‘Alternative Dispute Resolution among Muslims in Germany and the Debate on “Parallel Justice”’, p. 108.

644 Foblets, p. xi.

Joel A. Nichols points out, which are controversial in legal, political, and academic circles: The first is to give the power to organize and implement religious laws to the religious groups themselves. However, this threatens the status and authority of the state and may expose individuals to violating the values of equality and justice imposed by the state. The second is for the state to be involved in regulating religious marriages and divorces according to the parties' religious views. However, the criticism directed at the first trend of violating the values of freedom, equality, and others remains present. The third is to convert individuals' religious norms into civil law and make them the dominant and exclusive law for marriage and divorce. This in turn requires the existence of more than one law for marriage and divorce and calls for a greater strengthening of cooperation between civil and religious authorities. The fourth is that the parties derive from other legal articles and establish agreements that include their religious norms before and after the marriage.<sup>645</sup>

These four trends are, in one way or another, not without the problem of the state finding that some of these religious norms conflict with its general policies and may violate values that are part of these state policies if religious groups want to apply all religious norms in their classical form. This raises a controversial question: Does the state have the right to impose all its norms on the citizens or individuals residing in it even if the parties agree to other norms (religious, cultural, etc.) that contradict these norms? In other words, what if the individuals have given up some of their rights related to the norms of public policies of democratic countries and follow other norms that contradict them (such as inheritance rules, for example)? Does the state have the right to prevent them from exercising these norms? This is an issue related to the dialectic of the relationship between privacy, family, and the state.<sup>646</sup> There is a feeling among Syrians in general that the German state exercises a paternalistic authority over them that they did not experience before, as the family in the Syrian context generally used to enjoy its privacy away from state interventions.

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645 Nichols, pp. 981–83.

646 For more, see Mavis MacLean, 'Families', in *The Oxford Handbook of Empirical Legal Research*, ed. by Peter Cane and Herbert Kritzer (Oxford University Press, 2010), p. 394; Natan Lerner, 'Group Rights and Legal Pluralism', *Emory International Law Review*, 25.2 (2011), 829–52, here pp. 829–30.

### Position of Muslims

The renewal of religious norms in order to bring them in line with the values of modernity is something that, even if it passed as a legal-scientific project, is not easy to convince the people with and thus to make them accept these new religious norms. The data revealed a skeptical attitude by groups of religious people towards some fatwas related to marriage and divorce issued by imams living in Germany or in the West. Many people turn away from such fatwas if they are not convinced of the base arguments, simply because they contradict what they have been accustomed to. The challenge does not stop at the stage of convincing religious groups only of these norms but goes beyond to convince them that civil institutions (state institutions in this case) can indeed apply the people's (refugees') religious norms. In other words, it is difficult to convince them that these civil institutions are credible, especially since they have fears and mistrust of such institutions based on previous experiences in their countries of origin. During the fieldwork, I observed a desire among many religiously observant families to find in German civil institutions - if they resort to it - a platform for the application of some religious-Islamic norms that do not conflict with public policies with regard to issues of marriage and divorce. But this desire to recognize legal and cultural pluralism is fraught with dangers and is closely linked to the general political climate towards religious minorities in general and Muslim minorities in particular. The high level of extremism on the part of some religious-Islamic groups, on the one hand, and the exploitation of this in strengthening the discourse of the extreme right in the European context, on the other hand, is reflected in the discourse of politicians<sup>647</sup> and on defining state policies towards this debate about religious norms related to Muslims.

Here, in front of all these possibilities and challenges, the logical question arises about the position of Germany/Europe and the position of minorities in it. In this context, Rohe indicates: "When it comes to the present situation in Europe, an extraordinary example of law and ADR influenced

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647 See, for example, the statement of British Prime Minister Cameron – and similar statements of German Chancellor Merkel and French President Sarkozy – about the failure of multiculturalism after 2011, that is, after some dramatic developments in some countries of the Islamic world. Tina A C Besley and Michael A Peters, 'Islam and the End of European Multiculturalism?: From Multiculturalism to Civic Integration', in *Teaching, Responsibility, and the Corruption of Youth* (Brill, 2019), pp. 81–101.

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by Islam can be found in England (which is now outside the EU), where an ‘angrezi shariat’ (English sharia) is obviously developing.”<sup>648</sup> Rohe also explained that, in general, “strong European states are used to organise unity in diversity by one legal order granting far-reaching ‘internal’ dispositions (dispositive law) instead of establishing parallel legal systems, and to enforce law first and foremost by state institutions.”<sup>649</sup> Hence, the dowry or two witnesses are accepted in marriage contracts in Germany.<sup>650</sup>

## Suggestions

The hope of some Syrians - as they expressed - in the presence of religious institutions that they can turn to resolve disputes or to practice some religious orders may be achieved by establishing an internal council that is acceptable to the different religious groups aiming to implement these orders or to settle their disputes. The Ahmadiyya Muslim Jamaat,<sup>651</sup> which established its own council in Frankfurt, is a practical example of this in the German context. But such councils are challenged (in addition to the above-mentioned challenges) by the great differences in the intellectual, doctrinal, and political affiliations of Muslims in general and by the impact of these differences on the society with regard to the establishment of such councils, on the one hand, and on its working mechanisms, on the other hand. Thus, Germany has adopted two of the four aforementioned trends: The first is to give the authority to organize and implement religious

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648 Rohe, *Alternative Dispute Resolution in Europe under the Auspices of Religious Norms*, p. 5.

649 Rohe, ‘Alternative Dispute Resolution among Muslims in Germany and the Debate on “Parallel Justice”’, p. 93.

650 Rohe, ‘Application of Sharī'a Rules in Europe: Scope and Limits’, p. 339; Rohe, *Muslim Minorities and the Law in Europe*, pp. 142–43; Rohe, ‘Shariah in Europe’, pp. 685–86.

651 Ahmadi Muslims believe what ordinary Muslims generally believe. “The difference starts with the person of the promised Messiah or, as the case may be, the Imam Mahdi. Whereas most Muslims are still expecting the Imam Mahdi, who was expected by many in the nineteenth century, the Ahmadis claim that he has already come in the person of Mirza Ghulam Ahmad, their founder, in the present-day Punjab region of India.” For more, see Yahya Hassan Bajwa, ‘Religious Freedom and the Ahmadiyya Muslim Community (Jamaat): A Case Study of a Victimized Community’, in *Human Rights and Religion in Educational Contexts*, ed. by Manfred L. Pirner, Johannes Lähnemann, and Heiner Bielefeldt (Cham: Springer, 2016), 1, pp. 105–14.

norms that do not conflict with the general policies and laws to the groups themselves. The second is that the parties benefit from legal articles that take into account religious orders and are provided by German law.<sup>652</sup>

Professionalizing the work of imams, providing them with the necessary training to deal with family issues for minorities, and establishing internal councils for religious groups should, in addition to making use of some legal articles that take into account religious norms for minorities, take place in parallel with trying to fill other loopholes that increase the complexity of disputes. The data revealed a knowledge gap about the religious legality of marriage and civil divorce. Therefore, it is necessary for the members of these societies to obtain clear information about the legal rules and procedures applied in marriage and divorce in Germany and to involve actors or mediators from these groups with state systems and institutions.<sup>653</sup> In addition, “[f]urther training for counsellors in the social sector is required on a larger scale. This group of people often gains trust because the general counselling, e.g. traumatized refugees with anxiety (residence status), has helped in family conflicts with shyness in public, or shyness to admit own weaknesses.”<sup>654</sup> It is very important to have people who understand the language and culture of these groups in such and other institutions.

The time factor signified by the long presence of families in Germany and even the presence of the second and third generations of these families may play a major role in changing the structures and functions of the family. That in turn will affect the patriarchal forms of power within the family, which means that it will witness more fissures that are expected to make its presence weak. The time factor may also help to overcome language gaps and give groups more awareness of the rules and legal system that regulates their lives in general and of the complications or mistakes that they have fallen into as a result of some of their practices in their new environment. Nevertheless, this also depends on the stability of these families and how well they adapt to the new German context.

Ultimately, the results of this research constitute a qualitative addition to understanding the current developments of Syrian families in a German/European context. In an extended endeavor, Foblets has worked with several researchers on “looking for keys to understanding some of the

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652 Rohe, ‘Alternative Dispute Resolution among Muslims in Germany and the Debate on “Parallel Justice”, p. 97.

653 Rohe and Jaraba, pp. 184–86; Collo, pp. 166–167.

654 Rohe and Jaraba, p. 186; see also Collo, p. 168.

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current developments in the various ways people organize their family relationships in a context where they are faced with the challenge of embracing diversity from the perspective of 'cultural encounters': civil versus religious law, majority versus minority practices, and so forth, with a particular focus on challenges related to religion and law.<sup>655</sup> The topics of this research constitute an addition that helps understand the interactions of religious, cultural, and social norms that families are accustomed to with the new German environment from several aspects, whether those that are reflected in the internal relationship between the spouses and which the research has tried to address in depth or those that are reflected in the families' interaction with the external environment with its challenges and difficulties. The intersections - or rather conflicts - of the religious, cultural, and legal norms in families have naturally constituted an important part of this research, not only in the aspect of family laws but also by a broader range of factors, all related to the family in one way or another.

## *Necessity to further study relations to children*

Finally, it should be noted that another type of conflict that needs to be highlighted within the Syrian family is the strained relations between parents and children. Indeed, the social, cultural, and legal conditions have affected these relations in one way or another. While these relations are formed in the Syrian context within the framework of domination, obedience, and dependence of the young or adult children on their parents, new developments have arisen in these relations, especially for those who arrived in Germany in their teenage years or before. Parents are keen to preserve and introduce the customs and traditions that they were brought up according to into the lives of their children. However, the effects of the new reality began to reshape the identities of the children in a manner that tends more to enhance independence and individuality, and thus they challenge parental authority and reject previous perceptions held by the parents.<sup>656</sup> This makes this issue a very interesting topic that needs further research and study.

Conflicts within the Syrian family take other turns due to the need for young men to marry and the little number of Syrian girls to marry to in

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655 Foblets, p. xi.

656 See, Segal and Mayadas, p. 576.

Germany for a variety of reasons. Thus, these young men resort to marriage “online” via parents or acquaintances from Syria or neighboring countries. Due to this online marriage, in many cases women separated from their husbands since they arrive in Germany. The next generations may reveal other developments in these conflicts, which involve further research.



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