

ISLAM, CULTURE, AND SOCIETY

muslim marriage and non-marriage

where religion and politics
meet intimate life

julie mcbrien and
annelies moors, eds

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Muslim Marriage and Non-Marriage

Where Religion and Politics Meet Intimate Life

Islam, Culture and Society

The peer-reviewed book series Islam, Culture and Society publishes cutting-edge scholarship on the historical and contemporary facets of Muslim societies across the globe. The multidisciplinary series aims to contribute to a comprehensive, profound, and nuanced understanding of the complexities of Muslim perspectives and practices in the social, cultural, psychological and religious spheres within a globalized world.

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Edited by

Julie McBrien and Annelies Moors

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Introduction

Muslim Marriage and Non-Marriage: Religion, Politics, and Intimate Life

Annelies Moors and Julie McBrien

During the last decades, unconventional forms of Muslim marriages have become the focus of often heated public debate in the global North as well as in the global South. In various parts of the world, policy makers and parliamentarians, religious scholars and judges, media personalities, conservative nationalists and progressive activists discuss, promote, or reject particular kinds of marriage. These include unregistered marriages, arranged, forced or love marriages, early, late or non-marriage, and interreligious and other boundary-crossing marriages. However, little in-depth empirical research has been conducted on how these marriages have emerged as problems in need of intervention. Even less attention has been paid to the motivations and aspirations of people entering into such marriages, the historical contexts and social networks in which these marital formats emerge, and the wider societal effects these marriages have. Embedded in existing webs of relationships, couples may challenge, through their more or less controversial marriages, current ties of belonging and produce new socialities. Marriages may solidify, but also blur or draw into question, boundaries between communities, classes, religions, or nations.

The contributions to this volume are all based on long-term ethnographic research and focus on the diverse and multiple realities of Muslim marriages. Using a range of largely qualitative empirical methods, including participant observation, topical life stories and in-depth interviews, as well as online research, archival studies of documents, and media research, they address two sets of empirical questions. First, they question how particular kinds of Muslim marriages have become defined as a problem in a particular time and place (Scott 2004; Bacchi 2015). The chapters investigate who the main parties involved in turning these marriages into worrisome matters are, explore the lines of argumentation these parties put forth to problematize the marriages and the solutions they propose; and discuss the media and styles they use in order to claim a position of authority in debates about the propriety of the marriages. Second, and more central to this volume, the contributions investigate how couples enter into Muslim marriages, inquiring

into who concludes a particular kind of unconventional marriage and how these marriages are performed, authorized, or contested as Muslim marriages. They also explore whether the couples themselves consider these marriages troublesome or, instead, point to other problems they face, which may also include how the problematization of these marriages affects them negatively.

The contributors to the volume address these questions in a wide range of settings, in Europe, Asia, the Middle East, and North-Africa, in urban environments as well as in rural locations and refugee camps. In most of these settings, Muslims constitute the majority population, but in a few cases, they are a religious minority. Most were raised in Muslim families, but some are converts to Islam. They adhere to different strands of Islam and have varying levels of religious commitment, with some considering themselves non-practicing, cultural Muslims.¹

In short, the chapters show how Muslims navigate this complex field, the kinds of obstacles they face, the resources available to them, the arguments they present, and how their actions affect wider society. The contributions inquire into the aspirations of couples entering into marriage, as well as those of their friends and family, and whether and how they are able to exert agentic power. The chapters also explore how their subjectivities and ability to act are shaped by the historical, social, cultural, religious, political, and economic contexts they find themselves in, and analyze how their marriages reproduce and/or transform existing inequalities and differences. In doing so, this volume also sheds light on shifts in gender and family relationships as well as on how these changes affect and are affected by alterations in religious and political sensibilities.

This introduction begins with a brief discussion of the significance of marriage and explores when a marriage becomes recognized as a Muslim marriage. It then turns to controversies about these marriages, starting with the shifting meaning of unregistered marriage and the various positions state agents and religious authorities take up regarding them. The next section looks at the shifting aspirations of couples entering into these marriages, the kinds of partners they find desirable and how these marriages are enacted, also in material terms. From there, it examines interreligious marriages, positing the question whether and how religion matters and how this intersects with transnational relations. Finally, this introduction concludes with a discussion of emergent cross-cutting themes to which our volume contributes: the agentic power of women in marriages that are often seen as oppressive to them; the multiple parties with stakes in Muslim marriages and the complex relations between them; the different perception of and engagement with co-national marriages versus transnational ones; the importance of temporality in the problematization of particular kinds of marriages; and the prominent role of the state in making certain marriage formats controversial.

Marriage matters: academic perspectives

The focus of this book is on how people, embedded in webs of affective and material relations, enter the kinds of Muslim marriages that are considered controversial. Although the meaning and relevance of marriage may differ considerably in different locational and historical settings, marriages, as a socio-legal recognized status, matter. Marriages function to reproduce social formations, be it families, ethnic or religious communities, and nations, as well as transnational networks. Marriages also organize domestic economies of labor and care and are pivotal in the transfer of goods (Hoodfar 1997; Hasso 2011; Yassari, Möller, and Najm 2019). For many Muslims, it is through marriage that sexual relations become licit, and that relations of affinity and descent become socially and legally recognized (Moors, Akhtar, and Probyn 2018; Cleuziou and McBrien 2021).

This volume centers on how and why people enter into more or less controversial Muslim marriages. For a long time, Muslim marriages have either been overlooked or considered as an institution that is oppressive of women. Within anthropology, marriage was largely studied as an institution of social reproduction; investigations into it focused on delineating the rules and preferences involved in making and maintaining marriages—including partner selection and wider kinship alliances—or on its place in wider networks of exchange. Feminists' interventions and the practice turn within the field modulated this to a degree, but the agentic power of individuals entering into marriage was still not the focus of most investigations. This has been even more so in the case of Muslim women. In religious studies, Muslim marriages have not had much priority, given the focus on inner states of being and belief systems, a tradition arising from modern, protestant-cum-secular conceptualizations of religion (Asad 2003; Meyer 2004; Hirschkind 2011; McBrien 2017). In the field of Islamic legal studies, Muslim marriages have been extensively addressed, but usually as a problem for women and with a modernist focus on the need for Muslim family law reform (Moors 1999).

This volume draws on insights from a variety of academic fields to better understand the issues at stake. Inspired by anthropological and historical research in the fields of gender and Islamic legal studies that have been critical of such approaches, the contributors center the perspectives of those entering into marriage. The volume also builds on the work of historians who have examined sources, such as court records, that allow insights into the everyday lives and concerns of Muslims who are not religious specialists (Tucker 1997; Khollosy 2010; Doumani 2012; Cuno 2015; Brownson 2019). It also makes use of the work of Islamic legal scholars that includes the perspectives of the various parties involved in a marriage and investigates how legal texts relate to social practices (Messick 1992; Mir-Hosseini 1993; Voorhoeve 2012; Welchman 2016; Lindbekk and Dahlgren 2020).

The research of anthropologists who include the perspectives of women (Granqvist 1931, 1935 for early examples) has likewise been helpful, in particular the work of those who discuss the multiple positionalities of the parties entering into a marriage (Abu-Lughod 1986; Ewing 1990; Hoodfar 1997). This research, in conversation with feminist and gender studies, has developed more nuanced notions about the entanglements of gender, agency, and Islam (Mahmood 2005; Mir-Hosseini, Al-Sharmani, and Rumminger 2014).

The contributions to this volume engage with the various concerns of those entering into marriage (and other parties involved) and analyze whether and how their ethical and material considerations are grounded in religion (Mahmood 2005, 2012) and the pragmatics of everyday life (Deeb 2015; Schielke 2015). Aspirations about how to marry may be shaped by and, in turn, shape multiple forms of identification and belonging (Abu-Lughod 1998), including major axes of differentiation such as gender, class, education, and ethnicity. Inhabiting multiple subject positions, religious and otherwise, our interlocutors exert forms of agentic power, that vary from resistance to the norms to willful submission (Joseph 1994, 2005; Mahmood 2005) and may include deliberate inattention, active avoidance, or simple lack of concern for standards. Depending on the resources they can draw on, they may or may not be able to enact their aspirations, sometimes modifying and transforming them in the process. The outcomes of such actions then are highly contingent (Carstens et al. 2021).

Muslim marriages: multiple positions and ambiguities

This volume focuses on Muslim marriages. There is, however, no simple answer to the question of what turns a marriage into a *Muslim* marriage. Boundaries between “Muslim marriages” and other marriages, or between conventional and non-conventional Muslim marriages, are highly contextual as well as dependent on the positionality of the parties involved and the point of view one adopts. Moreover, over time, new modes of marriage conclusion and marital formats have become normalized and accepted, while existing practices have become marginalized and rejected.

It is possible to find a dissenting voice in the religious field about almost every aspect of a Muslim marriage (Moors 1999; Welchman 2007). Most Islamic legal scholars agree that a Muslim marriage is a contract that is concluded by pronouncing offer and acceptance, and that the conclusion of such a contract makes sexual intercourse religiously and legally licit (Qureishi and Vogel 2009). A marriage contract can be only oral and does not require the presence of a religious functionary, such as an imam. But there is disagreement about *who* the parties concluding the marriage should be. Many would argue that the bride needs to be represented by

her marriage guardian (in a particular order, starting with her father) or at least have his agreement, but some (the Hanafi school of law) allow for the bride to represent herself. Islamic scholars also agree that a marriage needs to be publicly announced, but opinions differ about the minimum requirements of publicity. Most would agree that the presence of two male Muslim witnesses (two women may replace one man) fulfils this requirement.²

Financial arrangements are part and parcel of Muslim marriages. First, husbands are considered the maintainers of their wives, responsible for their housing, food, and clothing (Mir-Hosseini, Al-Sharmani, and Rumminger 2014). Also, if women have their own financial resources, they are not obliged to spend them on the household. However, with women increasingly participating in the formal labor force, some religious authorities and lay people have argued for the need to modify such positions. Their opinions have, in turn, become a topic of debate in part because they undermine a husband's ability to restrict their wife's movement, a position justified with reference to a husband's role as maintainer. Second, when men enter into a marriage, they are obliged to pay their wife a dowry. Some religious scholars only consider a marriage valid if a dowry has been paid (the Maliki school of law); others argue inversely that concluding a marriage entitles the bride to a dowry "her equals." would receive (the Hanafi school of law). Most religious scholars accept that either party may include conditions in the marriage contract. A woman may, for instance, stipulate how and where she will be housed (for example, in her native city), that she will be entitled to a sum of money if her husband marries another wife, or that she is entitled to initiate divorce.

One aspect that often engenders debate is *when* a Muslim marriage is established (Mir-Hosseini 1994; Welchman 2007). For religious scholars, it is the moment when the marriage contract has been concluded, even if only orally. State authorities, on the other hand, consider the marriage valid only once it has been registered correctly according to statutory law. In the eyes of local communities, the wedding party often signals the start of the marriage; only after a public wedding is cohabitation socially accepted. Such a variety of perspectives allows for considerable ambiguity and flexibility (Mir-Hosseini 1994; Fioole 2020). The period between the conclusion of the marriage contract and the wedding ceremony allows young couples, especially in settings where gender segregation is valued, to get to know each other better and engage in some form of dating. Still, if the relationship does not work out, women run the risk of being considered divorcees, even if the marriage has not yet been consummated (Zbeidy 2018).

Research on entering into marriage evokes its negation, non-marriage (Blackwood 2005; Borneman 2005). Religious scholars point to the importance of heterosexual marriage as a source of individual, social, and religious well-being. Whereas non-governmental organizations (NGOs) often express a concern about early marriage,

religious scholars may well be more concerned about late marriage (that is, beyond what is generally deemed the marriageable age). Both state actors and religious authorities, but also the general population, may express anxieties about growing numbers of people remaining single. Although not an entirely new phenomenon (Cuno 2015), and already in the 1930s referred to as “the marriage crisis” (Kholoussy 2010), it has become more prevalent as a topic of debate (also in terms of “the crisis of the family,” Hasso 2011). Attempts to explain delayed or non-marriage point to the rising costs of marriage (including jewelry, grand parties, and especially housing), and the pressure for husbands to provide in times of growing precarity (Singerman and Ibrahim 2003). Whereas the inability to marry is considered a growing problem, both for youth themselves and society at large, a small but growing number of young people opt for non-marital relationships or even single motherhood (Ünal 2020).

Unregistered marriages: from mainstream to contested practice

One major contested category of Muslim marriages is unregistered marriages, or so-called *urfi* marriages (Akhtar, Probyn, and Moors 2018; Moors, Akhtar, and Probyn 2018), that is marriages that are not registered with state institutions. In many Muslim-majority countries, until the early twentieth century and sometimes later, the term *urfi* marriages referred to customary marriages. Such marriages known in the community but not officially registered were socially and religiously recognized.

Processes of nation-state formation, including the codification and the reformation of family law, have altered this.³ Marriage registration with state-approved registrars has become obligatory, and the growing demand for documents in everyday life has increasingly pushed people to comply with such requirements. Unregistered marriages are also contested, because they are interrelated with other forms of marriage that have come to be considered undesirable, such as early and polygamous marriages (McBrien 2020).

As a result, in many Muslim-majority countries not registering a marriage with the state has gradually come to be considered an act of transgression. Contemporary *urfi* marriages have often gained a connotation of secrecy; their lack of registration is now understood as an explicit attempt to keep the marriage hidden from particular publics. How public opinion evaluates such marriages depends largely on *from whom* they are hidden. If such marriages are only hidden from the state, these marriages are often considered acceptable by the couple’s social network. For example, many consider the unions of widows who remarry to maintain their pension benefits, of refugee spouses unable to register their marriages for a lack of the required documents (Zbeidi 2018), and of migrant workers prohibited from official marriage (Nisa 2018) as socially licit.

When, however, such *urfi* marriages are entered into by youngsters who do so without the knowledge, let alone the consent, of their parents, such unions are highly controversial (Sonneveld 2011; Moors 2013). The paradigmatic case is that of young women tricked by unscrupulous men into *urfi* marriages, who become pregnant only to be deserted with the men denying the marriage (Hasso 2011). This leaves the children without recognized paternity, which, in turn, may disqualify their access to citizenship as well as to government services such as health care and education (Yasseri, Möller, and Najm 2019). Not surprisingly, religious and state authorities have published stern warnings against *urfi* marriages. At the same time, however, the judges in religious courts who need to find practical solutions may well employ the option that Islamic law offers them of recognizing these marriages (Tucker 1997; Johnson and Moors 2020).

The extent to which state actors are concerned about unregistered marriages differs between countries, while the position of religious figures also varies, depending on how they position themselves in the religious field and in relation to state authorities (Moors, Akhtar, and Probyn 2018). In some countries, such as Kyrgyzstan, it is still common for people to first enter into a religious-only marriage, to be followed sooner or later by a state-registered marriage (McBrien 2020). In other settings, such as Morocco, the push by government officials for the formal registration of marriages has also had the effect that people themselves increasingly value registration (Fioole 2020). Among Syrian refugees in Jordan, misunderstandings emerge as refugees' more positive signification of unregistered marriages clashes with the more negative views of both Jordanian state actors and the wider population in their country of settlement (Zbeidy 2018). Even the Islamic State (IS) began to demand that foreign women who had concluded highly informal marriages officially register these marriages as a part of its claim to statehood following the establishment of the Caliphate (Navest, De Koning, and Moors 2016).

There is a major difference in the kinds of concerns expressed about unregistered marriages in Muslim-majority countries and in settings where Muslims are a minority. Whereas in these Muslim-majority countries unregistered marriages raise concerns about the loss of control of the older generation over the sexuality of youth, and about the lack of legal recognition of paternity, in Europe the evaluation of Islamic-only marriages depends on how states regulate the presence of Islam. In some European countries, where Muslims are in the minority, religious marriages have no legal effects yet concluding a religious marriage prior to a civil marriage is illegal (such as in the Netherlands, Belgium, and France) (Moors, Akhtar, and Probyn 2018). In the Nordic countries, a legally valid marriage can be officiated by either a civil or a religious institution, provided the latter is authorized by the state to perform a marriage (Bredal 2018). Whereas it is usually the celebrant who needs to fulfill certain criteria in order to be approved by the state, in England and Wales,

in contrast, it is also the location (building) that needs official approval (Akhtar, Probyn, and Moors 2018).

The points of view of state authorities, on the one hand, and the women entering into such Islamic-only marriages, on the other, may diverge widely. In the Netherlands, for instance, politicians and the media have labeled the men involved in these marriages either as jihadists, who use such marriages to draw women to the violent jihad, or as Salafi imams who intend to develop a parallel society with women in a position of subordination (Moors 2013). However, most women entering into such an Islamic marriage do so either for ethical reasons (to engage in a religiously permissible intimate relationship) or, more pragmatically, to make a relationship acceptable to their social circle (Moors and Vroon-Najem 2020).

Companionate marriages, kin connections, and material concerns

Turning from state actors to the couples entering into marriage, Muslim marriages have often been discussed as part of historical shifts from arranged to love marriages, with the former slipping into associations with forced marriages and the latter seen as based on the free choice of autonomous individuals. Academic debates about this supposed historical shift have referred to Giddens' (1982) concept of modern marriages as "a pure relationship," that is a relationship of intimacy "free from" the ties of kinship or material concerns. However, as empirical research has shown, financial transactions are entirely compatible with intimate, affective relations (Zelizer 2000), while the modern ideal of the self-contained, autonomous individual stands in tense relation to everyday life. Not only in the Middle East (Joseph 1994), but also elsewhere, everyday life is not only based on separation and autonomy, but is also structured through mutual dependencies, with kin relations important for access to resources and relations of care (Peletz 2001).⁴ Neither have notions of love been absent in the past, even if they were considered unattainable or only to be expressed in particular formats and settings (Abu-Lughod 1986; Marsden 2005; Schielke 2015). Moreover, where romantic relations are controversial, they may well be presented as arranged marriages, while in settings where arranged marriages are considered as too traditional, affective relations may be foregrounded (Hart 2007). How people enter into marriage is structured by intimacy and romantic sentiments, by material and pragmatic concerns, and by hierarchies of power.

Marriages arranged by parents in which the parties have at most met only very briefly and in the presence of others (often referred to as "traditional marriages") have lost much of their appeal. On the one hand, over the course of the twentieth century, in much of the Middle East and elsewhere, both state and non-state actors

have propagated the notion of companionate marriages. Such marriages were considered a means to build the modern family and the modern nation. The ideal middle-class family was conceptualized as a stable, monogamous, nuclear unit, that stood in stark contrast to older models of extended, polygamous households in which women maintained strong ties with their kin and homo-social female networks (Najmabadi 1993; Abu-Lughod 1998; Osella 2014; Cuno 2015).⁵

At the same time, socio-economic transformations have impacted generational hierarchies. Urbanization, the spread of education, professional and wage labour, migration, and transnational relationships have all allowed younger generations more say in selecting a spouse, as longitudinal research in such varied settings as Palestinian refugee camps (Abdallah 2009) and an Iranian village (Hegland 2021) indicates. These couples do not necessarily present their aspirations in terms of “love marriages.” Instead, they often refer to their preferences with terms such as compatibility (Adely 2016) or mutual understanding (Zbeidy 2020), while also keeping the concerns of significant kin in mind.

Women’s rising levels of education and opportunities for professional employment have enabled them to consider other options and develop new aspirations, such as delaying marriage or engaging in non-marital intimate relationships. Higher education is not only a factor in delaying marriage, it also provides spaces for gender mixing and for dating. Whereas singlehood, delayed marriage, and non-marriage may be sites of worry and contestation for some, for the young men and women involved they may also signal the chance for experimentation, fun, and pleasure. Singlehood or non-marriage might then become an explicit, long-term choice (Ünal 2020), or moments for enjoyment worthy in and of themselves, for practicing partnership, or for finding a future spouse.

One particular form of controversial marriage, the rise of so-called *misyar* (visiting) marriages, has been linked to such societal changes.⁶ These are marriages with the husband visiting his wife, without taking on the responsibility to house and provide for her. Usually, the women concerned have access to resources themselves, while the husbands may already be married. Some women activists consider such visiting marriages as exploitative of women, but others consider them as enabling an intimate relationship for those who otherwise may not marry. In the Gulf states conservative Islamic scholars have come to consider *misyar* marriages a licit opportunity for women with their own resources (Arabi 2001). It is, however, not a phenomenon limited to these wealthy countries. In Egypt, divorced women, not highly valued as marriage partners, may consider such a marriage as the best option available (Sonneveld 2009). In Europe, highly educated women have opted for such a visiting marriage, as it enables them to enter into an intimate relationship while maintaining considerable autonomy.

Desirable partners: closeness, hierarchy, and practicalities

Companionate marriages are often evaluated in terms of the closeness or similarity of the spouses and their families.⁷ Closeness is multiple and may be defined in a host of different ways, including kinship, locality, education, class, religion, and nationality. As a result, a couple may be close or similar in one respect and distant or different in another (Johnson, Abu Nahleh, and Moors 2009). Moreover, temporality matters. Kinship has historically been an important criterium in closeness, as evidenced in a preference for cousin marriages in patrilineal settings (Abu-Lughod 1986), yet has also sometimes been overridden by other modalities such as locality (Granqvist 1935). More recently, a similar level of education has become increasingly important (Adely 2016), whereas a large age difference has become more controversial.

Less often discussed is similarity in terms of strongly held political or religious convictions. In conservative religious circles, strict forms of gender segregation may be desired during the dating period as well as at weddings. Still, such marriages, for which the parties involved often use the term “Islamic marriages,” should not be equated with “traditional marriages.” In the former, those involved look first and foremost for a partner of similar religious commitment, disregarding kin preferences or material benefits (Smith-Hefner 2005; Nisa 2011; Moors 2013). Political affiliation may work in a similar way. Especially during periods of heightened political engagement, activists may opt for a partner with a similar political commitment. In these cases, political closeness allows for the transgression of religious or class boundaries that would otherwise be deemed highly problematic (Johnson, Abu Nahleh, and Moors 2009).

Next to a preference for similarity, there is also an impetus for women to marry up (Maher 1974), as masculinity is still linked to the ability to provide. The inverse, women marrying down, is more controversial, even if such marriages are on the increase. Yet also in the case of such marriage hierarchies, people may well hold different views about what constitutes marrying up or marrying down. Various hierarchies, for example class and education, do not necessarily align, such as, for instance, when wealthier men may have attained lower educational levels than their wives.

Partner preferences include material and practical concerns (Salem 2012). Material and affective relations are often intertwined. For example, among university-educated youth in Amman, men’s hard work to be able to provide gifts and women’s willingness to compromise on material demands are both seen as signs of true love (Nasser El-Dine 2018). Material concerns matter differently for poorer and wealthier women. For poorer women the dower they receive may be an important

source of financial security, whereas women who are themselves professionally employed or otherwise well-off can forego a high dowry as “old-fashioned” and may register a very low amount as a sign of modernity (Moors 1995).

Practical concerns include citizenship and transnational marriages. In settings where patrilineal descent matters, it is often easier—also legally—for men than for women to marry a foreigner (Joseph 2000).⁸ Those Palestinian refugee women in Jordan who do not hold Jordanian citizenship highly value Jordanian citizenship as spouses because the latter could confer their citizenship on their children. For Syrian refugee women, in contrast, Jordanian citizenship was not an important trait in a future spouse, but Syrian citizenship was. These women still expected to return to Syria in the near future and a spouse who could accompany them was highly valued (Zbeidy 2020). State actors may also use material incentives to limit transnational marriages of men. Concerned that its female citizens may not be able to find a spouse, in the United Arab Emirates (UAE), for instance, the state financially supports men when they enter into marriage with co-national women through the marriage fund (Hasso 2011). Such an emphasis on nationality stands in tension with Islamic rules that do not require spouses to be of similar national background.

Interreligious marriages: whether and how religion matters

Another set of controversial marriages are those between partners with different religious affiliations. Such marriages are often assumed to be either love marriages or forced marriages. On the one hand, interfaith couples are seen as having been ruled by emotion (love) rather than by reason when they entered into such a strongly transgressive form of marriage (Sadegh 2022). On the other hand, there are cases of women being forced to marry someone of another religious community and often convert to the other religion, during war and warlike conditions, as with the partition of India/Pakistan (Das 1995).

At first sight, interreligious marriages may be seen as the opposite of marriages based on similarity. Still, in a very basic sense all marriages are mixed, most commonly in terms of gender, but also along lines of ethnicity, nationality, religion, education, class, or age with each of these categories also marked by its own internal differences. Even if only focusing on religion, then also differences between specific traditions may matter (such as Sunni-Shi’a), while within these traditions people may experience very real differences between, for instance, Salafi or Sufi orientations (Nisa 2011). The question is then what kinds of differences are made to matter by whom at particular moments and in specific social and locational contexts.

Within the religious field, many agree with the mainstream position in Islamic law that Muslim men are allowed to marry Christian and Jewish women (“people of the book”), whereas Muslim women can only marry Muslim men. Yet there are also those who refuse all religiously mixed marriages (such as conservative Muslims in Indonesia) whereas Muslim feminists, in contrast allow for more open interpretations. In their view, this rule assumes women’s dependency on and obedience to men, a supposition they consider no longer valid.

In some Muslim-majority countries state law is not as restrictive as the mainstream position that bans Muslim women from non-Muslim men. In Tunisia, for instance, this ban has been lifted, yet at the local level women in these marriages may still face problems; in Turkey, a country with secular civil law, all interreligious marriages are legal. In other settings, where personal status law is under the aegis of religious communities, religious functionaries may be either more lenient than the law would allow for, as is the case for Lebanon (Deeb 2017), or stricter, as is the case in Israel, when for the sake of family harmony, some religious authorities only agree to register a marriage if the Christian or Jewish woman converts to Islam (Kisch 2018).

What is legally or religiously allowed is not always socially accepted and vice versa. How state actors, religious authorities, and the wider public deal with interreligious marriages depends largely on how religious difference intersects with other modes of identification. Class may, for instance, override religious difference, such as among higher-status, wealthy families, that consider themselves modern and secular, and are not very concerned about religious difference. In a similar vein, political activism may bind couples and their families to the extent that an interreligious marriage becomes acceptable (Johnson, Abu Nahleh, and Moors 2009). In some cases, interreligious marriages with a partner from abroad may be more acceptable to the wider public, as these marriages do not have an impact on competitive relations between local communities.

Conversion is often the bone of contention in interreligious relationships and marriages. In the Netherlands, women converts who consider themselves committed Muslims, often highlight choice and conviction in their conversion narratives. Their conversion may actually lead to divorce if the women become disappointed with their husbands’ lack of religious commitment (Moors and Vroon-Najem 2020). But conversion may also work in a different way. For Romanian women who convert after marrying Palestinian Bedouin husbands, conversion is not linked to religious conviction, but rather has become a sign of their willingness to invest in their marriage and a means to allay the fears of their husbands’ families who worry that the foreign wives, unable to adjust to their new lives, might leave and take the children with them (Kisch 2018).

Emergent cross-cutting themes: our contributions

Focusing on more and less controversial Muslim marriages and engaging with the issues mentioned above, the contributions to this volume are grouped in three sections. The first section centers on how and why certain types of marriages, such as early marriage and religious-only marriage, become controversial, and how those who are interpellated respond. McBrien looks at debates between nationalists, development workers, and women's activists in Kyrgyzstan on inter-ethnic marriages and bride-kidnapping and how these discussions play a role in future-oriented political projects aimed at transforming the nation-state. Zbeidy examines the tension between the targeting of early marriage among refugees in Jordan by international non-governmental organizations (NGOs) and how refugees entering into such marriages understand these unions themselves. De Koning investigates the variance between how state authorities accuse Salafi preachers and imams of concluding illegal religious-only marriages in the Netherlands, and the variety of views the latter hold on such marriages. Saleh and Moors focus on the various ways in which marriages of Palestinian women political prisoners are politicized.

The next section shifts focus to how and when couples involved in non-marriage, migrant marriages, and convert marriages make their relationship public and how they signify the enactment of their marriages, with particular attention paid to the material aspects. Kolman traces how in Tunisia those opting for cohabitation or Islamic-only marriages, which are problematized in different ways, position themselves vis-à-vis mainstream Tunisian marriages. Fioole discusses the tensions between secrecy and publicity in out-of-wedlock intimacies and single motherhood in Morocco. Examining specifically the role social networks play both in concealing and revealing these relationships, she also investigates the impacts the publicity–secrecy nexus has for the women involved in them. Alkorani too looks at publicity in marriage with an in-depth analysis of how a Muslim migrant woman in Dubai needs to engage with multiple publics to turn her relationship into a recognized marriage. El Morabet traces shifting practices and meanings of the dower by looking at how two generations of Moroccan-Dutch women signify the dower when moving from Morocco to the Netherlands, where Muslims are a religious minority. Finally, Moors and Vroon-Najem discuss how converts to Islam in the Netherlands and the religious authorities involved in their marriages, engage with the *wali* (marriage guardian) and the dower, elements of a Muslim marriage that are highly unfamiliar to converts.

The last section of the book centers on interfaith marriages and the way they are turned into worrisome matters. Kisch, Bavelaar, and Moors analyze a poster campaign in the Netherlands that claimed to support women's freedom to marry across ethnic and religious boundaries, but often served to re-entrench the racialization

of those depicted, presenting particular categories of the population as a problem for integration. Sadegh focuses on the tensions between the Ceutan celebration of mixed marriages as the epitome of Ceuta's *convivencia* on the one hand, and the strong reservations Muslim and Christian communities in the enclave hold about such marriages on the other. Nisa discusses the complex negotiations progressive Muslims in Indonesia must go through as they attempt to enter into and register interreligious marriages, which influential conservative scholars reject. Finally, Bavelaar, writing on Muslim–Coptic marriages in Egypt, shifts the focus from the law to bureaucratic procedures and highlights the kinds of resources those aspiring to enter into such a marriage need to have access to in order to be able to enact their marriage.

Each of these chapters presents a finely grained, situated analysis of controversial marriages among Muslims around the globe. Taken together, they highlight five major cross-cutting themes in the contemporary problematization of Muslim marriages, which challenge existing scholarship and political frames: the agentive power of women; the complex relations between the parties with stakes in Muslim marriages; the different evaluation of controversial marriages depending on their co-national or transnational nature; the importance of temporality in the problematization of marriages; and the prominent role of the state in making certain kinds of marriages controversial.

First, in contrast to debates about Muslim marriages that point to the harm women in particular may face as a result of them, many contributors show that the couples who enter into controversial marriages do not consider these marriages a problem in need of intervention. Based on the narratives and experiences of their interlocutors, the authors in this volume show a more complex, nuanced view of women's agency.

At times, women in marriages deemed controversial may consider certain aspects of these marriages problematic, but they often weigh these issues against the benefits of the marriage and find the balance favorable. As Zbeidy's contribution shows, young refugee women in Jordan raise vulnerability as an issue in early marriages, but they do so in more complex and layered ways than the international non-governmental organization (INGOs). They point to state restrictions that refugees in Jordan face, avoid an easy opposition of male perpetrators versus women victims, and argue against the further criminalization of early marriages because these marriages may in some cases be the best option available to them. Moors and Vroon-Najem show that while the practicing, observant convert women in the Netherlands may agree with Dutch politicians about the value of civil marriage, they nonetheless have a strong preference to enter into an Islamic-only marriage early in the relationship for ethical reasons. Moreover, they consider the criminalization of religious-only marriages harmful. Rather than being concerned with the

allegedly harmful nature of a religious-only marriage, as Dutch politicians are, their concern is about conducting a marriage “in the correct Islamic way.” Kolman shows how despite a majority view in Tunisia that considers cohabitation harmful for women, young women who cohabit without marriage claim that their lifestyle is “normal” and point to the positive effects cohabitation has for future marriages. Nisa’s and Bavelaar’s contributions indicate that while many in Indonesia and Egypt consider interreligious marriages to be a problem, those who enter into these marriages do not see their partner choice as an issue, but rather find the obstacles to such marriages posed by state authorities and men of religion to be the true issue at hand. Finally, as Saleh and Moors’ chapter shows, Palestinian women (ex-)political prisoners, who strongly politicize partner choice, opt to enter into highly unusual marriages with men who face long prison sentences as a means to contribute to the production of a community of resistance, to continue the national struggle, and to give hope to long-term political prisoners and their families.

Second, the contributions to this book demonstrate that multiple parties have a stake in making a Muslim marriage licit beyond the couple and their social circles, such as representatives of ethno-religious groups, actors in political movements, state actors, and religious authorities. All of these parties have internally fractured views and may be in agreement, or not, with one another about whether a marriage is permissible or desired. Together, their debates, decisions, opinions, and moves problematize or make licit various forms of Muslim marriages.

Religious authority figures may hold divergent views on particular forms of Muslim marriages. In some cases, the lines of demarcation are drawn between those with progressive views and those holding conservative positions, as Nisa’s research on interreligious marriage shows. In other cases, their positions cannot be so neatly mapped onto opinions about controversial marriages. In the Netherlands, for example, some Salafi imams are against non-state registered marriages, whereas others have no problems with religious-only marriages (Moors and Vroon-Najem, de Koning). What often matters most to them is whether the marriage is concluded “in the correct way” (especially including the permission of the parents), as Kolman’s study of the Tunisian case also indicates. Also, Islamic figures such as imams and judges may in individual cases facilitate the kinds of controversial marriages that they are in theory against.

The views of religious figures and representatives of ethno-religious communities on the one hand, and those of the state and (international) NGOs, on the other, also align, diverge, or intertwine in complex and unexpected ways. For one, they often seem to have different concerns when it comes to Muslim marriages. Whereas the state and (I)NGOs are often more concerned about early and unregistered marriages (de Koning, Fioule, McBrien, Moors and Vroon-Najem, Zbeidy), some religious authorities may be more concerned about late or non-marriage

and interreligious marriages (Kolman, Nisa, Sadegh). In other instances, they take different stances on the same topic, as is the case when the state promotes interreligious marriages as an official policy and highlights the occurrence of such marriages as a sign of national unity, while the ethno-religious communities involved may be wary of such practices (Bavelaar, Sadegh). Finally, the views of (I)NGOs and the state may sometimes stand in tension with each other, or, even more complexly, various state actors may hold different, at times divergent, positions to one another, that then line up or stand in opposition to those of (I)NGOs and various social groups. For example, feminist groups and women more generally take up diverse positions about controversial marriages. Some would join state authorities in pointing to the disadvantages of cohabitation, of unregistered marriages, and of early marriages, or when arguing for the permissibility of interreligious marriages, yet they may be criticized by others both for the substance and style of their interventions, as the poster campaign in the Netherlands studied by Bavelaar, Kisch, and Moors indicates. In other cases, feminist groups take up an oppositional position, be it against state authorities, as in Egypt (Bavelaar), against conservative Muslim scholars as in Indonesia (Nisa), or against nationalists in Kyrgyzstan who do not consider interethnic marriages licit (McBrien).

Third, one major commonality among the problematized Muslim marriages explored in this volume is the different ways in which marriages that are co-national and those that are transnational are evaluated. In the case of interreligious marriages, those between co-nationals are often deemed more problematic, as a threat to community relations, than the latter. Yet also then positionality matters. Transnational marriages are far more acceptable for well-off Egyptian women marrying non-Muslim foreigners (as in Egypt, Bavelaar) than for poor Moroccan women marrying non-Muslim Spaniards (Sadegh), with the latter easily labelled as sham marriages. Transnational marriages, moreover, affect notions about how a marriage ought to be concluded. To Moroccan-Dutch women in transnational marriages the dower remains very important, underlining their Muslimness in the Netherlands where they are a religious minority (el Morabet). The highly transnational marriage of a migrant woman from Dubai points to the complexities involved in enacting one and the same marriage to different publics (Alkorani).

Fourth, as evident throughout this volume, temporality matters. The historical moment is significant to why and how certain marriages become a problem. Almost all contributions engage with contemporary formats that are in some ways novel, but also with older formats that are signified in new ways. The formation of nation-states has been accompanied by the propagation of the modern monogamous family, Muslim family law reform, and a strong investment in the official registration of marriages (Nisa, Bavelaar, Kolman). Yet, more recently, alternative formats have gained some popularity, such as delaying marriage and singlehood,

formats that are no longer only considered a problem, but may also be an option to which woman actively aspire, such as those who cohabitate in Tunisia (Kolman). Moreover, Moroccan-Dutch mothers and daughters—members of different generations—engage in very different ways with the dower (el Morabet).

Temporality also matters in a different way, that is in the individual life courses of the women involved in these marriages. Single motherhood in Morocco can be a temporal status; during their life trajectory these women can move in and out of a position of respectability (Fioole). Women converts in the Netherlands often engage with the marriage guardian and the dower in a different way depending on whether they are entering into their first Muslim marriage, or whether they have already been married before (Moors and Vroon-Najem). Finally, marriages are problematized along different temporal lines, with some actors like development workers or nationalists worrying about what marriages mean for the future of the nation, and others, like women's activists, more concerned with how women are affected by these marriages now (McBrien). In contrast, Palestinian (ex-)political prisoners consciously opt for a marriage with a long-term prisoner in an attempt to affect the future of the resistance and the nation (Moors and Saleh).

Finally, the volume highlights the growing importance of the state as an interested party in Muslim marriages and a primary force in their problematization. As the chapters show, couples, their wider social circles, religious figures, political activists, vigilante groups, and ethno-religious communities, among others, all have complex desires, plans, and opinions about Muslim marriages. But these are bound up with the interests and designs of states that are increasingly attentive and able to regulate marriages; state actors are often prime parties in the problematization of Muslim marriages with significant power to sway things their way. At the same time, substantial differences between and within states remain. Whereas in Kyrgyzstan Islamic-only marriages are not much of a concern to the state (McBrien 2020), in the Netherlands, Tunisia, and Jordan the opposite is the case (Moors and Vroon-Najem, de Koning, Kolman, and Zbeidy). State actors are, moreover, not homogeneous or stable entities. The law itself may be ambiguous and open for interpretation, and state authorities at a lower level may hold different views from the national legislature. In Indonesia marriage law is indeed ambiguous, and those bureaucrats in charge of registering marriages make it difficult to conclude such a marriage in the country itself (Nisa). In a similar vein, in Egypt there is considerable legal ambiguity at the national level about interfaith marriages, but those in charge of the complicated process of registration—religious and secular—pose considerable obstacles. In Kyrgyzstan, in contrast, nationalists and feminists battle in parliament for sway over marriage regulation (McBrien). The chapters also show that, despite the growing impact of the state, it is not always easy to predict what kind of impact the state will have on marriage, with or against whom state actors

will align, or whether state actors will speak in relative uniformity or with strong dissonance.

In short, it is difficult to predict the positions of the various parties involved in controversial marriages, as these are often fractured and unstable; it is equally hard to draw conclusions about whether particular kinds of marriages are in themselves harmful and to whom. Taken together, and against dominate academic and political frames, the chapters in this volume show both the contingency and complexity of how particular kinds of Muslim marriages are problematized and their effects on the various parties concerned.

Notes

- ¹ This volume does, however, not explicitly address controversial Shia marriages. Many of the controversial formats mentioned above cut across the Sunni–Shia divide, temporary marriage—allowed in Shia Islam but not in Sunni Islam—being the exception. For an overview and case studies of Shia marriages, see Shanneik and Moors (2021).
- ² The validity of Shia marriages differs in two ways. First, also marriages without witnesses are valid, and second, only Shia Islam allows for temporary marriages, that are marriage contracts that include the date of termination of the marriage (Haeri 1989).
- ³ The codification of family law proceeded at a different pace in other Muslim majority countries. In the Caucuses and Central Asia, for example, this happened much earlier due to modernizing campaigns of the Soviet Union (McBrien 2020). For the complex situation in Indonesia see Bowen (1999)
- ⁴ In patrilineal systems, sexuality and the conjugal bond are seen as competing with, and hence a potential threat to, kin solidarity (Abu Lughod 1986). One way to mitigate such a structural tension is for a woman to marry her closest possible (non-incestuous) patrilineal relative, that is her father's brother's son.
- ⁵ Also in matrilineal systems, there is a partial shift from large extended women-centered households to nuclear families (Osella 2014).
- ⁶ This is in some ways similar to the temporary marriages that are permissible in Shi'a Islam, but not in Sunni Islam. In Iran, the religious leadership has condoned such marriages, that have remained controversial, as an alternative to cohabitation (Haeri 1992).
- ⁷ The Arabic term for kinship (*qaraba*) also means closeness. Yet also elsewhere similarities are often deemed important for marriage; the importance of similarities in terms of education and class, for instance, have been widely reported.
- ⁸ In the last decades women have had some success in their struggles to have the right to transfer nationality and citizenship, more often to their children than to their spouses.

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PART I

**The Politicization of Marriage:
Problematization, Agency,
and Activism**

Troublesome Marriages and the Politics of the Future in Kyrgyzstan

Julie McBrien

Introduction

Over the last decade, marriage has become an issue of significant public discussion, debate, and worry in Kyrgyzstan.¹ The weight and sway of nationalist movements have gained ground since their appearance approximately fifteen years ago; marriage and women's sexuality have been fields in which they have attempted to exert control over the nation by delineating its boundary and ensuring its purity through Kyrgyz–Kyrgyz marriages. At the same time, women's movements not only contest the moves of nationalist, but they also fight other marital practices—like bride abduction and *nike*²—that they have long considered harmful to women.³ Their efforts overlap, to a certain degree, with those of international development organizations that too target practices like bride abduction because of their perceived detrimental effects on women. In addition, these organizations suggest that such marital practices are indices of and barriers to the social and economic development of Kyrgyzstan. In short, marriage is a site of public contention in contemporary Kyrgyzstan.

Concerns about marriage in Kyrgyzstan have emerged in large part from the country's increased global entanglements, precipitated by the collapse of the Union of Soviet Socialist Republics (USSR) and fueled by the logics and reach of contemporary capitalism. From massive labor migration and dependency on remittances to connections with global activist movements, from images and ideas shared on social media platforms to the interventions of international development organizations, Kyrgyzstan has become increasingly entwined in global currents, shaping and being shaped by them. These global connections have played roles in both the triggering of concerns about marriage as well as the efforts to control its forms and patterns. Nationalists' worries about marriage, focused on the “purity” of the nation, are, in part, prompted by global connections that see huge swaths of the population leaving for work as well as the influx of foreigners into the country, both understood as threatening Kyrgyz–Kyrgyz marriages. The same connections

that have entangled Kyrgyzstan in contemporary global capitalism have also opened it to the gaze of international organizations, like the United Nations (UN), permitting their evaluation and attempted regulation of practices, like marriage. Women's activists make use of global connections to support their efforts to change gender relations, protect women, or challenge harmful practices, including those connected to marriage.

In this chapter, I trace attempts to alter marital forms and conclusions in Kyrgyzstan—from nationalists' struggles to control women and "return to tradition" to the interventions of women's activists aimed at ending violence and discrimination against women to international development organizations' efforts to protect women and develop Kyrgyzstan—as a multifaceted arena of interaction. The political aims of nationalists, women's activists, and international development organizations are often exceedingly different and, in some cases, diametrically opposed; they also operate from and in spaces that are often held analytically distinct—that is, "national/local" and "global." Nevertheless, they form a complex web of shared, intertwined political action, in which attempts to regulate marriage play out. Moreover, their positions in these struggles, while originating from sometimes conflicting perspectives, are nonetheless rooted in deeper common logics.

While debates about and attempts to regulate marriage in Kyrgyzstan might seemingly be about men *and* women, all parties to these discussions focus exclusively on women and women's well-being—nationalists, women's activists, and development workers alike. For them, debates about marriage are essentially discussions about women; attempts to alter marital practices are nearly always and exclusively done in the name of women and their protection. What these women are purportedly being protected from, however, differs depending on the worries of the political actor. Despite these divergences, debates over marriage reveal that in addition to being concerned about women and the way they marry, nationalists and international development organizations, and to a lesser degree, women's activists, are also commonly engaged in the imagination of "the Kyrgyz"; their struggles for the sodality are rooted in a common logic about women, the nation, and development that understand women's marital and sexual practices to be generative of the nation, indices of its well-being, and a site upon which to work to bring about a desired future for it.

Nationalist projects are constituted by gendered relation (Yuval-Davis 1997). Women are understood as "birthing the nation" (Yuval-Davis 1997; Kanaaneh 2002); their role in maintaining the home and children is linked directly to its sustainment (Yuval-Davis 1997; Kanaaneh 2002; Ismailbekova 2016). In Central Asia, gender has played a crucial role in processes of nation-building in the postsocialist period (Roche and Hohmann 2013; Cleuziou and Drenberger 2016; Kim and Molchanova 2018) where women have been seen as the mothers of nations (Roche 2016) and

essential, if unequal, players in the “ancestral traditions” used in “processes of re-traditionalization” (Cleuziou and Direnberger 2016, 196). The gendered-nature of nationalist projects more broadly plays out poignantly in debates about marital practices, seen as terrain *sine quo non* for social reproduction starting from kin networks, but including larger sets of social organization, like the nation (Moors and Vroon-Najem this volume; McKinnon and Cannell 2013, 23–24).

International development campaigns too are gendered practices, relying on similar notions about “the nation,” which locate discreet elements of “culture” or “tradition” as the terrain of women. In one form or the other, “culture” or “tradition” has been worked with, or against, in development interventions across the globe; these projects have co-produced both the concept of culture/tradition and the specific “culture” being targeted, though with varying qualities and definitions (Sylvain 2005). Development workers constantly wrestle with a fundamental tension between the universal nature of the founding assumptions, claims, and goals of many development interventions, and the need to acknowledge, celebrate, and accommodate the practices, ideas, and institutions of the various “traditions” and “cultures” at which these interventions are aimed; aid workers therefore variously emphasize, downplay, exalt, or ignore one side of the tension or the other (Sylvain 2005; DeHart 2010; Appadurai 2013, 180; Borbieva 2019; Keyse 2021). Regardless, the “problem” of culture remains in development work and women are often understood as the bearers, protectors, or victims of the culture or tradition being targeted or worked with, just as they are in nationalists’ projects. Women’s status and treatment in practices understood to be “cultural”—like marriage—are frequently taken by aid workers as litmus tests for the relative development of the country where the interventions take place.

Marriage—as an elemental part of “culture”—has thus long been a site upon which the gendered nation is imagined, and its relative development is measured. As such, it is a regulated gendered practice that political actors envisage they can manipulate in order to induce a desired future for the nation-state, even if that nation-state is not their own. In this chapter, I trace this attempted regulation in Kyrgyzstan, mapping the landscape and revealing how various actors—from nationalists to people in women’s movements, to international development workers—understand the nation to be bound with women’s marital practices. By intervening in marital practices, they thus simultaneously imagine and produce the nation itself. Notably, the nation produced and evaluated during these initiatives is imbued with temporal qualities that justify the efforts and grant legitimacy to actors.

In studies of nationalism and the nation, the past is the most oft described and analyzed temporal location. A sense of historical permeance legitimizes the nation (Anderson 2006) and the “invented traditions” upon which the nation depends for its validity, identity, and claims to sovereignty work because of their perceived

history (Hobsbawm 2013, 1–14). Traditions gain their efficacy through their claim to or appearance as old (Hobsbawm 2013, 1–14). The future has been of less concern in these theories, although it pops up now and again. Anderson, for example argues, “If nation-states are widely conceded to be ‘new’ and ‘historical,’ the nations to which they give political expression always loom out of an immemorial past, and, still more important, glide into a limitless future. It is the magic of nationalism to turn chance into destiny” (2006, 30). Appadurai, writing about a sense of incompleteness in some national projects—those that can drive ethicized violence—speaks of the *fear* of small numbers (2006). While the future is not specifically analyzed, the term *fear* has a temporal orientation aimed at the future.⁴ Fear is anxiety about what might happen, and it is a fear of small numbers (that is, ethnic minorities) that often drives majority populations to violence (Appadurai 2006).

Anxieties about the endurance of the Kyrgyz people animates nationalists’ moves in contemporary Kyrgyzstan, akin to the kind of fears Appadurai discusses. But this is not the only moment of future-orientation revealed in their political projects, nor are the nationalists the only ones looking ahead. Concerns about women’s marital and sexual practices, whether expressed by nationalists, women’s activists, or development workers, are simultaneously apprehensions about the nation-state and designs to improve it. Endeavors to protect women, in addition to their stated goal, are thus also projects aimed at shaping the nation’s future. Women’s activists, international development workers, and nationalists commonly attempt to influence and structure what-is-to-be in Kyrgyzstan’s society by altering martial practices, even if their visions and plans diverge, often contradicting one another. Regulating marriage is about affecting the future. Envisioning the Kyrgyz then is not just about appeals to the past—whether that past is lauded or criticized—it is also about imagining a collective future. The affective qualities bound up with imagining the nation—fear about its endurance, hope for its transformation, anxiety about a destination never reached—can likewise also be future-focused. Finally, projects enacted to bring forth these future states and the future-oriented ideas that inspire them—be they development schemes, legislation, or violence—provide legitimacy to political actors and their endeavors. In this chapter, I examine the temporal orientations of projects in Kyrgyzstan that would protect or transform a nation-state through the regulation of marriage, precisely because it is from these appeals to, projects aimed at, and experiences of the future that nation is made, experienced, and authorized.

Interestingly, however, shifts in women’s activists’ engagements in Kyrgyzstan have shown movement away from these shared logics and temporal orientations. Recent events, like the high-profile murders of two women abducted into marriage, have dramatically impacted the logics informing women’s activists’, and others’, attempts to end martial practices like bride abduction. Here “women” and their

well-being nearly exclusively become the relevant object targeted in political action. The nation and its society are left behind. Moreover, an additional temporal direction, namely a focus on the present, has become amplified. While the position of women has served as an index of development and a sign of the overall health of society for women's activists, like it has for nationalists and international development organizations, the temporality of their project has long been much more present focused and the links to the nation, the nation-state, and society have sometimes been backgrounded. The two recent murders have seemingly galvanized this present-tense stance in which regulating women's marriage becomes about protecting women now. Moreover, if the future appears in the projects, and it often does not, it is more concretely women's future, disentangled from the nation. While women's activists have long acted within a similar sphere of logics and temporal orientations, they may be breaking out to start a different kind of politics.

Global entanglement, national anxieties, and international interventions

The last decade and a half have been characterized by Kyrgyzstan's increased and intensified entanglement with the forces of global capitalism, most crucially through circular labor migration, primarily to Russia, but also due to the sustained role and influence of international development in the country, led by the World Bank and a variety of United Nations (UN) agencies and the increased power and presence of China. The development of a middle class has facilitated travel in unprecedented ways, study abroad programs have seen scores of young Central Asians, Kyrgyzstanis included, spending time in Turkey, Europe, and the United States, among others, and the Internet, social media, and Internet-based communications technologies have facilitated these global intertwinements (Vertovec 2004; Stephan-Emmrich and Mirzoev 2016; Kudaibergenova 2019).

These connections have wrought opportunities for the Kyrgyzstani state, Kyrgyzstani citizens, as well as the international institutions and foreign governments, to work out their political projects in and/or for the Kyrgyzstani (nation-) state and its people. The entanglements have likewise engendered perceived threats to the persistence and maintenance not only of these projects and their goals, but in some cases to the people for whom they aim to speak. One of the most notable of these has been an ethno-nationalist moment that has been growing in numbers, influence, and virulence over the last decade.

Since the collapse of the Soviet Union, the Kyrgyzstani government has had to reckon with the tension between the multi-ethnic make-up of its population on the one hand and the state's need to cultivate a sense of national belonging and an entitlement to its territory for its political validity and viability on the other. Initially,

government officials, including the first president of the independent republic, cultivated a “double identity narrative, civic and ethnic” (Laruelle 2012, 39; see also Marat 2008)⁵ that made space for Russians, Uzbeks, and other minority populations, while simultaneously reaffirming and consolidating the history and origin story of the *ethnos*—the Kyrgyz—and their right to possession and governance of their territory. The subsequent administration did little nation-building and the president’s weak political position made him dependent on legitimacy established through the assertion of ethno-nationalism (Laurelle 2012: 42). This created more space and acceptance for nationalist rhetoric and politics, including in parliament; nationalism grew significantly during his term. Minority political voices simultaneously lost ground (Reeves 2014) and many of the policies of the previous administration aimed at cultivating inter-ethnic relations were rescinded (Khamidov and Marat 2011). Among the ideas that flourished within these nationalist movements were, unsurprisingly, gendered notions about the Kyrgyz nation, including the idea that women play a generative and sustaining role in the establishment, nurturing, and training of the Kyrgyz people (Ismailbekova 2016); both the nation and women needed protection.

The year 2010 was in many ways a watershed for the rise of nationalism in Kyrgyzstan. Marked by state violence against public protestors (April 2010), a revolution saw the president’s ouster (May 2010), and three days of ethnically marked violence (June 2010),⁶ each of which saw the frenetic cultivation of a fear that the Kyrgyz people (*el*), understood, following Reeves, as both the ethnic body and “the source of political legitimacy” (2014) were under threat. This felt danger to the Kyrgyz—in terms of loss of life, loss of culture, and loss of sovereignty—arose, in part, out of the rhetoric and influence of nationalist parties, and strengthened ethno-national understandings of political belonging (Khamidov and Marat 2011).

Initial anxieties about the internal Russian population in the early 1990s eased relatively quickly, partly due to the decline in the Russian population over the course of the 1990s and the rising importance of Russia for Kyrgyzstan in its international relations and economic stability. Russia serves as a mitigating force in international politics vis-à-vis Euro-American influence, while at the same time functioning as the receiving country for large waves of Kyrgyz labor migrants whose remittances make up approximately 32.5 percent of the Kyrgyz gross domestic product (GDP) in 2018.⁷ Kyrgyzstan has one of the highest global rates of out migration and it consistently ranks among the top five economies dependent on labor remittances. The proportion of women leaving for work is exceptionally large.

There have been others who have figured in popular rhetoric as potential dangers to the Kyrgyz people. Nationalist parties in and outside of government have variously pointed to a range of foreign threats emanating from Europe, the United States, and China. The growing influence of the Chinese state and Chinese

businesses in Kyrgyzstan in the 2000s has been met with anxiety by many in the country. Politicians and average citizens worry about a loss of financial independence and territory due to the expansion of Chinese business, which includes land purchase, and the Kyrgyzstani state's ballooning debt to China and Chinese banks (Gerber and He 2022, 39; Mogilevskii 2019; Laruelle 2012, 42). Mining operations in particular are contentious and are often protested by citizens (Toktomushev and Furstenberg 2021, 8). Citizens' sentiments mesh with those in government whose positions have animated legislative moves seen by some observers as "resource nationalism" (Toktomushev and Furstenberg 2021, 6; Fumagalli 2015). Others, like merchants and traders, fear the physical presence of Chinese nationals in the country, including their intermarriage with Kyrgyz (Shailoobek kyzy 2021; Peyrouse 2016, 22–23).

Europe, the United States, and the so-called Western development apparatus—all of which have played prominent roles in Kyrgyzstan since the collapse of the USSR—too have provoked worries about foreign influences. Members of the Kyrgyzstani government, nationalist groups, and average citizens have criticized Europe, the United States, and international organizations for their alleged attempts to destabilize the government by fomenting, and finically supporting, anti-government protestors or for how they have supposedly pushed particular notions of gender and sexuality in the country (Patrucic 2022). Both the "foreign agents" and "gay propaganda" bills proposed in parliament, and supported by the president, from 2012 to 2014, for example, articulated anxieties about the corrupting influences and destabilizing forces of "the West" on national morality and sovereignty (Marat 2015; Wilkinson 2014), a trend seen elsewhere in Central Asia and in Russia (Kudaibergenova 2019).

United Nations agencies have been operating in Kyrgyzstan since March 1992, just less than a year after its independence in 1991. In the early to mid-1990s, international development involvement in the post-Soviet/socialist region were expected to be rather short term, as the region "transitioned" to capitalism. With social indicators matching those of many "developed nations," aid workers and development specialists were surprised by the relative "development" of the region and perceived their role primarily as helping aid the transition to a market economy, a process that they imagined would be swift and relatively easy to achieve (Engelmann 1998). The United Nations Development Program was one of the first to start work in Central Asia, opening its in-country offices in 1993. Projects exclusively focused on gender issues were not a priority in early interventions, though there was often attention to women and the varied gender impact of economic programs, consistent with a United Nations-wide focus on Women in Development (WID) still dominant at the time, though not for much longer (Moser 1993). Attention to marriage was nearly completely absent in UN-led interventions

in Kyrgyzstan until well into the early 2010s. In 2012, UNWomen, one of the most prominent agencies involved in contemporary debates on marriage, opened an office in Kyrgyzstan. The staff of the office is nearly exclusively Kyrgyzstani, with a few foreigners, usually occupying senior management level positions or operating as experts and researchers in temporary capacities. The situation at the *United Nations Development Programme (UNDP)*, another agency involved in attempts to alter marital practices in the country, is similar.

The growth of vocal, public women's, feminist, and queer movements in Kyrgyzstan has occurred rather concomitantly with the rise in nationalist sentiment and the social and economic changes wrought by migration. There have long been concerns about, and efforts to ameliorate, women's well-being in the country post-independence; the 1990s have been seen as the rise of women's non-governmental organizations (NGOs) in Kyrgyzstan (Sultanalieva 2020). These were both grass-roots movements as well as government led interventions. LGBT activism is more recent but has roots in the early-to-mid 2000s (Wilkinson 2014). However, these movements were less visibly and politically active than contemporary interventions. Today's movement—a diffuse array of various actors ranging from academics, activists, and politicians to high-school and university students, pop singers, fashion designers, and club owners—are vocal, publicly visible, and concerned with larger questions about the position, representation, independence, and well-being of women and queer people. Importantly, these actors often have divergent agendas and do not necessarily recognize one another as involved in the same struggle. Yet, I classify these diverse actors—the majority of whom are women—into a shared analytical category as they are all commonly engaged in efforts to end violence against women, especially as it concerns bride abduction, fighting the same structural forces and institutional dynamics—like a criminal justice system that fails to enforce laws or long-standing ideas about marriage and consent.

The people in these women's and queer movements make use of global connections to support their efforts, partnering with international organizations in common goals, spreading messages through global (social) media channels, speaking to international media, moving in and out of employment in these international organizations, and collaborating with academics and activists from around the world. As a result, nationalists have accused women's activists and queer people as being (complicit with) "foreign intruders" and alien notions. Women's and queer activists, in turn, articulate worries about growing nationalist movements, because of threats to their personal safety, their autonomy, and their ability to be in the romantic and sexual relationships of their desire; their political agendas often also collide with and oppose those of nationalists.

Nationalists' fears

Contemporary nationalist fervor in Kyrgyzstan is the result, in part, of both ethnified tensions with the internal Uzbek, and more recently Tajik, populations, and the integration into the global capitalist economy. The latter has presented both unprecedented connections with a variety of new foreigners and reconfigured relations with long-standing, internal others in new, global patterns. The anxiety about contacts with these ethno-national others has pushed nationalists to reduce dealings between Kyrgyz and non-Kyrgyz, including sexual and marital connections. Nationalists' efforts to lessen Kyrgyz women's marital and sexual relations with non-Kyrgyz, both in and outside of Kyrgyzstan, have been particularly fervent and violent.

In about 2014 or 2015, nationalist impulses reached beyond political parties and rhetorical interventions in public debates, whether online or off, and took form in vigilante violence, some of which was perpetrated by two nationalist groups, Kyrk Choro, and Kalys, both of which aim to bolster and protect the Kyrgyz people, their culture, and the sovereignty of their state (Lelik 2015). The name of the former group—Kyrk Choro, which has been translated as forty knights or forty compatriots (of the national hero Manas)—explicitly indexes a natal tie to the people whose name, the Kyrgyz, is derived from a reference to the word forty (*Kyrk*) and the fabled forty tribes from which many contemporary Kyrgyz trace their heritage (Shailoobek Kyzy 2021; Aitkulova 2021).

Over the last decade, Kyrk Choro has staged rallies to protest Chinese interference in Kyrgyzstan, asking for the limiting or cessation of Chinese migration to Kyrgyzstan; demanded that funding sources of all NGOs be revealed; alleged that investigations into corruption charges against former members of the Kyrgyz government were “games of the West”; and called for an investigation into a Women's Day rally, alleging that “the slogans expressed by representatives of sexual minorities were extremist” and demanding the resignation of Bishkek's mayor for allowing the event (Aliyev 2019; Shailoobek Kyzy 2021). Some have speculated about links between the groups and political figures (Jumakadyrov 2015; Lelik 2015). These moves exert not only force on keeping foreign influence at bay; they simultaneously demark boundaries around “the Kyrgyz” and its nation-state, describing the sodality in the process.

While these examples illustrate the Kyrk Choro's attempts to advance their aims through the legal system, or lawful protest, they, and other nationalist vigilantes, have also been involved in violent attacks in efforts to reach their goal, largely targeting women as a site upon which to shore up the integrity of the Kyrgyz nation, though also aiming attacks at members of the lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ) community (Ibraeva, Moldosheva, and Ablezova 2015; Suyarkulova 2016; Bagdasarova 2018; Suyarkulova 2019; Aitkulova 2021). Some

of the earliest attacks took place in Bishkek, during which a group of Kyrk Choro members entered a night club and violently broke up small groups of Chinese men and Kyrgyz women (Lelik 2015; Shailoobek Kyzy 2021). The women were lined up; berated for their purported loose morals, their interactions with the men, and their betrayal of nation; and physically assaulted, while being filmed (Lelik 2015; Shailoobek Kyzy 2021). The film was put online and shared and viewed extremely widely (Lelik 2015; Shailoobek Kyzy 2021).

Kyrgyz migrants in Russia have used similar tactics to threaten and abuse Kyrgyz women (suspected of being) in inter-ethnic (sexual) relations in Russia (Botoeva 2012; Ibraeva, Moldosheva, and Ablezova 2015). These are usually relationship between Kyrgyz women and other Central Asian migrants such as Uzbeks or Tajiks. In one atrocious and highly publicized case in 2012, a young woman, Sapargul, was stripped naked, insulted, and abused on a dark deserted street in Yekaterinburg, Russia by a group of Kyrgyz men who, discussing their actions after the fact, referred to themselves as “patriots” (Botoeva 2012; Ibraeva, Moldosheva, and Ablezova 2015). The men filmed the attack and posted it online. Kyrgyzstani journalist and Moscow-based correspondent for Radio Azattky (Radio Free Europe/Radio Liberty), Aida Kasymalieva, found the attackers’ video online and launched an investigation, which resulted in a documentary aired on Kyrgyz television.⁸

These groups have targeted women’s “moral behavior” by brutally intervening in what they perceived to be morally reprehensible acts with foreigners (Botoeva 2012; Ibraeva, Moldosheva, and Ablezova 2015; Aliyev 2019). The violence both expresses and cultivates an anxiety about the influence of those outside the Kyrgyz people and their ability to pollute the seeming biological and cultural essence of the Kyrgyz. Underlying these attempts is a desire to protect the Kyrgyz nation (Ibraeva, Moldosheva, and Ablezova 2015; Suyarkulova 2016; Aliyev 2019). The acts themselves reiterate imaginations of the nation and its boundary through the fears of dissolution, compelling actions to maintain and protect it. The fear expressed is not only about the immediate encounter; it strikes other temporal registers. The emotion of apprehension itself implies a futural orientation. In these violent actions the anxiety felt is also about the future, in which the nation—read as an extension of the family, which begins in a couple’s union and arises from the children born to it—is contaminated by mixing with others. Interestingly, these attempts aim at stabilizing what is already the social norm. Intermarriage between Kyrgyz and non-Kyrgyz is extremely low.

The anxieties that animate these vigilante groups to action likewise rouse moves in other nationalist actors. Some parliamentarians, for example, concerned over the durability of the nation, have introduced legislation to control women’s movement and their sexuality as a strategy to protect the reproduction of the *ethnos*. In 2013, for example, there was an attempt to regulate the travel of single women abroad in a parliamentary resolution. In an early version of the resolution,

an age limit was set at which single women would be allowed to leave the country alone and of their own volition, for “labor migration.” The proposed resolution mandated that a woman under the age of twenty-two years would require parental approval for travel abroad alone or would be obliged to travel accompanied by a relative (Osmongazieva 2013a; Osmongazieva 2013b; Sultanbekova 2013; Trilling 2013a; see also Botoeva 2012; Suyarkuolva 2016).

The resolution was a reaction to the situation of migrant Kyrgyz women generally but also specifically to the case of Sapargul discussed above. Yrgal Kadyralieva, a female deputy who presented a draft of the resolution to a parliamentary committee and remained an ardent supporter of the purposed decree, argued that the proposal would protect women against sex trafficking and help shield their “honor and dignity,” which might be comprised by rape, sexual slavery, or promiscuous behavior (Trilling 2013a). When asked whether, in addition to “protecting women from sexual slavery,” the resolution also aimed to keep youth in Kyrgyzstan, Kadyralieva discussed with alarm Kyrgyzstan’s aging population and the large number of people leaving the county. She then argued that her proposal “defends national security, social security, moral security, the economic issue” (Sultanbekova 2013). Going further, Kadyralieva argued that controlling women’s movement and sexuality in this way would help guard the Kyrgyzstani “gene pool” (Osmongazieva 2013a; Osmongazieva 2013b). In an interview on the resolution, she argued that “we [women] give birth to a nation” (Sultanbekova 2013).

There was vociferous public criticism of the resolution. In the end, the final version, which passed in a vote of fifty-nine for, two against, and fifty-nine absences or abstentions, did not contain the provision regulating women’s travel (Osmongazieva 2013b; Trilling 2013b). Moreover, as a resolution and not a bill or amendment, the legal effects of what remained in the bill remained unclear (Trilling 2013b). Nevertheless, the proposal itself, along with the motivations for it as articulated by Kadyralieva, serves to connect the defense of young women’s sexuality with the defense of the nation, and demonstrates worry about the long-term durability and purity of the Kyrgyz people. Kadyralieva’s references to the “gene pool” and “giv[ing] birth to the nation” point firmly to the future, revealing anxieties about purity that extend to the rather immediate future—children-cum-nation (giving birth)—but also much farther, encompassing generations (the gene pool).

This was not the only attempted legislation by nationalists in parliament that sought to stabilize and protect the continuance of nation, expressing fears about its future existence and purity. In 2016, a law declaring that marriage was understood as a union between a man and a woman, effectively outlawing homosexual marriage, was accepted (Najibullaah 2016; RFE/RL Kyrgyz Service 2016). The law was in part an effort to shore up “traditional” Kyrgyz values and to stabilize the purity and future of the Kyrgyz nation, which, according to Parliamentarian Kojobek

Ryspaev, faced a “risk of extinction” due to same-sex marriages (in Najibullaah 2016). Ryspaev’s anxieties had a decidedly forward-looking tone when he said: “Look at what’s happening in the world: women are marrying women, men are marrying men. There are only 3 million pure Kyrgyz people ... We could disappear altogether because of this” (in Najibullaah 2016).

The law against same-sex marriage was likewise an articulation against the perceived intervention of international, read primarily as Western European and American, notions and practices of sexuality and gender (Bagdasarova 2018). Its proposal and passage occurred in a context of debate not only of the propriety of homosexuality, but of the reach of foreign influence, similar to ones that had played out in Russia not long before.⁹ Many of those in Kyrgyzstan discussing homosexuality, arguing for its acceptability, and pleading for the rights of homosexuals, were accused of colluding with foreigners (Wilkinson 2014; Bagdasarova 2018). The attempt to make space for homosexuality in Kyrgyzstan was read by many detractors as a foreign intervention (Wilkinson 2014; Bagdasarova 2018). The bill was a defense of sovereignty, but also of a sense of national culture. In all instances of (attempted) legislative change, marriage was taken as a site of national integrity and its protection—including the protection of women, their bodies, and “traditional” gender roles and norms—was part of a defense against foreign infiltration.¹⁰

Attempts to regulate women’s sexual behavior and men’s and women’s marital conduct—whether through vigilante violence or constitutional legislation—aimed to ensure national sovereignty, as well as biological and cultural clarity in the present. In doing so, these nationalists imagine “the Kyrgyz” and project worries about the durability of the nation. Durability’s temporality is both present and future focused; it signals a current state and its continuance through time. The legal and illegal, violent and seemingly benign actions of nationalists expressed future-oriented worries about the survival and purity of the ethno-nation. These efforts intended to secure a particular future, one in which the Kyrgyz people, their eponymic nation-state, and their incumbent culture, would persist with clarity.

The worries of women’s movements

Concomitant with the rise of nationalist fervor in Kyrgyzstan, and its various attempts to regulate women’s marriage and sexuality, has been the growth of a very public critique of a specific form of marriage conclusion—bride abduction. Women’s and queer activists have been prominent in this but so have, more recently, family members of the abducted, some of whom were murdered. For the former, bride abduction is one of several issues to be tackled in what has become a public movement of significant size and visibility. Their efforts overlap, to an

extent, with those of some female parliamentarians for whom women's rights, equality, and protection is paramount in their legislative agendas.

In the last decade, female deputies have been particularly active with legislative efforts aimed at protecting women from domestic violence and forced and under-age marriage. In 2013 they successfully passed an amendment to Article 155 of the penal code that increased the punishment for bride abduction from three to ten years. The bill targeted a form of marital conclusion already outlawed but widely practiced. By increasing the penalty parliamentarians and activists hoped to decrease the number of abductions and further work towards the eradication of the practice.

In 2016, after a protracted struggle and several failed attempts, female deputies also passed two amendments aimed at curbing under-age and forced marriage (McBrien 2020). The amendments initially aimed to regulate Islamic marriages (*nike*) concluded by religious officials. The legislators proposing the amendments argued that bride abduction and under-age marriage both depended upon this form of marriage conclusion; by regulating it they aimed to eradicate the practices. Many male parliamentarians and those in wider publics in Kyrgyzstan following the proposals resisted these early initiatives and the proposed amendments failed. A final attempt excluded explicit attempts to regulate *nike*—such as the requirement that religious officiants check documents proving civil marriage prior to concluding an Islamic one—and instead pinpointed involvement in under-age marriage.

The amendments that eventually passed criminalized involvement in the marriage of a minor and set a penalty of up to five years' imprisonment for said involvement.¹¹ In December 2021, additional amendments to the criminal code were introduced that hold accomplices to an abduction liable and punishable with the same sentences as the perpetrators; makes all abductions punishable, removing language that left room for abductions “with consent” to be lawful; allows bystanders to report abductions to the police; and holds police responsible for investigating incidents with punishment for them if they fail to do so.¹²

These amendments were initiated first and foremost to protect women and end violence against them. At the same time, consideration of wider social implications has been of concern to the deputy's proposing and supporting the amendments, and to the many activists involved in their passage as well. For example, in a news article about the 2016 amendment on under-age marriage, deputy Aida Salyanova remarked that early marriage is a risk to the health and education of expectant mothers and, as a result, the number of poor, uneducated families would increase in the future (Marat kyzy 2016). Her concerns are not only for women now, but for families—and by implication society—in the future; attempts to regulate marriage articulate anxieties about and attempts to direct the shape of Kyrgyzstani society in the future. Dastan Bekeshev, the only male deputy who was a co-sponsor to an earlier version of the bill, used a different kind of temporal indexing when he discussed the failure

of that draft legislation. He commented on the “extremely conservative outlooks” of those who voted against the bill. According to Bekeshev, these deputies “sa[id] it [wa]s too soon to pass these kinds of laws. But we have had 20 years to deal with these problems, so I don’t agree” (Rickelton 2012). The twenty years in Bekeshev’s statement roughly indexes the duration of the independence period at the time of his assertion. What he and the other deputies appear to disagree on then is the relative “progress,” or “development” of the Kyrgyzstani state in that period. A stance on marital forms is the mode by which they debate Kyrgyzstan’s place on this timeline.

The horrific deaths of Aizada Kanatbekova and Burulai Turdaly Kyzy, two women abducted into marriage in recent high-profile cases, stirred massive public demonstration and outcry against bride abduction; this public force was part of what led to the 2021 amendments. The momentum and visibility of these protests have been part of a wider movement of women’s action, ranging from parliamentarians, like those discussed above, and members of feminist collectives that protested the proposed travel ban against women under twenty-two in 2016, or Bishkek Feminists Initiatives (Bishkekiskiye Feministskiye Initsiativy) to fashion designers like Zamira Moldosheva who held a fashion show using women who had been abducted into marriage as models and, most recently, pop singer Zere Asylbek who sings about discrimination and gender equality in her songs.

While the largest portion of women’s activist efforts to eradicate bride abduction are articulated in terms that foreground the protection and well-being of women, the tie between these and the future of Kyrgyzstan remains. This is most readily visible in the case of Zere Asylbek’s 2018 song and accompanying video, *Girl (Kyz)*, which stirred vociferous public debate. The lyrics of the pop song are a call to women to join her in a struggle for women’s freedom, equality, and independence. It was not the lyrics, however, but the video that ignited the heated discussion and criticism in Kyrgyzstan. Asylbek was highly criticized for the clothes she wore in it—a skirt paired not with a blouse, but rather only a purple bra visible, along with her torso, under an open blazer. Asylbek was condemned online for what she wore, receiving a slew of malign and violent comments and one death threat.

Kyz itself does not reference marriage, but in interviews about the song, video, and public uproar surrounding them, Asylbek indicated that she intended the song to raise awareness about issues related to discrimination, the most “radical” of which, she said, was bride abduction.¹³ After explaining what bride abduction is, Asylbek stated:

A couple of centuries back women had no rights at all. They couldn’t vote or make any decisions for themselves. It’s part of evolution but there are countries where the evolution is faster than others. I’m trying to make people understand that we need to accelerate this process in Kyrgyzstan.¹⁴

Asylbek's connection of bride abduction with women's emancipation and the evolution of Kyrgyzstan is clear, as is her own aim to drive Kyrgyzstan further along this path through the elimination of the practice and other forms of discrimination. Hers is perhaps the most blatant articulation of this kind of logic—in which marital practices like bride abduction and women's rights more generally are linked to ideas about the future. But it lies at the heart of many interventions that see bride abduction as a backward practice and its elimination as a way of moving forward into a “modern” or “developed” society.

Despite these forward glances and the ways that the alteration of marriage is tied to larger Kyrgyzstani society or even the Kyrgyz nation, efforts by women's activists have more predominately been focused on the immediate threat to women. In fact, their efforts have first and foremost been about women's well-being. While the language of human rights is used, they are also motivated by and primarily concerned with the direct violence against women at the moment of kidnap or marriage, as well as the long-term detriment these practices have on women's health, education, happiness, and employment.

The recent murders of Aizada Kanatbekova and Burulai Turdaly Kyzy, and the public outcry surrounding them, show an even sharper focus on the cessation of bride abduction for the immediate protection of women. There is a present-tense focus in these movements, including the articles and reports about them, which emphasizes the current need, and less the implications of, the future. This must stop, they cry out. But they contrast with many arguments and discussion of the last decade, which considered both women's current and future well-being, and how the two were connected to the current and future qualities and condition of the nation-state. It may be that the brutality of the murders, the growing fury over the absence of meaningful and sustained attempts to stop abduction, and the increased *public* outrage, has dissolved thoughts about future states and the development of the nation, focusing solely on the cessation of current brutalities.

International interventions into marriage

Like women's activists, the efforts to regulate marriage in Kyrgyzstan undertaken by development organizations, foreign individuals, and the wider international community living and working in Kyrgyzstan have focused on bride abduction and under-age marriage as the marital forms most in need of alteration. Early attention to bride kidnapping as an area of concern for the international community first came from a variety of foreign individuals also working in the country in 1990s. Journalists, Peace Corps volunteers and academics, present in Kyrgyzstan from its independence, raised the initial concern in the international community about

bride abduction. The first publications—academic pieces by US and British sociologists working with Kyrgyzstani academic partners—described the prevalence, persistence, and in some cases revival of bride abduction (for example, Kleinbach and Amsler 1999; Kleinbach, Ablezova, and Aitieva 2005). At the time, the practice was described by both Kyrgyz nationals and many foreigners as a (national) tradition (Kleinbach and Amsler 1999).

UN agencies working in Kyrgyzstan, in contrast, showed little concern with bride abduction until the 2010s. In fact, according to material found by Amsler and Kleinbach in 1999, the UNDP had sponsored a textbook, aimed at teaching English to students at Bishkek International School of Management and Business, which included a flattering portrayal of bride abduction (Kleinbach and Amsler 1999, 1). The first textual references in the documents of UN agencies operating in Kyrgyzstan that express unease about bride abduction appear in 1998. The first report on Kyrgyzstan delivered to the Committee on the Elimination of Discrimination against Women (CEDAW), for example, mentions bride abduction's illegality, the fine against it, and provides statistics on the number of women abducted into marriage for 1994 to 1997 (CEDAW/c/kgz/1). Bride kidnapping is briefly mentioned in a few different committee reports in the ensuing years,¹⁵ including in a discussion of a report submitted to CEDAW made in 2002.

As far as discriminatory traditions and customs are concerned, customs such as bride theft and polygamy existed *de facto* and continue to do so today without being subject to any serious legal prosecution. Every year, bride theft destroys the lives of many girls, stolen and compelled to marry against their will.¹⁶

Though only briefly discussed, and not yet really a substantial matter of concern, these documents do deploy an understanding of bride abduction consistent with those of other foreigners in the region at the time, namely that bride abduction was a tradition of “the Kyrgyz.” While the explicit aim of statements like these was to argue for the elimination of practices like bride abduction and polygamy, they likewise served as means for these foreign agencies to know—and hence imagine—the Kyrgyz. Moreover, they mapped temporality on to both practices discussed. Bride abduction and polygamy became discursively located in the past, with tradition, while the aim of development looked to the future, when the practices would be eliminated. This temporal indexing is not particular to interventions aimed at eliminating bride abduction; they lay at the heart of all development involvements as, Appadurai argues, “development is always seen in terms of the future—plans, hopes, goals, targets” while “tradition is opposed to newness” (2013, 180). Tradition and culture, through their diametric juxtaposition to development, in reports like these, becomes its temporal opposite—the past (Appadurai 2013, 180).

In 2004, bride abduction begins to take up slightly more space in CEDAW reports, and committee members and country representatives invited to respond to the reports' findings take more time to discuss the matter more than previously. Importantly, foreigners seated on the CEDAW committee also begin to shift the way they understand and target the practice as a site of intervention, even while Kyrgyzstanis continue to reinforce the idea of bride abduction as tradition. An exchange, found in the minutes of the meeting, between committee member Khan and a representative of Kyrgyzstan invited to respond to the report's findings, is telling in this regard:

36. Ms. Khan said that traditional practices such as bride theft and polygamy could not be regarded as part of culture. Both were criminal acts. Bride theft, which proceeded by way of abduction and rape, was a violation of women's rights under article 6 of the Convention, while polygamy violated women's equal right to enter into marriage. The State party should ensure that those issues were addressed under the relevant articles in all future reports.

43. Mr. Baialinov (Kyrgyzstan) ... With regard to the controversial issue of bride stealing, he said that that centuries-long custom had become mere play-acting, a ritual that involved the mutual consent of both parties. Although it might not be in keeping with modern times, it made no sense to criminalize the practice.¹⁷

The year 2004 thus marks the first shift in the rhetoric deployed by a UN agency concerning bride abduction. This happened concurrent with very similar changes in the way other foreigners approached the practice.

In 2004, political philosopher and film maker Petr Lom, then at Central European University in Budapest, produced a documentary about bride abduction in collaboration with a Kyrgyzstani citizen who served as a translator for the film. The film was shown internationally, and within the country itself, where it was screened at high schools. During these events, students' ideas about the practice were challenged when, during post-screening discussions, they were asked to share their opinions about whether they saw bride abduction as a "tradition" or a "crime." Present at one of these discussions in 2004, it was clear to me that the Kyrgyz woman leading the event was pushing the students to reclassify the practice from the former to the latter category, even as the students struggled to make this shift. Nearly twenty years later what remains intriguing about these screenings is that they mirror so closely the shift in how the practice was categorized in CEDAW committee discussions (see also Mukhamejan and Zhakypbekova 2021). However, while many foreigners and some nationals were attempting to reinterpret the practice with an eye to its elimination, most nationals—like the majority of students present at the event described above—continued to reinforce the practice as tradition, bolstering certain visions of "the Kyrgyz" in this dialectical process.

While increasingly more attention is paid to bride abduction in reports by the CEDAW and the Human Rights Council (HRC) over the ensuing years, it is only in 2013, however, that the discussion of forced or under-age marriage, including bride abduction, increases dramatically in documents dealing specifically with Kyrgyzstan. This sudden growth in attention was precipitated at least in part by a UN-wide focus on so-called “child marriage.” The first ever UN International Day of the Girl Child in 2012 and the inclusion of the eradication of child marriage into the UN’s Sustainable Development Goals in 2015 marked dramatic turns in the attention given to these topics globally, across a wide swath of UN agencies (Murdie et al. 2019). For the period of 2010 to 2017, there were “over twice as many UN documents contain[ing] the words ‘child marriage’ than all the UN documents from 1945 to the end of 2009” (Murdie et al. 2019, 19).

The impulse has only increased with the 2017 “Spotlight” Initiative, a UN program jointly chaired by the United Nations Deputy Secretary-General and the European Union High Representative for Foreign Affairs, and financially supported by the European Union (EU). The program presents itself as “the world’s largest targeted effort to end all forms of violence against women and girls.”¹⁸ In Kyrgyzstan, Spotlight programs target, among other issues, forced and early marriage, including bride abduction. The recent attention in Kyrgyzstan to early and forced marriage by UN agencies like UNWomen, the UNDP, the HRC, or CEDAW has thus been part of a global push to address these practices and to in-country initiatives that started approximately a decade prior.

Since the early discussions in the 2000s, the discourse around bride abduction has continued to wrestle with the notion of bride abduction as tradition. Discussions have shifted, especially among international organizations, like the various UN bodies operating in country. Realizing the resistance stirred by a perceived attack on Kyrgyz “culture,” as well as the rhetorical weight of arguments defending the practice framed in these terms, these actors have shied away from explicitly discussing bride abduction as part of culture or tradition and have instead focused attention on it as a crime—defined both with reference to Kyrgyzstani law but also to international conventions—violence, and a breach of human rights. In some contemporary texts by the UNDP, for example, there are explicit references to the fact that bride abduction is not part of Kyrgyz culture.

Child and/or forced marriage is a fundamental violation of human rights with far-reaching consequences not only to the individuals directly involved but to the well-being of the entire society. Practices such as bride kidnapping, forced marriage or Ala-Kachuu do not belong to the culture and tradition of Kyrgyzstan but are a violation of the human rights.¹⁹

Nonetheless, despite these changes, the logics of bride abduction as culture or tradition remain, and not only as a defense strategy by those nationals who would protect the practice from foreign intervention. Speaking about under-age marriage in a 2015 Eurasianet post,

Elisabeth da Costa, regional representative for the UN's High Commissioner for Human Rights, said that "the rise in unregistered marriages is symptomatic of a return to traditional values brought on by the socio-economic hardships in Kyrgyzstan." The difficulties have been exacerbated by the massive migration of Kyrgyzstanis to Russia in search of work. "As a result, traditional values, often along patriarchal lines, took over," da Costa explained. (Tursunov 2015)

Bride abduction continues to function as a practice by which the Kyrgyz become defined by foreigners and nationals.

Nevertheless, the majority of publications put out by UN agencies on early and forced marriage in Kyrgyzstan since 2004—whether official reports, textbooks, press releases, or other Internet-based publications—discuss bride abduction primarily in reference to violence or a breach of human rights. The focus is on the individual harm done, though some texts make the link to broader social impacts on society. The quote from the UNDP above reveals the associations made between the respect of individual rights and the well-being of society. Still, there is no explicit discussion of the future in most texts from UN agencies about bride abduction. The link between human rights, development, and the future is subtle and plays upon particular histories and ideas imbedded in the multivocal term "human rights."

In its contemporary usage the idea of human rights is implicitly future oriented. As Moyn argues, "The phrase [*human rights*] implies an agenda for improving the world, and bringing about a new one in which the dignity of each individual will enjoy secure international protection" (2012, 1). The notion of human rights developed in tandem with the United Nations and the idea of international development. The language of human rights is written in the UN Charter and the Declaration of Human Rights was passed by the UN General Assembly in 1948, just a few years after its founding in 1945. Eventually, as Moyn demonstrates, human rights became an integral part of development programs in which "international agencies as well as state and private actors ... have devised schemes of development in which honoring human rights is conceived as both the means and the end" (Moyn 2012, 224). The program of human rights is bound up with programs of transformation in which critique of existing conditions in a country are made—in this case the harm and discrimination of women through bride abduction in Kyrgyzstan—and new visions, and the programs to reach them, are offered and enacted.

Despite the absence of overt references that tie the protection of women and their human rights to development and progress in reports by UN agencies like CEDAW, press releases by the agencies in Kyrgyzstan leading local initiatives against bride abduction are more explicit. In a February 20, 2022 Internet press release about the “ongoing fight against child marriage and ‘bride kidnapping’ in Kyrgyzstan,” featured on the websites of both UN News and UN Geneva, an unnamed author describes recent efforts aimed at combating the practice and discusses a current decline in the “number of early marriages.”²⁰ The press release, which describes and discusses bride abduction for an uninformed audience, focuses on the story of Aigerim Almanbetova, author of a blog called “A Girl’s Dream.”

The press release introduces Almanbetova as someone who “belongs to the modern generation of Kyrgyz women who are trying to understand the situation in which many of her peers find themselves.” It concludes with the following:

For empowered women such as Ms. Almanbetova, this [the aims of Spotlight program²¹] is the right direction in which Kyrgyzstan should be travelling: “I am not against starting a family and I dream about it in the future. But the approach must be primarily the desire of the girl herself, and not her parents.” “The times when a woman is treated as a second-class person must be a thing of the past. This has become a serious brake on the development of our society.”

While the words in the quote are those of Almanbetova, the article is written by “the UN”—no agency or author is specified—making the inclusion and positioning of this quote (at the close of the article) part of the narrative and argument put forth by the organization. The implications of this citation and the uses of the descriptor “modern generation of Kyrgyz women” is clear: those who fight against bride abduction are modern, and its eradication is about the development of the country. Both temporally index a Kyrgyzstan without bride abduction as in the future and make the argument that its eradication is, among other things, about working towards that end.²²

Interventions aimed at eradicating bride abduction undertaken by UN agencies operating in Kyrgyzstan, have been, and continue to be, animated, in part, by a desire to protect women. At the same time, they have also been a means through which the Kyrgyz have become known to and imagined by the international community; the continued focus re-creates and reinforces this knowledge and imagination of the Kyrgyz. It also contains temporal orientations. The Kyrgyz become, among other things, those who (*still*) kidnap brides, even if the way this is understood has shifted from those who abduct because of culture to those who have failed to eliminate a crime. Eliminating bride abduction, beyond securing the safety, well-being, and rights of abducted women, likewise signals a future goal

for the development workers and those with whom they partner. It indicates a step in the nation-state's "progress" towards the unspecified future condition when "development" is finally reached. The temporality of these efforts in Kyrgyzstan are decidedly forward-looking.

Conclusion

The debates over marriage articulate broader anxieties about and designs for the (nation-) state and its citizens, just as they reveal the work political actors do to resolve these broader apprehensions and to bring about their futural visions for the nation. Debating and regulating marriage in contemporary Kyrgyzstan, in addition to its concern over women, is about imaging and forming the nation—an inherently gendered project that is not solely the purview of citizens or nationalists.

The nation—both its imagination but also attempts to secure it through the regulation of institutions like marriage—emerges from complex dialog of national and international actors who act to stabilize and regulate it. Unsurprisingly, given the genealogies of contemporary global development, these processes mimic colonial era ones. United Nations' workers and nationalists dialectically produced "the Kyrgyz" through the evaluation of the treatment of women in practices marked "tradition" or "culture" just as colonial administrators and emerging nationalist leaders did in "civilizing missions" a century before them.²³ Women, nation, and relative development are bound together densely and durably, animating logics that though malleable, remain recognizable and doggedly persistent. Discussions about marital practices in Kyrgyzstan, whether those involved are international development workers, nationalists, or women's activists, are rooted in these logics today.

Marriage in contemporary Kyrgyzstan is a site upon which the (gendered) nation is imagined and a regulated (gendered) practice that political actors envisage they can manipulate. These political visions and machinations are temporally focused. Forward-looking at heart, they intended to provoke a desired future for the nation-state. While attempts to regulate women's sexual and marital behavior do target current forms, they ultimately seek to either stabilize or transform these behaviors in the future. Nationalists aim to create a durable and pure nation for generations to come. International development workers and many Kyrgyzstani women's activists in many ways seek the elimination of "tradition" through its reclassification as a crime, a move that would propel the nation-state closer to the illusive status of "developed" or "modern."

The imagined community of the nation is legitimate because of its history. Its sense of having-always-been is a source of its power, inculcated through traditions and appeals to the past. Yet futural orientations too strengthen the legitimacy

and potency of political projects, creating visions of the nation that extend this historical sense of “always” forward into the future. The nation is made and known in the future just as it is in the past. Moreover, the authority, authenticity, and sway of political projects, whether they be articulated by nationalists, international development agencies, or actors in women’s or queer movements, emerges, in part, through their ability to conjure up desirable futures and to show a credible path to reach them.

Despite the importance of both the past and the future in national political projects, recent debates over and aims to regulate marriage in Kyrgyzstan reveal other pressing qualities. In current interventions undertaken by women’s and queer movements to stop bride abduction, along with the efforts of the families of some of the brutalized young women, women’s well-being alone has emerged as the aim of their endeavors. Moreover, while women’s future welfare is of concern, their protection against violence now is the primary goal, revealing a present focused temporal positioning. These changes mark an important recent shift in debates about marriage in Kyrgyzstan.

Notes

- ¹ Thank you to Malika Bahovadinova, Shakhrbanu Bagheri, Artemy Kalinovsky, Davlatbegim Mamadshoeva, Annelies Moors, and Eva Rogaar for comments on this chapter. This chapter was supported by the European Research Council Project “Problematizing ‘Muslim Marriages’: Ambiguities and Contestations,” 2013-AdG-324180 and by the European Research Council Project “Building a Better Tomorrow: Development Knowledge and Practice in Central Asia and Beyond, 1970-2017.”
- ² *Nike* (Arabic *nikah*) is a marriage ceremony concluded between Muslims, often referred to as a religious marriage.
- ³ In this chapter when I speak of bride abduction, I refer only to nonconsensual bride abduction in which minimally, the young woman does not agree to the marriage. Consent in bride abduction is a complex matter, see Cynthia Werner’s excellent work on the topic (2004). I also discuss bride abduction as a marital practice. There are two issues with this nomenclature. First, technically, bride abduction is a means of finding and securing a marital partner. The marriage is not concluded through the abduction but later through a *nike* or a civil ceremony. Second, by referring to nonconsensual bride abduction as a marital practice, or a means of finding and securing a marital partner, rather than as a crime, an act of violence or a violation of human rights, I grant a semblance of legitimacy to the practice. I find it necessary to use the language of “marital practice” for the purposes of this chapter, even as I am aware of, uncomfortable with, and displeased by the work my categorization may inadvertently do.
- ⁴ I adopt Bryant and Knight’s concept of orientations in this paper (2019, 1–20) but attend to other affects involved in futural orientation, notably those often experienced as unpleasant, troubling, or unwanted like anxiety (cf. Baas et al. 2020).

- ⁵ When the union dissolved in 1991, the population was only 52 percent Kyrgyz, with Russians and Uzbeks the most significant ethnic minorities (Khamidov and Marat 2011). Today the population of Kyrgyz is approximately 74 percent (National Statistical Committee of the Kyrgyz Republic, <http://www.stat.kg/en/opendata/category/312/>).
- ⁶ The ethnicized violence of 2010 articulated a particular threat to the position and safety of the Kyrgyz vis-à-vis Uzbeks.
- ⁷ <https://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS?locations=KG> last accessed on July 15, 2022. In 2010, there were an estimated 800,000 Kyrgyz that had left for Russia and Kazakhstan from 2004 to 2008 (International Crisis Group 2010). The population of Kyrgyzstan in 2010 was approximately 5.4 million people. In 2016, other sources indicated from 320,000 to 700,000 migrant workers for the years 2010 to 2015. The later figures indicate 13 percent to 28.4 percent of the economically active population (Ryazantsev 2016). For a nuanced reading about how anxieties surrounding migration combine with an appreciation for its economic benefits, leading to a rather ambiguous orientation towards migration, see Isabaeva (2011).
- ⁸ Kasymalieva went on to become a member of parliament, rising to vice-speaker of the house. During her tenure, domestic violence, child marriage, and bride abduction were central to her agenda. In 2022 she became Kyrgyzstan's ambassador to the United Nations.
- ⁹ On LGBTQ movements, and threats against LGBTQ people, see Suyarkulova (2019). On women as keepers of hearth and home see Ismailbekova (2016).
- ¹⁰ On gendered nationalism in Kyrgyzstan and its expression in clothing see Suyarkulova (2016).
- ¹¹ R 2016-Jyldyn 17-Noyabryndagy No. 179 Myyzamynyn redaktsiyasy (KR Amendment Number 179, 17 November 2016).
- ¹² Jazyk kodeksi 172 (Criminal Code Article 172).
- ¹³ Interview with Euronews <https://www.youtube.com/watch?v=oGChUxdJmHg>. Last accessed May 2, 2022.
- ¹⁴ Translation from Russian provided by Euronews.
- ¹⁵ For example, E/C.12/4/Add.49 and E/C.12/2000/21.
- ¹⁶ 2002 CEDAW report (CEDAW/c/kgz/2), October 7, 2002, "Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women," second periodic reports of States parties, Kyrgyzstan, p. 25.
- ¹⁷ CEDAW/C/SR.632.
- ¹⁸ <https://www.spotlightinitiative.org/what-we-do>.
- ¹⁹ UNDP statement on bride kidnapping, child, and early marriage, UNDP Kyrgyz Republic. <https://www.kg.undp.org/content/kyrgyzstan/en/home/presscenter/speeches/2018/un-statement-on-bride-kidnapping-child-and-early-marriage.html>. Last accessed May 29, 2022.
- ²⁰ <https://news.un.org/en/story/2022/02/1111902> and <https://www.ungeneva.org/en/news-media/news/2022/02/ongoing-fight-against-child-marriage-and-bride-kidnapping-kyrgyzstan>.
- ²¹ These aims are outlined in the preceding sentence, which reads, "The program includes a set of measures in the field of policy and law-making: strengthening institutions, preventing violence, providing services to victims of violence, collecting quality data, and supporting the women's movement and civil society."
- ²² It also creates an undifferentiated, monolithic "UN" that supports local initiatives like these. In doing so, it likewise legitimates its own efforts and positions as also held by "locals," which aides defense of criticism that would see the UN and its programs as foreign and imposed.
- ²³ On these practices in the colonial era broadly see Chatterjee (1989) and Baron (2005); on a similar process in early Soviet Central Asia see Northrop (2016) and Hirsch (1998).

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Problematizing Early Marriages: Development Narratives and Refugee Experiences in Jordan

Dina Zbeidy

Introduction

Since at least the 1990s Jordanian activists have been lobbying for an increase in the minimum marriage age and legal reform to limit the practice of “early marriage” in the country.¹ Until 2001 the Jordanian Personal Status Law set the minimum marriage age at fifteen for girls and sixteen for boys. Pressure for legal reform increased throughout the 1990s as more Jordanian rights groups and (inter) national development organizations were established in the era of liberalization that the king initiated. In 2001 the legal marriage age was raised to eighteen for both men and women. The lobby for legal reform continued, however, as the law still allowed for exceptions, according to which girls could marry at the age of fifteen with the special permission of a judge.²

More recently, the topic gained increased attention with the arrival of Syrian refugees in Jordan since 2012. Stories spread on media platforms and among organizations about underage Syrian refugee girls married off by their parents, often to wealthy older men from the Gulf countries, in exchange for financial compensation, or to safeguard the daughter’s honor and safety. These stories draw a direct link between displacement and an increase in early marriages, and focus on these marriages’ negative impact on girls’ lives.

Both Jordanian and international development organizations are concerned with early marriage and design intervention campaigns toward its prevention. Projects aim to tackle early marriages by lobbying for legal reform of the Personal Status Law, and conducting awareness campaigns with youth, families, and community leaders. These campaigns and projects take place in Jordanian cities, Palestinian refugee camps, rural areas, and in the last decade in Syrian refugee camps. Most of the financial support for these projects comes from foreign embassies and international and inter-governmental agencies, many of which are

active in international alliances that consider early marriage a global problem. Nevertheless, marriages involving partners under the age of eighteen still occur; these marriages are viewed by international non-governmental organizations (INGOs) and activists as problems in need of rectification.

In this chapter I analyze the problematization of early marriages among development organizations in Jordan, with a focus on refugee communities. While Syrian refugees have drawn recent attention, Palestinian refugees, who have been in Jordan for more than seven decades, are likewise targeted in development campaigns. I investigate how development organizations' narratives on early marriages overlap with or diverge from the discourses and experiences of these marriages among refugees in Jordan. Moreover, I provide a critical analysis of organizations' narratives on, and interventions aimed at, refugees and early marriages.

I do so first by analyzing two key documents published by UNICEF and Save the Children in 2014 and trace how these documents produce a specific development narrative, one that argues that displacement in combination with poverty and cultural traditions lead to early marriages of which young refugee girls are the victims. Then, using ethnographic material, I complicate this narrative and show aspects of marriage discourses and experiences that remain concealed in this framing of early marriage. I build on Gilson (2016) to argue that the narrative that is produced in these reports is reductive, for three main reasons. First, the narrative promotes a direct and clear causal link between displacement and tradition on the one hand, and oppressive marriage practices on the other, of which young refugee girls are the victims. It ignores the ambiguous, differential, and complex ways in which both displacement and cultural norms might influence marriage practices and refugee lives more broadly. Second, this narrative produces a gendered understanding of vulnerability that manifests itself as a fixed condition, a character trait, of specific persons or groups—in this case refugee girls. Finally, in this understanding of vulnerability, victimhood emerges as a totalizing condition of weakness and passivity that is incompatible with any form of agency.

Against this reductive logic, I demonstrate that while refugee families live in precarious conditions and face various hardships due to their displacement and its aftermath, refugee girls nonetheless consider themselves active participants in their marriages. In addition, I show that refugee residents of Amman problematize early marriages differently from the development organizations, as they focus on the character of the groom and the existence of mutual understanding as the most important elements of a desirable marriage, that may—or may not—be impacted by age. I also show that the particular framing of early marriages in the development narrative has practical consequences on policymaking, as proposed interventions remain limited, small-scale, depoliticized, and often irrelevant to the daily realities of refugees in Jordan.

This chapter is based on ethnographic research in Wihdat Refugee Camp in Amman.³ Set up in 1955 by the *United Nations Relief and Works Agency* for Palestine Refugees in the Near East (UNRWA) to house Palestinian refugees, Wihdat camp also houses a few Iraqi families, migrants from Egypt and Bangladesh, some Jordanian families, and more recently also Syrian refugees. Research was conducted for ten and a half months during 2016, with a short follow-up research conducted in 2018. I conducted seventy-nine individual interviews and had many more informal conversations with Syrian and Palestinian refugees in addition to employees of local and international organizations.

Palestinian and Syrian refugees in Jordan

Jordan has a long and complicated history with its refugee residents. The largest refugee group in Jordan is the Palestinian. The majority are second-, third-, and fourth-generation refugees descended from Palestinian families who were displaced either in the aftermath of the 1948 War and the creation of the State of Israel, or the 1967 Six-Day War. Since 2012 Jordan has additionally been receiving Syrian refugees, who currently form an estimated 10 percent of the local population. Since 2012, many Syrians have moved to Palestinian camps, one of which is the field site of this research.

Estimates put the number of Palestinian-Jordanians in Jordan at approximately three million of a total population of about ten million.⁴ There are ten officially recognized Palestinian refugee camps in Jordan (and three unofficial camps) in which one-third of the refugees live. The rest live in other mainly urban areas.

The first Palestinian refugees arrived in Jordan after the 1948 War and the creation of the State of Israel. Palestinian refugees who were exiled to Jordan received Jordanian citizenship in addition to being registered with the UNRWA as refugees (De Bel-Air 2012, 6). When Jordan officially annexed the West Bank to its national territory in 1952, it granted citizenship to the residents of this area as well. After the Six-Day War in 1967 more Palestinians arrived in Jordan from the territories newly occupied by Israel, including the Gaza Strip. Many of these Palestinians, referred to as “Gazans,” were doubly displaced, as they originally came from areas occupied in 1948 and had been living in Gaza as refugees. Gazans were denied Jordanian citizenship, and the rights stemming from it, and are legally stateless.⁵ Categorized in Jordan as legal foreign residents, they must renew their residency every three years (Pérez 2010, 1034).

Official Jordanian discourse justifies not providing Gazans with citizenship by arguing that it would endanger their right to return to Palestine (Pérez 2010). This argument is bolstered by Israeli statements that often refer to Jordan as the state

for the Palestinians as an excuse to maintain their settlements in and occupation of Palestinian territories. Palestinians' right of return, however, is guaranteed in international law and is not revoked when becoming a citizen of another state.⁶ By refusing Gazans the basic rights they are entitled to as stateless people as well as denying them Jordanian citizenship, Jordan exposes them to structural violence whose consequence is, as Pérez compellingly argues, "the social and economic impoverishment of an entire class of people as stateless refugees" (Pérez 2016, 2).⁷ Most Gazans lack access to public services, and can neither own property nor open a bank account.⁸

Syrian refugees have a much more recent history in Jordan and are in many respects in a different social and political position to the Palestinians. The official count of Syrians in Jordan according to the UNHCR is 672,952⁹ (Operational Portal Refugee Situations n.d.). A more accurate estimation would be about one million Syrian residents (Tobin 2018, 225)

Following a popular uprising in 2011 that turned into a brutal civil war, Syrians fleeing the war started arriving in Jordan. The Jordanian government and international organizations set up Za'atari camp in 2012 in the north of Jordan on its border with Syria to house the influx of Syrian refugees. In the first years of the Syrian conflict, Syrians were allowed into Jordan according to its Law of Residency and Foreigners' Affairs. Syrians could cross the border using their passport only and did not need a visa or residency permit (Achilli 2015, 3). Jordan, however, established a "guarantor" system, ultimately trapping Syrians in the camp unless a Jordanian citizen "bailed them out" and took responsibility for them. During the following years four other official camps for Syrians were set up in addition to numerous unofficial settlements. Jordan has attempted to keep Syrians within the borders of the camps but more than two-thirds of the Syrians in Jordan live outside of them in urban and rural areas.

While the Jordanian government has granted most legally residing Syrians access to health and education facilities, humanitarian assistance and temporary protection is granted by the UNHCR. Syrians often rely heavily on the various humanitarian and charity organizations for economic assistance and daily needs. Jordan has been trying to limit the number of Syrian refugees in the country either by refusing their entrance or through refoulement (Achilli 2015, 4).¹⁰ As a result, many Syrians have started entering Jordan illegally. In further efforts, Jordan stopped issuing work permits for Syrians in 2013, and penalized local businesses that employ Syrians illegally (Davis and Taylor 2013, 11). While Jordan cancelled the bail out system in 2015, it instructed the UNHCR, which issues the Asylum Seeker Certificates (ASCs) that provide refugees with residency rights and access to services, to stop issuing the cards to Syrians who left the camps without the necessary and correct "bail out" documents (Achilli 2015, 5).

Narratives and interventions of development organizations

During my research into marriage among Syrian and Palestinian refugees in Jordan, two documents were in wide circulation—a UNICEF study titled *A Study on Early Marriage in Jordan* (2014) (fig. 1), and a briefing by Save the Children titled *Too Young to Wed: The Growing Problem of Child Marriage among Syrian Girls in Jordan* (2014) (fig. 2).

The UNICEF report is one of the first in-depth studies on early marriages in Jordan, with its findings cited and used by other local and international organizations. It provides a nationwide statistical analysis of marriages, divorces, and spousal age gaps in Jordan for the years 2005 to 2014 involving spouses aged fifteen to seventeen.¹¹ The report is mainly based on primary sources, and includes qualitative research based on interviews and focus group discussions with families and community figures. It explains the factors contributing to—and the impacts of—early marriages. The forty-four pages discuss early marriages among four groups: Jordanians, Palestinian refugees, Syrian refugees, and Iraqi refugees.

The Save the Children report, on the other hand, focuses specifically on early marriages among Syrian refugees in Jordan. While some of its findings are based

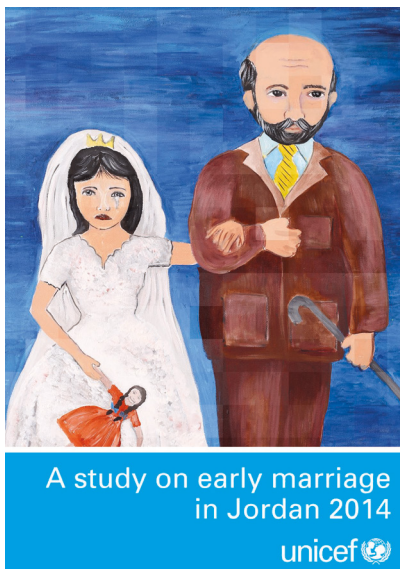


Fig. 1. Cover page of the UNICEF study *A Study on Early Marriage in Jordan 2014*.



Fig. 2. Cover page of the Save the Children briefing *Too Young to Wed: The Growing Problem of Child Marriage among Syrian Girls in Jordan* (2014)

on interviews by Save the Children staff, most presented data is secondary and comes from the aforementioned UNICEF report, in addition to other assessments and reports published by the United Nations (UN) and other development organizations.¹² It is a much shorter document—twelve pages—and focuses on the reasons and impacts of early marriage, in addition to providing key strategies for preventing early marriages and reducing their risks.

The cover choice of the UNICEF report is a drawing made by a “refugee youth as part of a UNICEF-supported psycho-social support program of the International Medical Corps in Za’atari refugee camp” (fig. 1). The cover portrays a young girl holding a doll, with a tear rolling down her cheek. She is holding the arm of an old man, who most probably represents her husband. The drawing is made by a refugee girl herself during a workshop. Supposed proof of the fears of these young girls, it portrays the loss of childhood through marriage to elderly men against the girls’ will, the exact narrative that the report is promoting.

The cover of the Save the Children document (fig. 2) includes a short, to-the-point quote, with a story that mimics the image of UNICEF’s:

Maha is just 13 years old, but she’s already married. Her husband is ten years older than her. “I didn’t want to get married. I wanted to finish my studies and become a doctor. But my parents forced me to marry. My father was worried of sexual harassment here... I am pregnant now. [The foetus] is very weak because I’m so young and my body isn’t ready.” (Save the Children 2014, cover page)

This short quote is a good example of the central elements of the development narrative on early marriage. First, Maha refers to her marriage as forced on her. Whether implicitly or explicitly stated, early marriages are equated in the reports with forced marriages. Maha’s marriage in this quote is attributed to her father’s fear of sexual harassment, a worry that in the reports emerges as a result of living in dense refugee camps and other insecure living conditions stemming from displacement. Early marriage is explained as the main remedy parents (mainly fathers) find to safeguard their daughters and prevent sexual harassment, indicating a causality between displacement’s insecure conditions and early marriage enforced by fathers. This mirrors a more general assumption in humanitarian and development work that crisis and displacement lead to social disintegration and moral chaos, which in turn leads refugee men to perpetrate sexual and gender-based violence (Turner 2017). According to Turner, the generalizing assumption “about causalities between displacement, masculinity and violence” obscures “other ways in which male refugees react to camp life” (2017, 50). In the development narrative on early marriage, the impact of displacement on fathers seems to be limited to forcing marriage on their young daughters.

Additionally, the document draws on extreme cases in which the brides are often in their early teens, such as Maha who is listed as being thirteen years old. Without learning much about the husband, the only information the reader receives is the fact that the husband is ten years older than thirteen-year-old Maha. The emphasis on the bride's young age and the large age gap between the spouses is central to this narrative.

Lastly, as shown by the quote of Maha, early marriages are problematized because of their perceived impact on girls' lives mainly in the areas of education and health. The UNICEF report states that girls who marry are less likely to complete their high-school or higher education (2014, 29–30). Instead of being denied a childhood through marriage, girls are supposed to defer marriage and having children until they have completed their school and/or higher education. As Maha implies, it was due to her marriage that she was unable to continue her education and become a doctor. Whether it would be possible for her to continue her education, regardless of marriage, within the limiting Jordanian educational infrastructure, is left unquestioned.

UNICEF explains the negative consequences of early marriage on health by stating that early pregnancies have a negative impact on the young mother's overall health (2014, 29–30). Save the Children's report uses a more loaded and dramatized terminology. Under the subtitle "girls forced to marry older men," it argues that the large age gap leads to more risks of abuse, violence, and exploitation (2014, 6). An urgency is detected in the title "The Deadly Risks of Child Pregnancy" (2014, 8), stating that stillbirth and new-born death rates are higher among young mothers and that girls' health faces "devastating consequences" because of sexual activity at such a young age. Early marriage can also lead to physical and mental health issues.

As for the factors contributing to early marriage, both the UNICEF and Save the Children's reports explain early marriage among refugees as resulting from a combination of displacement, poverty, and tradition. UNICEF summarizes the contributing factors to early marriages to be: "poverty; the need to provide *sutra*;¹³ long-established tradition; and the practice of having large families" (2014, 26). Similarly, under the section titled "Why are more girls being forced to marry?" the Save the Children report argues that an increase of early marriage under conditions of displacement is connected to gender inequality, and protection from sexual violence and other hardships "exacerbated by the conflict," that are "often intimately linked to traditional gender roles" (2014, 4). Another factor stated is "poverty and unemployment" (2014, 5).

UNICEF acknowledges that most respondents they interviewed for the report agreed on the same factors that led them to decide on an early marriage, with some respondents emphasizing particular aspects over others (2014, 26). Yet these differences were smoothed over in the report and a homogenous narrative about

decisions regarding early marriage was crafted instead. Both reports promote a unidirectional equation in which structural conditions—specifically displacement and poverty—combined with conservative cultural norms—lead to forced early marriages of vulnerable, young girls.

Displacement features mainly as leading to a sense of insecurity. According to the UNICEF report, for Syrian refugees, “experiences of armed conflict and displacement were reportedly generating additional incentives for early marriages” (2014, 27). Among these incentives, the report indicates that marriage is understood to protect girls against rape and harassment in refugee camps, enable entry into Jordan, secure sponsorship to be bailed out of Za’atari camp, and secure better future prospects for the bride and her family (2014, 27).

Another way in which displacement impacts marriage practices and is only sporadically mentioned in the two reports is the legal rights of refugees in their host country. The UNICEF report pays attention to the lack of citizenship among Gazan Palestinian residents (a consequence of their refugee predicament), and its impact on marriage. The study found that in Jerash camp, unofficially known as Gaza Camp as most residents are displaced from the Gaza Strip, there was a higher acceptance of early marriages (UNICEF 2014, 27). The explanation indicates that “marriage to a Jordanian spouse also brings a girl Jordanian nationality, with greater rights and opportunities for her and, by extension, for her parents’ family as well” (2014, 27). The report does not provide any details on the impact of lacking a Jordanian nationality on refugees’ lives, or how possessing it might help the bride or her family beyond the general statement that it provides “greater rights and opportunities.” The report mentions conflict and displacement as contributing factors in early marriage, to then relegate them to background information instead of seriously engaging with these structural conditions’ role in marriages and refugee lives more generally, or as possible intervention areas.

The development narrative in both reports is illustrated and supported with the use of direct quotes similar to Maha’s. The UNICEF report includes quotes from young brides, their parents, social workers, and religious figures in the six pages dedicated to the qualitative analysis. *Save the Children* includes quotes on most of their twelve pages. These direct testimonial-like quotes function as proof, as eyewitness accounts the reader is exposed to when learning about the “victims” of early marriages in Jordan.

These testimonials, however, simultaneously decontextualize women’s marriage stories, experiences, and reflections. As a result, the use of these quotes removes any complexity and ambiguity.¹⁴ Problematizations, explaining certain phenomena or practices as a problem, “necessarily reduce complexity” because they simplify a range of factors in order to present an issue as a specific kind of problem (Bacchi 2009, xii). This simplification of early marriages is also evident in

the quotes featured in the two reports. Some of these quotes mention the multi-faceted impact of living in displacement and the pressures families face. Even then, however, the presented effect of these conditions remains simplified: the authors draw a direct causal link between the difficult conditions of displacement and the victimization of young girls.

In addition to explaining the factors and consequences of early marriages in a simplistic manner, the reports also produce a specific narrative on vulnerability that is intimately linked with victimhood. Humanitarian discourses, especially those that are aimed at generating international support and funding, produce the image of the proper and authentic victim who is able to elicit compassion (Feldman 2015; Redfield 2012; Fassin 2011; Johnson 2011). This has led to the feminization of beneficiaries of humanitarian interventions. Women and children are more easily identified as proper victims than men, as they are considered inherently vulnerable and in need of aid (Feldman 2015; Turner 2015, 2017). By identifying vulnerability as a character trait of women—especially young women and girls—they can attain the status of victims in need, and therefore deserving of relief. One central characteristic of the victim is that she is passive and has no agency or control over her own life. The coupling of a gendered understanding of vulnerability with passivity is evident in the reports discussed here.

Moreover, as Cabot argues for the case of refugees more generally, representing refugees as “vulnerable and tragic figures” silences them “as active and critical subjects” (Cabot 2016, 648). In the UNICEF and Save the Children reports a similar process is at work. The reader does not learn much about how and why refugee girls might have consented to a marriage, their critical reflections on such marriages, the reflections and roles of their parents beyond the enforcing father and powerless mother, or the complexities of refugee positionalities and experiences. Aspects that do not neatly conform to this narrative or complicate them are left unmentioned.

Cultural explanations and missing men

The development narrative explains the causes of early marriage to lie in a combination of displacement, poverty, and traditions that are rooted in specific local cultures. The UNICEF report emphasizes that marriage is culturally considered an achievement, as unmarried women are socially stigmatized (UNICEF 2014, 26).¹⁵ It also states that *sutra*, the need to maintain the girl and her family’s good reputation and secure the girl’s future, is an often-mentioned factor respondents gave when explaining their decision to marry off their underage daughters. Save the Children adds that while “child marriage is often arranged in order to ‘protect’ girls, this motivation is often intimately linked to traditional gender roles and inequalities,

where a girl's value is largely determined by her upholding family honour, producing children and remaining within the home" (2014, 4–5). Another motivation for early marriage mentioned is the need to restore family "honour" after rape (quotations in original) (2014, 5). The focus of this narrative is on cultural norms and values as negative and oppressive to women and girls. It adds to an already existing dichotomous understanding of vulnerability in which women are passive victims and men are their oppressors. The narrative also produces a reductive link in which culture is understood to motivate action in a simple, mechanistic way.

In the development narrative, culture is mainly equated with patriarchy, in which oppressive men are driven to harmful practices against women. Husbands are mainly included in the development narrative to indicate a significant age gap between them and their wife, or when they are abusive. Fathers are included when they are the ones enforcing an early marriage. These elements are an important part of the visual and textual representations of these marriages. While the reader learns about the hopes and dreams of the young women, the reader stays in the dark as to who the husbands are. Men are hardly featured as "sons, lovers, husbands, fathers—with whom women might have shared interests and concerns, let alone love and cherish" (Cornwall 2000, 18–19). One might indeed conclude that in this early marriage narrative, the character and personality of the groom is irrelevant. The young age of the bride in itself is what marks an early marriage as undesired and problematic, regardless of the husband. Nevertheless, to many refugees the character of the man was central to discussions on desirable and undesirable marriages.

Limited Interventions

Development organizations frame early marriages among refugees as a problem resulting from displacement and poverty combined with cultural norms, which have a negative impact on the brides' health and education. Structural elements are relegated to context, and the focus is put on the presumed lack of awareness of refugee communities as the main site for intervention. This is most visible in the recommendations section of the reports, which focuses on two components: awareness raising, and poverty and education.

Toward the end of the Save the Children report, under the heading "A Different Future is Possible for Syria's Children" (2014, 9), there is a short story that seems to illustrate the importance of the organization's work and how it has played a role in preventing early marriage through raising awareness. A direct quote describes a Syrian mother with a disabled husband who participated in an awareness-raising workshop. She had decided to marry her daughter to the neighbor's son, because she was afraid that in the absence of a physically capable father, her daughter

would not be safe. After following the workshop, however, the mother reported having changed her mind as she had learned about the dangers of early marriage. The report moves on to explain that the mother had decided her daughter “won’t get married unless a gentleman proposes to her, and when she’s at least 22 years old” (2014, 9). The rhetoric of Save the Children is that only with its intervention will parents and children learn of the negative consequences of an early marriage and change their minds. In this narrative, young female victims can escape local traditions and the violation of their rights by being empowered through the work of the organizations, and through a change in the beliefs and practices of the communities involved.

The majority of the recommendations in the UNICEF report focus on advocacy campaigns to raise public awareness, like the one described in the vignette. The “awareness” that needs to be raised addresses the negative impact of early marriages on education and health, the legal requirements of marriage in Jordan, the importance of education, and awareness of the services and support systems available for girls at risk of, or in, early marriages (UNICEF 2014, 33–34). Raising awareness as the main solution to early marriages locates most of the responsibility for change among the girls and their families.

While the recommendations regarding poverty and education do not as directly lay the burden of change on those involved in concluding early marriages, it does similarly fail to highlight structural causes and changes. Both reports accentuate poverty and a lack of education as areas ripe for intervention. Recommendations in these fields vary from the very vague to the very specific, but they all refrain from discussing larger economic and political reform that might impact refugee marriage practices and lives more broadly. On poverty, the UNICEF report calls for further research into the link between early marriage and poverty. Without explaining concrete steps, it argues for the need to design programs that will “reduce the likelihood that families will feel the need to resort to child marriage as a response to socio-economic pressures” (2014, 34). As such, UNICEF does not directly call for interventions for the alleviation of poverty, but for ensuring that early marriage is not used as a remedy for such a situation. Save the Children, on the other hand, gives more concrete advice, as it suggests providing families with financial incentives, loans, or income-generating skills and education to combat the practice (2014, 9).¹⁶ It recommends localized and small-scale interventions that alleviate financial pressures families face, and in turn prevent early marriages.

When it comes to education, Save the Children remains vague and simply states the importance of enhancing access to high-quality education, while the UNICEF report lists a limited number of direct-action steps that can be taken to ensure girls will stay longer in the formal education system, such as improving transportation. It also calls for a system to help identify girls at risk of early marriage in schools,

but no details are provided as to how this would be implemented. By paying limited attention to the complex ways issues such as legal status, educational infrastructures, poverty, and the traumas of displacement impact girls and their families, the proposed interventions depoliticize refugees' predicaments and instead promote projects that have limited effects.

Organizations tend to focus on issues that can be viewed as less political, such as income-generating projects and economic empowerment, awareness-raising on women and children's rights, and public health issues (2014, 156), partly because of the limitations they face working in Jordan. While the King of Jordan started processes of liberalization in the 1990s after more than two decades of martial law, and civil society thrived, critics argue that the work of civil society organizations is often under pressure. For example, Jordan has a record of closing down organizations, accusing them of failing to provide information and reports to the authorities, as an excuse to close down organizations it considers "politically subversive" (Harmsen 2008, 162). As for international organizations, they work in Jordan on the invitation of the government and need to maintain good relations with the kingdom to ensure their continuity of work. It is within this context that one must view the fact that organizations often target policies and laws that are limited to those directly linked to marriage instead of to wider political issues such as the treatment of refugees, which might not sit well with the Jordanian state.

Precarity, legal status, and education

Development organizations point to the way displacement influences marriage choices among refugees, by mainly focusing on the direct impact of displacement and chiefly the sense of insecurity and dire economic conditions. My research indicates that another consequence of displacement has a large impact on the lives of refugees in Jordan, as it increases the precarious conditions they have to navigate and plays an important role in marriage decisions. By understanding precarity as the "politically induced condition in which certain populations suffer from failing social and economic networks" exposing them to "injury, violence, and death" (Butler 2009, 25), I foreground legal residency and citizenship status, and the way these structural forces influence marriage processes in much more complex ways than the development narrative permits.

The case of Amany, a Palestinian stateless refugee from Wihdat camp, whose lack of citizenship is a direct consequence of double displacement, illustrates how divergent refugees' experiences can be from the development narratives that seek to explain them. Amany agreed that the lack of citizenship might increase individuals' and families' willingness to accept an early marriage. However, by foregrounding the limitations she faced and analyzing how the broader legal

system in Jordan increased her precarity, her story shows that vulnerability emerges as part of larger socioeconomic and political conditions.

Amany's parents were both Gazans. They lacked Jordanian (or any other) citizenship and transferred their foreign residency status to their children. Amany lived with her daughter and her Palestinian husband Morsi, a Jordanian citizen, in a small apartment in Wihdat, in the same neighborhood in which she grew up. Amany agreed that her precarious legal status might have made her more prone to accept a marriage proposal before she turned eighteen:

For Palestinians that have a Jordanian passport, they study, work, and even if the girl is nothing special, they [the family] can put conditions. For example, they can ask for seven thousand [Jordanian Dinar] in *mahr*.¹⁷ She does not have to marry young because eventually she gets married. Not like us. We Gazans, we anyway cannot work so easily, and it is an opportunity if a Jordanian comes for you. If he does not come when you are young, will he come when you are older? So we are different from them. We marry earlier.

As she pointed out, the possession of legal papers and residency influences how families approach marriage candidates. Her mention of “a Jordanian” refers to a marriage candidate who possesses Jordanian citizenship. Gazan Palestinians have more difficulty finding good and stable job opportunities because of the limitation of finding contracted work for foreign residents. Investment in education is difficult because of the lack of financial means, with no guarantee of finding a job afterward. Marriage thus emerges as one of the few future projects available for young men and women besides finishing high school and working in the informal sector.

Full citizenship rights in Jordan can only be transferred through the father, so if Gazan women want to save their future children the hassle that comes with the lack of citizenship, a groom with Jordanian citizenship is considered highly desirable. A proposal from such a groom might induce families to accept even when they believe the bride to be too young.

Jordanian women and rights activists have been leading a fierce campaign to allow Jordanian women married to non-Jordanian men to pass citizenship rights to their children. They argue against the patriarchal legal structure in which only Jordanian men have the right to pass citizenship to their spouses and children. The campaign achieved limited success after regulations were adopted in 2014 that allowed Jordanian women to pass limited civil rights on to their children. This, however, does not help women such as Amany, who themselves lack citizenship. There were sporadic campaigns led by Jordanian women and rights activists demanding more rights for Palestinian residents that lack Jordanian citizenship. But each time the issue is raised in parliament or in public discussions, the topic gets stifled, as it remains a sensitive topic in Jordanian–Palestinian relations.

As previously mentioned, international organizations' lobby for legal reform revolves mainly around the marital age clause, as they refrain from upsetting the political status quo of the countries they operate in. They hold back from campaigns addressing the legal status of Gazan Palestinians in Jordan, and the impact of this status on their lives, as the legal status of Gazans is a long-standing political issue that has been debated for decades among Jordanian government actors and society at large. As such, even though the reports recognize the impact of legal and economic structures that put refugees in vulnerable positions, their focus lies on how these conditions incentivize parents to marry off their young daughters, instead of seriously engaging with these conditions as intervention areas.

The role of education in the development narrative confirms and strengthens the image of the victimized girl who is prevented from pursuing desirable future paths when forced into a marriage. This reductive inclusion of education is problematic, since education cannot be detached from wider economic, political, and social issues. The assumption that marriage is the only thing that stands between a girl and her education is flawed.

Schools opened up for Syrian refugees in Jordan, but they soon became overcrowded, and many children were left without a seat in school, or assigned to schools that were too far away and for which they could not afford transportation. The fact that higher education was very expensive for Syrians in Jordan, as they pay the fee of foreign students, precluded most Syrians from pursuing higher education in Jordan. This was made even more difficult for Syrians who lacked the necessary identity and residency documents.

Lack of financial means to pursue higher education was one of the main explanations Palestinian interlocutors gave for not completing higher education.¹⁸ In the case of Gazan Palestinians, the lack of citizenship and the limitations on employment opportunities also increased interlocutors' reluctance to invest in higher education. Amany's case indicates that education cannot be detached from legal residency rights and socioeconomic inequality.

Amany was the second of seven daughters, and the first to get married. When I asked why she married before her older sister, she answered that her sister was very keen on continuing her studies. Her parents had very limited financial resources, and the *United Nations Relief and Works Agency* for Palestine Refugees in the Near East (*UNRWA*) helps one child per family pay tuition for higher education. Amany felt that her sister deserved the scholarship more than her. Even though Amany was very good at school, and passed her final high-school exams, her sister was much more interested in studying. Amany did not consider her marriage as a sacrifice to her older sister. It was taken for granted that the child most keen on studying and with the best grades in school would be the one to use the scholarship.

According to the development narrative, education is considered *the* antidote for early marriages, and schooling is “assumed to be the right of every individual and a primary means of enhancing material and social wellbeing” (Khoja-Moolji 2015, 46). Development organizations therefore focus their interventions on raising awareness around the importance of education. Interlocutors, however, already have an awareness, albeit a different kind: their familiarity with and awareness of their particular context, and their experiential knowledge regarding the lack of opportunities for education and future careers. The ideal chronological life cycle promoted by development organizations is thus detached from everyday lived realities.¹⁹

Organizations’ educational interventions are implemented on a local scale and vary from giving families a monthly allowance as long as the children attend school, and covering transportation and other costs families might not be able or willing to pay, to increasing the available number of classrooms and teachers, and providing out-of-school education. While such local small-scale interventions could be helpful for individual girls, their impact remains anecdotal and limited.²⁰ Factors such as the limitations of the general educational infrastructure and high tuition fees, and the lack of legal and labor rights for non-citizens, remain undiscussed.

Culture and the role of men in refugees’ marriage discourses

The picture development narratives paint is one in which poverty, displacement, culture, and men negatively impact women’s marital trajectories. The solution they propose is the empowerment of women. Refugees’ own narratives too point to the impact poverty and displacement have on their marital choices, though in ways that do not align with development narratives and that, if heeded, would demand alternative solutions to their struggles. Where development narratives and refugees’ stories diverge significantly is in the case of culture and the role of men.

In the development narrative about marriage, men are largely absent. When they do appear, they function as oppressors. Yet in discussions with my interlocutors, those missing men were one of the central elements in how interlocutors decided on and judged marriages. In short, the men were not missing at all. Men were sometimes indeed discussed by interlocutors as oppressive figures: stories of abusive husbands or despotic fathers abounded. On the other hand, relations of love and care also emerged in marriage discourses in Wihdat. The character of the groom and the (expectation of) *tafahom*—mutual understanding—between the couple were often the decisive elements in deciding upon a marriage.

Many of my interlocutors insisted that what mattered most in a successful marriage was the presence of *tafahom*, mutual understanding, between the couple. Age played a role in these decisions, but so did other elements of the groom’s character and family background. *Tafahom* could stem from a variety of personal, familial,

or communal characteristics, such as familiarity and similarity in national and cultural background, the character of the (future) spouse, or the couple sharing similar future desires and marriage expectations.

One point of discussion among interlocutors was the impact of a large age gap on the existence of *tafahom* between a couple. Opinions often differed depending on personal experiences. The diversity of opinions was exposed in mothers' reflections on their daughters' marriages. For example, Imm Rasem, a Syrian refugee widow and mother of five, had two daughters who both married at the age of fifteen. She told me that she was worried about her daughter Mina, who married her nineteen-year-old cousin, as he was unable to take care of his wife and child emotionally and financially and could not carry the responsibilities of a household. Her hot-tempered daughter Rand, however, was happy with a husband who was fourteen years her senior, as he was a calm and mature man who knew how to take good care of Rand. Imm Rasem's reflections echoed what her daughter Rand had told me as well: she preferred to marry an older man, expecting him to be able to understand her better.

Rawiya was another Syrian woman whose two daughters married at the age of fifteen. Similar to Imm Rasem, one daughter married a man twice her age, while the other daughter married a man a few years older than herself. Rawiya had opposing views to Imm Rasem on the influence of age and the age gap on her daughters' happiness. Rawiya herself got married at the age of fourteen to a man of twenty-eight. She explained how her husband had always supported her and strengthened her personality, turning her into a strong independent woman. She had hoped that her daughter's older husband would do the same for her. She noticed, however, that the wide age gap led to a lack of *tafahom*. While her young daughter was still enjoying make-up and going on trips, her husband was too serious and did not understand his wife. Her second daughter, on the other hand, was very happy in her marriage, as they were very much in love and in agreement with each other, partly because they were close in age and life-stage.

Some of my interlocutors, similar to the development narrative, believed that the young age of the bride was problematic in and of itself, regardless of who the groom was. While I was sitting in the middle of a conversation at a local women's center, women were discussing the desirability of early marriages. Layla explained the difficulties she had faced when she married at the age of seventeen, especially with giving birth and household chores. When I asked her what age she thought was suitable to get married, she replied that twenty or twenty-one was a good age. Many grooms came to ask for her daughter's hand, but "I did not allow her to get engaged until she turned twenty-one. I learned from my own experience and I did not want her to marry before then. When I was twenty-one, I already had three children."

Listening to the conversation was a young woman who had come with her two little children. She told us she was twenty years old and got married at the age of sixteen. Layla asked her if, after her own experience marrying so young, she would allow her daughter to marry so young as well. The young woman answered with a smile, “[I]f *ibn el- halal* comes, why not?”²¹ Layla shook her head in disagreement and said that the problem was that “when you marry at her age, or my age, she is a child taking care of a child. Marriage is about responsibilities.”

Some women deemed young brides incapable of carrying the responsibilities of a marriage and too young for pregnancies. Others put more importance on the character of the man, and considered *tafahom* as linked to—but sometimes overriding the importance of—marriage age. Young women and their families were more inclined to accept a marriage proposal if they were satisfied that the man had a good character and family background, and was financially stable. The lack of responsibility of the husband was often mentioned as the real problem in (early) marriages.

Marriage before the age of eighteen was not an unfamiliar phenomenon to my interlocutors, as the stories of Imm Rasem and Rawiya illustrate. Moreover, just as the UNICEF report states, marriage in general is considered an achievement and a valued and natural step in life. However, these facts alone do not explain why some girls and families opt for marriage before the age of eighteen. Some of my interlocutors problematized and criticized marriages of girls they deemed too young; others focused on characteristics of the husband and marriage that overrode the importance of age. There was clearly no unidirectional, omnipotent cultural imperative that drove their decisions, as the INGO reports often suggested. Though there were cultural scripts that positively appraised marriage and that could be mobilized in discussions about marriage, this was not the sense of culture given in the reports. In these texts, culture seemed to dictate deeds and choices as a “unified system that pushes action in a consistent direction” (Swidler 1986, 277).

Culture, among my interlocutors, rather consisted of often conflicting values, rituals, and guides to action that functioned like a “toolkit,” which informed people’s strategies of action (Swidler 1986). Cultural values and practices are familiar modes of action that people turn to or choose from. As such, marriage before the age of eighteen was part of the existing “toolkit” with which my interlocutors were familiar. Steering away from the overly deterministic, culturalist explanations exposes the diversity in opinions and experiences regarding marriage and age and reveals those missing components of consideration essential to my interlocutors. Age and spousal age gap were discussed as affecting the *tafahom* between the couple and the ability to carry the responsibilities of a marriage—but so were other characteristics of the bride and groom that are completely absent in the development narrative.

Conclusion

In this chapter I critically analyzed the development narrative on early marriages among refugee communities. By examining two reports—a study conducted by UNICEF, and a briefing by Save the Children—I showed that this narrative promotes the idea that displacement when coupled with poverty and cultural traditions forces young women and girls into undesirable early marriages. They overlook the ambiguous, differential, and complex ways in which displacement might influence marriage practices and refugee lives more broadly.

Instead of providing a thorough understanding of how refugee girls and their families navigate the precarious conditions they find themselves in, they reduce refugee girls to passive victims, while the men, if included in the narrative at all, are presented as the perpetrators: the fathers marrying their daughters off, or the (old) husbands.

By bringing in cases and experiences of Syrian and Palestinian women, I showed that while Syrian and Palestinian families are vulnerable in the face of displacement and poverty, their experience with and discourses around what constitutes an undesirable marriage, and the role of age herein, diverge from the development narrative. Their main focus lies on the impact of age and spousal age gap, in addition to other elements, on the existence of *tafahom*, mutual understanding, between the (future) spouses. The personality, background, and characteristics of the groom play an important role in marriage decisions and discourses.

Moreover, the reports published by the aforementioned organizations produce a specific narrative that informs policy and intervention projects. The framing of an issue as a certain problem influences which interventions can be thought of as a solution. The development narrative discusses the impact of structural elements—primarily poverty and displacement—on early marriages. However, their focus on cultural explanations and vulnerability as a fixed property of young refugee girls translates to a limited engagement with these large structures.

An alternative understanding of vulnerability—one that acknowledges its ambiguous, diverse manifestations—shows how women and men navigate the precarious conditions they find themselves in. I do not argue that Syrian and Palestinian refugees in Jordan are not vulnerable. However, it is important to understand how precarity in displacement in the specific Jordanian and international context is experienced, and how it impacts people in a variety of ways.

A different, more contextualized analysis of marriage practices in displacement—one that pays close attention to political and economic precarity—disrupts the development narrative on early marriage. As I have demonstrated, the interventions and policies proposed by development organizations are limited and often miss their intended point. I showed this by discussing the precarious legal

status that results from displacement, and its impact on marriage practices and the lives of refugees more broadly. By promoting policies that focus on small-scale interventions and awareness campaigns, the development narrative depoliticizes refugees' plight and shifts attention away from power imbalances and politically induced conditions of precarity. Intervention projects put most of the responsibility on the families that are already facing many challenges, and miss out on designing projects that could have a more meaningful impact, not only in preventing early marriages but in structurally addressing the precarious living conditions of refugees in Jordan.

Notes

- ¹ The terms "early marriage" and "child marriage" were used by interlocutors and in documents interchangeably. These terms, however, can have a negative/judgmental connotation. I would therefore have preferred to use descriptive terminology, such as "marriages involving a spouse under the age of eighteen" but due to the length of such a use, I will refer to such marriages as early marriage.
- ² Since 2001, the Chief Justice Department has twice issued instructions for regulations around the exception clause. In 2010 the Department stated that the exception could only be granted by a committee of judges, instead of depending only on the opinion of one judge. Nevertheless, organizations noted that the judges rarely followed these instructions and that the special permit seemed to be readily granted. In June 2017 new regulations were put in place to clarify the conditions, which allowed for exceptions to be granted. These conditions include an age limit for the husband, the court's assurance that the fiancée is aware of the fact that she can insert conditions into her marriage contract, that the marriage should not interfere with her education, that the couple has to attend a course on marriage prior to the wedding, and that the bride's guardian has to consent to the marriage. Rights activists and organizations are not satisfied yet, as they note that the law has many loopholes and unclear statements, and still call for the whole exception clause to be eliminated. See Husseini (2017) for the debate surrounding these new regulations.
- ³ Research for this chapter was funded by the European Research Council advanced grant on "Problematizing 'Muslim Marriages': Ambiguities and Contestations" (grant number: 2013 – AdG-324180).
- ⁴ Minority Rights, <https://minorityrights.org/minorities/palestinians-2/> (accessed February 1, 2022). Others estimate Palestinians to be about half of the total Jordanian population. The size of the Jordanian population is cited from: Worldometers, n.d. *Jordan Population*. Worldometers, <https://www.worldometers.info/world-population/jordan-population/> (accessed 1 February 2022).
- ⁵ Referring to these residents as "Gazans" is often an inaccurate description. As many stress, they are not actually Gazans but from other towns and villages in Palestine who found refuge in Gaza after the 1948 War. Some of those Palestinians lacking citizenship are actually Palestinians who found jobs in Iraq and the Gulf countries but came to Jordan after they were expelled due to the Gulf wars.
- ⁶ While in most cases refugees would lose their refugee status with naturalization, Palestinians fall under an exception as this does not apply to refugees who are protected or assisted by a United Nations section other than the UNHCR (Deeb 2016).

- ⁷ Perez provides a compelling argument for demanding more rights for Gazan-Palestinians in Jordan based on universal human rights for the stateless instead of focusing on demanding rights through citizenship only (2010).
- ⁸ Some exceptions were recently given to children of Gazan fathers and Jordanian mothers.
- ⁹ These statistics indicate the number of officially registered Syrian refugees on February 1, 2022.
- ¹⁰ Refoulement refers to the forcible return of refugees and asylum seekers to a country in which they fear persecution. Non-refoulement is a central principle of the 1951 Convention Relating to the Status of Refugees.
- ¹¹ Since UNICEF relies on official statistics in its qualitative research, it includes in its definition any registered marriage involving a person under the age of eighteen. Nevertheless, the report recognizes, just as mentioned in the previous chapter, that many residents in Jordan conclude the marriage contract in court to indicate the start of the engagement, while the wedding and cohabitation occurs later on (UNICEF 2014, 6). Without explicitly stating so, their statistics also include couples who were engaged with *kitab* before the age of eighteen but were not married (they might have subsequently gotten married after the age of eighteen).
- ¹² Among others: UNHCR, OCHA, UNFPA, WHO, and War Child Holland.
- ¹³ UNICEF includes a footnote with an explanation of the word *sutra* (italics in original), stating that it is a culturally accepted concept that does not have a single interpretation but in general refers to safeguarding one's future and protection from hardship (2014, 26).
- ¹⁴ See Cabot (2016) for a detailed analysis of the effect of using direct testimonials in policy documents and reports on refugees.
- ¹⁵ Marriages are also often considered an achievement for men, but this is left out of the report.
- ¹⁶ Save the Children, for example, suggests that by teaching girls income-generating skills, and having girls earn an income, they might be considered to have added value to their families, implying that a family would object to a marriage only if their daughter had an added economic value.
- ¹⁷ The dowry the bride's family receives from the groom.
- ¹⁸ This is true for Palestinian interlocutors who desired to continue their studies. Needless to say, many interlocutors did not invest in education because they were not big fans of studying.
- ¹⁹ Khooja-Moolji shows how this chronological development of a child into a sexually active adult through education and then work is a central feature in development and human rights discourses on early marriages (2015, 47–49).
- ²⁰ On one occasion I was visiting a local organization and I met a group of Syrian mothers, whose children for the most part did not attend school because of overcrowding in schools nearby. They had come to the organization seeking help in registering their children for school. The organization had several flyers with information and contact details of Jordanian and international organizations that worked on ensuring every Syrian child receives an education. The women, however, told me that they had already contacted all these organizations and were told over and over again that they could not be helped because of limited resources. The women complained that these organizations wrote one thing on their awareness flyers, while in actuality hardly did anything to help the Syrian refugees.
- ²¹ *Ibn el-ḥalal* is a term in Arabic used to signal someone who is a good person from a good family.

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The Politics of Cohesion: Salafi Preachers and the Problematization of Muslim Marriages in the Netherlands

Martijn de Koning

Introduction

Mr. Stoffer: My question to you is different from the one you are answering, so I ask you again: do you know that an Islamic marriage which has not been preceded by a civil marriage, according to the Dutch law, is punishable under the Dutch Code of Criminal Law? You can answer my simple question with a yes or no.

Mr. Salam: No. You are again trying to dominate my answers. That is not ok. You do not have that right. You have limits and I have rights. Let's keep it at that. I answered you very clearly: an Islamic marriage is very simple, when the father says to his daughter, "I have given you away, I gave you to this gentleman, if you agree with this too". Of course, it is also a decision shared with the daughter. This is not punishable. This is Islamic marriage, and this is not punishable.¹

The exchange between Mr. Stoffer and Mr. Salam took place in February 2020 during a public hearing of the Dutch Parliamentary Inquiry Committee. Imam Suhayb Salam gave testimony during the committee's consideration of the possibility of undesirable influence exerted by "unfree countries" in the Netherlands (Parlementaire onderzoekscommissie Ongewenste Beïnvloeding (POCOB)). Contrary to a research report commissioned by the government (Hoorens et al. 2020), the Committee concluded that foreign money, particularly from Turkey, Saudi Arabia, and Qatar, which was flowing into Islamic institutions in the Netherlands, funded the spread of this undesirable influence. Furthermore, the committee decided that foreign funding potentially posed a threat to the democratic rule of law.²

Although Islamic-only marriages were not central to this inquiry, they featured twice in hearings with representatives of Dutch Salafi Islam: during the hearing with Suhayb Salam mentioned above, and in another with a spokesperson of a different Salafi circle in the Netherlands. These marriages are concluded according

to Islamic traditions without a prior civil marriage—a situation that is considered illegal in the Netherlands.³ These references to Islamic-only marriages are remarkable for two reasons. First, it is not clear how Islamic-only marriages are related to undesirable influences from “unfree countries.” Second, religious marriages do not have official legal status in Dutch law and, although religious functionaries who conclude such marriages can be penalized, an imam is not strictly necessary to solemnize the union, as Suhayb Salam correctly stated. Nevertheless, in recent decades, Islamic marriages have become a prominent topic in political debates and a familiar reference in policy papers, often in conjunction with security concerns about Salafism and Salafi imams.

Building on Moors and Vroon-Najem (2020) and our previous collaborative work (Moors, de Koning, and Vroon-Najem 2018), I explore how authority figures in Dutch Salafi circles respond to the problematization of Islamic marriages. My argument is twofold. First, I show how the different ‘problem-spaces’ (Scott 2004) of Muslim marriages, Salafism, and parallel societies become entangled, turning Muslimness into a marker of a gendered racial threat. Both in public and political debates and in policymaking, some Muslims (categorized as Salafists) are constructed as dangerous and unassimilable and, therefore, a threat to the cohesion of the nation, while other Muslims are regarded as in need of protection. Second, inspired by Bracke’s (2011) work on “talking back,” I illustrate how preachers and imams engage with the problem-spaces of Salafism, Muslim marriages, and parallel societies in oppositional and evasive ways but also by responsabilizing their audiences. At the same time the politics of cohesion creates discord among the Salafi preachers.

Entangled problem-spaces

Muslim marriages, Salafism, and concerns about parallel societies are all framed in particular ways in contemporary Dutch society, each with a specific temporal problem-space that contains “an ensemble of questions and answers around which a horizon of identifiable stakes (conceptual as well as ideological-political stakes) hangs” (Scott 2004, 4). What matters in these problem-spaces is not only the topics that are disputed and turned into problems, but also “the particular questions that seem worth asking and the kinds of answers that seem worth having” (Scott 2004, 4). In debates about marriage, Muslims are constructed and questioned as potential threats to security, social cohesion, and the rule of law through the entanglement of three different problem-spaces that I will outline in the following sections: Muslims and marriage, Salafism and security, and parallel societies. This entanglement serves to create a hierarchical juxtaposition of Islam and the Dutch nation-state.

Muslim marriages as a threat to the cohesion of nation

De Hart's work on the Dutch policies concerning marriages of convenience is an excellent illustration of how the debates on marriages and Muslims in the Netherlands (always seen as representing a range of threats) have shifted over time, moving from being a threat to the morals and economy of the nation to a threat to national sovereignty and, more recently a security threat. Ideas about Islamic law and the need to protect European women against Indonesian Muslim men and their alleged questionable sexual morals dominated in the Dutch colony of Indonesia and traveled to the Netherlands (De Hart 2017, 89–91). After the initial arrival of migrant laborers from Turkey and Morocco in the 1960s, Dutch authorities warned against mixed marriages as a threat to the integrity of the nation. In doing so, they used a generalizing and essentializing notion of Islamic law “as a tool to depict Muslim guest workers as intrinsically different in a period when migration caused anxiety about race, sexual morality and the nation” (De Hart 2017, 95).

During the 1990s, the problem-spaces of Muslim marriages and of migration became connected to the problem-space of national security (Bonjour and De Hart 2013). In 1991, after the conservative VVD leader Bolkestein questioned the compatibility of Islam and the West in a speech given in Lucerne, a Dutch newspaper published a report claiming that the “morals of marriage” were one of the “major cultural differences between Islam and Western society.”⁴ Here, Muslims were problematized through a culturalist racialization—politicians such as Bolkestein classified Muslims as “different” from others and presented them as a potential danger by utilizing generalizing and essentializing ideas of culture, religion, and sexual morals.

Jihadism and Salafism: marriage as an indicator of risk

In 2002, Salafi Islam also emerged as a separate problem-space in the Netherlands, connecting debates about security, terrorism, and counter-radicalization with discussions about acceptable and unacceptable Islam (Fadil, De Koning, and Ragazzi 2019; De Koning 2020). Salafism, and especially Jihadism (often regarded as a subset of Salafism), were regarded by Dutch authorities as a problem of national security and as examples of an unacceptable Islam (De Koning 2020). Initially, the discussion focused on Jihadism specifically. For example, during the 2005 trial against the Hofstad network,⁵ the AIVD (Algemene Inlichtingen en Veiligheidsdienst (General Intelligence and Security Service)) stated that an Islamic marriage could be an indicator that those involved wanted to die as martyrs and/or that Islamic marriage was a way of recruiting women for the violent jihad.⁶ Shortly after, in 2006, the NCTb (Nationale Coördinator Terrorismebestrijding (National

Coordinator for Counterterrorism)) published a report arguing that Islamic marriages were a threat to national security and the democratic order. According to the NCTb, informal Islamic marriages enlarged the support base for the extremely violent “takfir-ideology” (seen as a constitutive element of Jihadi-Salafism),⁷ and were a way of recruiting women to the violent jihad in a cunning manner akin to grooming (with a reference to these practices in criminal circles) (NCTb 2006). In addition to security risks, the NCTb report also outlined “societal risks,” such as unrealistic expectations and financial consequences for women in particular. The two-pronged problematization in terms of risks shows how the securitization of Islamic-only marriages was not only aimed at managing a potential of political violence, but also about managing a potential threat to social cohesion. The latter was also a theme in relation to Salafi Islam in general (De Koning 2020).

After the trial, the debate on Islamic-only marriage in relation to Jihadism subsided (see Moors 2013). In 2008 the debate on Islamic-only marriage resurfaced and turned to Salafi Islam. It centered on imam Fawaz Jneid of the As Soennah Mosque in The Hague, considered to be one of the main Salafi-oriented organizations in the Netherlands. The mayor of The Hague, Van Aartsen (VVD), pressed the mosque to stop performing Islamic-only marriages because they were not recognized under Dutch law. The board of the mosque acquiesced and said that checks would be made from then on to ascertain whether marriage partners had a legal marriage certificate and, if not, the imam would no longer perform the marriage. This news triggered a parliamentary debate initiated by the social democrats (PvdA).⁸ In 2012, however, the board of the mosque, which was by then involved in a labor dispute with the imam, notified the public prosecutor that the imam had performed at least 15 marriages (and divorces) since 2008.⁹ In 2013, and again during an appeal in 2014, the imam was convicted for performing five illegal marriages. In a 2014 interview, the imam admitted doing so in a dozen cases since 2008, but claimed that he had stopped from that time onward. In 2016, the Dutch Supreme Court partially overturned the conviction.¹⁰

Parallel societies: Islamic-only marriages as an indicator of parallel structures

A third relevant problem-space pertains to the fear of parallel societies. Throughout the Dutch media in the 1990s, the idea of parallel societies was initially related to debates about a variety of situations in which particular groups in Dutch society opted to establish their own institutions as alternatives to those of the dominant groups or the state; these included environmental organizations, religious organizations, and criminal organizations.¹¹ Not all of these were, however, viewed as problems that needed governmental intervention. By the end of the 1990s, and

during the early 2000s, the discussion focused on particular segments of the Turkish-Dutch and Moroccan-Dutch populations. They came to be presented in the media, and by politicians, as actively withdrawing and isolating themselves from society by developing their own institutions and rules that were often seen by politicians as being at odds with the prevailing institutions, rules, and values, or even directly contradictory to them.

The fear of parallel communities has been a recurring theme in other European contexts as well and has often been a critical response to multiculturalism (Lentin and Titley 2012). Concerns about living conditions in cities such as Paris and London triggered debates in the Dutch media, as did the German debates about “*parallelgesellschaft*” (parallel society). In the Netherlands, after 2003, this problem-space was almost exclusively occupied by questions and debates about Islam and a multicultural society. Since then, this theme has circulated widely in political debates, the media, and academic work. The theme often emerges with other topics connected to integration and radicalization, such as honor-related crimes, marital captivity, informal Islamic education and boarding schools, and the role of (transnational) Islamic organizations.¹² In 2013, the fear of parallel societies in relation to the cohesion of the nation-state was mentioned in a policy letter on integration, stating: “The Netherlands cannot be a country of parallel communities, in which the need to meet and understand each other seems to disappear.” The letter emphasizes that migrants (which explicitly includes Muslim migrants) need to come into contact with people who have other worldviews and lifestyles, although the government claims to be aware that many Muslims and others wonder if an Islamic and a Western lifestyle can be reconciled.¹³

The fear of parallel societies has also been evident in debates about mixed marriages and transnational marriages. Interestingly, as Sterckx (2015) shows, mixed marriages of autochthonous Dutch with spouses of Turkish and Moroccan descent that were previously seen as potentially endangering the cohesion of nation, are now regarded as an indicator of integration. Transnational marriages, however, between Turkish and Turkish-Dutch or Moroccan and Moroccan-Dutch partners, are seen as symbolic of a lack of integration and are not often labeled as mixed marriages. Whether or not mixed marriages that include Muslims or people of Turkish and Moroccan descent are viewed as a problem or an ideal, it is the category “migrant” that is subsequently constructed as the object of governmental intervention in order to preserve the cohesion of the nation.

The theme of parallel societies in conjunction with (Islamic-only) marriages also connects to Salafism. The aforementioned NCTb report pointed to informal Islamic-only marriages as a rejection of democratic laws in favor of God’s laws. Concerns were raised that Islamic-only marriage could lead to the rise of a “parallel Islamic society next to the Dutch” (NCTb 2006, 8). The fear of an Islamic “parallel

society” resurfaced in 2008 and 2009 in relation to Islamic marriages and the role of imam Fawaz Jneid. There was, however, an important distinction between the political parties in Parliament: while the Christian democrats (CDA), the conservative liberals (VVD), and the social democrats (PvdA) foregrounded fears about the *development* of a parallel *Salafi* society, the Freedom Party emphasized the *existence* of a parallel *Islamic* society.

An earlier report compiled by the AIVD (2007) featured heavily in many of the debates in the media and in Parliament in 2008. In this report the intelligence service repeated a claim (which echoed the concern about social cohesion mentioned above) it had already made in a 2004 report. This report had targeted “radical Islam” (in particular, Salafism) as a threat that does not necessarily pertain to violence. It could also be about “the emergence of parallel structures of society which entail a rejection of the authority of the state and [a] striving for a rule of law of their own, interethnic tension, severe societal unrest and polarisation” (AIVD 2007, 10; 2004). Islamic marriages, which feature in the 2007 report, are then considered to be an indicator of this kind of threat as well (see also Moors 2013, 150).

As a result of the debates in 2008, the government commissioned an explorative research project on informal marriages. In Parliament, this idea was discussed alongside concerns about the possible existence of “sharia courts” in the Netherlands. In one meeting held in 2009, the minister of Security and Justice stated:

The government wants [there to be] no misunderstanding that certain elements of interpretations of Sharia are at odds with the core values of our democratic rule of law. These include parts of the Islamic family and inheritance law in which the legal equality of men and women and the legal equality of spouses is not guaranteed. The democratic rule of law is based on the most important cohesive values and the government therefore sees it as its task to ensure that no parallel societies arise where people take the law into their own hands or have their own legal system that extends beyond the boundaries of our legal order.¹⁴

The media coverage of the parliamentary discussion echoed these concerns.¹⁵ The far less alarmist reports (commissioned by the government during the debates) on Islamic marriage and on the role of Islamic law in mosques (van der Leun and Leupen 2013; Bakker et al. 2010) received scant attention.

The concerns about parallel societies in relation to Islamic-only marriages resurfaced in 2013 and again in 2016.¹⁶ In 2016, a report about Islamic-only marriages was aired on the Dutch TV programme *UndercoverNL*. At the same time, the conservative liberal party (VVD) published a new plan to further criminalize Islamic-only marriages as a “rejection of the equality between men and women, the Dutch way of life and the history of emancipation of Dutch marriage law” (Moors, de Koning, and Vroon-Najem 2018).¹⁷ After questions were submitted to Parliament

about Islamic-only marriages in 2016 and the VVD's proposal was discussed in Parliament in 2019, the issue of parallel societies re-emerged.¹⁸ In response to questions from the social-democratic party PvdA, a VVD MP declared: "If the state does not act here, a parallel society will clearly arise where it is not Dutch law but Islamic law that prevails."¹⁹

The recurring trope of parallel societies helps form the problem-spaces of Salafism and Islamic marriages in relation to security and allows for them to become entangled. This then informs and shapes the debates about Islamic-only marriages, including where the threat comes from (a separate Salafi structure), who the threat is (Salafi imams), who is threatened (society and Muslim women), who needs protection and support (society and Muslim women), and who cannot be tolerated (Salafi imams).

Different styles of talking back

Marriage and the Salafi manhaj in the Netherlands: Responsibility

The political and media debates on Islamic marriage rest upon, and reproduce, the racialized distinctions that already exist between a "Dutch society" and "Islam." In order to analyze how Salafi preachers engage with this socio-political context, Bracke's (2011) work is useful here. Based upon Althusser's ideas on interpellation, Bracke aligns different modes of talking back with different ways of becoming a subject (Bracke 2011). She shows how women of a Dutch Islamist organization may simultaneously deploy different styles of responding to the terms through which they are interpellated, variously embracing, resisting, ignoring, or remaining silent when called into a particular Muslim subject position. What matters for my exposé here is that the entanglement of different problem-spaces works as a form of ascriptive interpellation of Salafi imams as both unruly and potential risks to the cohesion of the nation-state (see also Fassin 2011). Whereas Bracke focuses primarily on how people engage with the dominant interpellations in society, I show how the Salafi preachers try to engage with different audiences simultaneously: society in general, politicians, other Salafi preachers, and the visitors of the different Salafi circles. The interpellations, as I will demonstrate in this section and the following, result in a call directed at their Muslim audiences to take individual responsibility to align one's behavior with (a Salafi version of) the "correct" Islam.

Responsibilization, as a way to make individuals responsible to attune themselves to specific objectives, is often highlighted in relation to neo-liberal politics and governmental policies. Responsibilization then refers to a tactic to make individual citizens bear responsibility for their own lives, becoming both the source

and the solution for a number of societal problems (see, for example, Van der Veer 2016). Responsibility and responsabilization have a much longer history, however, and do not only function as governmental tools. Any analyses of responsabilization could then encompass other ties, obligations, duties, and reciprocities that exist alongside, challenge, or are reconciled with those of responsabilized, neoliberal subjects (Trnka and Trundle 2014). In this case, what matters is how Salafi preachers in a context of the securitization and racialization of Islam turn to Islam as a legitimate (and occasionally the only legitimate) source for prescribing appropriate and necessary moral responsibilities, obligations, duties, and ambitions to Muslims.

Based upon my own ethnographic research with Dutch Salafi circles from 2007 to 2018 coupled with an analysis of their books and lectures, it is clear that imams themselves emphasize the need to protect women. This results in a variety of approaches often based upon three steps: the framing of Muslims and wider society in terms of crisis, the formulation of particular ambitions, and the promise of a more just and satisfying world.²⁰

Usually, during lectures, a moral crisis (often in terms of *fitna*) is presented. This moral crisis is often portrayed to exist at the macro level (such as the war on terror or the Dutch debate on Islam), at the meso level (the breakdown of solidarity or marital relationships), and at an individual level (succumbing to seductions, the hardening of hearts, excessiveness). This does not mean that the message of Salafi preachers is always the same. Take, for example, the lectures for different audiences given by Preachers A and B who have been my interlocutors for several years now. Preacher A is someone who usually takes a more oppositional approach to Dutch authorities and parts of Dutch society, while Preacher B rarely comments in public about Dutch policies and societal developments.

Preacher A

How far do these basic principles of Islamic marriage differ from what we often see in practice? And of course, in my role as da'i and imam, sisters regularly come to me with complaints about their husbands, I receive emails with complaints about men, phone calls with complaints about the husbands of our sisters.

Of course, we also see how the *kuffar* have been kicking against the position of women in Islam for centuries. Or at least they create, they create an image that women in Islam are in a bad position. And that a marriage is really only for a woman to serve as a sex slave and to give birth to children. We know these stories. What I will show in this lecture, the foundations of Islamic marriage, from the Quran and from the Sunna, this is miles away from the misogynistic image that the *kuffar* have created.

Preacher B

First, the husband should be nice and good to his wife. And he should also support the woman. He has to provide for her needs. He is the one who has been appointed as responsible. The Prophet (peace and blessings of God be upon him) said, that they, the women, have the right to be supported by you. And to be clothed. This of course within your possibilities. ... And if the man, because this also happens very often, we hear a lot of complaints about it, if the man is stingy, and does not provide enough for his family, then Islam gives the woman the right to have a part of his money. To provide for her needs and those of her children. So, without getting his permission.

Both preachers signal a moral crisis, and both claim to ground their observations in the complaints they receive. Whereas Preacher B's focus is solely on those issues and the solutions for it, Preacher A connects this behavior of men to the negative image of Islam in the Netherlands. Furthermore, in the remainder of these lectures, both preachers observe that marriage, or its representation in the Muslim community, is plagued by divorce and the breakdown of relationships.

This diagnosis then informs the formulation of moral ambitions.²¹ These ambitions are based upon utopian readings of the Islamic sources and the lives of the pious forefathers, and are turned into particular doctrines, strategies, and practices that enable individuals to take part in the efforts of creating a more just and satisfying world. In their educative programs on marriage, Salafi preachers stress the idea that men and women can only find peace in marriage and that Muslims need to protect themselves against the dangers of secularism and individual freedom. These dangers may result in the development of loose morals and require them to build a strong community as a response. Marriage is a crucial element here. As such, many of the teachings construct and emphasize the different roles that God has laid down for men and women. Many courses and lectures present getting married as the best way of regulating the relationships between men and women, establishing their different gender roles based on compatibility (in pious terms), complementarity, and hierarchy.

Marriage, for these imams and many of their followers, is, on the one hand, a simple contract between a man and a woman (or women), but it is also an integral part of the faith, vital to a pious lifestyle and to the protection against *fitna*. As was stated on one message board: "It is the duty of all Muslim youth to get married as quickly as possible to isolate oneself from the many fitnas and to see oneself rewarded with the joys of marriage."²² And, as one of the men told me: "Well when you walk on the streets and see all those women, you get, you know, you develop particular feelings and desires, but you cannot act upon it. It is better to be married." He, like a number of others, both teenagers as well as men in their early twenties, refer to sexual desires they need to control, which they find difficult.

Many courses and lectures in Salafi circles focus on teaching people how to find the proper partner in a proper way, how to get married in a proper way, and how to be an Islamically proper wife or husband. Through their courses and lectures, preachers, such as A and B mentioned above, present themselves as spokespersons and advocates of women. Several female interlocutors told me how they used the mediation of Salafi imams to resist parental pressure to marry someone and instead were able to carry out an Islamic marriage with a man they had chosen themselves (see also Bakker et al. 2010).

Both preachers frame the problems that the women have with men as part of a moral crisis and call upon men to fulfill their duties. These duties are related to the concept of *qawaama*, which is presented by one Dutch author and translator of a popular (in Salafi circles) book on marriage as the essence of masculinity: man as the leader of the family, the supervisor, the discipliner, the provider, the teacher, the protector; one who is sincere and steadfast in his dedication to his wife and children.²³ According to this author *qawaama* is a noble responsibility for men and a test for both men and women that is imposed upon them by God.²⁴

Occasionally, and more based on my past observations rather than my recent ones, Salafi preachers stated that men are allowed to use force to “correct” their wives. According to them, a “non-violent” and “non-injurious” form of physical force is permitted.²⁵ This has partly shifted to calling upon men to respect the Islamic rights of women in marriage, to observe the obligation of men to protect women, to be respectful to their spouse and accept who she is (often noted with reference to “typical” female qualities such as jealousy), to help her raise their children and be tender towards her. In some lectures given by younger preachers, men are criticized for disciplining their wives with force. According to one preacher: “those men are not real men.”²⁶ However, one of the recurring complaints many imams receive, and one that some women told me, is that men use the Quranic verses as a justification for being harsh, for behaving like a dictator and for beating their wives.

Men who treat their wives poorly (and vice versa, but the emphasis is usually on the former) are regarded by many of my interlocutors as an indication of a sickness of the ummah and a lack of piety. Occasionally men warn one another that someone’s behavior is going to have consequences: “He regularly beats her. I told him, if he continues, this will end in divorce,” one of the men said about a mutual acquaintance.

In their lectures both Preacher A and Preacher B call upon their audience (which consists of both men and women) to realign their moral ambitions and to adjust their behavior by holding on to the fundamentals of their faith and the basic principles of marriage, explaining that the male leadership role comes with responsibilities and should be one of guidance. Marriage should be a house of peace and men and women should treat each other with love, mercy, and mild

manners. Both preachers explain this by detailing stories about how responsibly, playfully, and lovingly Muhammed engaged with his wives.

With the presentation of a crisis, and the related ambitions, comes a third dimension of the Salafi messages—the moral promise—which is often based upon a selection of examples of the Prophet and the pious predecessors. The message here is that if one has faith in God and in God's plan, and if one acts upon that faith, this will lead to a more satisfying and just life, be it in the afterlife, the here and now, or both. The moral crisis then is not just a call to keep faith in God, and the ambitions are not just a call to act upon the moral crisis, but the moral crisis itself is turned into a test from God for the Muslim communities and the individual believer. For example, in online discussions among women, concepts such as steadfastness, having a loving and merciful relationship and being obedient are recurring topics. Also, in many of the discussions and lectures, the central message (to men and women) is based upon a saying attributed to the prophet Muhammed, which was also quoted in the lectures of Preacher A and B:

Always remember the words of the Prophet (peace and blessings of Allah be upon him): the best of you are those who are good to their wives. And I am good to my wives. Try to be the best!²⁷

If one follows this admonition, along with a lot of practical advice about communication, sexual intercourse, dealing with in-laws, how to be a team, “the Prophet never beat any of his wives” and so on, the promise is not only one of having a happy family life, but also that one will be able to meet all of one's family and friends in Paradise as long as one strives to obtain the satisfaction of God.²⁸ Furthermore, the saying of the prophet Muhammad is directed at male Muslims as a group, thereby connecting the collective with the ambition to be the best Muslim by being the best husband. By engaging with such discussions that, to some extent, emanate from concerns in daily life, and by trying to implement the guidance in the unruliness of the everyday, men and women try to align their marital practices with these moral ambitions.

The pivotal role of the state in Salafi politics

The moral ambitions presented by preachers and others can be regarded as both responses and forms of collective action to the crises presented by Dutch politicians and media outlets. These moral ambitions often entail different (sometimes contradictory) types of engagements: oppositional responses (such as criticizing politicians and authorities), responsabilizing replies (foregrounding the responsibilities of the individual Muslim and Salafi institutions' roles to take responsibility

on behalf of what they see as society), or remaining aloof (actively trying not to be influenced, for example, by isolating themselves from wider society). Each of these types of engagements often partially involves developing a theological response that challenges current moral values and proposes a program of action based upon their readings of Islamic sources, with the prophet Muhammad and the pious predecessors acting as exemplary figures. The teachings on marriage in Salafi circles point to an attempt by preachers to prescribe Muslims an individual responsibility for adhering to correct Islamic ways, stressing that marriage is a duty and a right for both men and women, but brings with it different responsibilities for each of them. The messages about marriage, however, are also strongly influenced by the ways in which the preachers and imams see and engage with the Dutch state. A brief return to the debate of 2016 and the 2020 Dutch parliamentary inquiry committee on the undesirable influence of unfree countries (POCOB) illustrates this.

In the POCOB report, the accompanying media attention and the parliamentary debates, Islamic marriage was regarded by the government as an indicator that Salafi Muslims strive for parallel structures in Dutch society that reject the authority of the Dutch state and rule of law.²⁹ During the POCOB inquiry, two other representatives of Salafi mosques (besides imam Salam) were interrogated. One of them, Abdelhamid Taheri (the representative of the As Soennah mosque), was also asked about “illegal Islamic marriage,” as the former imam, Fawaz Jneid, had performed such marriages in the past.

The Chairman: And what do you think about religious marriages, illegal religious marriages?

Mr. Taheri: Illegal, we are against that. That's something Islamic, you can't deny that. But the law in the Netherlands prescribes that you must first be registered as married at the civil affairs department. After that you can marry Islamically. If it doesn't happen in that order, we as the board, intervene.

Chairman: And then it is illegal. So, we can conclude that you think differently there from Fawaz Jneid.³⁰

Whereas Suhayb Salam had circumvented the question, Abdelhamid Taheri stated that his mosque no longer condoned such marriages. It is important to note that such divergent positions taken up by these two Salafi centers is not exceptional; it resonates with the debate that took place among Muslim organizations and preachers after the 2016 TV programme *UndercoverNL* on illegal Islamic marriages. The As Soennah mosque aligned itself with other Islamic organizations and imams who published a statement calling upon Muslims to have a civic marriage before an Islamic one, while others, in response, vehemently opposed the call (Moors, De

Koning, and Vroon-Najem 2018).³¹ Here, I will highlight two additional responses, one by the As Soennah mosque and another by the aforementioned Preacher A.

After signing the 2016 statement, the As Soennah mosque received a lot of criticism, also from some imams from other Salafi circles. In a clarifying statement a few days later, they made it clear that they still stood behind their initial message and emphasized that this support was based upon Islamic knowledge and the opinions of Islamic scholars.³² If a marriage meets the conditions outlined in Islamic sources (in their reading: consent of bride and groom, consent of the guardian, presence of two witnesses, agreement between the bride's guardian and the groom) then there are no obstacles against it being carried out.³³ In other words, concluding a civil marriage first does not hinder an Islamic marriage. Furthermore, according to them, following Islamic traditions means abiding by the laws of the country of residence, and a civil marriage protects the rights of the couple and serves as a deterrent for those who misbehave. A few years later, the mosque answered a question from one of their visitors about whether or not a civil marriage was sufficient from an Islamic perspective. According to the mosque, if a civil marriage did not meet the conditions of an Islamic marriage, then an Islamic marriage certificate from an imam was necessary.³⁴

Preacher A responded earlier to the 2016 statement and published a follow-up a few days later on Facebook.³⁵ Whereas the As Soennah mosque (and several others) emphasized the role of Islamic institutions in marriage, Preacher A questioned both the role of Islamic institutions and that of the state. In both cases their statements are responses to interpellations from the politicians in the debates, but also to other imams and their constituencies. Like the As Soennah mosque, Preacher A did not express an absolute opposition between Islamic law and Dutch law, but he rejected the obligation to have a civil marriage first because undocumented people, for example, would not be able to get married, polygamous marriages would be impossible, and after all, shouldn't God's law be sufficient? According to him, state interventions such as the criminalization of Islamic-only marriage violate the Islamic prescriptions and mean that a person cannot protect his or her religion, or progeny. It is here that he does claim that Dutch laws contradict Islam and that, according to him, the state's intervention is yet another example of the struggle against Islam. Islamic marriage should be made as easy as possible, which also means that the involvement of mosques and imams should not be necessary. According to Preacher A, the obligation to have a civil marriage neither protects women's rights nor does it protect them against abuse by men, which he regards as part of the crisis that Muslims find themselves in. On the contrary, according to this preacher, civil law does not stop an abuser. Moreover, if an abuser also has a civil marriage contract, then it is even more difficult for a woman to get a divorce. What should happen, according to this preacher, is for Dutch law to legally recognize

Islamic marriages. The latter shows that this imam, who is highly antagonistic toward “infidels” and the Dutch state in his rhetoric, does not so much reject Dutch law as a whole or oppose the practice of civil marriage, but simply rejects the ‘civil marriage first’ obligation and instead opts for a recognition of Islamic marriage within the existing Dutch marriage law.

Both Preacher A and the As Soennah mosque mix different styles of engaging with the debates while addressing various audiences. Many preachers did not respond at all to the political debate. Some told me they felt any response would give too much weight to the debate, which, according to them, was itself anti-Islamic, while others stated they did not really care about the issue. Several of my interlocutors who, at the time visited the Salafi centers frequently, did not regard the civil marriage as an important issue. In fact, most of them told me they only learned about the legal obligation to have a civil marriage first because of the public debates.

There was one recurring theme, however, in many of these conversations, aside from the abuse of women. This pertained to young Muslims marrying without any supervision from imams, mosques, or even parents:

Umm Safiyyah: “I don’t really care about whether or not there is a civil marriage. But some young people marry without the presence of their parents, that is not ok. They have to be there.”

This concern resonates with another essentializing trope that occurs frequently in the public debate: that Islamic marriage is considered as a mask concealing questionable sexual morals (Moors 2013, 150–51). Umm Safiyyah’s comment reveals that this concern is shared by others. It also came up in my conversations with imams, preachers, and representatives of mosque organizations (Salafi oriented and others)—namely that Muslim young people are engaging in relationships in a rather autonomous way without the knowledge of their parents (for a similar finding, see Bredal 2018). Here the imams, preachers, and representatives of mosque organizations present themselves as a vital part of the community guarding the morals and future of the youth. A claim that, interestingly, resonates with the Dutch governance through community whereby Muslim organizations (with the exception of most Salafi-oriented organizations) are regarded as cooperative partners in integration and counter-radicalization policies aimed at Muslim youth considered to be at risk or risky (De Koning 2022).

To end with: cohesion and discord

The circulation of themes and questions, and the entanglement of the problem-spaces of Muslim marriages, Salafism, and parallel societies, turns Islam and Muslimness (and in particular Islamic law and the position of women) into markers of a racialized hierarchy regulating the cohesion of the nation. The Dutch debates on Islamic-only marriage show that there are many different political parties subscribing to the idea of parallel societies, with the main distinction between them whether parallel societies will develop in the future or are already present. The circulation of a rather fluid and loosely defined idea of parallel societies in debates and policies contributes to the reproduction and reinforcement of ideas about some Muslims as having an intrinsic “Otherness,” potentially being dangerous because of Islam. This all under the guise of concerns about the position of women, social cohesion, and security.

This particular manifestation of racialization does not stand on its own, but is connected with a history of the securitizing of Muslim marriages, although the locus of the problem-space has shifted over time. Initially, transnational, and mixed marriages as a whole were problematized, yet from the 1980s onwards some mixed marriages had, by then, become regarded by most politicians as a benchmark of positive integration. After 2004, in the aftermath of the murder of Theo van Gogh, it was specifically Islamic-only marriages that were problematized as a channel for recruiting and grooming vulnerable girls, putting them into the hands of young radical men. This later turned into a focus on Salafism, and the fear of parallel societies developing that are at odds with—and endangering—integration, democracy, and the rule of law. These connections also allow for differentiation to occur through the process of racialization: between women who are in need of protection and men who represent a risk, and between an Islam considered acceptable, and an Islam deemed unacceptable. This differentiation distinguishes the mainstream political parties from those of the far right who regard Islam in general as incompatible with the Dutch nation-state.

To a certain extent, the Salafi imams and organizations compete with the state within the boundaries of the law. All Salafi imams and preachers emphasize marriage as a matter of piety for the individual and the couple. It is also seen as a contract but some of these preachers and imams reject any state interference. There is a certain desire for politicians and the state, as well as some Salafi imams and organizations, to maintain control over who marries whom and how and why, particularly in relation to women within Salafi circles. Both the abuse of women and the act of marrying outside the control of the parents and/or outside the control of the Islamic communities, which they regard themselves as representing, would harm the Muslim community. These phenomena form part of the moral crisis the

Muslim community is in. For politicians and the state, it is about protecting women against the social pressures of the Muslim communities, as well as maintaining national security and the cohesion of the nation. How the Salafi imams respond to the debates differs greatly, however. Some emphasize the possibility of ignoring the state while others acquiesce to the state's primary role here; some emphasize the role of mosques while others downplay it. Both the Salafi imams and the state justify their positions and interactions with each other by claiming to protect Muslim women. In all cases, the Salafi imams present themselves as protectors of women by focusing on complaints made by women about their husbands in their lectures and public statements.

We may wonder how the entanglement of different problem-spaces and in particular their connection with a broader idea of security will influence people's abilities to respond, but also to establish their own ways of life. The debates about Islamic marriage clearly illustrate how these problem-spaces are already affecting people's private lives and intimate spheres. Rather than maintaining the integrity and cohesion of the nation, the debates and policies regarding Muslim marriages could end up creating uncertainty and division.

Notes

- ¹ My translation. For the full report on all hearings (in Dutch) see: Parlementaire onderzoekscommissie Ongewenste Beïnvloeding –. Kamerstuk II 2019/20, 35 228, nr. 5, pp. 403–4. (From here on: Pocob Reports.)
- ² Rapport *Parlementaire onderzoekscommissie Ongewenste Beïnvloeding uit Onvrije Landen* [(In) Visible Influence—Report of the parliamentary inquiry committee on the undesirable influence of unfree countries] Den Haag. 35 228, nr. 4.
- ³ However, only “religious functionaries” (*religieuze bedienaren*) involved in performing the marriage are liable to prosecution. Dutch authorities in the nineteenth century were concerned that religious functionaries would not abide by the rules and that action was necessary to prevent a church marriage from taking precedence over a civic one (van der Leun and Leupen 2009).
- ⁴ Islamitisch “dubbel huwelijk” hier vooral juridisch vraagstuk—Polygamie staat voor de deur.”De Telegraaf” [Islamic “double marriages” here mainly a legal issue. Polygamy is at the door], 14-09-1991, p. 25. Accessed at Delpher on 29-05-2021, <http://resolver.kb.nl/resolve?urn=dtdd:010646455:mpeg21:p025>
- ⁵ The trial was held to prosecute the murder of Theo van Gogh in 2004 by a member of the Hofstad network.
- ⁶ Commissie van Toezicht Betreffende de Inlichtingen- en Veiligheidsdiensten (CTIVD—Review Committee on the Intelligence and Security Services (CTIVD) 2008, Toezichtsrapport 17 inzake de afwegingsprocessen van de AIVD met betrekking tot Mohammed B. [Review report 17 regarding the assessment processes of the AIVD concerning Mohammed B.], page 15. <https://www.ctivd.nl/documenten/rapporten/2008/03/18/index>. Accessed May 29, 2021.
- ⁷ *Takfir* refers to the act of declaring a Muslim an infidel.

- ⁸ Trouw, *As-Soennah-moskee stopt met sluiten islamitisch huwelijk* [As Soennah mosque stops performing Islamic marriage], August 1, 2008. <https://www.trouw.nl/nieuws/as-soennah-moskee-stopt-met-sluiten-islamitisch-huwelijk~b41b9d57/> Accessed January 4, 2022.
- ⁹ De Volkskrant, *Moskeebestuur geeft imam aan*, [Board of the mosque reported imam] July 6, 2012. <https://www.volkskrant.nl/nieuws-achtergrond/moskeebestuur-geeft-imam-aan~b2e30e8b>. See also: NRC, “Iedereen bij moskee wist van shariahuwelijken” [Everyone in the mosque knew about sharia marriages], November 1, 2014. <https://www.nrc.nl/nieuws/2014/11/01/iedereen-bij-moskee-wist-van-shariahuwelijken-1436272-a454193>
- ¹⁰ ECLI:NL:PHR:2016:1043 – Parket bij de Hoge Raad [Dutch Supreme Court] 13-09-2016/ 14/06261, <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:PHR:2016:1043>
- ¹¹ Based upon a search in the Lexis Nexus database and the Delpher database in articles from January 1, 1990 to December 31, 2020 with the search string “parallele samenleving*”.
- ¹² Based upon a search on the House of Representatives (*Tweede Kamer*) website in all documents from January 1, 1990 to December 31 with the search string “parallele samenleving*”.
- ¹³ House of Representatives (*Tweede Kamer*), Letter of the Minister of Social Affairs and Employment, 32 824, nr. 7 Integratiebeleid [Integration policy], February 19, 2013.
- ¹⁴ Ministry of Justice, Letter to Parliament, September 1, 2009. 09-WWI-B-019.
- ¹⁵ Wierd Duk. (24 oktober 2009). Bang voor de sharia; Ontstaat er een Parallele samenleving in Nederland waar de islamitische wet geldt? [Afraid of Sharia: Will there be a Parallel Society in the Netherlands where Islamic law applies?] Elsevier Weekblad. <https://advance-lexis-com.ru.idm.oclc.org/api/document?collection=news&id=urn:contentItem:7WXC-TTYo-YBKo-No2K-0000-00&context=1516831>.
- ¹⁶ Tweede Kamer, vergaderjaar 2012–2013, aanhangsel, ah-tk-20122013-2749 [House of Representatives, meeting period 2012–2013, appendix ah-tk-20122013-2749].
- ¹⁷ Tweede Kamer, vergaderjaar 2016–2017, 34 565, nr. 2 [House of Representatives, meeting period 2016–2017, 34 565, no. 2].
- ¹⁸ Tweede Kamer, commissie voor Veiligheid en Justitie. Schriftelijk verslag. 2016D44998 [House of Representatives, Committee for Security and Justice. Written report. 2016D44998].
- ¹⁹ Tweede Kamer, vergaderjaar 2019–2020, verslag van een schriftelijk overleg, 34 565, nr. 3. [House of Representatives, meeting period 2019–2020, report of a written consultation, 34 565, no. 3].
- ²⁰ For other research that takes up the issue of marriage in Salafi circles, see Mårtensson (2012), Inge (2017) and Nisa (2011).
- ²¹ I take the term “moral ambitions” from Elisha (2008).
- ²² “Aanmoediging om trouwen.” [Encouragement to marry] Messageboard “On Allah’s Path.” No longer available, archived by author.
- ²³ Het huwelijk in de islam. [Marriage in Islam] Compiled and translated by Aboe Yousoef ‘Abdoellah. Vlaardingen: Hadith Benelux. (Hadith Benelux is a wholesale store selling all kinds from products that relate to an Islamic lifestyle from books (which publishes and distributes), decorations, multimedia, and so on.
- ²⁴ “Het huwelijk,” pp. 72–91.
- ²⁵ In 2003 imam Ahmad Salam, one of the leading Salafi imams in the Netherlands, caused significant controversy when he and others were shown on Dutch TV legitimizing the use of such force during sermons. NOVA Radicale imams prediken vernietiging vijanden islam [Radical imams preach destruction enemies of Islam], June 14, 2002. <https://archieff.ntr.nl/nova/page/detail/nieuws/3411/Radicale%20imams%20prediken%20overnietiging%20vijanden%20islam.html>, accessed May 29, 2021.

- ²⁶ Supported by a story about the prophet Muhammad's marriage with Khadija, which describes the prophet as saying, "The best among you does not strike."
- ²⁷ Lectures preacher A and B and online messageboard "Tien adviezen voor de moslimvrouw" [Ten pieces of advice for the Muslim woman].
- ²⁸ Wij moslims. Jij en je partner. Eén team! [We Muslims. You and your partner. One Team!] A four-part series of articles in 2012 and 2013. Archived by the author.
- ²⁹ Tweede kamer, brief van de parlementaire ondervragingscommissie, 25 juni 2020, 35 228, nr. 4. [House of Representatives, letter from the Parliamentary Inquiry Committee, June 25, 2020, 35 228, nr. 4].
- ³⁰ POCOB reports, p. 337.
- ³¹ Marije van Beek, Trouw, Fatwa van Nederlandse imams tegen illegale huwelijken [Fatwa of Dutch imams against illegal marriages] <https://www.trouw.nl/home/fatwa-van-nederlandse-imams-tem-gen-illegale-huwelijken-agf8a285/> Last accessed June 5, 2021.
- ³² Al Yaqeen, Islamitisch trouwen in Nederland [Islamic marriage in the Netherlands]. October 16, 2016. <https://www.al-yaqeen.com/artikelen/islamitisch-trouwen-in-nederland/>, last accessed June 5, 2021. See also for an Islamic scholar's opinion presented by the As Soennah mosque: Al Yaqeen, Sheikh Mawloed as-Sarierie <https://www.al-yaqeen.com/artikelen/islamitisch-trouwen-in-neders-land/>, last accessed January 5, 2022.
- ³³ The dower is not mentioned at all in this statement.
- ³⁴ Al Yaqeen, Is bij de Gemeente trouwen islamitisch voldoende? [Is it sufficient to get married at the municipality's office?], November 5, 2018. <https://www.al-yaqeen.com/va/is-bij-de-gemeente-trouwen-islamitisch-voldoende/>, last accessed June 5, 2021.
- ³⁵ Text archived by the author.

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Palestinian Women Prisoners: The Relational Politics of Incarceration, Marriage, and Separation

Samah Saleh and Annelies Moors

Introduction

Tahrir, Samira, and Ahed, three of our key-interlocutors, have all spent considerable time in Israeli prisons.¹ After Tahrir was sentenced to a long prison term, she married a man who had been sentenced to life imprisonment, while she was still in prison. When she was released as a result of the Oslo Accords, he divorced her so that she could remarry. After she remarried and had a child, she was incarcerated again; this time her husband decided to wait for her release. Samira, whose fiancé had been martyred before the marriage contract was signed, had remained single in prison. After her release she married a man who had been sentenced to life imprisonment. Years later, after she had been imprisoned again, he quite unexpectedly wanted a divorce. Ahed had gone to prison as the widow of a martyr. She had wanted to remarry while in prison, but her family convinced her not to do so. Some time after her release, she remarried a man from the same political organization as her martyred husband. While these three women were all imprisoned for long periods of time, this brief vignette already indicates that their marriage stories vary considerably.

In this article we analyze how resistance, incarceration, marriage, and separation are interrelated in the lives of Palestinian women political prisoners. Since 1967 more than 800,000 Palestinians have been detained or arrested under Israeli military orders in the occupied territories. Whereas Palestinian women have a long history of resisting the Israeli occupation, the number of incarcerated men far outnumbers that of their female counterparts.² This is both because political activism is gendered, with men having a stronger presence in militant, armed resistance,³ and because women who are imprisoned stand a greater chance of being released early, as their release is at the top of the list of demands in prisoner exchanges.⁴ As a result, authors interested in how incarceration has affected women often focus on the experiences of the wives of male political prisoners. Both Segal (2013, 2015)

and Giacaman and Johnson (2013) have analyzed the ambiguous position in which these women find themselves. Whereas they are publicly celebrated and idealized, in everyday life they face the problems of life with an absent–present husband. The norm is that these women sacrifice themselves; they are expected to put their lives on hold and to care for their children while they wait for their husband’s release.⁵ Often still young and viewed with some suspicion, they are expected to stay under the authority of their in-laws, and to live for the brief moments they are allowed to visit their husbands, which entails a grueling journey to and from the prisons that are located in Israel.

Studies that focus on Palestinian women prisoners themselves (such as Abdo 2011; Bayour 2004; Meari 2015; Shwaikh 2022) describe the gendered and sexualized ways in which the Israeli interrogators deal with Palestinian women prisoners.⁶ Next to facing similar forms of torture as men, such as beatings, being locked in very small places and tied in very painful positions, women prisoners also face gender-specific forms of physical and psychological violence: the refusal to provide them with sanitary products during long periods of interrogation, intrusive and violent strip searches, and sexualized insults and violence. Israeli interrogators also attempt to undermine women’s morale by targeting their families, using methods such as bringing close kin to the prison to threaten, humiliate, and attack them in the prisoners’ presence (Abdo 2008; Shwaikh 2022). Sexual shaming, a well-known colonial technique to exert control (McBrien 2021), is not only used as a means to push the imprisoned women to talk, but also to generally discourage women from engaging in political activism, to lower the standing of their families in the community, and to weaken the Palestinian social fabric (see also Abdallah 2015; Francis 2017; Shalhoub-Kevorkian 2009).

Some authors underline the need to shift the focus from how colonial power works to the agency of Palestinian women prisoners. Meari (2015) shows that these women resist attempts at sexual shaming by resignifying their experiences during interrogation as an enactment of *sumud* (the Arabic term for steadfastness). In the Palestinian context, *sumud* has come to refer to a wide range of forms of resistance, varying from staying put and trying to live a normal life under abnormal circumstances to forms of community building and engaging in the reproduction of Palestinian culture and society.⁷ For those under interrogation *sumud* stands for non-cooperation with the Israeli security agents. By refusing to be affected by sexualized threats of violence, women prisoners and their supporters challenge the association of dignity with women’s sexuality and instead link dignity to *sumud*, to remaining steadfast (see also Abdo 2008, 183).⁸ In this article, discussing the relation between incarceration, marriage, and separation, we also move from the negative effects of incarceration for the women concerned, to how they themselves act with respect to marriage and separation. It is true that concerns about sexual abuse may

diminish women's chances to marry and that for those already engaged or married, incarceration may lead to a separation (Shwaikh 2022; Bayour 2004). Yet, many of our interlocutors highlighted how they themselves had opted for a particular kind of marriage or for a separation, foregrounding their agentic power.

Theoretically, a focus on the relation between incarceration and marriage is part of the broader debate on how politics and intimate relations relate to and impact on each other (Amarasuriya et al. 2020; Kelly 2019). As positionality is multiple, those engaged in acts of resistance cannot be considered as political actors only, nor can their aspirations be reduced to the political. In a society where marriage is socially, culturally, and religiously highly valued and a crucial marker of adulthood, entering into a marriage is an aspiration many share. This is the more so as marriage is the only legitimate framework for producing children, and more generally central to the reproduction of families, communities, and the Palestinian nation.

Recognizing that producing a boundary between politics and intimate relations is in itself a political act (Ferguson 1994), our main interest is in whether and how intimate relations become politicized or not in particular spatial-temporal contexts and relational encounters. Hence, we investigate how our interlocutors themselves conceptualize and engage with the relations between politics and intimate relationships (Candea 2011). Acknowledging that aspirations and their enactments in the fields of resistance/incarceration and marriage/separation are interrelated, the empirical question is then *how* they are related. Commitments to the resistance and to intimate others, such as kin and partners, may strengthen each other, but they may also push in different directions. Those active in the resistance may engage in actions or refuse to do so, because of their love and respect for intimate others, their perceived need to protect them, or their refusal to hurt and harm them. Close intimate relationships may support, but may also stand in tension with, loyalty to political organizations and resistance movements. Moreover, both intimate relationships and political activism are not only sites of mutual support, solidarity, and care; they may also be locations of inequality and domination. As many have recognized, gender hierarchies are not only present in politics and the labor market, but also in the family (Young, Wolkowitz, and McCullagh 1982). Conceptualizing kin and intimate relations as primarily characterized by sharing and mutual support (Sahlins 2013) does not do justice to forms of inequality and distrust that may simultaneously be present (Carsten 2013; Geschiere 2013).

In the following we start with a discussion of whether and how intimate relations of kinship and marriage motivate women to become politically active and ask which relationships have had an important impact on their political trajectories, be it to encourage or to impede their commitment to and engagement with the resistance. Next, we analyse how their experiences with incarceration have affected how and with whom they enter into a marriage, and whether other concerned parties,

such as kin and the political movement they are affiliated with, have been involved in bringing these marriages about. In the last section we discuss how women's incarceration influences when and how couples decide to end their engagement or marriage, tracing who initiates the dissolution and their motivations to do so. But before entering into the substance of our arguments, we first briefly describe how we have collaborated in this project and what kinds of methods we have used.

On collaboration and methods

To grasp how incarceration and intimate relations intersect, we have worked with ethnographic methods, and, in particular, with topical life stories (Bertaux 1981). Such a life story approach, focusing on the specific topics of incarceration and marriage, works well to trace connections between societal transformations and biographical life courses, centering the perspectives and the experiences of the women involved. Both entering into a marriage and dissolving one are not distinct moments but processual events. Life stories encourage us to link the past (how subjectivities are shaped) and the future (the kinds of aspirations our interlocutors presented) with respect to politics as well as marriage.

In this article we build on our previous work. Samah Saleh has done extensive research with, and written her PhD dissertation about, Palestinian women who had been imprisoned in the Israeli colonial prison system (Saleh 2016; also 2021; 2022). Working with in-depth interviews and life stories, she has analysed the experiences of these women in prison and investigated how their encounters in prison have shaped their subjectivities. She has traced the connections between incarceration and women's lives prior to arrest, as well as how incarceration has affected their lives after their release. Annelies Moors has been involved in long-term topical life story research with Palestinian women and has focused on the multiple positions women take up when entering into and leaving a marriage, with specific attention paid to "political marriages" (Johnson, Abu Nahleh, and Moors 2009; Johnson and Moors 2020; Moors 1995). From 2017 to 2019, we jointly conducted topical life story interviews with former women prisoners about how they entered into a marriage and/or how these marriages ended. These open-ended topical life story interviews have been further contextualized through informal conversation and participant observation. We have both been involved in the empirical research, conducted part of the interviews together, and collaborated in the analysis of the material.

In total we have held conversations with more than thirty former women prisoners.⁹ They differ in terms of age, educational level, class position, religious belonging, and political affiliation. Some have grown up in highly politicized homes, others were motivated by their concrete experiences with the injustices

of the occupation, some were recruited by political or military groups, others actively sought these out themselves, and after their release from prison, some were supported by their families and communities, while others faced forms of censure and rejection.

Our interlocutors have entered prison at various historical moments, from the late 1970s until 2020. Both the prison population has changed through time as well as how society perceives of political activism and incarceration. Whereas the early generation of women prisoners was often well-educated, politically committed to and involved in secular nationalist or left-wing movements, more recently the prison population has become more diverse. First, with the emergence of Islamic movements, also more women associated with these movements have been incarcerated. Second, after the Oslo accords, there has been a shift in political climate. Whereas prior to these accords, especially during the first intifada, there was a strong emphasis on collective struggle and resistance, thereafter there has been a greater concern with individual material well-being in a context of state-building and a broader turn to consumption. The PA (Palestinian Authority) has taken up some responsibilities toward the material needs of the prisoners, yet many former prisoners are disillusioned with the diminished societal appreciation for the sacrifices they have made (Giacaman and Johnson 2013; Johnson, Abu Nahleh, and Moors 2009).¹⁰

Our research includes women from different political orientations, both left-wing secular organizations and Islamic groups. We have mainly worked with former political prisoners who had longer prison sentences. Many would fit the term *munadilat*, that is women resistance fighters, and some were active in military organizations (also Abdo 2008). Our research does not claim to be statistically representative, but aims to gain insights into how these politically committed women talk about and reflect on entering into and leaving a marriage. We are well aware that their narratives are always told in hindsight, that is, that they are contemporary reflections on past events that are also shaped by how their lives have unfolded after their release and by how they perceive the present.

Prior to incarceration: Family, resistance, and marriage

Some of our interlocutors were already engaged or married prior to their incarceration. This raises the broader question of how kinship and marriage intersect with their political activism and acts of resistance. Were the women already politically committed prior to entering into an engagement or marriage? Did their engagement or marriage have an impact on their activism?

As mentioned previously, engaging in political activism and resistance is not only the effect of politico-ideological convictions; intimate relationships,

commitments, and loyalties to particular individuals may also have an impact. One recurrent pattern in the narratives of our interlocutors is the atmosphere or the environment they grew up in. They often hailed from families with a long history, sometimes an inter-generational history, of political engagement and anti-colonial resistance. Some families had a long-standing involvement with a specific political or resistance organization, be it secular left-wing or Islamic. But also when there was not such a commitment to a particular party, our interlocutors referred to growing up in a nationalist environment. Many were also personally affected, because close kin, such as a father or a brother, had been martyred or incarcerated for long periods of time.

Here we return to our key interlocutors, Samira, Tahrir, and Ahed, and briefly present the environment they grew up in. Samira, born and raised in a larger village, underlined that it was the atmosphere at home that had stimulated her to become active. Her grandfather, a fugitive in the days of the British colonization, had been executed by the British military and her grandmother was someone with a strong fighting spirit; Samira referred to her as the one who had “sown the seeds.” Her own mother had become responsible for raising seven children, after she had become widowed when Samira was still very young. “My mother was not educated, but she was much attached to the land and strongly supported the national struggle,” Samira said. “With the first intifada, when four of us were in prison, she would often come to visit us, she never said why did you do this or complain about our activism, that is what stimulated me. And my brothers never gave me the feeling that a woman is weak.” Her strong ties with her siblings, especially with the brother who was incarcerated multiple times, were evident. Considering herself a religious person, even if not very strict, Samira, like her brothers, had become affiliated with an Islamic group. What had counted most for her was its strong commitment to the resistance. Still, not everyone in the family was similarly involved. None of her sisters has become politically active, and also one of her brothers was far less involved than the others.

By the late 1990s, when Samira was in her later twenties, she had started to work for an educational association. There she got acquainted with a man who was also active in the resistance and they decided to become engaged. But their marriage never materialized. Immediately after he had spent a brief period in prison and was released, he was the victim of a targeted assassination. “We had planned to formalize everything on Friday and on the Sunday before that he was martyred,” Samira said, showing us the ring he had given her, which she had always kept. It did not take long before Samira herself was imprisoned.

Tahrir recalled that she had already been drawn to the resistance as a little girl when she visited her family in Jordan in the late 1960s. At the time many young people were involved in the resistance, and she had become much impressed by

the *fedayeen*. Next, she mentioned how her two-year older brother, “who used to play revolutionary songs,” was killed by the Israelis. Not long thereafter, when she was in her last year of high school, she became engaged. Before the young couple could marry, her fiancé was imprisoned. He had been involved in a military attack on Jewish settlers and was sentenced to life.

It was after this had happened that Tahrir decided to become active in the resistance herself. Without her family’s knowledge she took part in military training. Some years earlier she had already become, in her words, “very religious.” At the time there were no Islamic organizations so she joined a mainstream nationalist group. By the time she was imprisoned in the late 1980s, she had become affiliated with an Islamic organization. She was, however, not very interested in party politics and considered these organizations only as a means, not an end in themselves; after the Oslo Accords she had become disillusioned with all political parties. Whereas she had mentioned her fiancé’s imprisonment as motivating her to become active in the resistance, she also strongly believed that what mattered was “that you act out of conviction, not only because you are related to certain people. You have to emphasize that we have the legal right to resist otherwise we will simply be terrorists.”

In contrast to Samira and Tahrir, Ahed hailed from a family with a long history of involvement in a left-wing secular group. As if to underline this, she explained to us, “I was born into our political group, I inherited it with my mother’s milk.” Her grandfather had already been involved in the party in its foundational days and had become a leader. Her mother’s uncle had been martyred, her brothers had also been imprisoned off and on, and she had become familiar with the army’s harassment as they regularly came to the family home. At the same time, she described the village where she lived as socially conservative and her father as “a religious man.”

When Ahed was fourteen, she had become informally engaged to her cousin, the six years older son of her father’s sister. As Ahed disclosed, they were in love with each other, and after some discussion the family agreed to the match. Five years later the young couple married. Her husband’s family had a similar history of involvement in the resistance as her own. The couple had only lived together for one year, when, soon after the second intifada had started, her husband had become a leader of the resistance and a “wanted person.” From then on, their marital life became unpredictable. At most they would see each other twice a month, at different locations but not in the village, as the Israeli military often came to their house in the village searching for him. He succeeded in evading the Israeli military for more than four years before they located and summarily executed him. The next day the Israeli army blew up the couple’s house. Shortly thereafter, Ahed’s father-in-law became seriously ill and passed away while being held up at a military checkpoint on the way to the hospital.

Ahed was much affected by this all and wanted to act. However, her husband had explicitly stated that were he ever martyred, he did not want her to participate in the resistance. He also had not wanted her to join during his lifetime because he had been very concerned about his mother. As his brothers were all in prison and she had suffered a lot, he preferred Ahed to stay with, and care for his mother. Well-aware of her husband's wishes, the party leaders at first turned Ahed away when she wanted to become actively involved in the resistance. But when she persisted and threatened to go to another group, they gave in and accepted her. While preparing for action, Ahed was arrested and sentenced to six years.

Marriage after incarceration

The narratives of our interlocutors about interrogation are similar to what human rights organizations and other scholars have reported. Especially, but not only, during the period of interrogation conditions are very harsh. Our interlocutors mention physical and psychological violence, including sexual harassment, such as violent strip searches, a prohibition against wearing the hijab, and threats about detaining their kin and partners. Yet, they also underlined that they were well-aware that their interrogators use sexual violence as a threat precisely because it is a sensitive issue in Palestinian society.

Sexual violence is not so much publicly discussed in Palestine as it is the subject of rumor and informal talk. As one of our interlocutors said, "When you leave prison people ask 'Did anything happen to you?' It is obvious that they mean rape. But that does not happen."¹ Some would simply shrug their shoulders and consider it "normal" that people would ask, adding, "But that are threats, they want to make you afraid, but it does not really happen." Others, in contrast, were indignant, as they considered such questions as further evidence of how unequally society deals with men and women, even when they have been incarcerated. As Samira said, "People only focus on the negative effects of imprisonment, no one asks you, what did you learn in prison," adding "People always talk... what matters is the family. If your family supports you, it does not matter if people talk, that will not affect you. Your family can lift you up or make you fall."

Samira underlined that her family had always been very supportive. Still, it is not only a supportive family that makes a difference, also the status of the family in the community mattered. In Samira's words, "Also, our family has a good position in the village, that is why we get a lot of support, no one can talk about us." The situation could be a lot more difficult if families did not have such a position. Take, for instance, Lama's experiences. Her father, affiliated with a left-wing party, also had a long history of activism in the resistance and had often been imprisoned, but

her family was quite isolated in the village. Her father's relations with his brothers were strained and the family had for some time left the village and lived elsewhere. After Lama's brother had been martyred in the second intifada, her 15-year-old sister attacked a settler. When she did not come home, and before it became known that she had been arrested, there were rumors that she had run away with a man. This had affected her very much and after she was released four years later, she kept her distance from people. About a decade later Lama and her brother were arrested; both were sentenced to two years. Reflecting on her time in prison, Lama talked about the solidarity among prisoners, but also said she had a difficult time when she had some issues with one of the women leaders. After her release there was the usual public celebration, but most of her girlfriends had broken off their friendship. In Lama's case, a sense of isolation permeated her narrative.

Whether incarceration makes it more difficult for women to marry is an issue our interlocutors often discussed. Some agreed that it may indeed be harder for a woman ex-prisoner to get married than for a man in a similar position. All were familiar with cases of a fiancé who broke off an engagement or a husband who wanted a divorce. Others would qualify this and mention the many women ex-prisoners who did get married. Next to this, our interlocutors pointed out that men who had been imprisoned also faced problems. The historical moment also mattered a lot (Johnson, Abu Nahleh, and Moors 2009). Whereas during times of heightened popular resistance, such as during the first intifada, activists were held in high regard, this changed after the Oslo Accords that had turned hope into disappointment and despair. By the end of the 1990s activist men had become far less desirable as spouses, because of the risks of re-imprisonment, the problems they faced in finding employment with the Palestinian Authority (PA), and concerns about their physical and mental health after release (Giacaman and Johnson 2013). When we asked Samira whether it was more difficult for a woman to marry after she had been in prison, she explained, "That may be so, but also men face problems. When we tried to find a bride for my brother, this was difficult, because his brother had been incarcerated for a long period of time. They were worried that our house was marked, that he would be a target for both the Israelis and the PA." Our interlocutors nevertheless agreed that the effects for women were often more severe, also because age (the possibility to bear children) was a strongly gendered consideration.

Political subjectivity and political marriages

The narratives of women ex-prisoners about how they evaluated potential husbands often included a discussion about the latter's politics and commitment to the resistance. Entering into a marriage not only connects individuals, but also their

families and social networks. Marriages are often concluded between people who are in some way close or similar to each other, be it in terms of educational level, religion, location, nationality, kinship, or class. Yet as individuals always have multiple positionalities, being close in some respect usually means being more distant in other respects. In other words, concluding a marriage activates particular forms of closeness. What matters here is whether and how political affiliation, “political closeness” as it were, is at stake when opting for a specific marriage partner (Johnson, Abu Nahleh, and Moors 2009).

For those who are or have spent time in prison, the political engagement of a potential spouse is particularly important. Whereas it is true that many of our interlocutors came from politicized environments, incarceration pushed the development of a strong political subjectivity further. As Saleh (2016, 2021) points out, incarcerated women are isolated during interrogation, but once the interrogation period has ended, they become part of a collective prison body in which political affiliations matter. Lacking privacy, they become especially close to their cellmates, who are often from the same political organizations. These close ties continue after their release. As ex-prisoners, they are under surveillance often not only by the occupation forces but also by their families. This further stimulates them to maintain strong relations with their former cellmates. Having gone through similar experiences, they sense that only these women can really understand them. Ahed, for instance, had strong relations with her mother and sister, yet after she had been released, she nevertheless felt closer to her former cellmates and other political prisoners. In her words, “We had shared a life together that was alien to those who did not have those experiences.”

How does this all affect marriage? Among families with a history of commitment to the resistance, political affiliation is often an important criterium for selecting a partner. This mattered even more if women themselves had been incarcerated for a longer period of time. Quite a number of couples had married within the same party. This does not, however, mean that the party is actively involved in arranging marriages. “They will support former prisoners in finding employment, but not in finding a spouse, that is private” one of our interlocutors explained. This fits with the general reluctance—also in the case of non-political marriages—to get involved in “matchmaking,” as this is considered a heavy responsibility; if the marriage were to fall apart, those involved in arranging it might also be held responsible. Marriages within the party often simply come about because of the conditions of possibility, that is, the ability to meet each other at party-linked social events.

At the same time, the party, but also kin, may try to discourage marriages with men strongly involved in other parties. Ahed’s narrative shows how she dealt with such concerns. After she had been released members of her political group vaguely suggested certain men as potential marriage candidates, but nothing came of that. Later, Ahed developed feelings for someone from an Islamic organization. Both her

family and the party were against the attachment. First, her martyred husband, who had held a leadership position, had insisted that she remarry someone from the same left-wing group as, in his view, only such a person would accept and protect her. Her family was also concerned that she and this man were too different. In her brother's words, "those who are summer people cannot live in winter, and those who are winter people cannot live in summer". While these objections did not immediately put Ahed off, after she had some conversations with the person involved, she came to agree that they were, indeed, too different. Sometime later, a former political prisoner from the same left-wing organization proposed marriage. After seeing her at a prisoners' solidarity event, he had approached her through Facebook, explaining that he knew about her, knew her family, and had known her martyred husband. "He visited my family, four months later we were engaged, and another four months later, we were married," Ahed summarized.

Whereas political parties are hesitant to become involved in arranging marriages, individual women prisoners may attempt to do so for their fellow prisoners. Incarcerated in cells with women from the same political group, close friendships and political affiliation merge to such an extent that a woman may attempt to turn her friend into affinal kin. When we interviewed Ahed, her close friend and former cellmate Zahra was also present. Zahra was from a different village, but her political background was very similar to that of Ahed. Her family also had a long history of involvement with the same political party and her father had been martyred. The two women became very close friends in prison and as a result they faced a very difficult time when one of them was released one year prior to the other. As Zahra recalled, "It was so difficult to leave her [Ahed] in prison by herself. When I was hanging out at university with two other ex-prisoners, we were constantly saying, 'now Ahed will be doing this, now she will be doing that.' We know the prison routine so well." While they were relating these experiences to us, it was obvious how strongly these experiences still affected them. Hugging each other, both women had tears in their eyes.

Ahed, the one who had stayed in prison the longest, then explained to us how she used to say to Zahra, "I want you to be in our family." Ahed did not leave it at this, but started to take steps to put this into practice. First, she tried to marry her friend to one of her nephews, but as it turned out, this nephew was already married by the time Zahra was released. Subsequently, Ahed turned to his imprisoned brother. She sent him a letter in which she included a picture of herself, Zahra, and another woman. He showed an interest in Zahra and asked about her. They then managed to get into contact with each other by telephone and he asked Zahra to wait for him, as he would be released four months later. Zahra agreed to do so. She told her family that someone wanted to marry her but that she needed to wait for his release. When that moment came, she and some friends went to his welcoming party. Six months later he came to ask for her hand. When the couple got officially engaged, they sent

a message to the radio station to convey the news of their engagement to Ahed who was still in prison. As Ahed said, “I was very, very happy, Zahra is now in our family.”

Yet there is also a more specific way in which political subjectivity is at stake, that is when (previously) incarcerated women decide to marry a fellow prisoner, preferably someone with a long sentence, who stands little chance to be released.¹² In these cases, women do not expect to actually live a marital life, but they intend to actively produce hope in an apparently hopeless situation, both for the prisoner concerned and for the Palestinian resistance at large. It is a form of *sumud* against all odds.

Several of our interlocutors married a prisoner who had been sentenced to life imprisonment. Tahrir claimed that when she married in the mid-1990s she was the first to do so. Her prospective husband had heard about her and had become very impressed, as she had spent a long time in solitary confinement and had organized lots of activities for the younger prisoners. Tahrir herself felt a strong sense of solidarity with prisoners from the 1948 area precisely because they would be excluded from any future prisoners’ exchange. For her “this wasn’t just an engagement and marriage and all of that, it was not simply a personal relationship...” She had been strongly affected by a sense of injustice when she had heard that a Jewish-Israeli prisoner who had been convicted of the 1990 Uyun Qari (Rishon LeZion) massacre, in which seven Palestinian workers were martyred and many wounded, had been allowed to marry in prison. “It made me very angry. We wanted to make a statement, that we also have the right as prisoners to do this. We wanted to create a precedent,” she explained. Still, even with the support of lawyers, it was a long struggle to conclude the marriage contract and to have some kind of wedding. Tahrir had wished for a real wedding and to have conjugal visits, but her husband did not want to push for that. She had wanted this, so that “young prisoners with life sentences would have hope, and would be able to have children”.¹³

Samira, who had experienced the execution of her fiancé and had not been interested in marriage thereafter, changed her mind when she started to think about marrying a prisoner with a life sentence, “in order to give prisoners hope to have families”. After she was released from prison in the early 2000s, she became active, under a pseudonym, in a support group for prisoners. In the course of her work, she got to know a prisoner, who then asked her to contact a certain woman, who had spent time in prison. “He told me he wanted to marry her, not realizing that he was, in fact, speaking with her, he did not know my real name,” Samira said. She then started to ask about him, who he was, about his family, and about his case. One of her incarcerated brothers knew him from prison and through him they were able to communicate. “What mattered most for me were his morals and his willingness to fight,” Samira explained. “I was impressed by his case, he had taken part in a military action that targeted Israeli soldiers. I also asked the advice of my family. Some were in favor—one of my brothers knew him in prison—but my

oldest brother was against the idea. He was worried that I would regret it later, that he would never be released... But the choice was mine. And I wanted someone who was a fighter, who had sacrificed for his country." When we asked her whether she had seen him and met him in person, she explained, "I had not seen him, that sort of thing does not matter much to me. To enter into such a relation is to take part in the struggle." She also mentioned an additional consideration, foregrounding gender. "I was working with men a lot. And then when you yourself are not in a relation or engaged, that may cause problems, their wives may become jealous..." He then asked for her hand, his family came to visit her family and the couple was engaged "in the traditional way", as she said. She managed to visit him once, using the ID of his sister. Just like with Tahrir, in her case it also took years before they succeeded in having the marriage contract arranged, and by that time she was herself again incarcerated.

Families, as well as individual family members, may hold diverse opinions about whether such a political marriage is desirable. Samira mentioned the different perspectives of her brothers, the one who had himself been in prison for a long time supported the idea, but her eldest brother had warned her against the marriage. In the case of Ahed, she did not find family support. When she had been in prison for some years, she had also expressed her desire to get engaged to someone who had been sentenced to life in order "to give him hope, to give him a connection with life outside of prison". Yet in her case, her family objected to her doing so while she herself was still incarcerated. They wanted her to wait until she had been released. "He has a life sentence, and you will be free in two years. You need to get to know each other, you should think about this, not decide based on emotions. When you are in prison your thinking is restricted," they said. Also her brother who had been a prisoner himself did not support her, but he used a different line of argumentation. "You entered prison as the widow of a martyr; it is difficult to be liberated as a married woman, that is hard for your late husband's family, they also should have some say in this," he said. Ahed then agreed with them. After her release, she managed to find ways to communicate with her prospective husband, but in the course of time came to realize that even if they were from the same political group, they were too different in other respects and a relationship did not develop.

Whereas both Samera's and Ahed's families were not only highly politicized but also well established in their communities, Lama, whose family was far more isolated, talked about marriage in a different, more circumscribed, way. She started explaining that "there had not been an opportunity yet for marriage"; apparently no suitable suitor had approached her family. Then she modified this, saying that there was a prisoner who wanted to marry her, presenting him as the one taking the initiative. They had talked to each other by phone, and her brother supported

the idea, but her father was against it as this man would be in prison for another ten years.

As evident from the above, family members do not hesitate to point to the problems involved in opting for a political marriage. When we talked to the sister of man with a long prison sentence, she told us about her hesitations about his marriage. A woman who was also incarcerated had started to send him supportive letters because he was one of the longest serving prisoners at the time. When she was released, he told her not to wait for him, but to study and get married, as he had no idea when he would be released. But then he was freed as a result of the Oslo Accords. "She still wanted to marry him," his sister explained. "I did not support that, I told her, you are still very young... she was 23, and he was thirty years older... I said to her, you will want to do things, you are impressed because he is a hero, the whole world sees him as a hero, but when you are forty, he will be seventy... But she wanted him and they got married."

As this last case already indicates, it was not necessarily the political aspect of the marriage that family members may object to, but the fact that these marriages bring together two individuals (or families) that are very different in other ways, such as in terms of age, class or religion. This is also what Manal experienced. She had been raised in an urban environment where education was much valued, had become involved with a leftist organization, and became active in the military resistance in the later 1970s. After spending eight years in prison, she was released in a prisoner exchange. At first, she did not consider marriage. But when she became involved in a prisoner support group, she met an ex-prisoner from the same organization, whom she described as "a democratic and very respectable man, who supported the women's cause not only in words but also in practice". They got engaged, but the problem was that he was Muslim and she was Christian and her family refused to agree to the marriage. However, the couple found a priest who was willing to marry them, and they registered the marriage with the sharia court. "Each of us kept the own religion," she said. "We celebrate all the feasts, but we are leftist and not very religious." The rift with her family lasted for two years. "With the intifada we became fugitives, we were on the wanted list. Our friends went to my father... and then he came and my mother and sisters also, because they were worried about me. And my husband also made it easy for them." But in other cases relations remained strained, as another of our interlocutors, who had become active in the military resistance at about the same time, explained. Her Christian family, refugees living in a village, abandoned her when she decided to marry a Muslim, a fellow prisoner from the same group she had been active in. Because of this marriage, her family had become ostracized, with villagers throwing stones at their house. Their life became unbearable, and they felt forced to leave the country and to move abroad.

Separation: signification and sacrifice

Engagements and marriages did not always last after women were incarcerated. The norm that women are to put their lives on hold while their husbands are in prison is a strongly gendered norm; when the woman is the one in prison, there is less pressure on men to wait for her release. Our interlocutors also mentioned that some men break off the engagement or marriage if their partner is incarcerated, or occasionally, marry a second wife. But we also talked with previously incarcerated women whose husbands had remained supportive or who had themselves initiated a separation.

Focusing on how separations come about and how these are signified by the parties concerned, the situation may well turn out to be more complex than it may seem at first glance. In some cases, families put pressure on either the woman or the man to break off the relationship. But prisoners may also initiate a separation themselves as an act of sacrifice to avoid keeping the life of one's partner on hold. Both aspects are present in Tahrir's narrative. Her fiancée was imprisoned and sentenced to life before they had been able to conclude the marriage contract and plan for the wedding. Two years after he had entered prison, her eldest brother—her father had passed away—and other family members began pressuring her to break the engagement. "They said, there is no marriage contract yet and you do not have a child... you never know what will happen, maybe he will leave you and marry someone else. If you break off the engagement you are free, you can choose to wait for him or not to do so, that is up to you." At first, she refused the idea, but then she changed her mind. "He [her brother] convinced me that it was not something emotional, but rational. And he promised that he would not pressure me to marry someone else."

Then Tahrir herself was detained. When her former fiancée was unexpectedly released, she was still in prison. He wanted to take her in marriage, but she did not agree, because she expected to remain incarcerated for a long time. "I said, I do not want you to wait for me, you still have a life in front of you, you have the right to marry and have children. So in the end he married someone else, and I was happy about that." Sometime later Tahrir decided to marry a man with a life sentence. When she, in turn, was released as part of the Oslo Accords, her husband divorced her for the very same reason. "He did so that I would be able to marry someone else and to have children," she explained. She did indeed remarry, to a man with similar political convictions, who had been in prison for more than a decade, and they had a child. When she was incarcerated again, her husband waited for her. Tahrir underlined how meaningful this was, as women prisoners with children often face the strongest societal criticism.¹⁴

Allowing the other party "to get on with their life, to marry and have children" was an almost formulaic argument we heard time and again from incarcerated women when engagements were broken and marriages came to an end. Whereas it

is often assumed otherwise, it is not necessarily the case that the man is the one who takes the initiative. As the above indicates, especially when women face a long prison term, they themselves may well release their partners from their commitment.

Still, some incarcerated women felt left down by their spouses. Palestinian media regularly show welcoming parties for prisoners, also celebrating their wives who have patiently waited for more than a decade for their partner's release (Shwaikh 2022, 511). Less publicly visible are the nightmare scenarios some families present to their female kin to convince them to divorce their imprisoned husbands. They warn them that they will spend their life waiting for their husbands' release, only to find out that once released these men will opt to marry a younger woman with whom they can start a new family.

Even women who have opted for a political marriage with someone with a life sentence may in the end be disappointed. Samira who had entered such a marriage told us that the relationship had worked well for more than a decade. But when she herself was then again imprisoned she felt something had changed. After her release, some years later, her husband did not try to contact her. He then raised the issue that he wanted children and suggested trying sperm smuggling. Samira agreed, but he never made an attempt to do so. In hindsight, she suspects that he may have expected her to refuse, which would have given him a socially acceptable reason for a divorce. When he kept insisting on a separation, Samira's brother intervened and asked him for his reasons. He then complained that Samira had not obeyed him, as he had asked her not to go back to prison, and also said that he wanted a younger wife. Explaining how her brother had supported her, Samira recounted, "My brother told him, you knew her before this marriage and you knew what she is like, that she is an activist, a fighter. You got engaged to her while she was in prison, so how can you do this, you knew she may be arrested again." Samira on her part suspected that something else was at stake, that her husband was unhappy that she refused to engage in more intimate conversations by telephone. In her view, there was a decline of men's morale in prison, especially with the future looking increasingly bleak. He also wanted her to initiate the divorce and give up her financial rights. At first, she refused, but two years later, tired of it all, she sent back what she had received from his family and they were officially divorced.

Samira's narrative indicates the multiple, sometimes contradictory, ways in which incarceration, kinship, and marriage impact upon one another. Her experience with colonial power and incarceration led her to marry a life-sentenced prisoner, an act about which her brothers held divergent views. More than a decade into the marriage, her husband then wanted a divorce because she had been imprisoned again. Hers was not the only case in which a partner did not condone his wife's activism. Ahed's husband had always objected to her engaging in acts of resistance, because he wanted her to support his mother. Such a reluctance of

having close relations engage in the resistance became more widespread when the political climate became increasingly desperate and social support for prisoners further diminished. Some of our interlocutors related how even in families that had a history of political activism, mothers and other kin may try to discourage their children from becoming engaged in the resistance.

Conclusion

In the above we have presented some insights that emerged from our interlocutors' narratives about how the boundaries between political activism and intimate relations are reproduced, transgressed, or transformed and how gender matters. Whereas our interlocutors push back when their interrogators attempt to politicize intimate relations, trying to exert pressure through kin and partners, politicization takes on a very different meaning when they discuss their own marriages.

As incarceration has often resulted in strengthening their political subjectivity, our interlocutors often underlined that they themselves were actively involved in politicizing marriage. For them, opting for a spouse who is committed to the resistance may well override other forms of closeness, turning some of their marriages into acts of transgressing the boundaries of class or religion. Some have engaged in a highly specific form of "political marriage," that is a marriage with someone who stands very little chance of ever being released from prison, explicitly referring to the affective realm of giving hope, connecting the prisoner to a new family. In those cases, incarceration contributes to the production of dense politico-kin networks through political marriages. Yet, in some cases such marriages may also sever kinship ties. When families consider a marriage too transgressive, this may cause a rift between the incarcerated woman and her family. In addition, there are not only differences between families, but families themselves are not unitary; some family members may be in favor of a particular marriage, while others may oppose it. Entering into such a marriage may then reconfigure kin relations, by mobilizing certain kin relations and disregarding others.

Engaging with the broader question of how family matters, it is evident that family histories of resistance, sometimes stretching over generations, provide an environment of national fervor and sometimes affiliation to a particular political organization. Women's experiences with close kin, fiancés, or husbands incarcerated or martyred may encourage them to become active in the resistance themselves. Still, these experiences do not determine how they will act; their agentic power matters. Incarcerated women often have close kin, such as sisters, who did not become politically involved, and most wives of incarcerated men do not become politically active to the extent that they are incarcerated themselves.

In some cases, kin as well as partners who are themselves highly politicized may discourage or even prohibit their female kin and wives from becoming similarly involved in political action.

In this contribution we have stayed very close to the insights we have gained through ethnography, in particular the topical life stories previously incarcerated women presented about the relation between incarceration, marriage, and separation. This has enabled us to gain insight into the diverse positions of our interlocutors, their kin, and their partners. They do not only differ among themselves about how they relate the political and the intimate, but individual women also take up diverse positions depending on the particular relational context they are operating in. Still, it is evident that marriage does not only or primarily reproduce the family in the sense of maintaining or continuing existing relations. It may also be transformative, activating particular kin relationships and disregarding other relationships, and produce new political communities of resistance.

Notes

- ¹ In order to protect the privacy of our interlocutors, the names used are pseudonyms.
- ² Addameer, a prisoners and human rights organization, publishes extensively on Palestinian political prisoners, including reports on the experiences of women prisoners; see Francis (2017) and https://www.addameer.org/the_prisoners/women Last accessed April 20, 2023.
- ³ Women had, for instance, a greater presence in the first intifada, which was characterized by widespread popular non-violent resistance, than in the second intifada, which was stronger militarized (Johnson and Kuttab 2001).
- ⁴ This was already the case in the 1970s and 1980s. In the late 1990s all women prisoners (about thirty) were to be released as part of the 1995 Oslo Accords, although it took until early 1997 before this had materialized (Addameer 2009, 34 and 36; see also Shwaikh 2022, 514). Since the outbreak of the Second Intifada in 2000, Israel has arrested more than 700 Palestinian women. Two years before the Gilad Shalit prisoner exchange in 2011 all twenty Palestinian women at the time in Israeli prisons were released in exchange for a video-clip that showed that Shalit was still alive. According to Addameer, in 2018 the number of Palestinian women in Israeli prisons varied from 52 to 65.
- ⁵ Longer term imprisonment is a valid shari' ground for a woman to ask the judge to dissolve her marriage.
- ⁶ Abdo (2011) has focused on the experiences of mainly left-wing well-educated women prisoners in the 1970s and 1980s on the West Bank, Bayour (2004) has done extensive research with former women political prisoners from Gaza, Meari (2014) has analyzed how Palestinian women resist threats and torture during interrogation, and Shwaikh (2022) has interviewed former incarcerated women hunger strikers.
- ⁷ For the extensive literature on *sumud* see, for example, Bourbeau and Ryan (2018), Keelan and Browne (2020) and especially Meari (2014, 2015). Whereas *sumud* may be seen as in some ways similar to resilience it is in no way connected to how neo-liberalism celebrates resilience. Instead, it is better seen as a particular subjectivity that enables resistance. Shwaikh (2022, 523), writing on hunger strikes, presents a critical perspective on *sumud*.

- ⁸ This is not an entirely new development. Hasso (2000, 492) has analyzed how nationalist activists, aware that concerns about the honor of female kin had pushed people to flee their homes in 1948, have attempted to link honor to protecting the land rather than to women's sexuality as evident in the slogan *al-ard qabl al 'ird* (land before honor).
- ⁹ For reasons of accessibility, our research is limited to ex-political prisoners living on the West Bank.
- ¹⁰ Also, next to politically organized women, young girls involved in spontaneous violent action have also entered the Israeli prison system.
- ¹¹ Some authors do write about very serious cases of sexual violence, including rape. See, for instance, Abdo (2008) and Aysha Odeh's autobiography (2004).
- ¹² This includes men with Israeli citizenship as releasing them in prisoner exchanges is a red line for the Israeli government.
- ¹³ Up until now (2022) the Israeli prison authorities do not allow conjugal visits for Palestinian security prisoners. However, by the early 2010s Palestinian prisoners had developed an alternative, that is smuggling sperm out of prison, so their wives would get pregnant through in vitro fertilization (IVF) and the couple would have children.
- ¹⁴ These women faced very harsh circumstances while in prison. Women who were pregnant gave birth in prison, under extremely difficult circumstances, shackled hand and foot. Those with very small children could keep them with them in prison until they reached the age of two; both their time in prison and the subsequent separation were emotionally very taxing for the mother as well as for the child.

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PART II

**The Micro-politics of
(Non-)marriage:
Intimacy, Materiality,
and Social Transformation**

Cohabitation and ‘*Urfi* Marriages in Tunisia: Public Discourse and Personal Narratives

Iris Kolman

Introduction

Close to a decade ago, Hazem¹—a self-proclaimed Islamist activist in his late-thirties—was about to enter into an ‘*urfi* marriage² with the young woman he was courting at the time. At the last minute, her parents refused the union for their daughter. Ever since, Hazem has referred to this episode as “the failure”—a relational failure more than an emotional one, as he had not fallen in love with her yet, but he knew she was “a good woman”³ and “they would have been good together.”⁴

Besides his pragmatic considerations—according to him both marriage and divorce are more feasible, especially financially, if done within an Islamic framework—Hazem aspires to an ‘*urfi* marriage because living according to Islam is the fundamental principle that guides all his choices and behavior; he takes issue with Muslims who do not try their best to do the same. In the current Tunisian socio-political and legal context, however, it is virtually impossible for Hazem to get married according to his religious principles. Parents rarely allow their children to enter into a marriage without state registration. For Hazem, on the contrary, a state-registered marriage is not Islamic enough.

Hazem never discussed his wish for an ‘*urfi* marriage, or any other topic related to love and matrimony, with his own parents: “Unfortunately they don’t think the same way.” He pondered alternative ways to be romantically involved and came up with one possible solution: getting engaged in the presence of the two families.⁵ As the men read the first chapter of the Koran (the *fatihah*) during the engagement ceremony, Hazem argued that this produced an Islamically licit relationship. However, as this still called for tricking the two families involved—they would consider the engagement as the first step leading to a state-registered marriage—he finally decided against this semi morally sound solution.

For Hazem, ‘*urfi* marriages are the most logical way to deal with the ever-growing time gap between sexual maturity and matrimony so many youngsters deal with these days—most Tunisians do not get married until their late twenties or

early thirties. He never considered cohabitation as an alternative solution to this problem. After much reflection upon “the problem of sexuality” he had concluded that every society deals with this issue in its own way: “In Tunisia sexuality is organized according to Islam.” According to him, relationships outside marriage, in whatever form, can never be the solution in a Muslim majority country.

In contrast to Hazem, the cohabiting men and women I met in Tunis had never considered an *ʿurfi* marriage; they did not think of such a marriage as an alternative to, or a possible stage of, cohabitation. Most of them regarded this form of matrimony as an excuse, especially for men, to be sexually active without going against their alleged religious principles. According to them these marriages are the perfect example of Tunisian “religious hypocrisy.” In the words of Nour: “It’s not a religious thing, it’s not a progressive thing, it’s just a cowardly thing to do.”

I first met Nour on a sunny, late autumn afternoon in 2015 at her (then) favorite café on the buzzing Avenue Bourguiba, the main street of Downtown Tunis. The tiny French style terrace table was already crammed with empty coffee cups, some water glasses, and a full ashtray. When her friends had left to give us some privacy, she asked me what it was I wanted to know exactly. Nour, at the time a student in her early twenties, was the first young woman who agreed to tell me about her experience with cohabitation in Tunis, so I simply asked her to recount how she came to live with her boyfriend. “Well,” she started, “it just happened, I practically moved in with him the moment we met.” During the rest of our conversation, she explained that, for her, the moral commitment is much more important than an official marriage contract: “He’s the love of my life and that’s it.”

Nour feels very different from her family, who, according to her, first noticed this when she, still a little girl, told them she would never want to get married. Despite her young age, she had understood marriage to be an unequally heavy burden on women and a recipe for relationship failure—her parents’ marriage being a case in point. When she found herself at a phase in life where marriage would be socially expected, or at least be considered a possibility, it was even harder for Nour to relate to the image of “typical Tunisian women” who longed only for a husband, a house, and several children. She wished to experience different things, to find that one thing in life that really made her tick, before tying the knot and committing to the familial and social expectations that come with marriage.

At the time, it surprised me that Nour presented cohabitation as such a “normal” and “natural” part of her life and relationship. Like Hazem’s careful considerations of his marriage possibilities, I thought Nour would have carefully weighed all the pros and cons, all the possible negative social and legal consequences, before engaging in a relationship practice that, in the eyes of her parents and most of her fellow citizens, overstepped the bounds of acceptable behavior. As is the case with *ʿurfi* marriages, cohabitation is largely incompatible with Tunisia’s dominant

normative framework regarding sexuality and matrimony—sexual relationships outside of state-recognized wedlock are considered very transgressive, especially for women.

In Tunisia's popular imagination there is a striking similarity between the assumed motivations behind, and the possible negative consequences of, *'urfi* marriages and cohabitation—the first illegal and the latter legally suspect. Both relationship forms are portrayed as potentially harmful for the women involved. Women are generally pictured as naïve victims of devious men who represent themselves either as devoutly religious or as highly open-minded, while they are only after sex: “a man will always be a man.” Sooner or later, in this imagery, the man will leave the, probably pregnant, woman behind for a more suitable—virgin—marriage candidate and she will not have a legal leg to stand on. Besides, most people are certain that even when the intentions behind these morally transgressive relationships are sincere, they will never have a positive outcome in Tunisian society. The general Tunisian public considers both ways of dealing with sexuality outside of (state-recognized) wedlock to be inappropriate and immoral modes of intimacy. From their perspective, both Hazem and Nour should opt for a family-sanctioned and state-registered marriage.

Despite the overlap in logic that underlies negative evaluations of *'urfi* marriages and cohabitation, *'urfi* marriages seem to be even more problematic in popular Tunisian imagination than not being married at all. Since the 2011 uprising, students engaging in these marriages—generally linked to rising “Salafi”⁶ influence—have frequently made the headlines,⁷ while youth opting for cohabitation—often framed as an expression of sexual freedom among secular youth⁸—received far less (negative) media attention.⁹ In short, *'urfi* marriages are considered a far more problematic (temporary) alternative to state-registered marriage than cohabitation because of the kind of Islam they are associated with.

Based on countless conversations and observations during multiple (field-work) stays in Tunis from 2015 to 2020,¹⁰ this chapter analyzes how *'urfi* marriages and cohabitation are perceived and contested in Tunis, how they relate to the desires and motivations of the people engaging in these practices, and how these perceptions and contestations are, among other things, grounded in different understandings of being Tunisian. After briefly discussing the legal rules and social norms regarding sexuality and marriage in Tunisia, I turn to the perceptions and contestations of, first, *'urfi* marriages and, second, cohabitation. In the final section, I discuss why some students and young professionals opt for cohabitation and how their construction of *'urfi* marriages serves as the perfect counterpoint to the true and pure intentions behind their own relationship choices. Their highly critical perspective of these marriages as hypocritical and insincere underlines their liberal self-presentation and strengthens their sense of “otherness.”

Sexuality and marriage: legal rules and social norms

The ever-rising average age at first marriage in Tunisia—late twenties for women and early thirties for men (Assaad et al. 2017)—has not led to a wide reconsideration of the cultural, religious, and legal censure of premarital (sexual) relationships. Singerman (2007) coined the term “waithood” to describe the ever-growing period between sexual maturity and social adulthood.¹¹ Although the term “waithood” may invoke an image of helpless immobile youth, Singerman does not imply this period to be static.¹² On the contrary, she argues that in this period youth “forge new rules, institutions, identities, and social imaginations within particular cultural and political environments to realize their ends” (2007, 8). Honwana (2012, 4) similarly stresses the importance of looking at waithood as a possible transformative period in people’s lives, as youth who are unable to become social adults often “invent new forms of being and interacting with society.”

Cohabitation and *ʿurfi* marriages are two alternative relationship practices Tunisians, youth in particular, engage in—for various reasons and in a variety of forms—outside the dominant normative framework of family-approved, religiously sanctioned, and state-registered matrimony.¹³ Traditionally, marriages were termed *ʿurfi* when they followed local Tunisian customs. The rituals of these customary marriages differed by region, but an essential general quality was their public character. The type of marriages that were recently labelled as *ʿurfi*, in contrast, do not follow this Tunisian custom as these weddings are not only kept secret from the state but also from respective families: “They merely concern an offer and acceptance in front of two male witnesses” (Voorhoeve 2018, 486).¹⁴ These contemporary secretive *ʿurfi* marriages are illegal under Article 36 of the 1957 Code of Civil status. Interestingly, as I will analyze below, the same law can be used to punish cohabiting couples for not registering their “marriage,” although there are no specific laws forbidding cohabitation. In other words, cohabitation challenges the Tunisian normative order to the extent that it turns a practice that is technically legal into legally suspect.

Tunisian marriage legislation changed considerably when, soon after Tunisia’s independence from France in 1956, its first president Habib Bourguiba (in office 1956–87), introduced a new Personal Status Code (PSC) as part of his efforts to modernize Tunisian society. At this time, although most other legal areas had already been codified, cases regarding marriage and divorce were typically taken to sharia courts that based their rulings on Maliki Islamic law.¹⁵ Bourguiba presented the family law reforms as an innovative interpretation of Islam to facilitate their broad acceptance, as the values embodied by the new PSC represented a great ideological departure from the previous situation, especially regarding women’s legal status within the family. Major changes were that the PSC eliminated repudiation, gave women the

right to a divorce in court, abolished forced marriage and marriage guardianship, and banned polygamy (Grosso 2013; Voorhoeve 2014b; Voorhoeve 2018).¹⁶

To increase the authorities' control over the implementation of these major legal reforms, Article 36 of the 1957 Code of Civil status obliged future spouses to contract their marriage at the municipality in front of a civil servant, or elsewhere in the presence of two state-appointed notaries. The Tunisian custom of celebrating the wedding without registering it with the authorities—unregistered marriages—became prohibited and sanctioned with three months of prison, leaving the marriage null and void. Slowly but surely these unregistered marriages became a relic of the past, at least in urban areas (Voorhoeve 2018, 496).¹⁷

Nowadays, besides the first formal introduction of the two families and the engagement, Tunisian marriages generally take place in two steps: signing the marriage contract and the wedding party.¹⁸ While the marriage is legally contracted during the first stage, it is only after the second—the public celebration—that it is socially acceptable for the newlyweds to live together and consummate their marriage (Voorhoeve 2014b; Voorhoeve 2018).¹⁹ Although the Tunisian Criminal Code does not punish out-of-wedlock sexual relations²⁰ (except in the case of rape, adultery, prostitution, sex with a minor, and sodomy), over the years different Tunisian courts have applied others laws in such a way that they could persecute sex out of wedlock. As such, they confirmed and reproduced extra-legislative social norms regarding pre-marital sex (Voorhoeve 2014a; Voorhoeve 2018).²¹

Given the large gap between dominant state ideology and social norms regarding sex, sexual relationships in Tunisia are strongly influenced by how the general population feels these things should be done. The over-interpretation of various laws to prevent out-of-wedlock sexual relations also resulted “in the moralizing practice of punishing cohabitation” (Voorhoeve 2018, 497). It is socially accepted for youngsters to go and live by themselves—in student dorms, a studio, or a (shared) flat—for educational or professional purposes, but otherwise the social norm is to live with your parents until after the public wedding celebration. State-recognized matrimony is the only socially acknowledged context to live together as a couple. Couples who opt for cohabitation, as is the case with couples engaging in contemporary secretive *'urfi* marriages, could be punished for not registering their “marriage.” It is more likely, however, for cohabiting couples to be charged with prostitution or with the public violation of decency (Voorhoeve 2014a; Ben Zineb 2018). In short, while there is no specific law against cohabitation, there are laws in the book that can be used against it.

Among the people I spoke with there is no doubt that contemporary *'urfi* marriages are illegal, but opinions differ about whether, how, and to what extent cohabitation is forbidden by law. That being said, there is a broad consensus about the practice being socially and religiously illicit. In response to my question

whether sexual mores have changed following the 2011 uprising, many people told me they were quite concerned about Tunisia moving in a more conservative direction.²² They did believe that the ousting of Ben Ali created space to challenge certain sexual taboos, such as homosexuality, but some observed that bringing taboos out into the open can also limit people's sexual freedom, as increased visibility is not necessarily matched with increased acceptance. In Tunisia, they pointed out, people generally have more space to maneuver when everybody pretends that certain practices do not exist. This surely seems to be the case for cohabitation and *'urfi* marriages; during different research stays I was often told, "This doesn't happen here."

In the next two sections I discuss how contemporary secretive *'urfi* marriages and cohabitation—the first illegal and the second legally suspect—are perceived and contested in Tunisian society and how these perceptions and contestations relate to the desires and motivations of the people engaging in these alternative relationship practices.

Locating *'urfi* marriages: from Salafi Muslims to well-off liberals

When I first asked Hazem's opinion about the practice of *'urfi* marriages in Tunisia, he immediately counter-questioned what kind of marriages I was referring to exactly. For Hazem, the recent secretive versions of *'urfi* marriages are problematic because youngsters concluding these marriages generally leave their parents out of the loop. Although he is aware that Tunisian parents are unlikely to accept this kind of union for their children, from his perspective, conducting an *'urfi* marriage without their consent makes the marriage Islamically illicit. There is in fact a diversity of views of what makes a marriage a *Muslim* marriage (Moors, Akthar, and Probert 2018, 267), but consent of the woman's marriage guardian (*wali*) is, even if not always legally required, a widely shared social prerequisite (for example, Johnson and Moors 2020, 178).

A few weeks after introducing my new research project, Hazem brought up that, although *'urfi* marriages and cohabitation are both unregistered unions and therefore, according to him, similar from a legal perspective, society regards them rather differently. When I suggested this may have to do with the Islamic character of the first, he agreed that people seem particularly offended by "the kind of Islam" *'urfi* marriages are associated with. Ironically, for Hazem, the contemporary version of these marriages is not Islamic enough, while most Tunisians associate this practice with a too radical and/or a non-Tunisian strand of Islam.

In her research on "Islamic marriages" Moors (2013) shows how in both Muslim majority and Muslim minority settings state authorities are concerned about the

effects of unregistered marriages for women, but with different issues underlying their anxieties. In Muslim majority countries it is first of all a concern about sexuality, whereas in Europe it is often an undesirable form of Islam that causes distress. Yet, at the same time, in some Muslim majority countries, concerns have also emerged that link these marriages with undesirable forms of Islam—in particular Jihadi Salafism (Akthar, Probert, and Moors 2018; McBrien 2020). Akthar et al., for instance, point out that in Tunisia, “despite the differing context, the legal and political arguments in some ways mirror European debates which denigrate religious-only marriages” (2018, 369–70). In other words, what kind of marriage is considered controversial depends on both historical moments and particular settings.

Bourguiba and Ben Ali’s imposed narrative of Tunisian nationhood as homogeneous had obscured the presence of competing ways of life—“the understanding of correct beliefs and conduct” (Zeghal 2013, 255)—in present-day Tunisia.²³ After the 2011 uprising, alternative and conflicting ideas became visible among parties labeled as “the seculars” and “the Islamists” about Tunisia’s “true” national identity. “The women question” and related issues of gender relations and female sexuality resurfaced as a central topic in Tunisia’s revived identity politics (Haugbølle and Cavatorta 2012; Marks 2013b; Voorhoeve 2015; Zemni 2016). Besides, in the summer of 2013 the Tunisian government started its crackdown on Ansar al-Sharia, the country’s largest self-proclaimed Salafi jihadist organization (Gartenstein-Ross, Moreng, and Soucy 2014).

It was in this socio-political context that, in the years following the uprising, rumors about “Salafi” students secretly engaging in so-called *‘urfi* marriages frequently made the headlines. While proposing various interrelated factors to explain their newfound popularity, such as the Islamic revival and difficult social conditions, the (Francophone) media primarily pointed to the stronger presence of Salafi Islam, while at the same time challenging the religious sincerity of the men involved and portraying the women as victims as they and their future children would not have any legal protection without an official document (Voorhoeve 2018).

As “rumors articulate and construct the realities in which they emerge” (Samuels 2015, 231), the buzz about the rise in *‘urfi* marriages reveals some of the social anxieties that were present in post-uprising Tunisia.²⁴ At this time, besides the (common) anxiety about a more general moral decline, many Tunisians feared a general Islamization of Tunisian society and, more particularly, the rise of religious extremism and a loss of individual rights, especially women’s rights. These fears were exemplified by stories of Tunisian women joining the supposed “sexual jihad” in Syria, which later turned out to be part of the Syrian regime’s disinformation campaigns and the Tunisian government’s efforts to stem the tide of migration to Syria (Reuter 2013; Baraket and Belhassine 2014). The supposed revival of *‘urfi* marriages especially caused an outrage among those parts of society

who considered it as an infringement on Tunisia's secularist and modernist laws (Voorhoeve 2018, 480).

Early on in my research, Hazem had already warned me it would be difficult to find other people ready to share their personal *'urfi* marriage experiences with me. He seriously doubted anyone would see the point in talking to a perfect stranger about something they tell very few people about, primarily out of fear for getting in trouble with the authorities.²⁵ One of his close friends, for instance, only recently revealed being married to two women, one *'urfi* and one registered with the state. His first wife could not get pregnant, so he divorced her to legally marry his second wife after which he remarried his first wife through an *'urfi* marriage. They all lived together for some time, but, as this turned out to be more difficult than foreseen, his friend decided to get a second house for his second wife. Besides Hazem, only his two wives and the parents of his first wife knew that he religiously remarried his first wife after their official divorce. This man did not agree to meet with me, nor did any of Hazem's other friends.

For quite some time, I continued my search for people who personally experienced, or wished to experience, a form of *'urfi* marriage, but my quest was in vain. Early 2013, in the context of different research (Kolman 2017), it had been rather easy for me to get in touch with people from different ideological backgrounds, including self-proclaimed Islamist activists. But a year later, when I asked Hazem whether he could put me in touch with some of his friends to talk about their Islamically inspired activism, they all friendly declined. Some feared that I was connected to the Tunisian state's secret services, and he had not managed to convince them of the contrary. Their fear was probably related to the government officially declaring Ansar al-Sharia a terrorist group in August 2013 (Gartenstein-Ross, Moreng, and Soucy 2014). After this declaration, as gradually as they had become part of it, those wearing *niqabs* and *khamis* disappeared from the street scene. Nowadays, more than a decade after the uprising and almost half a decade after the fall of the Islamic State, *'urfi* marriages are rarely discussed in the media and hardly come up as a topic of (public) debate. Still, when asked for their opinion, most Tunisians consider this kind of marriage to be a problematic and, above all, non-Tunisian practice.

The changed socio-political context and my positionality made it difficult for me to become part of a social circle where *'urfi* marriages are considered a "normal" practice. However, while these social circles might exist, *'urfi* marriages are not a widespread social phenomenon. There is no evidence that they happened on a large scale. For instance, Merone, a long-time researcher of the "Salafi" community in Tunis (for example, Merone 2013, 2015), strongly doubts whether this supposed post-uprising wave of *'urfi* marriages among Salafi students ever really happened: "They [the seculars] just made these stories up to make them [the Islamist activists]

look bad.”²⁶ During the many conversations with his “Salafi” interlocutors throughout the years after the uprising, this kind of marriage never emerged as a topic.

Surprisingly, *'urfi* marriages did emerge when Mounir, a businessman in his early fifties, was telling me more about the extramarital romances in his social circle of “upper middle-class liberals.” Over the years, various people told me that it is not uncommon for well-to-do men to rent an apartment for their less well-off mistress, often poor students from the more marginalized regions in Tunisia. In popular discourse these supposed *quid pro quo* relationships are generally referred to as “covered prostitution,” as they are believed to be more about an exchange of services than about anything else. Mounir, however, had seen a few of these affairs turn into “profound relationships,” where the man would have probably divorced his wife if it were not for the financial and emotional costs of divorce, especially when there are children involved. These men often choose to continue their extramarital relationship discretely—one of his close friends has done so for the past fifteen years. Mounir estimated that these relationships usually last a few years—“often it starts with sex, but it turns into love”—until the young woman gets married herself.²⁷ His revelation that some of these couples had opted for an *'urfi* marriage—he had even acted as a witness at one of them—took me by surprise.²⁸

Mounir ended his last extramarital relationship a few years ago. Although he had rented his mistress an apartment—“If not, where would we see each other?!”—he never considered an *'urfi* marriage. Like most of his male entourage, Mounir was rather skeptical about their purpose:

“Since we are modern,” we say, “what will it change to do an *'urfi* marriage?” “What is the difference between staying in cohabitation just like this, or an *'urfi* thing, what will it change?” Generally, the religious way, in this modern milieu, is not really very important *quoi*, we believe in God and all that, but we don’t practice, we don’t do Ramadan and all that, so what will an *'urfi* marriage change?

To his knowledge, the women involved in these marriages did not request them for religious reasons either. According to him, they primarily wished to increase their sense of security and stability: “It’s a psychological thing.” In his opinion, through connecting their relationship to God, the women wished to establish a moral link that guaranteed a more long-term engagement with their partner, even though it would not grant them any legal rights. Quite the opposite, they needed to be very discrete as they could end up in jail if anyone had informed the authorities.

In a balanced journalistic opinion of *'urfi* marriages in Tunisia before and after the revolution, Belhassine (2013a) quoted political analyst Slah Eddine Jourchi who made a similar observation about the men conducting these marriages. According to him, there was a well-off segment of Tunisian society who had always continued

practicing polygamy; they used *‘urfi* marriages to grant their mistresses a pseudo-legitimate symbolic status and to soothe their consciences. In another article, she (Baraket and Belhassine 2014) referred to this practice as “bourgeois polygamy.”

When I started my research, like most Tunisians, I had not expected to find *‘urfi* marriages in such an upper class and “modern” milieu. Occasionally, people would refer to married men living with another woman in cohabitation on the side as “modern polygamy.” More often, however, they would tell me, usually rather disapprovingly, that in more pious circles married men resorted to *‘urfi* marriages to practice their religious right to polygamy. They would proudly point out that, since the progressive 1956 PSC, Tunisia was the only country in the region where polygamy was forbidden by state law. Hazem did not comprehend why so many Tunisians had an issue with polygamy, while having a mistress was so widely accepted. At least, in his opinion, polygamy was open and honest, while mistresses were usually kept a secret. Hazem’s wish to marry more than one woman was a major reason why he preferred an *‘urfi* marriage over a state-registered one.

The most common argument against *‘urfi* marriages, and against polygamy, is that they harm women’s and children’s rights, because Islamic marriage contracts—either written or oral—are not recognized by the state.²⁹ Many of the women I spoke to found it difficult to understand why any woman in her right mind would choose an arrangement that—from their perspective—goes against her, and her offspring’s, interests. The notion that all married women would be equally protected by the law if the Tunisian state had not banned polygamy as well as the possibility that women opting for religious-only marriages in Tunis might actually be motivated by the wish to make their relationship Islamically permissible, are strikingly absent from popular reasoning. Although I was not able to talk with women engaging in an *‘urfi* marriage in Tunis, research conducted elsewhere indicates that some do enter into these marriages for religio-ethical reasons (Moors 2013; Navest, De Koning, and Moors 2016; Parveen 2018; Moors 2018; Moors, De Koning, and Vroon-Najem 2018; Nisa 2018; Johnson and Moors 2020; Moors and Vroon-Najem 2019), yet women’s agency in this matter tends to be overlooked.

Societal perceptions of cohabitation: not a positive choice?

I started my search for cohabiters very optimistically, as I was certain there would be some among my friends and acquaintances from previous (research) visits who experienced this kind of relationship. Plus, if not, they would surely be able to introduce me to others who were cohabiting. It was disheartening when they laughed out loud at my new research subject: “You want to find at least twenty-five people?! That’s insane!”³⁰ When they did know one or more cohabiting couples,

many stressed the sensitivity of the topic as an explanation for why they were hesitant to reach out to them, or they would make some vague promise and simply never get back to me. A few people did ask their friends to help me out and, as none their friends were willing to talk to me, subsequently told me the subject was apparently a bigger taboo than they had estimated.

When explaining the purpose of my stay to Tunisians I had only just met, they would generally utter a shy, "Ah, interesting." Occasionally, it would lead to a more engaged conversation about whether this practice exists in Tunis and why people avoid talking about it openly. Friends and strangers alike clarified that even though most people who live together before marriage do so very secretly, cohabitation is so transgressive that, even if it is largely invisible, it cannot be ignored: "It's a big middle finger to society." As my very first interlocutor further explained: "Nobody talks about sex, so, it's like talking about something that shouldn't be part of the conversation." Since flouting the taboo on sex would cause a social scandal, topics such as cohabitation—and the premarital sex it implies—were rarely openly discussed.³¹ Thus, although most couples living together do so very discretely, people still point to the potential publicity of cohabitation as the crux of the problem.³² Or as people would often say, "Anything is possible in Tunisia as long as you do it in secret."

Regardless of whether my interlocutors personally knew anyone living in cohabitation, they would often have a rather strong opinion, either positive or negative, on what kind of people—women in particular—engage in this supposedly non-existent practice in Tunis, where and why they do so, and in which form. There is, for instance, a broad assumption, also among my interlocutors, that couples will most often cohabit in apartment buildings or free-standing houses in upscale neighborhoods where there is more privacy and less social control than in *les quartiers populaires* (working-class neighborhoods). Besides specific neighborhoods, such as La Marsa or Lafayette, or specific settings, such as L'Association Tunisienne des Femmes Démocrates (ATFD), Tunisia's most prominent secular feminist and human rights organization, I was often advised to look for interlocutors at specific cafes, bars, restaurants, and nightclubs.³³

These references to distinct places and spaces reveal that cohabitation is expected to be more frequent in certain social circles—such as "liberal," "leftist" youth, the secular bourgeoisie, and the cultural sector—than in others. I was often explicitly told that only the cultural and economic elite can socially and economically afford to live this "European lifestyle," especially when their student days are over.³⁴ They assume that the well-off generally have more room to maneuver a nonconformist lifestyle. They have the financial resources to live in upscale neighborhoods and visit high-end places where there is less social control in general.

On the other hand, countless people pointed out to me that it is in fact the lack of financial means—either to get married, but mostly to get by in general—that

pushes people toward this way of living, even if the couple in question believes otherwise. In popular imagination, it is especially poor students from the more marginalized regions in Tunisia who end up living with their boyfriend or with an older, richer, and sometimes married man. Both forms are considered as a way for these young women to deal with the high living costs in Tunis, but only the latter is referred to as a hidden form of prostitution. In short, people generally expect a link between financial means and cohabitation, but there are multiple interpretations about how they relate to each other, with either the abundance or the lack of money as an enabling or motivating factor.

Besides financial means, people also pointed to other underlying motivations as to why, according to them, people would opt for cohabitation in Tunis. Divorced or widowed women and men may prefer to live together instead of getting married again, young couples may opt to live together for short periods of time when the opportunity presents itself, and queer couples would do so as they could not get married even if they wanted to. Still, no matter the form or the assumed reason behind cohabitation, people rarely considered the possibility that cohabitation could be a positive choice for the man and, especially, the woman involved. Based on the general belief that all Tunisian women wish to get married, and all men simply want to have sex, even if they claimed otherwise, the first are generally seen as victims of the latter: sooner or later she will be left behind as damaged goods, while he will simply search for a woman who *is* fit for marriage.

Even the people who do believe cohabitation can be the result of sincere intentions—including the great majority of my interlocutors—often still consider the woman involved as a potential victim, as they estimate the possible negative consequences of this living arrangement to be much worse for her than for her partner. This also explains why, while looking for women who personally experienced living in cohabitation, I was often recommended to contact organizations that support women and/or children in vulnerable socio-economic situations such as Association Amal pour la Famille et l'Enfant,³⁵ Association Beity Tunisie,³⁶ and Village d'Enfants SOS de Gammarth.³⁷ In fact, the negative social evaluation of cohabitation was often given as an explanation—also by my interlocutors—for the fact that, according to them, “real cohabitation,” like in Europe, does not really exist in Tunis. In this line of reasoning, real cohabitation entails living together openly in a society that respects this lifestyle.

In the end I not only met more people who cohabited than I could possibly follow up on, but people's reactions to my research subject also changed considerably over the course of my research (2015–20). I was, for instance, often told, “It's happening more and more” in an appreciative, or at least non-judgmental, tone of voice. In addition, some of the people around me who used to be fierce opponents of this relationship practice softened their opinion. It was, for instance, the end of

spring 2016 when my regular pâtissier asked me whether I had found many people willing to participate in my research. “Around thirty or so,” I replied, to which he reacted with a shocked, “That’s bad!” When I asked him why this was so bad, he explained that cohabitation is forbidden in their religion, but since the revolution everything became possible: “They are the open-minded Tunisians, over open-minded, they cross the limit.” When, three years later, he asked me whether I was still researching the same thing, I confirmed and explained it remained difficult to estimate what percentage of Tunisians live this way, but that I had spoken to more than sixty people. With a teasing smile he responded: “That’s good. It’s freedom.” When, with a big laugh, I remarked his change of mind, he shrugged and explained: “Life, and marriage, and so on, became very expensive.”

These changes *possibly* indicate that cohabitation has become more visible and tolerable over the past five years, although even during my last fieldwork stay in 2019 I encountered people who assured me cohabitation was practically impossible in Tunis.³⁸ At the same time, it is evident that I had become part of a social circle where cohabitation is a relatively “normal” relationship practice. Although there is, indeed, a variety of forms of cohabitation in Tunis, I especially became close to students and young professionals in their twenties and thirties who enjoyed living together outside matrimony because it allowed them to balance their personal desires with social and familial expectations in the field of sexuality, marriage, and beyond (Kolman 2018).

Cohabitation is one of the ways in which these students and young professionals create space for themselves, both literally and figuratively, to live a lifestyle that most Tunisians, often including their parents, consider immoral. These men and women, on the contrary, see nothing wrong with being romantically involved with someone without being married. Quite the opposite, they pride themselves on being critically minded, morally sound, autonomous liberal individuals who, based on their *own* principles, are convinced of the (sexual) life they are living. Besides, they expect cohabitation to have a transformative effect on themselves, their relationship, and even on marriage as an institution—at least at a personal level. Most of my interlocutors do not reject marriage altogether, however, principally because they themselves would find it unacceptable to start a family while living in cohabitation. Marriage is the only way for mother and child to enjoy full legal protection, and although it is not illegal to have children out of wedlock, it is socially strongly condemned and both mother and child are often stigmatized (Massy 2016; Voorhoeve 2018). In other words, my interlocutors have no problem with engaging in a transgressive relationship practice themselves, but they consider it immoral to make this choice for their future children.

Through living together and sharing everything—emotionally, financially, and practically—my interlocutors trust their possible future marriage to be different

from how, in their perspective, marriages are generally lived in Tunisia. Most of all, they wish to develop an equal and honest relationship in which they can be true to themselves and their partner. Besides, they aim to realize their personal aspirations before committing to the social and familial expectations—such as starting a family of their own—that comes with being in a serious and committed relationship within the normative institutional framework of state-registered matrimony. Many would like to challenge the dominant normative structures in their society more actively, but they do not want to do so at the cost of (the relationship with) their parents. Thus, they generally leave their parents in the dark about living in cohabitation and other aspects of their lifestyle such as smoking, drinking, and going out.

When I met them, my interlocutors were generally not at a stage in their life and/or in their relationship where they would consider marriage. At the same time, most of them could not have gotten married even if they had wanted to. They generally lacked the financial stability to organize a wedding, move into a nicely furnished flat together, start a family, and live a wedded life conforming to the dominant social standards. Many expressed feeling “stuck” in Tunis, especially when it came to professional opportunities and often found it to be quite a financial struggle to live the lifestyles they desired.³⁹ Besides, living independently from their families often negatively affected their financial possibilities to invest in future personal or professional projects that could positively affect their economic situation. As one of my closest interlocutors concluded: “You always gain one freedom by giving up on another.”

The socio-economic situation of my interlocutors may have affected their perspective on the advantages and disadvantages of matrimony. At the same time, the influence of economic factors on emerging subjectivities and desires that challenge hegemonic sexual and gender norms should also not be overstated (Hasso 2011; Honwana 2012). Most of my interlocutors consider cohabitation a pleasurable experience through which they learned a lot about themselves, their partner, and their relationship, regardless of whether they eventually wished or expected their relationship to grow into something else. In any case, attaching too much importance to weddings and marriage is, in their eyes, typical of “the ordinary Tunisian mentality” from which they wish to distinguish themselves.

They present cohabitation as a “normal” and “natural” part of their life and as a positive development in their relationship, even though it transgresses the moral boundaries of hegemonic norms of sexuality and marriage of “typical Tunisians” or “*Tunisian* Tunisians.” When I asked them to share their experiences and aspirations with me, they would often warn me that their story was not at all representative of Tunisian society. So, while claiming ethical normality, they simultaneously underline that considering cohabitation as a normal relationship was exceptional in the Tunisian context. Most see themselves as a minority with “an open-minded

mentality” in a mostly “conservative,” “traditional,” and “religious” society and use the label “typical Tunisian” to critique the norms and values, especially regarding sexuality and marriage, of most of their fellow citizens.

In their descriptions of themselves and others, they use “mentality” to point to different ways of thinking and acting, which relate to certain modes of seeing and being in the world. “Open-minded,” or “*l'esprit ouvert*,” is used as a positive term to describe people who engage in the kinds of public behavior, such as smoking, drinking, and going out, that “typical Tunisians” would criticize. Being involved in intimate relationships and embracing your sexuality are particularly strong markers of “open-mindedness,” especially for women. Men, in turn, are considered “truly open-minded” if they accept women with a “sexual history.” They may also consider people who do not engage in this kind of behavior themselves as “open-minded” if they are not judgmental of those who do. Briefly, “mentality” is a key term in descriptions of their own and other people’s way of acting, especially when it comes to the acceptance or judgment of non-normative behavior. Many of my interlocutors pointed out that only a minority among the already limited number of “open-minded Tunisians” live together, turning them into “a minority within a minority.”

Cohabitors’ perceptions of ‘urfi marriages

In their accounts of how they themselves became “open-minded,” these young men and women reflected not only on their family, friends, and (social) education, but also on their stance toward Islam. Considering themselves Muslim (or no longer so), the meaning of Islam differed among them and also often shifted during their life trajectories.⁴⁰ All were born into Muslim families—some more religiously committed than others—and most were raised in a predominantly Muslim environment. The majority currently self-identifies as “agnostic,” which generally means they no longer “believe in religion” and are ambivalent about the existence of God. Others identified as “Muslim,” even though none of them consider themselves as practicing Muslims. Regardless of their self-identification as “agnostic” or “Muslim,” most of my interlocutors still feel culturally attached to Islamic traditions, with some referring to themselves as “cultural Muslims.” Some never really questioned their relation to Islam; others went through a period of extensive soul-searching. Some consider their break with Islam as the road to “liberation”; others never felt constrained by their religion. No matter their position, they all consider their (non) belief a private affair rather than a public issue.

Throughout my research, I occasionally presented the idea that cohabitation and contemporary ‘urfi marriages, assuming the newlyweds would live together afterwards, were in fact quite similar practices. My interlocutors, often rather

offended, would, however, explain that they are in fact each other's complete opposites—cohabitation being *the* example of taking responsibility for your relationship choices and *'urfi* marriages *the* example of making religious excuses to satisfy your sexual needs. Although they are well-aware of the public opinion on cohabitation and often actively challenge these popular negative assumptions with statements such as, "It's only normal to live with the person you love" and, "We don't need a stupid piece of paper [marriage contract] to prove our love and commitment to one another," they simultaneously tend to follow popular critiques when arguing against *'urfi* marriages. Echoing the media, and Bourguiba's state feminist modernization discourse, they strongly reject *'urfi* marriages as against the law, gender unequal, insincere, and "Salafi" inspired.

My interlocutors' discourse on religious-only marriages indicates that, even though they are highly critical of how, in their eyes, Tunisian marriages are currently lived, they do recognize the value of marriage registration. In fact, they judge people negatively who prefer an *'urfi* marriage over a state-registered marriage for engaging in an unlawful practice that, according to them, disrespects women's and children's rights. Although cohabitation is legally suspect, they do not judge their own relationship choices in similar fashion, as they point out that they will conduct a state-registered marriage before starting a family. The great majority of my interlocutors are not ideologically against marriage per se. After having had the experience of living together, they plan on marrying and trust their future marriage to be more equal and honest than "a typical Tunisian marriage." Apparently, my interlocutors find it hard to imagine that those in an *'urfi* marriage would follow the same path and turn it into a state-registered marriage when they feel the time has come to do so.

Even if my interlocutors often explicitly mention that they are tolerant—unlike many of their fellow-citizens—and thus do not judge women in *'urfi* marriages for making life choices so unlike their own, it is not difficult to sense the judgment in their argumentation. While they tend to underline their personal ability to make choices that are right for them, my interlocutors often refer to the women involved in *'urfi* marriages as poor, uneducated, and tricked by devious "Salafi" men only interested in "halal" sex.⁴¹ They challenge the supposed religious principles of youth opting for secretive marriages, because they consider publicity as one of the basis minimum requirements that makes a marriage Islamically licit.⁴² For these reasons they often refer to *'urfi* marriages as *the* example of the religious hypocrisy that, from their highly critical perspective, permeates Tunisian society.

The students and young professionals I spoke with often brought up the contradictions and ambivalences in the (religious) discourse and practice of other Tunisians. They actively distanced themselves from their fellow citizens in this respect, as they, according to themselves, *do* take responsibility for their actions

and decisions and take great pride in doing so. The interrelated terms “schizophrenia” and “hypocrisy” are remarkably present when they—and Tunisians in general⁴³—describe, among other things, their social education, the double (gender) standards present in Tunisian society, and, even more so, when they criticize seemingly contradictory behavior, in particular the behavior of and judgment by (religious) others. By setting themselves apart from “hypocrite religious others,” they define and confirm their own “liberal open-minded” identity.

My interlocutors do not use the label “schizophrenic” to refer to a psychological abnormality but to describe what they call “a social illness.” The root cause of this “social illness” is, according to them, the complicated mix of European influences and Muslim principles to which Tunisians are exposed from a very young age. It is the logical consequence of the great difference between the lives people want to live, the lives they can live, and the lives they profess to live: “People get used to having a double face, to wear masks, so it’s normal we’re schizophrenic, because we don’t really assume who we are, we don’t assume our desires, we want to be like this, but at the same time we want to be like that as well, so we don’t know how to balance it” one of my interlocutors explained.

Although most of my interlocutors hide (parts of) their lifestyle—they generally adjust their discourse and behavior according to different places and people—very few see cohabitation as another telling example of Tunisians “wearing masques” and “living double lives.” They consider their own relationship choices as sincere because they are “true to themselves” and, when in a relationship, to their partner. They recognize that they do not tell their parents about cohabitation, but they do not consider this as an instance of the social hypocrisy they accuse religious others of, as they do so out of consideration for the emotional well-being of their loved ones, which is more important than being honest at all times. Still, being discreet never gets in the way of being honest with themselves and their partner because they consider having a “healthy” relationship of paramount importance. Thus, their focus on the supposed hypocrisy of *urfi* marriages makes such “marriages” the perfect counterpart to the true and pure intentions behind their own choices in the field of love and marriage. As such, it underlines their liberal self-presentation and strengthens their sense of “otherness.”

Conclusion

Tunisian men and women opt for cohabitation or an *urfi* marriage for a variety of practical, pragmatic, and ethical reasons. However, those who argue against cohabitation and/or *urfi* marriages primarily frame these alternative relationship practices as part of a “too liberal” or a “too religious” way of life, underscoring how

the problematization of these practices is also located in different understandings of what it means to be Tunisian. By portraying each practice in strongly stereotypical ways, people generally overlook how, in practice, both cohabitation and *'urfi* marriages take multiple forms and can even overlap at times. Consequently, the possible similarities between the two practices and the reasons behind them, and the fact that *'urfi* marriages are also concluded in some upper-class secular circles, are often disregarded.

Those in favor of *'urfi* marriages and those in favor of cohabitation also tend to tap into public sentiment and wider social narratives to legitimate their personal position, to judge those who opt for a different kind of (non)marriage, and to underscore their own normative view of marriage. My interlocutors' perception of *'urfi* marriages is a case in point, as their critical rejection of these marriages as "religious hypocrisy" underlines their own sincerity when it comes to relationship choices and confirms their liberal secular sense of agency and personhood.

Notes

- ¹ Throughout this chapter, I use pseudonyms to safeguard people's privacy.
- ² The term *'urfi* marriages refers to religious-only marriages that are not registered with state authorities.
- ³ For him, "a good woman" is someone intelligent, kind, beautiful, and preferably an Islamist-activist like himself.
- ⁴ Hazem first told me this story during one of our regular strolls along the coast of the *Banlieue Sud* of Tunis in the fall of 2014. After I started my research on cohabitation and *'urfi* marriages in Tunis one year later, we discussed his opinion on these practices more in-depth.
- ⁵ To get engaged in Tunisia, the man and his family pay an official visit to the woman's family and agree on a future marriage. At some point, the men of both families read the *fatiha*, which is followed by a party where the man traditionally offers a satin basket to the woman containing *patisseries*, perfume, and the engagement ring. The future spouses generally do not sign a contract yet, but they often do set a date. Depending on the wishes of the couple and their financial means, the engagement can be anything between a small gathering between two families and a big celebration with hundreds of people (Voorhoeve 2014b, 34).
- ⁶ The, widely debated, term Salafism is generally used to refer to Sunni Muslims who adhere to a literal, hardline, and puritan version of Islam and who try to follow the example of their pious ancestors (*salaf al-salih*), the first three generations of Muslims (International Crisis Group 2013, 9). The practices these people (supposedly) engage in to realize their goals are then automatically considered "Salafi practices," usually with a negative connotation. Salafism in Tunisia, like elsewhere, is a complex phenomenon with ambiguous categories (for example, Merone and Cavatorta 2012; Marks 2013b; Torelli 2017). For these reasons, I prefer to use the term between inverted commas, especially when I refer to observations made in the Tunisian media.
- ⁷ See, for instance, Wafa (2012); Largeche (2012); and Belhassine (2013b).
- ⁸ See, for instance, Hlaoui (2015); Boukhatia (2016); and Ben Zineb (2018).

- ⁹ This bias is also present in academia. Youth engaging in nonconventional forms of Muslim marriages, such as non-state registered religious-only marriages or temporary marriages, have become the topic of considerable public debate and academic interest (Arabi 2001; Connolly 2009; Mervin 2008; Moors 2013; Shahrhani 2010), while comparatively little attention has been paid to non-religiously motivated practices Muslims engage in, such as cohabitation.
- ¹⁰ Next to many informal conversations and observations, this chapter is based on the topical life stories of about sixty men and women—across age categories, but mostly students and young professionals in their twenties and thirties—who had lived or were still living in cohabitation and the topical life stories of two men who themselves reflected on entering into an *'urfi* marriage and knew other couples who had done so. Throughout my research I also came across same-sex couples who lived together. Although it would have been interesting to include their stories, in the context of this research, which is started from questions surrounding waithood and marriage, I decided to first focus on “cross-sex” couples. Research for this project was funded by the European Research Council advanced grant on “Problematizing ‘Muslim Marriages’: Ambiguities and Contestations” (grant number: 2013-AdG-324180).
- ¹¹ A lot has been written about how youth across the globe are dealing with different forms of voluntary and involuntary waithood (for example, Mains 2007; Hage 2009; Jeffrey 2010; Honwana 2012; Honwana 2013; Masquelier 2013; Honwana 2014; Hashemi 2015; Fast and Moyer 2018; Inhorn and Smith-Hefner 2021).
- ¹² Sometimes the concept is used as such. Dhillon (2008), for instance, argues that waithood is “a phase in which the difficulties youth face in [...] interrelated spheres of life result in a debilitating state of helplessness and dependency.”
- ¹³ Youth across the Arab region engage in alternative relationship practices despite legal restrictions and social taboos (Hasso 2011; El Feki 2015; Al-Ali, Ali, and Marler 2016; Moors, Akthar, and Probert 2018).
- ¹⁴ To what extent contemporary *'urfi* marriages are kept a secret and from whom, for instance from the state or from the parents, generally influences whether the public perceives them as licit or illicit (Moors 2013, 144).
- ¹⁵ There were also Hanafi courts and Jewish courts that applied Hanafi law and Mosaic law to their respective communities, while family cases involving a foreigner were addressed in French courts applying French law (Voorhoeve 2014b, 32).
- ¹⁶ Bourguiba’s decision to abolish polygamy was, and still is, unique in the region and many considered it a rather revolutionary move. It is important to note, however, that polygamy was already a rare practice in Tunisia—in both urban and rural settings—before its official abolishment (Grosso 2013, 17).
- ¹⁷ During the signing of the contract, the groom usually pays a symbolic amount of one Tunisian Dinar to the bride. Although most Tunisians believe this is what the law prescribes, the PSC does not provide a maximum amount for the obligatory dower (Voorhoeve 2014b, 35–36).
- ¹⁸ The festivities include various rituals and can take up to seven days until the final celebration (for a more elaborate account see Voorhoeve 2014b, 34–35). As a seven-day wedding is a rather costly event, most weddings in Tunis cover only a few days and the couple picks and chooses the rituals they wish to go through. Very few people, “possibly particularly among urban and Westernized youth that considers itself anti-establishment,” get married without any public celebration (Voorhoeve 2018, 490).
- ¹⁹ How much time passes between signing the contract and the wedding party differs per couple. Months or even years can pass between the two steps, the latter being often the case with international marriages, but they can also take place within a few days or even on the very same day.

The time between the official moment and the social moment theoretically creates a gray zone for couples to be more intimate, but not the extent of having a full sexual relationship (for example, Moors 2013; Zbeidy 2018; Fioule 2021). In practice, Tunisian youth, at least in urban areas, are often already (partially) sexually intimate before getting engaged (for example, Ben Smail 2012; El Feki 2015).

- ²⁰ This is unique in the region as the interdiction of all sexual relationships outside of marriage (*zina*) is one of the clearest principals of classical Islamic law (Voorhoeve 2018, 491).
- ²¹ See Voorhoeve (2014a, 2014b, 2018) for a thorough discussion of the moral conflicts present within Tunisian law and of the interplay between legislative and extra-legislative laws regarding marriage and divorce in Tunisia.
- ²² Academic opinions differ on whether the social, political, and legal developments after the 2011 uprising positively or negatively affected women's legal and social position in Tunisia (for example, Ben Smail 2012; Mahfoudh Draoui 2012; Tchaïcha and Arfaoui 2012; Marks 2013a; Voorhoeve 2015; Debuysere 2016, 2018; Maffi 2018).
- ²³ Despite different waves of repression under Bourguiba and Ben Ali, Tunisia has a long tradition of Islamic activism, with a broad range of movements present (for example, Merone and Cavatorta 2012, 2013; Gartenstein-Ross 2013; Merone, Sigillò, and De Facci 2018; Torelli 2017; Wolf 2018).
- ²⁴ Johnson and Moors (2020) also observe that in the stories, similar to rumors, about secretive *'urfi* marriages among Palestinian youth this emerging phenomenon was linked to social breakdown.
- ²⁵ In response to my question whether this happens often, he told me about a recently arrested couple. In this case, the man was officially still married to his first wife, as she had not agreed to the divorce. He was already living with his new partner, and they had decided to do a religious-only marriage to at least be engaged in front of God. When his first wife found out about his second marriage, she immediately filed a complaint with the police.
- ²⁶ Fabio Merone, personal conversation about my research in Tunis, June 2018.
- ²⁷ It seems rare for married women in Tunisia to be involved in similar quid-pro quo relationships with unmarried young men, because they generally do not have the financial means, nor the social space to do so.
- ²⁸ After our first meeting, Mounir promised me to contact some of his friends who conducted an *'urfi* marriage. I am not sure if he ever tried, but he did warn me from the get-go that these men and, especially, women were so discreet that it was highly unlikely that anyone would agree to recount his or her experiences.
- ²⁹ By banning polygamy, the Tunisian state technically produces this inequality. If it would be legally accepted to marry more than one woman, all wives could be equally protected by state law.
- ³⁰ Conversation with one of my friends, a student in her early twenties from Tunis, September 2015.
- ³¹ Ironically, to underscore how unmentionable cohabitation is in Tunisia, a colleague of one of my interlocutors referred to it as “really a topic in a *niqab*.”
- ³² On the contrary, the mother of one of my friends once surprised me with her remark that she only considered cohabitation problematic because people did not make it public.
- ³³ My close friend Eya, for instance, once asked me whether I meant “*L'Étoile du Nord* normal” or “Tunisian normal.” *L'Étoile du Nord* is a well-known cultural space in Downtown Tunis that is (in) famous for being frequented by youth who stand out because of their appearance and/or behavior.
- ³⁴ Whether the qualification “a European lifestyle” was meant positive or negative depends on the person and the context.
- ³⁵ When I visited one of the Amal offices in Downtown Tunis (February 2019), one of their employees explained to me that the single mothers who seek help there are generally not living in cohabitation. They are less educated women in their early twenties from poor neighborhoods, while,

- according to her, cohabitation is an elite practice. Amal does not have a website, but they do have a Facebook page: <https://www.facebook.com/Amal-pour-la-Famille-et-lEnfant-159399537413147/> last accessed on 11 November 2021.
- ³⁶ <https://beity-tunisie.org/> last accessed on 11 November 2021.
- ³⁷ <https://www.sosve.org/nos-actions/les-villages-d-enfants-sos/village-de-gammarth/> last accessed on 11 November 2021.
- ³⁸ In enquiries about social change in Tunisia, the 2011 uprising is generally used as a point of reference. As such, whether cohabitation has become more accepted is directly linked to the question whether the general opinion toward sexuality outside marriage—especially regarding women—has changed. The opinions about this were greatly divided in 2015 and still were so in 2020. The issue of homosexuality is interesting in this respect as this debate is held more out in the open and is linked to more general questions of sexuality and individual liberty.
- ³⁹ Hage (2009, 97) argues that “[a]lthough one can find evidence of people experiencing various forms of stuckedness at all times and in all places, [...] the social and historical conditions of permanent crisis we live in have led to a proliferation and intensification of this sense of stuckedness.”
- ⁴⁰ In his article on the trajectories of “nonbelievers” in Egypt, Schielke (2012, 305) interestingly notes: “It is striking ... that many of both sexes have lived with someone without being married, which is generally considered completely out of bounds in Egypt.”
- ⁴¹ In Egypt (Hasso 2011) similar arguments are used against *urfi* marriages.
- ⁴² There are different opinions about what makes a marriage Islamically licit and what is considered ample publicity. Some would, for instance, argue that it suffices to conclude your marriage in the presence of two witnesses (Welchman 2007).
- ⁴³ I do not know when, why, and how the terms “schizophrenia” and “hypocrisy” became part of popular discourse, but during my first visit to Tunisia in 2013 I already noticed how many of the people I spoke to were using these labels to describe other Tunisians and their society in general.

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Exceptionally Ordinary: Singling out Single Mothers in Morocco

Annerienke Fioole

Introduction

When I met Sadiyya in the Moroccan region of Skhirat-Témara in about 2016, she was in her late twenties. Chatting from time to time as we greeted each other on the streets of her neighborhood, I got to know Sadiyya as a married mother raising her children with her husband and in-laws in their family home. I had no idea that she had once lived as a single mother. In Morocco, the category of *mères célibataires* or “single mothers” stands out as a problematized grouping of women. Raising a child born to them out of wedlock, single mothers ostensibly disregarded the premise that, in Morocco, sexual relations only occur in marriage. Sadiyya on her part got to know me as a Dutch woman with an interest in how Moroccan men and women become couples through or without marriages. One of Sadiyya’s neighbors, whom I had interviewed earlier, helped me out by asking some married friends to come over and talk to me. A small group of women arrived, among them Sadiyya, all of whom looked like the properly settled, married, moderately well-off women common to the villages and towns of this region.¹

One of the first marital stories shared that day included a detailed account of a woman dating her husband before their marriage. We all laughed as she described the adventurous spirit and intricate lies required to make their meetings happen more or less covertly. Then, Sadiyya took her turn. When she mentioned having been pregnant outside of marriage, I misunderstood. I simply had not expected anyone to recount such an event.² Sadiyya had to gesture having a pregnant belly for me to understand her basic words. The other women shook their heads, laughing. Appearing unfazed, Sadiyya continued her story about having intimate relations with her boyfriend as a teenager. Upon discovering her pregnancy, Sadiyya recalled, she feared her family’s violent reaction and ran away. Fleeing to the city, she turned toward non-governmental organizations (NGOs) that specifically help single mothers. Sadiyya initially found shelter at an NGO where she gave birth. Thereafter, she lived on her own as a single mother in the city.

A year into this life, Sadiyya reconciled with her former boyfriend and his family. The same NGO assisted her in setting up their first meeting. One of her aunts, with whom Sadiyya had kept in touch despite having broken off contact with the rest of the family, served as an intermediary to set up this encounter. In the months thereafter, Sadiyya, the birth father, and his family legalized their marital relationship. They argued the couple had been engaged and married, just without a legal contract, all along. Describing the court sessions, Sadiyya explained, “They asked where I had been, so we told them I had been living with them [her in-laws], that I gave birth at their house.” “But weren’t you in the city?” I interjected. A short silence followed, as Sadiyya tilted her head and exchanged bemused smiles with the other women. “So... we lied,” she turned back to me, raising her eyebrows. The lady sitting right next to her burst into laughter. In our interview just before, she had detailed telling countless lies to date, and eventually marry, her husband. “You see,” this neighbor stressed, still laughing, “it is all lies here!”

The truth is that at this point, Sadiyya, her boyfriend, and his family did want the young couple to be married and live together. According to Sadiyya, moreover, her future in-laws feared she might file a police complaint against their son if the two did not marry. “Yes, they were scared he could go to prison,” she suddenly added, invoking the state laws criminalizing out-of-wedlock sex.³ By legalizing the marriage, Sadiyya and her boyfriend furthermore strove for their child to have legitimate identity documents without any indication of an out-of-wedlock birth. During these proceedings, Sadiyya did not openly visit her own family. She assumed her father would not have welcomed her back with a child born out of wedlock. Only after she obtained their legal marriage contract did Sadiyya reconcile with her father and family. Things went back to normal, Sadiyya concluded.

A lot of people in Sadiyya’s family and neighborhood knew something about these past events, but her current appearance did not signal to anyone meeting her for the first time that she once was a single mother in the city. During the telling of her and other women’s stories, I kept questioning whether some “stigma” remained. By what definition are past troubles fully overcome? Sadiyya is neither shunned nor ridiculed for this past, so the women gathered insisted: She is married just like they are now. She is invited into the same houses and parties just like any other of her neighbors. Sadiyya herself also concluded that she experiences no stigma for having been a single mother. She not only passes as normal (Goffman [1963] 1981, 92–113; Leary 1999) but seems to have *become* an ordinary married woman.

The prospect of having to deal with a pregnancy out of wedlock on one’s own and ending up as a single mother “cast out on the street” conveys a worst-case scenario that, during my fieldwork, people in Skhirat-Témara regularly brought up as a threat to warn girls of getting involved with anyone outside of marriage. Single mothers, moreover, continuously featured as categorical objects of pity in national media

reports, NGO calls, and political debates.⁴ In media accounts on single mothers I surveyed from 2015 to 2021, reports emphasize women being ousted and ostracized by their families and communities.⁵ The scorn and social dismissal they would face has been a regular topic of academic studies too (Cherkaoui and Zirari 2002; Kreutzberger 2008; Naamane Guessous and Guessous 2011). In accounts on single mothers, their relatives' all-out rejection of them and their out-of-wedlock pregnancy features as a most painful event (El Aji 2018, 131–38). Researchers highlight these fractures to show how gendered notions of shame and disgust destroy (young) women's lives.

However, as I will argue, turning single mothers' trajectories into such stigmatic stereotypes erases how much single mothers have (or have had) in common with a broad range of women, including those who uphold the most respectable positions. Setting single mothers apart as special cases occludes the various possibilities and trajectories that have been or may become available to them as they negotiate their marital and relationship status. In this chapter, in contrast, I will analyze the open-endedness of people's inclusion and exclusion in their social networks especially as it relates to romantic relationships and the evaluation of them. I show how Sadiyya's story also fits common trajectories of Moroccan women and men who become couples through dating and marrying. In doing so, I highlight how the categorical separation of Moroccan single mothers' lives as definitively different from their peers makes for a peculiar problematization.⁶

During my fourteen months of ethnographic fieldwork in the rural areas of Morocco's Skhirat-Témara region, situated between the cities of Rabat and Casablanca, I researched how women and men there become couples in relationships outside of marriage as well as through creating marriages. Over the course of 2015 to 2016 and during a follow-up visit in 2018, I interviewed more than 100 people on their cross-sex dating and marital lives.⁷ Moreover, I interviewed not only persons who made up a couple, whether married or not, but also people connected to them as family, friends, neighbors, and state officials. I furthermore stayed with families at their homes and witnessed how relatives, neighbors, and friends took part in creating, celebrating, and contesting both out-of-wedlock and marital connections. When asked directly, my interlocutors generally condemned sexual relationships outside of marriage as sinful and shameful.⁸ At the same time, many women and men took pleasure in going out on dates and partaking in out-of-wedlock intimacies. Moreover, in settings like Sadiyya's group of friends meeting one another, women and men also celebrated relationships outside of marriage as they happily discussed going on dates as being enjoyable adventures.

Gathering relationship stories from multiple angles in semi-structured interviews and participant observation, I sampled for range rather than focusing on a further division of people with particular characteristics (cf. Small 2009). Thus, while all my interlocutors identified as Muslim and resided in rural Skhirat-Témara,

I otherwise included the widest possible range of people in terms of their (self-identified) gender, age, religiosity, and class positions. As to their relationship stories too, we covered premarital, nonmarital, extramarital, and in-between marital connections and, in accordance, statuses of being never married, engaged, married, divorced, remarried, or single again, including changes over the course of their lifetimes. Beyond literally focusing on relationships in my research, I thereby performed a “relational ethnography” (Desmond 2014) in both my methods and analytic approach. Instead of zooming in on a bounded group of people with predefined characteristics, such as Moroccan single mothers, I researched the boundaries people conjure up between them and processes of inclusion and exclusion practices through which categories of people emerge for the time being. By sampling for range rather than looking for single mothers (Naamane Guessous and Guessous 2011) or young single women only (El Aji 2018) in Morocco, I could investigate the power dynamics and hierarchies that people create and play into while they sorted out and contested boundaries across the field of marital or out-of-wedlock relationships.

Through this approach, the similarities between women and men whose stories included mere flirtations outside of marriage and those women who at some point birthed and raised a child out of wedlock become clearer. Whether concerned with an out-of-wedlock flirtation, pregnancy, or birth, similar dynamics in handling the concealment and revelation of these practices appear as women and men rely on and (re)integrate into their social networks over time. In the first section to follow, I elaborate on shared aspects in the various trajectories of Moroccan women and men who have relationships outside of marriage and how their stories play out. In doing so, I question the way single mothers are set apart as categorically different from their peers. In the second section, I elucidate how single mothers arise as both an excluded and exclusive category of women in Morocco. Taking on the concept of “moral career” as elaborated by Prudence Mors Rains (1971), I demonstrate how NGO policies transform the revelation and condemnation of women involved in out-of-wedlock sex into a revelation of their redeemable qualities as a particular kind of worthy single mother. In the third section, I further elucidate the impact of people creating secrecy, discretion, and publicity regarding out-of-wedlock intimacies in their lives and the various forms of capital and commitments required to put together the mutual collaborations of revealing persons as sociable enough.

Common tracks: shared stories on sexual intimacies

In news items and research reports, Moroccan women living as single mothers are frequently portrayed as uneducated, poor village maids who end up alone and deprived of all but NGO support due to a pregnancy out of wedlock. Moreover, in

many accounts, single mothers are described as seduced or forced into having sex due to their precarious background and position in life. Sexual assaults, insecure work as domestics, pregnancies outside of marriage, and ending up alone as single mothers are phenomena readily connected in both professional and popular depictions (Naamane Guessous and Guessous 2011; Kapchan 1996, 216–32; Newcomb 2009, 64;⁹ Kreutzberger 2008).¹⁰ When women themselves relay the trajectory of how they became single mothers, some indeed recount working as domestics in exploitative conditions and facing sexual violence (Cherkaoui and Zirari 2002; Naamane Guessous and Guessous 2011; El Aji 2018, 131–136). Yet this does not mean that all women dealing with single motherhood lived through these particular struggles.

Interviewing women who are (or have been) single mothers, Soumaya Naamane Guessous and Chakib Guessous actually find that “[t]he overwhelming majority of single mothers consented to an affectionate relationship” (2011, 122). In their subsequent discussion on women’s experiences of these “consensual sexual relations” (2011, 122), Naamane Guessous and Guessous nonetheless highlight that single mothers were pressured into sex by their male partners. Even while noting that a few women in their study mentioned their own interest and desire to have sex, in these interviews the same women still quickly pointed to their partners as having instigated sexual interactions (2011, 123). Throughout their analysis, Naamane Guessous and Guessous take up this latter reading in which single mothers did not initiate their involvement in sexual intimacies,¹¹ continuously emphasizing the parts of women’s stories that show single mothers as young, poor, and naive victims.

In several respects, Sadiyya’s account could be made to match such stereotypical background stories on single mothers’ lives. First, Sadiyya recounted that she grew up in a village and, after dropping out of high school, worked as a domestic for a family far wealthier than her own. Using the above template, others might easily label and disparage her as “an uneducated, poor village maid.” In her neighbors’ and relatives’ words, however, Sadiyya was a skilled worker who managed to contribute to her family’s income. Second, Sadiyya said that one day, on her way to work, she met a guy who insisted on taking her out. He would follow her and repeat his advances day after day. Sadiyya’s story here does stick to the meet-cute narrative of a guy talking a girl into going out with him. Following her account closely, though, her own delight over their initial courtship is unambiguous. She thought him charming, had ample opportunity to cast him off, yet happily dated him instead. They indeed dated cheerfully and quite secretly for a while, Sadiyya relayed, until an unignorable issue arose: She got pregnant.

When compared to their peers who equally go out and date, in Morocco, the initial sexual explorations of women who became pregnant out of wedlock are not out of the ordinary or all that “deviant.” Sadiyya’s account of meeting and dating her boyfriend simply does not differ from how her neighbor relays meeting and dating

her husband before their marriage. The latter, to her explicit relief, just did not get pregnant within her out-of-wedlock relations. Regarding young Moroccan women who monetize (out-of-wedlock) sexual relations, Mériam Cheikh in a similar vein argues that their initial outings and sexual explorations are no different from those of their peers. As is the case for many young people, they go out and have fun (2020, 65–97). The “male initiative” storyline is not particular to the stories of women whose dating lives eventually included the outcome of single motherhood either. In my interviews with a wide variety of Moroccan women and men on how their out-of-wedlock relations as well as marriages started, they generally highlighted that male partners initiated couples’ relationships and sexual intimacies. Downplaying women’s own initiatives toward intimate relations in this context makes for more acceptable and respectable storylines (cf. El Aji 2018; Cheikh 2020, 2011). To say that an out-of-wedlock relationship happened to them rather than that they sought it out conveys the respectability of knowing the moral judgments at stake in these tales and of distancing oneself from immoral intentions in how these events play out.

In her research regarding girls who became unwed mothers in 1960s maternity homes in the US, Rains, too, shows that these young women’s sexual explorations were similar to their peers’ experiences. Nonetheless, these unwed mothers also were continuously set apart as deviant and deficient. Yet most unmarried women had sex. As Rains elaborates, the difference was, therefore, not in the participation in or abstinence from sex but rather that these women either did not get pregnant—whether using contraceptives or not; or if they did, having an abortion or getting married—thus avoiding the stigmatized outcome of becoming unwed mothers (1971, 1–9). An elusive difference in their sexual morals, she argues, does not explain why certain girls ended up as unwed mothers.¹²

Of all the men and women who have sex outside of marriage in Morocco, similarly, only a portion will ever face a pregnancy out of wedlock. Apart from acquiring contraceptives, couples also avoid vaginal intercourse as a measure against conception.¹³ Furthermore, if an unmarried woman does become pregnant, single motherhood still is not the most likely outcome. Abortion, adoption, and (retroactive) marriage all work as common, communal resolutions for people to steer clear of single motherhood and cover up out-of-wedlock relations. An out-of-wedlock pregnancy not only makes for an evidential sign of sexual relations, but a growing body also puts people on a timeline to come up with a way forward. Those who oppose and object beforehand might very well stand together and make the most of helping one another out in hindsight.

In his late twenties, Mohammed, for example, recounted that his girlfriend told him that she was pregnant with his child and insisted he pay for an abortion. “I did propose to marry,” he remarked, “but she did not want to. ... I think, I know, that she, it is the case that my parents do not have a beautiful house or anything. She

did not want to live with us, us paupers!" He laughed, smirking. Mohammed said he asked several relatives to help raise the money required. They continued dating for another year, but eventually broke up. "I do not think anybody knows that she had an abortion. It was all hidden," Mohammed continued. "She is married now, gone, I mean, moved away. She is doing well. It was not a problem. The money was, yes, but it was not a problem like everyone knew or anything."

When Mejda, today in her thirties, realized as a teenager that she was pregnant, and far from being married, she did not let her boyfriend resolve this predicament. Mejda instead turned to her cousin and mother for support. "I was beside myself," Mejda remembers. "I thought it would all end. ... But we resolved the matter. It was fine. ... I mean, it was awful, but we got out of it fine." Their solution was neither an abortion, nor a marriage, nor raising the child in single motherhood. Her parents organized a secret adoption.¹⁴ First of all, Mejda's parents kept her under wraps at home until she gave birth. They covertly found Zohra and her husband, a couple willing to adopt the expected child. With her husband, Zohra immediately registered their child legally as their own and thereby never noted the baby's out-of-wedlock birth on paper.¹⁵

Enacting a third scenario in this regard, Saida, in her early twenties at the time, swiftly married her boyfriend right after discovering their out-of-wedlock pregnancy. "It was like, well, we did not want to marry or anything, it was not a plan already, but I also did not, did not *not* want to marry him. We got along. ... So, when I, I was pregnant, right," Saida recounted, "we kind of told some relatives and then they made sure we got married like right away. Like we already would have." A close friend of Saida elucidated how their neighbors assess this event to have passed: "Sure, there are people who know, but it is not like they know everything and then, I mean, I know people who know and they speak highly of Saida," she explained. "Highly, highly how so, like now she is married?" I asked. "No, not now, well also now, but about then, that she got married," her friend replied. "She forgave him everything and married him despite everything." Since her boyfriend got her into this mess, Saida's friend highlighted, it is Saida who showed grace in marrying him anyway. "He could have gone to prison, she married him and so he did not," her friend added. Others who guess women already had sex before their marriages certainly do not all celebrate their moves. However, Saida's friend elucidated how women in these cases also emerge as praiseworthy when they accept a boyfriend as their husband. By marrying just in time, Saida and her boyfriend, moreover, transformed their out-of-wedlock pregnancy into having a child born within their marriage.

The women in these cases all worked through the event of their out-of-wedlock pregnancy together with others, pushing them for support. Of course, one possibility left out of these equations is to openly become an unwed mother and continue

connecting to family, friends, and neighbors as usual. Abortion, adoption, and marriage become solutions in these cases to discreetly hide the physical presence of a woman's pregnancy, as this overtly points to her involvement in out-of-wedlock sex. In these scenarios, people fit into social hierarchies by covering up their out-of-wedlock relations, not by further revealing and celebrating their ties without marital commitments.

Just as people generally did not guard their out-of-wedlock intimacies as complete secrets, in the above three cases, too, many people did and will know something of the matter. Mohammed's relatives chipped in to pay for the abortion because he told them about his girlfriend's pregnancy. He also told me. However, their stories did not become the talk of the town in a way that was straightforwardly accessible to anyone. A tale of an out-of-wedlock pregnancy may be more salacious to tell than a mere sighting of a couple dating, which could mean such news travels more quickly. Yet exactly because the stakes in keeping these stories covert are higher, those cooperating in discretion will have more incentive to carefully close off talk on these tales. In crafting the possibilities of an abortion, adoption, or marriage together with others, women in these cases did not stand alone when handling an out-of-wedlock pregnancy and avoided the outcome of becoming single mothers.

The way these families, joined by neighbors and close friends, stuck together goes against a portrayal of women as having no control over their own fate and inevitably facing rejection over a pregnancy out of wedlock. A further detail in Sadiyya's wordings also goes against the grain of portraying women's trajectories in the deterministic terms of inevitably facing rejection when they become pregnant outside of marriage: Sadiyya made her own decision to leave. Fearing her family would react violently on finding out about her pregnancy, Sadiyya decided to leave their village. Perhaps the difference seems futile, as Sadiyya left out of fear of her family's violent reaction. Still, as she told the story, this was her choice given the circumstances. By not involving them altogether, Sadiyya also denied her family members the chance to show compassion, stick together, and stand up for her. Of course, they may not have been all that supportive. Yet leaving for the city by herself was not necessarily a safe bet either.

Single mothers as an excluded and exclusive category

Sadiyya, in her words, arrived in the city "alone, scared, and devastated." Nonetheless, she did count on NGOs at her urban destination for support. Finding refuge at an NGO, her child was born safely. The most famous of these NGOs dedicated to Moroccan single mothers and their children is *Solidarité Féminine*,

founded in the early 1980s by Aïcha Ech-Chenna. Her first concern was the situation of children found abandoned, as newborns, on the streets. Ech-Chenna strove to help women keep and raise the children born to them outside of marriage instead. Various NGOs in Morocco similarly support women pregnant out of wedlock in becoming single mothers.

The emphasis on dire circumstances beyond these women's control turns helping them into a more dignified cause. Raising a child born outside of marriage as a single mother directly exposes women's (prior) out-of-wedlock sex. Presenting single mothers as innocent victims, however, inverts the more disreputable portrayal in which they brought their predicament upon themselves through their own licentiousness (Kreutzberger 2008, 74; Cheikh 2020, 144–45). Yet single mothers occupy a problematic position in this frame too. Far from being celebrated, their motherhood is explained away by pointing to harsh circumstances.

In Morocco, NGO activists have over the past decades succeeded in elevating single mothers (as one category of unwed mothers) to a worthy cause. In recent years, national and international companies have, for example, launched advertisement campaigns pledging donations to NGOs for single mothers.¹⁶ These companies associated themselves with single mothers as a go-to cause to display their benevolence.¹⁷ Year after year, films featuring single mothers are premiered in Morocco's art scene.¹⁸ The damning potential of having a child out of wedlock moves the drama along, while single mothers stand out as sympathetic protagonists through the pitiable circumstances, thus redeeming them.

That single mothers face exclusion is made clear enough through these representations. Yet the category of single mothers is also exclusive. Not all women who birth a child outside of marriage appear equally eligible to receive support and sympathy as single mothers. The framing of single mothers as innocent victims also implies their out-of-wedlock pregnancy to be a one-time mistake or tragedy. If they became unwed mothers due to unavoidable circumstances, a change in circumstances then must also preclude them falling into the same predicament again. In other words, women who become single mothers supposedly embrace a redeeming lifestyle and, conversely, those women who are recognizably redeemable stand a chance of becoming single mothers.

Analyzing moral careers available to USAmerican girls pregnant out of wedlock in the 1960s, Rains (1971) elucidates a similarly exclusive transformation. Unlike Moroccan NGOs' objective of having single mothers raise their children themselves, USAmerican maternity homes were designed for unmarried women to have their child adopted in secret. Still, a turn from blaming women for their licentiousness toward sympathizing with their predicament, framed as beyond their control, is crucial to how both these institutions turn people into charitable cases. In the USAmerican maternity homes, young women's out-of-wedlock relations were tied to

psychiatric deficits on their part. Girls stood out as moral deviants nevertheless, Rains argues. Their situation in this psychiatric frame may not have been their own fault entirely, but they were still separated from their peers as exceptional moral creatures.

These maternity homes were set up for women to keep their predicament secret. Nonetheless, many people learned about their out-of-wedlock pregnancies. Girls themselves, for example, told close friends and future boyfriends what they went through. In this way, people in their past, present, and future knew their “true situation” (Rains 1971, 115). However, the truth about these girls that they were to comprehend was not simply that they had once become unwed mothers. The truth they were to take home was also the evaluation of their out-of-wedlock pregnancy as a mistake due to a psychological deficit. The maternity homes’ programs, moreover, had supposedly subsequently fixed this moral shortfall. Unwed mothers, then, were essentially “nice girls” who deserved to be pitied rather than scorned. However, this assessment did not equally work for everyone. This moral career advanced by maternity homes’ executives was available especially for demure-looking young women, pregnant for the first time; and more often included white, middle-class girls than their poor, black peers (Rains 1971, 46).

The cause of single motherhood as foregrounded by Moroccan NGOs does not include all unwed mothers equally either. *Solidarité Féminine* had a policy of helping out anyone in need (Naamane Guessous and Guessous 2011, 254), yet they dedicated most resources to women who fit a particular category. Places within their housing and training programs, where women receive the most help, went to “the youngest, the most distressed, the weakest, the poorest and the most vulnerable” (Naamane Guessous and Guessous 2011, 255). Another NGO explicitly excluded “prostitutes, alcoholics, the mentally ill, or repeat offenders” (Naamane Guessous and Guessous 2011, 268). Women who do not fit the picture of naive and redeemable victims were left out of this aid program. Sex work, alcoholism, mental illness, and being pregnant outside of marriage more than just once all disqualified women from “transforming” into single mothers with these NGOs’ help and stamp of approval.

In government policies, Moroccan officials set single mothers apart as categorically separate, too (cf. Capelli 2016). The national employment agency, for example, initially favored granting visas to wives, divorcees, and widows. This policy restricting single mothers’ possibilities to work in Spain was reversed, though. Instead, single mothers’ applications were now prioritized.¹⁹ Journalists presented this change as an improvement, which it indeed is for single mothers who want to work in Spain. Yet the policy still marks single mothers as an exclusive category. Similarly, reports on the Moroccan government support fund for “female heads of households” lists widows and divorcees as beneficiaries, but not single mothers.²⁰ Both these visa applicants and beneficiaries for support within the category of

single mothers are supplied by NGOs who care for certain mothers raising a child born to them out of wedlock. The selection procedures distinguishing between single mothers, as ideally redeemable women, versus other women who do not fit so readily into these appropriated lines, certainly plays into the decision of who gets government support and who does not.

When research into the trajectories and characteristics of single mothers begins at such NGOs, the sample of unwed mothers under scrutiny has, therefore, already been pre-selected through these associations. No wonder that most single mothers turn out to be poor, young, uneducated girls, if especially women who fit this exclusive picture are taken into account in the first place.

Those women who these associations guide into becoming single mothers are supposed to turn into exemplars of respectability (Capelli 2016). They are not to “fall back” into out-of-wedlock intimacies. Through supervision and training programs, Solidarité Féminine’s support was designed to have women as single mothers “become autonomous and behave themselves in accordance with strict rules of morality” (Naamane Guessous and Guessous 2011, 258). NGO activists who support children born out of wedlock, as well as their mothers, risk being criticized for encouraging licentious morals. Standing up for single mothers is easier when helping them is equated with fitting women back into respectable hierarchies. This approach does not challenge the notion that out-of-wedlock sex is condemnable, but instead remains well within the confines of ideas that argue for saving sexual relations to create marriages only.

The revealing capital of sociable lives

In Skhirat-Témara, one woman I interviewed lived openly as an unwed mother raising her multiple children born outside of marriage. About forty years of age, Fatna did not at all fit the exclusive image of single mothers as young, naive, girls who desperately find out they are pregnant for the first time without being married and who, supposedly, could be readily molded back into hierarchies of respectability by others. With her heavy make-up and ragged dress, Fatna, at first glance, would certainly not be classified a respectable, middle-class wife.

When I met her, Fatna was pregnant again, which was the first thing I heard about her to begin with. Back from visiting relatives, several neighbors relayed having seen Fatna standing beside the road. “Her pregnant belly right out there, for all to see!” they exclaimed in dismay. “The shame! To be standing by the road like that!” The point that disturbed them most was that Fatna did not even seem to wish to hide her situation. To reference that Fatna had children born outside of marriage, people here use phrases like “her children have no father” or “she has

no husband.” Fatna did not fit idealistic images of single mothers as a categorical cause, nor was she identified by the term “single mother” by those around her.

Fatna’s standing in her community could hardly be further away from Sadiyya’s position. Married with children after once living as a single mother, Sadiyya fitted right into the lives of her family and neighbors. She was a welcome participant in their various gatherings. Fatna, however, generally was not invited to weddings and baby showers, nor heartily welcomed when she showed up anyway. Still, Fatna did have support. Her mother and siblings did not leave her to fend for herself. Fatna herself elucidated how she quit caring about maintaining a low profile. “They think I am mad anyway, so who is counting,” she clarified. Others in town indeed categorized her as plain mad, with her latest pregnancy on roadside display serving as proof. Thus, as in other cases, people devalued her ability to make moral judgments, framing her conduct as beyond her control; in this way, her behavior need not be a direct assault on the norms of family values. Seeing her unwed motherhood as a sane choice would be much more disturbing to those reaffirming the sanctioned confines of marital life.

The significance of whether and how people conceal out-of-wedlock intimacies features in the stories of both Fatna and Sadiyya as well as in the tales of other women and men I interviewed on their marriages and relationships outside of marriage. The group of people who commented on Fatna having children without a husband highlighted their dismay over how she apparently made no attempt to cover up her pregnancy. The conclusion social scientists as well as Moroccans in my research generally reach is that out-of-wedlock sex may be marked as essentially shameful, sinful, and illegal, but in actuality is only problematic when left without cover (El Aji 2018, 175–95; Bakass, Ferrand, and Depledge 2013). The act of concealment, however partial, transforms practices (that would otherwise stand out as indecencies) into unremarkable incidences (Taussig 1999; Pierce 2007).

Nonetheless, not everyone’s cover-ups are equally accepted by others. Furthermore, not everyone who appears to be involved in out-of-wedlock intimacies is equally condemned in the view of others. Two women in my research, for example, shared identical stories with me on dating their husbands before they married. Their middle-class neighbors who discussed their tales, however, presumed that the one who was poorer (in terms of class positioning) must have been sexually intimate with her boyfriend and dismissed her for going on dates. Meanwhile, they believed that the other one, who had arrived at a middle-class position just like themselves, would have met her soon-to-be husband merely to talk platonically and noted it made sense for her to get to know him better beforehand.²¹ On an apparent basis of class, and without actually knowing the details of either neighbor’s sex life, the women discussing these stories were prepared to overlook the possibility of out-of-wedlock intimacies in the one case while highlighting this potential as a condemnable certainty in the other.²²

Cover-ups and keeping secrets are a mutual undertaking, involving those who have something to hide as much as those who look away so as not to uncover what should go unnoticed (Taussig 1999; Bakuri et al. 2020; Fiiole 2021, 133–76). To notice the possible occurrence of out-of-wedlock relations is also to take part in revealing sexual acts and transforming them into transgressions. The people I met discussing Fatna's case did not have to comment on her pregnancy. They could have looked away when sighting her at the roadside and left her condition unmentioned. By narrating their views on her appearance, they turned their assumption that she was pregnant out of wedlock into a notable and condemnable event.

Access to possibilities for a cover-up depends on one's resources and recourse to social networks supporting and, thereby, creating these concealments. Fatna stood out as someone who had children without being married. She also stood out as someone who did not seem to hide her status as an unmarried mother. The latter, I argue, implied she neither commanded nor complied with resources that could have allowed for concealing her out-of-wedlock intimacies so that others would ignore their appearance. If someone stands out alone and without cover as having taken part in out-of-wedlock sexual relations, this lack of cover may inadvertently point back to a lack of resources as well as a lack of immersion (and compliance) within hierarchies of people who may provide those resources and cover for their close connections.

Revelations and concealments as brought into being through available resources and recourse to social commitments feature as crucial elements in Sadiyya's story. After moving to the city and giving birth with NGO aid, she continued to live there raising her child. According to her, many people in her family and their neighborhood eventually came to know that she had become a single mother. The distance Sadiyya put between herself and her hometown did not prevent relatives, former neighbors, and friends from finding out about her out-of-wedlock pregnancy. She had told some of them herself and her aunt and a close friend came to visit her and her newborn from time to time. They did not completely break off established ties. Her connections back home helped pave the way for the NGO's personnel to arrange a reconciliation between Sadiyya and her ex-boyfriend in concert with his relatives. Sadiyya agreed to take on this tentative track.

In this trajectory, myriad resources accessed through numerous people from whom she sought and accepted support over time allowed Sadiyya to eventually become recognized as a respectably married woman. While she had been dating, her friends and several relatives had covered for her and thereby kept the fact Sadiyya even had a boyfriend discreet enough. After becoming pregnant, Sadiyya obtained the support of NGO workers to whom she would have been recognizable as a young girl from a poor background whose out-of-wedlock pregnancy could be reduced to a redeemable mistake. The NGO provided her a place to stay and

give birth, caring for both Sadiyya and her child. The social connections she kept up, through a close friend and her aunt, with people in her hometown allowed for a cooperation in which these NGO workers and Sadiyya could connect to her ex-boyfriend and his relatives to arrange their marriage. From then on, Sadiyya's future in-laws provided the couple and their child with a roof over their head, a living, and the means to file for legal recognition of their marriage.

After their reconciliation, Sadiyya and her partner could have legally married straight away. Yet their child then would still have been born out of wedlock from a legal perspective. Through retroactive legalization of their marriage, however, their child's birth dates back to before they married. To accomplish this, Sadiyya and her partner claimed legal resources that have been made available by Moroccan state officials. The possibility to retro-actively legalize a marriage on state papers was heavily debated by Morocco's lawmakers. The inclusion of article 16 of Morocco's family code offered couples the possibility to legalize their already existing marriage (cf. Fioole 2020); however, it was opposed by various scholars in the committee drafting the revised family code of 2004 (Yavuz-Altıntaş 2020) and was only supposed to be available for a transition period of five years. The two extensions of this transitory period, keeping this marital possibility open into 2019, also brought forth intense debate among Moroccan politicians, lawmakers, and societal activists.²³ Still, it is not a law that sanctioned sexual relationships outside of marriage, which remain a criminal offence in the state's penal code. Nonetheless, through article 16, state officials opened up a legal resource that allowed Sadiyya and her partner to legalize their relationship as one of marriage all the way back to when she was pregnant out of wedlock.²⁴ There is no legal trace of an out-of-wedlock pregnancy on their identity papers. Sadiyya and her husband's family documents looked exactly the same as those of other couples who legally registered their marriages at a later point in time. In this context, it is not just what they concealed that matters most here, but what they revealed together. Sadiyya and her husband stood together with his family in court to reveal their commitment to each other as a married couple. To lie in court allowed them to have their legal papers reflect the truth of the bonds between them at that point and extend this vision back into their past. With their legal marital contract in place, Sadiyya reconciled with her father too.²⁵

To obtain this marital contract and become respectably married in her hometown, Sadiyya put in motion a variety of resources accessed together with her aunt, friend, partner, and future in-laws as well as court officials, neighbors, friends, and eventually her parents and family. They acquired the know-how to take this legal route and spent money on legal fees, notarized documents, and transportation to court sessions. The shared testimony of Sadiyya's in-laws that she had been living with them all along as their son's wife, leaving her stint as a single mother in the city

unmentioned, made for crucial means toward legal recognition. The court officials' stamp of approval and acceptance of their story did so too. With the recognition of her husband's family in place as well as the state's acknowledgment of their marriage, including the birth of their child within this marital context, Sadiyya also reappeared within her parental home as a recognizably married woman. Many of her family members, neighbors, and friends back then knew about the time she spent on her own in the city, although not everyone was up to speed on all the details. Nonetheless, most of them recognized her as a married mother and took part in keeping her history as a single mother discreet. Years later, those who met Sadiyya anew needed not know how her marriage came about. She became as ordinary a married woman as any of her peers.

Family, friends, neighbors, and state officials pulled together and provided social, economic, and legal resources that not only made the concealment of Sadiyya's out-of-wedlock intimacies possible, but also the revealment of both her person and their connections with her as recognizably respectable. The same processes occur in the cases of out-of-wedlock pregnancies discussed above. Overturning out-of-wedlock intimacies through arranging cover-ups in abortion, adoption, and marriage, Mohammed, Mejda, and Saida, too, accessed financial, legal, and social resources by counting on family members, friends, and neighbors to create these concealments together and subsequently reveal their sociable statuses. Moreover, the same goes for couples who dated outside of marriage and never recounted an out-of-wedlock pregnancy in their relationship stories. They all counted on one another to participate in cooperative discretion too.

To go on a date, the men and women in my research also specified that they relied on the resources of family members, friends, and neighbors to create cover-ups of the couple's out-of-wedlock encounters. For Sadiyya's friend, who recounted dating her husband before their marriage, receiving some money from another friend to pay for a bus fare so that she and her boyfriend could meet up further away from their homes (and avoid the oversight of its residents) made concealing their out-of-wedlock relationship possible. Similarly, her sister would lie for her to their parents and insist she was anywhere but out on a date. Others among her relatives and neighbors who ignored clues that she might be dating were essential parts of creating these concealments. In this way, Sadiyya's friend could continue to show up at home, in her neighborhood, and at work, and be recognizable as a respectably single woman.

Furthermore, to collectively ignore and negate out-of-wedlock relations so that a couple can respectably marry is not an exceptional move exclusive to those intimate relationships that result in pregnancy, like Sadiyya; neither is the way in which Sadiyya, her boyfriend, and his parents presented themselves as already married in court, either. In numerous cases in my research, couples who dated

beforehand, did not get pregnant, and were eventually married, presented their tie to others as an arranged marriage. Men and women would state to others among their family, friends, and neighbors that they had never met their spouse before getting married. They created these marital arrangements discreetly with the support of some of their family members, who would make the conjugal match between a particular man and woman happen while concealing that the two already were a couple outside of marriage (Fioole 2021, 133–76).

As long as out-of-wedlock intimacies are covered up, their problematic potential may be defused. The act of concealment transforms potential indecencies into unremarkable incidences. Creating cover-ups, however, is not a feat persons arrive at on their own. They cooperate with others and count on the various means their social connections may provide. Moreover, creating concealments that are good enough to maintain the social visibility of a person involved in the camouflaged intimacy is likewise established in concert with others. Thus, not simply the act of concealment, but an immersion in social networks that provide, support, and acknowledge a particular cover-up transforms practices that might otherwise remain indecent into redeemable events.

For women who are raising a child born to them outside of marriage, other pathways and potential outcomes obviously did not (yet) materialize. The overt-ness of (previous) sex outside of marriage in their cases appears most problematic, as women who openly raise their child born out of wedlock have clearly been involved in such intimacies. Yet this lack of cover not only reveals a certain transgression, but also points back to an apparent lack of social connections and resources to provide and acknowledge the cover required in the first place. The latter may actually stand out as the more shameful predicament.

In some studies, associations between class and sex become an all too straightforward calculus. For example, Dialmy suggests that for unmarried Moroccan women themselves, safeguarding their virginity seems less essential when they “can claim other assets such as a diploma, employment, a great family, wealth” (2010, 164). However, such direct exchanges between “virginity” and “wealth,” as assets, do not equal calculations on account sheets (cf. Cheikh 2020, 178–210). Openly caring less about virginity is, furthermore, not the prerogative of elites (El Aji 2018, 137). Across class divides, in my research too, there are Moroccans who express and handle sexual propriety in more conservative or more nonchalant manners.

Moreover, resources and connections through which people find cover are not necessarily more readily available to the “upper classes.” Wealthy families do not have a monopoly on covering up their affairs. Access to ample financial means, elite networks, and formal schooling provides men and women ways to prevent overall exposure to their sexual histories. Acquiring pharmaceutical contraceptives, safe abortions, or hymen repair surgery requires not only financial means, but also

knowledge, connections, and mobility. However, even without such direct access to financial means, elite networks, and formal schooling, people adequately conceal out-of-wedlock sexual relations on their own terms. The various forms of capital (Bourdieu 1986) among family, friends, and neighbors in “lower classes” allow for pooling money for abortions, commitments to secret adoption schemes, and the transformation of intimacies into marriages without exposing sexual histories to just anyone. “The rich” may have more options at times, but “the poor” also take up and create privileged recourses that constitute less of a financial strain.

Presenting associations between class and sex as a straightforward calculus also implies that people can know each other’s relationship histories. Yet people create what they think they know about sexual intimacies through gauging events others try, and manage, to keep discreet. Their conclusions are based on partial tales. What seems acceptable and credible as to others’ relationships, moreover, varies hugely within the power dynamics related to various positions and characteristics people embody relative to one another. People disagree on what is acceptable and credible regarding the apparent events in certain others’ lives. Whereas Sadiyya, her friends, neighbors, and in-laws created her becoming an ordinarily married woman in their social network, others who somehow learn about her past life as a single mother may still judge her as less worthy of their respect. Understanding a cover-up as respectable enough or comprehending an out-of-wedlock pregnancy as a redeemable mistake is not inherent to the stories people tell, but a manner of judgment others can nudge. Whose lives are deemed sociable in particular settings is established within people’s willingness to connect and commit to each other over time.

Conclusion

Retrospectively singling out women who raise a child born to them outside of marriage as solely and primarily responsible for their supposedly morally deficient behavior, obscures the reality of how the inclusion or exclusion of certain knowledge about out-of-wedlock intimacies plays out rather open-endedly in social networks. Zooming in on single mothers leaves out of view the commonalities with their peers regarding initial sexual explorations. Many people in Morocco who are sexually intimate outside of marriage avoid the particular outcome of single motherhood. Moreover, possible outcomes may change over time. Not for everybody, as Fatna’s life story seems to prove so far. Yet had I met Sadiyya when she lived in the city as a single mother with her newborn, her future could have seemed grim indeed. Neither of us would have imagined her becoming a respectable middle-class wife, married to her child’s father, and drawn into the communal banality of everyday small-town life.

Women living as single mothers in Morocco face exclusion, yet they can also be transformed and brought back into the fold. The NGOs discussed turn out-of-wedlock pregnancies of particular young women into redeemable occurrences by framing them as innocent victims who may be reintegrated into a morality that sanctions marriage as the right context for sexual relationships. In hindsight and within the current company of her respectably married friends, Sadiyya perfectly fits the image of a young woman who lived through a temporary crisis but has been properly settled in the end.

Sadiyya's out-of-wedlock pregnancy, sudden move to the city, reconciliation with her former boyfriend after the birth of their child, and their collective negation of these events in court to obtain a legal contract of marriage, makes for a striking chain of events. However, the dynamics of concealment and revelation that people used to create this outcome together are strikingly similar in numerous cases of out-of-wedlock intimacies, whether or not a birth outside of marriage resulted. Family, friends, and neighbors pull together to work out cover-ups with couples who go out on dates, and, in the same way, they work out cover-ups in the event that an out-of-wedlock pregnancy happens to be at stake as well.

Taking recourse to resources provided for and created together with people in their social networks allows women and men to go on dates and have out-of-wedlock relations that can be respectfully ignored in cooperative discretion. Similarly, family members, neighbors, friends, NGO workers, and state officials may provide the social, economic, and legal capital for women to overturn out-of-wedlock pregnancies through covert tracks including abortions, adoptions, and marriages. For a person to continuously be revealed as sociable, while concealing out-of-wedlock intimacies, requires access to a variety of resources as well as mutual compliance with the kind of cover-ups others sanction as credible enough.

Women presented in studies as single mothers in many cases could not or did not count on all these various kinds of capital. Sent away by their families to live and work as domestics, for example, some women are very isolated when forced, drawn, or diving into out-of-wedlock relationships and dealing with an unforeseen pregnancy. This is a different endpoint than those women in my research who could and did count on their partner or relatives to work their situation out in concert. To stand out alone, as a non-married mother, for example, not only reveals one's involvement in out-of-wedlock sex, but also exposes room for doubt as to the level of commitment and compliance to and from others on whom that person could count. If relatives do not stand by a young woman, or if she does not work with her relatives' proposals, then this could be counted as a sign of her devaluation and disrespect, whether intended or not.

Taking the cases I researched together, the aspect of relationships between couples that is most difficult to come to terms with among their families, friends,

and neighbors is not merely out-of-wedlock sex. Most people in my research did mark sexual relationships outside of marriage as shameful, sinful, and illegal. Yet, out-of-wedlock relations need not become a problem in most people's lives; they provide pleasure and possibilities along the way. Out-of-wedlock relationships become more or less acceptable, as long as people keep them obscured to certain others in mutual discretion. Even when sex without marriage becomes generally tied to a person's life in a way that is difficult to negate, however, its impact on subsequent events is still open-ended. Rejection within ties of community and the refusal of legal recognition is neither a necessary nor finite response. For a person to plea for legal recognition of a union, while remaining silent about possible out-of-wedlock intimacies, is not the foremost problem. Openly ignoring the need to be married as a couple and proceeding without disguise in intimate out-of-wedlock relationships, as Fatna—visibly pregnant again without a husband in sight—did, however, is. Similarly, turning to relatives to share in the joys as well as problems of out-of-wedlock intimacies is likewise not the problem. Openly ignoring the significance of family support and the authority of relatives' commitments, however, is—and it makes for a far more challenging approach. To try to stick to or route back into ideal routines of social hierarchies exposes loyalty to a "community" in which people overtly organize social commitments in terms of family ties sanctioned through conjugality. Concealment of out-of-wedlock intimacies through cooperative discretion does not merely cover up associating with someone who has had less-than-ideal sex, but also makes for a continuous revealing of that person as sociable and ready to take part in and be welcomed into certain others' homes.

Notes

- ¹ They all wore brightly colored and heavily embroidered *jalabas*, long gowns with caps, made of fine cotton fabrics. Their tailored dress distinguished them from poorer women, who may wear trousers and long capped sweatshirts made from fleece, an off-the-rack, much cheaper innovation on the local markets imported from the Middle and Far East. The tying of their headscarves, tightly wrapped two times around the head and knotted to the side, also added to a look that in Skhirat-Témara distanced them from farmers; "liberal," rich professionals; young women far from being married; and poor, working-class women alike. The latter four categories (of women's statuses) stereotypically either did not cover their hair or tied their scarves in other ways. Of course, women also adjust their dress styles as they see fit for the occasion.
- ² Sadiyya stressed that she only told me her story to help me out, because the members of her close-knit group of neighbors and friends I interviewed asked her to. She does not go around sharing her past with anyone, so she asserted. Going into our meeting, I thus misread the setting. Whereas I did not know the women who joined in all that well, they were no strangers to one another. As friends and neighbors, the women in this small group confided in one another and shared their stories among themselves. They agreed to tell me some of their tales as well, since one of them had vouched for me.

- ³ Article 490 of Morocco's penal code includes a fine and prison sentences on sexual relations between men and women outside of marriage. This article has been challenged by national and international politicians as well as human rights activists, but so far remains on the books in state law.
- ⁴ See, for example, <http://aujourd'hui.ma/societe/meres-celibataires-les-six-mesures-urgentes-dinsaf> (last accessed July 1, 2022), <https://lematin.ma/journal/2018/campagne-ana-sinteresse-aux-meres-celibataires/306655.html> (last accessed July 1, 2022), https://telquel.ma/2020/03/23/sdf-migrants-meres-celibataires-les-oublies-du-confinement_1675216?fbrefresh=6 (last accessed July 1, 2022).
- ⁵ See, for example, <http://lematin.ma/journal/2017/meres-celibataires-un-combat-pour-la-justice-et-la-dignite/268721.html> (last accessed July 1, 2022); <https://lematin.ma/journal/2019/film-aborde-problematique-meres-celibataires-maroc/317011.html> (last accessed July 1, 2022); <http://www.aujourd'hui.ma/maroc/societe/etude-nationale-d-insaf-en-2009-27-200-enfants-nes-hors-mariage-au-maroc-76931#VcNQKflcpac> (last accessed July 1, 2022).
- ⁶ I have taken up the concept of problematization as a method of analysis as proposed by Michel Foucault ([1976] 1990); see Bacchi (2012) for a concise elucidation of this approach. To research problematizations is to elucidate how specific phenomena are turned into problems in need of intervention.
- ⁷ For a discussion of same-sex relationships in Morocco see, for example, Rebutini (2013).
- ⁸ In Morocco, there are groups of people as well as individuals who openly and explicitly subvert the notion that out-of-wedlock sex should be considered in these dismissive terms. The collective “490,” for example, campaigned to scrap article 490 of the state's penal code and thereby decriminalize sexual relations outside of marriage (https://telquel.ma/2019/12/10/le-collectif-490-des-hors-la-loi-laureat-du-prix-simone-de-beauvoir-pour-la-liberte-des-femmes-2020_1660436, last accessed July 8, 2022). Some interlocutors in my research said they would not mind the state lifting the penal sanctions on out-of-wedlock sex, since everyone “should mind their own business and decide for themselves.” Nonetheless, the same persons also stated they prefer to be able to file a police charge in case their own family members or they themselves were negatively affected by an out-of-wedlock relationship gone sour.
- ⁹ One of the interlocutors in Rachel Newcomb's study, for example, readily connects the position of working as a domestic, sexual assault in the workplace, getting pregnant out of wedlock, and the stigmatization of single motherhood. An urban woman herself, Khadija, as quoted by Newcomb, made this statement to argue against the 2003 proposal to raise the legal minimum marital age to eighteen (she considers this legal change disastrous for rural girls especially): “If they are not allowed to marry, [...] [t]hey will have to go outside the home to work as maids, and then they will inevitably be raped by their employers. Then they would have a child out of marriage, and possibly this child would become an orphan. [...] Even if the mother does keep the child, she'll be stigmatized” (in Newcomb 2009, 64).
- ¹⁰ See, for example, <http://aujourd'hui.ma/societe/meriem-othmani-faire-travailler-un-enfant-est-une-forme-desclavage> (last accessed July 8, 2022).
- ¹¹ One woman in Naamane Guessous and Guessous' account did narrate how she came to have sex, saying, “I got excited and let myself go” (2011, 123). Pointing to women's own experiences of sexual excitement, this quote could bring out a more active part for them in their sexual relations. Yet in their analysis, Naamane Guessous and Guessous only fit this quote into the reading that single mothers overall were lured into sex and did not decide on having sexual relations themselves.
- ¹² To the contrary, she carefully argues that “commitment to conventional moral standards controls and structures deviant activity—increasing sexual involvement—but [...] this commitment may also be the way in which the most deviant results are produced” (33). Girls may hesitate to purchase

- contraceptives, for example, but they subsequently risk getting pregnant more so than had they not cared about social standards discrediting premarital sex (9–34).
- ¹³ Use of commercial contraceptives is far from commonplace here, especially in rural regions like Skhirat-Témara. Avoidance of vaginal intercourse is a strategy mentioned between couples not only to “preserve” a woman’s hymen as virginal but also a (not entirely infallible) measure against conception.
- ¹⁴ For a discussion on how these “secret” adoptions work in Morocco, see Bargach (2002) as well as Fioole (2015, 2017).
- ¹⁵ To protect her child from the stigma illegitimate children carry, so Zohra explained, she proceeded to obtain a birth certificate at the civil registry. She and her husband are now listed as the child’s legal birth parents on their identity documents. Otherwise, the absence of the birth father’s name on legal papers would have continuously marked the child’s out-of-wedlock birth.
- ¹⁶ <http://lematin.ma/journal/2017/uber-soutient-solidarite-feminine/272859.html> (last accessed July 8, 2022). https://telquel.ma/2016/03/02/utilisez-hashtag-%e2%80%8eellem inspire%e2%80%ac-aid%er-les-meres-celibataires_1485481 (last accessed July 8, 2022).
- ¹⁷ Like others, the Uber campaign ran in the month of Ramadan. Thereby, companies associated their products with charitable religiosity as well. Apart from daily fasting, giving alms to others in need is a common ideal to living Ramadan.
- ¹⁸ <http://aujourd'hui.ma/culture/cinema/sofia-le-nouveau-ne-du-cinema-marocain> (last accessed July 8, 2022); <https://lematin.ma/journal/2019/film-aborde-problematique-meres-celibataires-maroc/317011.html> (last accessed July 8, 2022); <https://lematin.ma/journal/2019/adam-lhistoire-femmes-jai-con/nues-mont-emue-notamment-mere-celibataire/316459.html> (last accessed July 8, 2022).
- ¹⁹ https://telquel.ma/2019/02/15/saisonnières-marocaines-la-priorité-desormais-aux-meres-celibataires_1628700 (last accessed July 8, 2022).
- ²⁰ <http://aujourd'hui.ma/societe/laide-aux-femmes-mariees-abandonnees-entre-en-vigueur> (last accessed July 8, 2022).
- ²¹ On a similar axis of class, those young Moroccan women in Mériam Cheikh’s research (2020, 2011) who looked poor were policed as possible sex workers on their nights out in Tanger’s clubs, whereas their wealthier appearing peers were left alone to enjoy themselves.
- ²² For a further elaboration on how intersections of gender, class, religiosity, age, and personal affinity play into how people weigh certain others’ apparent indecencies as credible and condemnable while giving differently characterized others the benefit of doubt, see Fioole (2021, 177–220).
- ²³ Those opposing the legalization of marriages after the fact argued that such an option would favor families marrying young women without a court’s permission, only to obtain a state contract later on once they had reached the standard age for a legal marriage anyway. Allowing retroactive legalization of marriages in this reasoning would increase the incidence of minors marrying and that was to be opposed in a state bid to protect women and children’s rights in legal frames. Those favouring the retroactive legalization of marriage, on the contrary, argued that such a legal option would allow for protecting women and children’s rights through state laws. Without the possibility of acquiring a marital contract sanctioned by the state later on, many more women and their children would be forever left without the respectable status of being legally married.
- ²⁴ An essential aspect in this regard is that couples and family members somehow, however tenuously, agree on their relationship statuses and concomitant commitments. A judge approved the retroactive legalization of Sadiyya and her husband’s marriage as they, in court, all agreed on having been in-laws for years already. Should Sadiyya instead have filed a proof of paternity claim for her ex-boyfriend to be their child’s legal father (based on the family code’s article 156), there

would have hardly been a way for her to prove that they had been engaged already, let alone married, without the support of others.

- ²⁵ Before the 2004 family code's revision, Sadiyya would have needed her father's approval, as her guardian, to obtain this legal marital contract. Yet legally, adult women no longer require a guardian to marry. Instead of requiring her father's prior approval to legally marry, the contract legalizing her marriage helped Sadiyya win her father over after the fact. The novelty in these cases, moreover, is not simply that women like Sadiyya can legally marry of their own volition, but also that legal recognition of marriage has become more essential toward establishing conjugal ties. State officials here do usurp defining power over family ties, as some arguing against the 2004 family law reforms feared (Fioole 2020).

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Configuring Communities: The Materialities of Dubai's Migrant Marriages

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Introduction

"I never wanted a wedding," Fatima tells me resolutely during our first meeting since she became a married woman. We are in a Mongolian hotpot restaurant in Dubai, reuniting after a tumultuous few months in Fatima's life. A Kuwaiti national who had lived in the United Arab Emirates (UAE) for most of her life, Fatima was in her mid-twenties when she met Taha, a British expat of Turkish heritage. The two dated discreetly for a time, but when Taha lost his job in Dubai and had to return to London, Fatima could not follow him unmarried.¹ The two decided to approach Fatima's parents seeking their permission to marry. Disapproving of the match, Fatima's parents resisted for a year, after which their daughter's angst and persistence wore them down. They relented, and the marriage proceeded with their ambivalent approval.

As I explore in the following chapter, the marriage arrangements and wedding celebrations marking Fatima and Taha's union took material forms that reflected the particularities of many of Dubai's migrant marriages. Significantly, none of the nuptial events took place in Dubai itself; the *nikah* (concluding of the marriage contract) and a small *azīma* (marriage banquet) were conducted in Kuwait among Fatima's relatives, and a wedding party was held in London amidst the Turkish diasporic community Taha had grown up in. The materialities characterizing this marriage across contexts, I argue, stem from an array of factors. The absence of celebrations in Dubai—and their subdued nature in Kuwait—might initially be attributed to the lack of enthusiasm Fatima's parents felt about the match. It could also be traced back to Fatima's introverted nature, which left her uninterested in the pomp and circumstance of an event that placed her in the spotlight. As I show in what follows, however, there is more to it than either answer provides. The ways in which Fatima and Taha's marriage materialized, I argue, harkens back to the social relations such celebrations are meant to (re-)produce, whether in Dubai or elsewhere.

From our conversation at the Mongolian restaurant, I came to understand the reasons behind Fatima's discomfort with the demand to make public, explicit, and material her romantic relationship to an audience tasked with granting it legitimacy. At the same time, Fatima's narrative also offered insight into why her parents and Taha's mother perceived such public recognition—and its material valences—as critical to their role in society.² I argue that the tension that emerges in these dissonant attitudes toward the function of marriage and wedding celebrations reflects distinctive understandings of the connection between the communal and the individual held by different generations of noncitizens living in the UAE. By examining the interplay of sociality and materiality illustrated in Fatima's example, I demonstrate how the unique features of living in Dubai as a young, noncitizen Muslim matter in the matrimonial process.

Indeed, understanding marriage as a *process* rather than an either-or *state* draws attention to how becoming married is a way by which relations between people are created and reworked—not only between two individuals, but within and across the various communities to which the couple belong. I locate these shifting and burgeoning networks in their material manifestations, exploring how such social relations are made tangible in objects and practices. By *exploring the materialities of marriage* I mean considering how embodied practices and material objects related to marriage procedures figure into the process by which connections between people are produced and reproduced. Some contexts in which marriage materializes in Fatima's example include the giving of the dower; the signing of the marriage contract; the procurement of legal papers that officiate the relationship; the exchange of gold jewelry; and the artifacts and practices that animate wedding festivities. I take these material sites as tangible manifestations of the social relations taking form as a couple marries.

During fieldwork I conducted in Dubai between 2016 and 2021, I observed Fatima's struggle with her family, celebrated with her their eventual approval, and bid her farewell when she departed—first to Kuwait, for the *'azīma* and *nikah*, then to the UK, to reunite with Taha.³ Remaining in touch through frequent texts and videocalls, I received a play-by-play narration of the events that transformed her into a lawfully married woman before the eyes of God, the modern nation-state, her extended family in Kuwait, and North London's Turkish diasporic community.⁴ Tracing these moments in the following pages, I explore the intersections of marriage, community, and materiality, considering the constellations they take in the lives of migrant Muslim couples who meet in Dubai.

As the case of Fatima and Taha demonstrates, how young migrant couples seek to marry in Dubai is shaped by the limits and possibilities of their context.⁵ Perhaps the most significant factor influencing the lives of noncitizens living in the UAE is the *kafala* regime, a system of migrant sponsorship that structures

state–citizen–migrant relations in the region.⁶ In the *kafala* system, one’s right to reside in the UAE is conditional upon one’s employment. In other words, upon losing their jobs, migrants are compelled to return “home” regardless of how long they have been living and working in the UAE. The resultant precarity and transience that noncitizens experience fundamentally colors every aspect of their lives—including their social and intimate personal relations (Walsh 2007). Such impermanence plays a particular role in matters of marriage. As anthropologists have persuasively argued, becoming “married” is a performative action that not only entails acts undertaken and words uttered, but also necessitates an audience to witness and affirm their meaning (Lambek 2013). Though the composition of this audience might vary across contexts, it often consists of a community of people with whom one possesses longstanding ties nurtured over time. Among some migrants in the UAE, however, the precarious work–residence regime engendered by the *kafala* system challenges the establishment or maintenance of such enduring networks and community relations in their place of residence.⁷ As a result, such a situation produces new questions about *who* and *what* is needed to make a marriage meaningful.

This is particularly the case for migrants like my interlocutors who did not join ethnonational diasporic networks or communities in Dubai. Living in Dubai alone, or in a nuclear family consisting of their parents and siblings, they socialized with colleagues from university or work who hailed from diverse backgrounds, or spent most of their free time with members of their household. For migrant parents with children entering adulthood, problems could arise when the family’s sparse social networks could not offer daughters suitable marriage partners or adequate visibility to potential candidates who shared a similar socioeconomic or ethnic background. In some cases, this meant these young adults were unable to find a partner; in others, as with Fatima and Taha, relationships developed between migrants of divergent ethnonational and/or religious backgrounds—often to parents’ disapproval. Even when such a marriage did receive support, it had to be navigated across multiple layers of difference, such as in language heritage, religious practice, or disparate expectations regarding family obligations and daily life. These often transnational negotiations required making a marriage legible to different communities separated by vast geographies. Daunted by such demands, young couples frequently put off the formalities of marriage in favor of an extended period of dating or even, occasionally, cohabitation.⁸ If and when migrant couples do ultimately decide to tie the knot, as Fatima and Taha did, they do so in order to maintain good relations with the parents—the primary audience from whom they seek recognition, and their link to wider communities beyond.

In what follows, I use Fatima’s case to examine how marriage arrangements and wedding celebrations emerge from, and respond to, the communities to which

they are oriented. After contextualizing migrant marriages in Dubai and detailing Fatima's background, I outline the materialities of Fatima's nuptials across different contexts and communities. In so doing, I demonstrate how this materiality—and the marriage it evokes—becomes conceivable only insofar as it is witnessed and actualized by a community. Although Fatima's marriage remains immaterial in Dubai, it takes shape elsewhere. In Kuwait, the marriage materializes in relation to the *shari'a*, state legislation, and Fatima's extended family. In the UK, the Turkish diaspora of which Taha and his family are part guide how the marriage transpires. In all these instances, the material artifacts and practices actualizing the marriage reflect the community that is their intended recipient. Following the material traces Fatima's marriage leaves, I conclude by interrogating the purpose marriage serves in a transient context like Dubai.

Migrant marriages in Dubai

Marriages often serve to further networks of belonging or to establish new ones. For my middle-class Arab and South Asian interlocutors, many of them with mixed heritage, and often bearing hyphenated identities that linked them to Europe or North America (for example, Palestinian-Canadian, or Pakistani-British), the question of belonging was a complex one.⁹ Often the daughters of migrants who arrived to the UAE or other Arabian Gulf countries in the 1990s and 2000s, these women were educated in English-language schools and universities notable for their cosmopolitanism, if not their socioeconomic diversity.¹⁰ Throughout university, and particularly after graduating and entering the workforce, my interlocutors actively sought out companionship through heterosexual relationships.¹¹ As a result, marriage was a frequent topic of conversation during my fieldwork and in interviews, with countless women in their twenties and thirties describing their struggles in finding a suitable partner.¹² In that regard, Fatima was exceptional in meeting a man interested in a stable, committed, and monogamous relationship.

An increasingly universal sense of crisis surrounds romantic relationships (Tran 2018), and marriage in particular. These anxieties manifest differently across different milieus. In the early twentieth century Arab context, unwed youth of the rising Egyptian middle classes animated a host of social and political debates concerning unemployment, the increasing public presence of women, and a growing middle-class materialism (Kholoussy 2010). As the middle classes are increasingly stretched thin through the growing economic burdens of marriage, similar debates ensue today (Singerman 2007). For women, the possibilities of marriage are also transformed by growths in female education and participation in the workforce, factors that often heighten women's expectations for potential partners and shrink

the pool of suitable matches. These dynamics are amplified in the UAE, where female university graduates outnumber male ones, and state-sponsored “women’s empowerment” initiatives have radically altered traditional gender roles over the span of a single generation (Metcalf 2011; Bristol-Rhys 2010). The result is a demographic imbalance (Birger 2015) between college-educated, ambitious women and their male counterparts, a ratio only exacerbated as women pursue postgraduate education and climb up the career ladder.

Among Emiratis, this marriage crisis is addressed through state interventions that work to address these disparities (Hasso 2010); for instance, marriage grants provide Emirati couples a onetime payment of 70,000 AED to assist them in establishing their new life.¹³ On the other hand, the UAE’s migrants—who compose almost ninety percent of the country’s population—must tackle this task alone. Removed from ethnonational diasporic communities, the women I spent time with had little access to traditional matchmaking circuits that other migrants might utilize. Less than enthusiastic about finding a partner “back home,” let alone relocating to their “homeland,” women generally anticipated meeting someone at university or work and continuing their life in the UAE or migrating to a country that offered citizenship prospects and thus greater stability. These romantic encounters sometimes resulted in what I describe as Dubai’s migrant Muslim marriages. In speaking of such unions, I refer to those that take place among Muslim noncitizens—that is, non-Emiratis—who meet in Dubai. These relationships often (but not always) cross ethnonational lines and transpire in a state where the parties to the marriage can only ever be temporary residents.¹⁴ Consequently, the attempt to meet someone invested in a long-term relationship is always complicated by the legal and political structures that shape the UAE migrant experience.

Insofar as the *kafala* system compels migrants and their children to subsist in a permanent state of transience, it generates a precarity in their lives that takes many affective forms. The “permanent transience” that migrants in the UAE experience emerges from their inability to become citizens or remain in the country beyond their capacity to labor.¹⁵ This means that, regardless of whether migrants were born in the UAE, how many years they have lived there, or how much they have contributed to the nation’s progress, they are obliged to leave whenever they can no longer find employment. While *kafala*’s precarity undoubtedly manifests differently across social groups, the profound disquiet it produces in all migrants is palpable across class lines. It shapes how noncitizens imagine the possibilities offered by the present and the future, marking many social processes—including marriage—with an inescapable sense of uncertainty. This attitude holds consequences for how social and intimate relations take shape, including those surrounding and leading up to marriage.

Katie Walsh (2007, 518) examines, for example, how these transient circumstances are seen by some Dubai-based British expats as an invitation to

licentiousness, where “the ‘tax-free sunshine’ of Dubai is sometimes referred to as ‘like living in Disneyland’, an analogy evocative of the excitement, leisure, freedom and play associated with holidays more generally.” According to Walsh, the ephemerality of this holiday feeling inspires “performances of transient heterosexuality” in which “frequent sexual encounters with successive partners” are “enacted in relation to discourses of transience circulating amongst transnationals in Dubai” (2007, 508).¹⁶ My research illustrates how performances of transient heterosexuality also shape how middle and upper-middle class migrants of other ethnonational and religious backgrounds experience the city, including migrant Muslim men and women. Indeed, though people often remain in Dubai for years or even decades, “the perception of transience remains crucial” (Walsh 2007, 518), and the short-lived nature of intimate relations in the UAE—real or imagined—bears consequences for how relationships and marriages take material form. Fatima’s experience provides a case in point.

Coming of age in the UAE

Despite having lived in the UAE for more than a decade, neither Fatima nor her family had established much of a social network there. Born in Kuwait to Persian Arab parents, Fatima spent her childhood among an extended family composed of grandparents, aunts and uncles, cousins, and neighbors who were as close as kin. When she was thirteen, Fatima’s father was hired by a UAE-based company and the family relocated to Sharjah, the emirate neighboring Dubai that offered more affordable housing and costs of living. Fatima’s parents enrolled her in a school located in Dubai; it followed a British curriculum and was dedicated to providing students a solid Islamic and ethical foundation.

At the time, Fatima perceived her parents as committed to Islamic practice in a way that was both liberal and modern; she felt she had more independence than friends whose parents held more conventional attitudes toward Islam, culture, and gender roles. Fatima had a good relationship with her family throughout her youth, and the years passed amidst preoccupations with work, school, and everyday life. In the UAE, Fatima’s father connected with friends at work, her mother had acquaintances at the Islamic classes she frequented, and Fatima and her siblings made friends at school. Her mother also had distant relatives in the UAE with whom she nominally kept in touch. Beyond these individual connections, however, Fatima’s family kept mostly to itself—there were no regular family outings with fellow Kuwaitis or any other families, for that matter. The only time Fatima’s family socialized collectively was during occasional visits to Kuwait where they reconnected with their extended family.

Following her schooling, Fatima went on to receive a degree from a local American-curriculum university. After graduating, she took a year off to travel before returning home to Sharjah. Trying to settle in at home after her return, Fatima found a position as a school administrator in Dubai. It was during this period of her life that we spent extensive time together, as I conducted fieldwork and Fatima transitioned into sharing a home with her parents again while adjusting to a new job.¹⁷

At the time, Fatima was still single; she was open to the possibility of meeting someone, but not proactively seeking a partner. Although Fatima's parents considered her to be of marriageable age, now past her mid-twenties, they had few convincing suitors to propose. Once or twice, they tried to set her up with someone from her father's friend circle in Kuwait, or among her mother's distant relatives in the UAE. At one point, Fatima's father was hopeful that she might marry his best friend's son, but this and the other proposals were, as Fatima described them, "too traditional for my taste." To her mind, these matches were doomed to fail because all suitors presumed Fatima shared the same values and lifestyle as her parents.

Indeed, that was far from the case. During her time at university and abroad, Fatima's ethical practices and personal aspirations had diverged widely from those of her parents. As they saw it, Fatima was becoming "less religious"; from her perspective, her notions of God, Islam, and religiosity had shifted. These internal changes were accompanied by external ones—unbeknownst to her parents, Fatima had begun removing her *hijab*, for example, and was open to the possibilities of physical intimacy before marriage. She had also rethought what kind of future she aspired toward, and what kind of partner she envisioned sharing it with. In an attempt to avoid unnecessary conflict with her parents, Fatima kept many of these changes to herself. At the same time, she knew that virtually all who approached her "conventionally" pious parents would prove unsuitable matches. And, in any case, there were few suitors to begin with. Without a substantial network of friends, relatives, or contacts in the country, Fatima's parents had little means to alert a wider community to their daughter's eligibility—there were no formal or informal means for a young woman to "enter society," so to speak. While Fatima's cousins in Kuwait had been introduced to men through relatives, colleagues, or neighbors, the challenges of community-building in the UAE diminished Fatima's marriage prospects. Ultimately, it just so happened that Fatima met someone on her own.

It was at work that Fatima encountered Taha, a Turkish-British colleague who had been raised in a non-practicing Muslim family in London. Having lived and worked in Dubai for several years, he and Fatima quickly hit it off, becoming friends and then romantic partners. Their relationship developed rapidly, but was challenged when Taha lost his job in Dubai, forcing him to go back to London. Though

they managed to sustain a long-distance relationship for a while, both Fatima and Taha were unhappy with the separation. Marriage offered the couple a solution; it made receiving a UK residence visa easier for Fatima, and also provided the religious framework that Fatima's parents expected for the relationship. Although Fatima and Taha were not particularly invested in marriage as an institution—their relationship had worked fine without it thus far—they did not oppose it either. They envisioned a long-term future together, and getting married seemed like the most practical means of doing so in a way that appeased Fatima's family. From this position, Fatima decided to broach the topic with her parents, whose approval she desired.¹⁸ In the beginning, Fatima was both anxious and hopeful. She had never introduced a man to her parents, and they did not know she was seeing anyone, so she was unsure how they would react. At the same time, knowing her parents to be open-minded and progressive in their thinking, she expected all to go smoothly.

Unfortunately, matters did not proceed as Fatima hoped for. Initially, Fatima's parents were happy to learn their daughter had met someone, even welcoming the idea of a son-in-law from a different ethnonational background—something many of their peers would not countenance. What Fatima's parents did prioritize in Fatima's husband-to-be, however, was his commitment to leading an Islamic lifestyle and undertaking Islamic ritual and ethical practices. Upon meeting Taha, they realized that, despite his Muslim heritage, he had no relationship to Islam, although he attempted to respectfully feign otherwise. Having grown up in a secular, liberal household in the UK, Taha was “Muslim by name,” but had no religious upbringing that Fatima's parents could recognize. Fatima's parents could not, in good conscience, bless their daughter's marriage to someone who did not even pray, who they believed could not serve as a dutifully religious companion to her. Fatima's attempts to assure her father that she and Taha were on the same page morally and spiritually only exacerbated the problem, insofar as her parents came to see Taha as the reason their daughter had become increasingly lax in her religious practice over the years.

Ultimately, Fatima's parents rejected Taha's proposal, a refusal that instigated months of fighting, anger, and tears for all parties involved. Refusing to give up, Fatima (with Taha supporting her from a distance) fought on. Eventually realizing their daughter was slipping into a depression, pushed further away from them by their hardline stance, Fatima's parents felt they had little say left in the matter. They had done their best to steer their daughter toward what they saw to be the correct choice but, for the sake of their relationship and their daughter's mental wellbeing, decided there could only be one way forward, despite their unhappiness with the solution. It was agreed that the marriage would proceed... but what material forms would it take? That was another debate altogether.

The materialities of Fatima's marriage

Despite their begrudging approval, Fatima's parents were unhappy with the match and in no mood to celebrate. Had it been otherwise, perhaps more of an effort would have been made to announce to the world their daughter's successful marriage. And yet, even if Fatima's parents had wholeheartedly embraced Taha, a grand festivity in Dubai would have made little sense. While migrants who had established more extensive communal ties in Dubai often orchestrated lavish weddings, in Fatima's case, there were few with whom to celebrate. Moreover, as Fatima's parents acknowledged the religious requirement to publicize a marriage, without a proper community in Dubai, Fatima and Taha's union could not be adequately witnessed or recognized.¹⁹ Although the couple had met in Dubai and resided there for the duration of their relationship, the city would not play a central role in what followed. It was ultimately in other places—among other collectives—that this marriage materialized.

As scholars have argued, marriages take shape within particular social contexts, and transform in relation to them. Even within a single location, the material expressions of marriage change over time.²⁰ Observing the material forms marriages take thus offers important insights into the social relations characterizing a context, and the place of the individual within them.

Thus, in Dubai, as elsewhere, marriages and weddings can become battlegrounds between parties invested in divergent articulations of the individual and the social. Some scholars have suggested that, for those embracing modern iterations of romantic love, for instance, the function of marriage as a form of social continuity and communal participation is backgrounded. Instead, a romantic relationship serves primarily as a route to individual self-realization—whether achieved through the formal institution of marriage or not (Tran 2018). It might initially appear that, for many young couples inhabiting the transient migrant setting of Dubai, like Fatima and Taha, marriage can be a pragmatic choice perceived as a contract between two individuals, rather than two members of a community. This is in contrast to family members—especially parents—who might feel differently, as evidenced by the efforts they go to enact wedding formalities among their respective communities. In fact, this binary between individuated romantic relationships and family-approved marriages has been complicated by those studying Middle Eastern contexts (Adely 2016; Kreil 2016). It is actually through these discursive and material negotiations that ensue in the process of marriage, that the terms of individual self-realization, community cohesion, and notions of belonging are put up for debate.

As noted above, scholars have cautioned against understanding marriage as “an either-or status or the result of a single contractual act or event” (White 2016,

297; see also Comaroff 1980). Instead, they point to the processual act of *becoming* married through a series of events, words, and actions. One consequence of approaching marriage in this way is understanding that “the moral and legal recognition of marriage has constantly been subject, at least in principle, to the pragmatic re-cognition of ties over time” (White 2016, 297).

Some iterations of Muslim marriages, for instance, consist of three parts: the signing of the marriage contract, the registration with the state, and the wedding celebration, with these events separated in time.²¹ The first two steps offer legal recognition while the second provides social recognition, and a marriage is deemed consummated only after these several forms of sanction are received. As Ziba Mir-Hosseini (1993) observes in the Moroccan and Iranian contexts, the temporal separation between these distinct events increasingly blurs, particularly among the middle classes. In the case of Dubai’s migrant Muslim marriages, the blurring is a function not only of time, but also of the audience available to provide the necessary endorsement. The meaning and consequence of a marriage thus depend upon a wider collective beyond the bride and groom. More than an emotional, legal, or moral tie between two individuals, marriage is a process, event, practice, and performance involving many others—parents of the couple, neighbors, extended relatives, family friends, and society more broadly. These are “persons who are able to recognise, to recollect, to pass judgment on, and ultimately to respond to such acts with other acts in turn” (White 2016, 303).

Scrutinizing the particular moments in which Fatima’s marriage materializes, and the communities involved in doing so, thus offers insight into how the social is defined and delimited for Dubai’s migrant Muslims. Remaining *immaterial* in Dubai itself, the marriage takes on distinct material forms in other contexts, first in Kuwait and then in London. The materiality of this migrant marriage can in this case be observed in three moments: the *‘azīma*, the *nikah*, and the wedding.

The ‘azīma

Although an engagement period of several months or even years was customary among Fatima’s relatives, she and Taha did not want to wait any longer than they already had. They had dated long enough to be certain of their commitment to each other, their conviction only solidifying in the year spent fighting for their marriage. By this point, all they wanted was to reunite as quickly as possible. The simplest solution would have been for Taha to fly from London to Dubai, where a formal marriage contract could easily be concluded. Indeed, most Muslim migrants based in the UAE formally conducted and registered their marriages through Dubai’s *shari‘a* courts.²² Fatima’s father, however, adamantly refused this option, demanding the marriage be officiated in Kuwait. According to Fatima, her father

cited two reasons for his insistence. First, he wanted to ensure that, in the event of a divorce, his daughter would have the legal protection of the country in which she was a citizen. Second, Fatima's father found it essential that his daughter's marriage be formalized amidst his community—his extended family and lifelong neighbors and friends. Uninterested in *how* the marriage transpired as long as it in fact *did*, Fatima and Taha did not put up a fight; and so the *nikah* was planned to take place in Kuwait.

After much anticipation, Fatima, her parents, and her siblings flew to Kuwait to meet Taha, who had spent the past few weeks procuring the required papers from various government offices in London. At least, Taha *thought* he had gathered all the paperwork necessary to make Fatima his lawful wife. He, along with Fatima and her parents, were in for a rude awakening when they visited Kuwait's Ministry of Justice to ensure their documents were in order. Everyone was surprised to learn that two essential documents were missing from the collection. In addition to obtaining a document from the UK declaring his unmarried status, Taha was required to submit a written statement to the Kuwaiti embassy in London stating his intention to marry in Kuwait. These documents, which also required formal authentication from the UK's Ministry of Foreign Affairs, would take weeks to process. There was no way that the marriage contract could be concluded for the time being; Taha would have to return to London to traverse a complex bureaucratic maze for at several weeks before the *nikah* could be concluded. While the signing of the marriage contract could not proceed, Fatima's family decided nevertheless to hold the *'azīma* that would signal to their relatives Fatima's imminent marriage.

For the event, the male members of Fatima's extended family gathered at a small wedding hall to attend a banquet announcing the couple's (now delayed) marriage. While the marriage ceremony would formally contract the marriage, these nuptials would remain incomplete without a public proclamation—as a result of the circumstances, the order of these events was reversed. Among Fatima's relatives, the *'azīma* that announced this new couple to the community usually took the form of a large, modern, gender-segregated wedding—a white dress, gold jewelry, music and dancing, a lavish feast. Such a festivity had not made sense in Dubai, but even in Kuwait, considering the conditions of the marriage—Fatima's parents' disapproval, their not living in Kuwait, Taha not being Kuwaiti—elaborate celebrations seemed inappropriate and unnecessary. Ultimately, Fatima's father decided that a small dinner orchestrated for the male relatives of Fatima's parents would fulfill the minimum requirements of the *'azīma*. There, they would have a chance to meet Taha for the first time and fulfill their role as public audience to the marriage.

Fatima told me that, to her and Taha, the *'azīma* meant nothing. She expressed her frustration at how little say she or her mother had in any of the plans; her father rented the hall and ordered the food, her father's relatives invited their

guests, while she and her mother played no role at all in the festivities or decision-making. This event, she felt, was not for her, nor was it even really *about* her—Fatima was not even present at the male-only party. To Fatima’s mother, on the other hand, the *‘azīma* was an occasion for sorrow and sobriety, not festivity; she was too displeased with the marriage to countenance celebrating at all, and so was uninterested in involving her own extended family (hence there was no need for a women’s dinner or party).²³ For Fatima’s father, however, publicizing this event was crucial not only from an Islamic perspective, but a social one. To him, involving his brothers, uncles, cousins, not to mention his childhood and adult friends was a necessary element to having his daughter’s marriage recognized and approved by the community. With the dinner formally concluded, Fatima’s marriage became material before her father’s relatives and community.

The importance Fatima’s father places on the *‘azīma* stems from the role a community plays in actualizing a marriage. While a *‘azīma* might be a singular event lasting a few hours, its meaning and value continues far beyond the event itself. It pronounces a couple like Fatima and Taha married, the audience legitimizing them as such in that moment and future ones to come. Partaking in events like weddings or *‘azīmas* is a critical aspect of being part of a community, where individuals take on different roles on different occasions. “As kin are obligated to sponsor events for one another, so are community members obligated to perform at one another’s events,” Michael Lambek (2013) writes, noting that “such reciprocal acts of recitation, witness, and sponsorship are valuable in reproducing persons and social relations” (152). In the case of marriage, one witnesses and celebrates the marriage of one’s relatives or friends with the hope and expectation that these kin will rise to the occasion and witness one’s own marriage, or that of one’s children. Fatima’s father had dutifully attended many a *nikah* and *‘azīma* in the past and, when the time came, these family and friends responded duly in turn, showing up to assent to Fatima and Taha’s union. When the power and significance of such performative action is understood in this way, it becomes clear that “in a given community each person is an active participant in the well-being and transformation of every other” (Lambek 2013, 152).

The distinction between how Fatima and her father approach the *‘azīma*, and indeed the marriage process altogether, hinges on their divergent orientations toward their wider communities. Initially, it might seem that Fatima’s lack of investment in the *‘azīma* indicates that she is concerned primarily with the individual valences of her relationship to Taha, whereby she does not await the recognition of others to validate her union. Understanding their relationship as a primarily personal and private engagement, Fatima seemingly has no need for the audience that her father prioritizes. To him, the *‘azīma* is a vital event that allows the performative act of marriage to be recognized and thus *realized*. Regardless of

its simplicity, this marriage banquet performs a necessary function of legitimating a certain social relation between Fatima and Taha and incorporating it into a wider network of communal ties. This is the primary reason Fatima's father insists on holding the *'azīma* in Kuwait, ensuring that the marriage was recognized by his community there.

At the same time, however, by acquiescing to the *'azīma*, Fatima demonstrates a different configuration of community than that of her father's (or mother's). While she may be unconcerned with the approval of her extended family, Fatima nonetheless values the recognition that her parents bestow upon her relationship. By extension, then, this wider community matters to Fatima too, even if indirectly. The regard Fatima's father has for his community is also more complex than first glance allows; his concern for the community's approval of Fatima's marriage is also concern for his daughter's place within this social world. He desires her marriage to be legible to and acknowledged by the people who, as extensions of himself, care for her and her well-being also. Making this marriage legible to society is therefore important to these different ends.

The *nikah*

Despite having had the public celebration marking their impending union at the *'azīma*, Fatima and Taha were not permitted to remain in the same room unaccompanied, nor did she unveil before him following the event.²⁴ Since Fatima's family was of the view that a proper marriage must be both religiously and legally enacted, the marriage contract had to be formally concluded before such intimacies were permissible. Fatima and her family returned to the UAE, and Taha flew back to London to track down the documents standing between him and Fatima. Reflecting on the stress characterizing this period, Fatima described how the state bureaucracy she and Taha dealt with to contract their marriage in Kuwait provided a serious set of hurdles. In the weeks following the *'azīma*, Taha frantically scuttled from notary, to courthouse, to embassy, getting the necessary stamps, seals, and signatures on the documents required to legally pronounce him and Fatima husband and wife. When the final bit of paperwork had arrived, Taha booked another flight to Kuwait, as did Fatima and her family.

In Kuwait, the couple had to undertake a blood and general health test mandated by the Kuwaiti government in its attempt to test genetic compatibility and decrease the likelihood of abnormalities in future offspring. Fatima remarked that the prick of the needle drawing her blood felt like the realest part of an otherwise surreal few days. With this paperwork formally prepared, the legal Islamic marriage could be undertaken, and Fatima's marriage could be made material before

God and the state. After successfully ensuring that all the official documentation was in order, Fatima and Taha could finally become husband and wife.

For the *nikah*, Fatima's father invited a state-appointed imam (religious leader) to his mother's home, along with Fatima's paternal uncle (her father's brother) and her maternal uncle (her mother's brother). As Fatima's *wali*, her father was responsible for contracting the marriage on her behalf. He sat in the living room with Taha as the imam mediated between them and the two uncles witnessed the agreement upon the conditions of the marriage and the details of the dower. Then, clasping hands, Fatima's father and Taha repeated after the imam the words by which the marriage would become formalized. During this time, Fatima, a mixture of excitement and nerves, sat elsewhere in the house.

Beyond the requirement to publicize a marriage, an Islamic marriage entails the betrothal of a dower by the groom to the bride. Historically, in other Arab settings and within Fatima's own family, a primary component of the dower has been gold jewelry. This jewelry serves an aesthetic purpose, beautifying the bride and displaying the wealth of her groom and family to the community. Importantly, it also serves a functional one, whereby the safeguarding of acquired gold jewelry offers women economic security within the family and beyond it. In recent decades, the function and meaning of the dower has transformed, particularly for the middle classes. Annelies Moors (2003) observes how among well-educated, better off Palestinians, for instance, dowers increasingly feature less *baladi* gold—"a highly liquid asset"—and more Italian gold, which loses much of its value upon resale (109).²⁵ Indeed, many came to downplay the function of dower as a means of economic security by favoring a "token dower," wherein one dinar or a single gold coin served a symbolic role in the marriage rather than a financial one. In reality, the brides of such middle and upper classes still received significant funds through marriage, but often through a range of expensive "voluntary gifts" rather than an "obligatory" dower (Moors 2003, 112).²⁶

Considering how "gold jewelry works as the embodiment of family relations" (Moors 2003, 103), it becomes evident that changing dower practices also indicate new kinds of relationships between individuals and collectives. As a material "statement of relation," gold jewelry is a material display intended for a certain audience or community. Increasingly, couples favor gifts and gold jewelry that serves as "the embodiment of the conjugal relation—a more personalized relation between bride and groom—and it defines marital relations as companionate and a matter of choice" (Moors 2003, 112). This change in the form of gold exchanged during marriages, then, represents a larger shift in the meaning of social relations, where conjugal relations—perceived to be based on individual freedom and choice—come to be prioritized over kin relations—connected to obligation and responsibility.

At the same time, scholars have shown that the dichotomy of freedom (in conjugal relations) and obligation (in kin relations) is more complex. Writing on changing forms of marriage and kinship in South Asia, for instance, Caroline Osella (2012) remarks that “all marriages across all social classes involve a mix of practical-pragmatic, economic and affectual-passionate considerations and forces” (244). In the Lebanese context, Sabiha Allouche (2019) explores how “the self is best understood as an extension of others among connective communities, notably close kin,” arguing for a notion of “inclusive intimacy” that underscores the way that members of the nuclear and extended family are in fact very much part of the conjugal space (158). She shows how “love emerges as a union of the material and the imagined, the real and the virtual, the collective and the individual” (Allouche 2019, 159). The giving of the dower and gold jewelry is one example of how these various realms are negotiated.

As Fatima explains it to me, in Kuwaiti weddings, the groom and his family gift the bride a substantial amount of gold jewelry, sometimes including diamonds too. These gifts are given in addition to a hefty dower cash-sum agreed upon by the families earlier. Fatima’s dower included no exchange of gold and, according to her parents, an embarrassingly low amount of cash. To Fatima, a dower was meaningless since she viewed her assets and her future husband’s assets as fully shared. “It is *our* money,” she explained, not her own.²⁷ Fatima’s family insisted she receive a dower nonetheless, asking her how much she wanted. Initially, Fatima suggested 10,000 AED (approximately 2,500 Euro). Even that amount felt like too much to Fatima, who at the time could not even imagine keeping it. “*Obviously* I’m not going to take it for myself—I’ll give it back to him, and we can have it as *our* money,” she emphasized again to me. Her parents felt quite differently; they were shocked at the low amount Fatima had proposed, declaring that 30,000 AED (7,200 Euro) was the bare minimum Fatima could ask for. Ultimately, this was the amount settled upon, with no mention of gold arising at all. The handing over of this large amount of cash was complicated, however, by the fact that the *nikah* took place in Kuwait—Taha was limited in the amount he could safely move between borders. Ultimately, Taha produced half the dower in British pounds, placed in a simple white envelope that he handed to Fatima’s father at the imam’s behest (and that Fatima would receive after the ceremony’s conclusion). With this dower given, and the *nikah* complete and witnessed, Fatima’s marriage became material before God.

Throughout the *nikah* procedures, Fatima’s marriage takes on particular materialities that reflect divergent iterations of individual and social relations. She (and Taha) reject an understanding of the dower as essential for economic security. In this way, her position is comparable to those of the middle and upper classes elsewhere in the Muslim world who privilege a token dower. However, unlike those groups who expect extensive and expensive “voluntary” gifts, Fatima does

not want or need to put on a show of her relationship. Even the requisite dower that her parents insist on being exchanged, in keeping with *shari'a* requirements, Fatima understands to be money that will be returned to “their” communal savings. This offers a starkly different materialization of conjugal relations. The complete absence of gold in Fatima and Taha’s *nikah* is also striking. Beyond a single silver band that Fatima had previously received from Taha, there was no gold jewelry to mark their relationship—whether to one another or to the wider community. And yet, Fatima and Taha’s union was also a transnational one with ties to communities beyond Kuwait. As the final nuptial event—the wedding—demonstrates, Taha’s family was equally invested in affirming another set of relations in London.

The wedding

A few days after the *nikah*, Fatima bid her family farewell and traveled to the UK alongside her new husband. Since both she and Taha were in between jobs, they could not afford their own place and instead resided with Taha’s mother and sister in their North London flat. Over the next few months, Fatima adapted to her new roles as a wife and daughter-in-law. Fatima’s willingness to be flexible and accommodate her in-law’s wishes were important when Taha’s mother declared her plans to organize a wedding party celebrating the new couple. Unlike Fatima’s family, Taha’s mother had established a strong and extensive social network among London’s Turkish diaspora. Taha had been raised among this community, and his mother had an extensive list of friends and family members who had long awaited the opportunity to congratulate her on the marriage of her eldest son. Having attended—and thus participated—in the marriages of others in this community, Taha’s mother now expected others to repay the gesture by honouring Taha and Fatima’s marriage. A Turkish wedding was in order.

Though the couple had already married legally in Kuwait in January, and consummated their marriage thereafter, the London wedding party was scheduled to take place in July. While Fatima and Taha were occasionally consulted about their desires or preferences for the event, the organization was primarily steered by Taha’s mother, since it was her community that the wedding was being held for. Despite having lived away from Turkey for more than thirty years, and even though her son had only visited the country a handful of times, Taha’s mother was fully invested in hosting a wedding that followed modern Turkish conventions to a T.

The first part of the celebration consisted of the *kina* (henna) party, held in the family’s garden. Taha’s extended family, scattered across Europe, arrived for the occasion a few days prior, filling their home with gifts. At the *kina*, to which Fatima wore a red dress, a dollop of henna and a gold coin were squeezed into the palm of her hand. The guests sang along to a sad Turkish melody as Fatima was shrouded

in a red cloth, Taha covered next to her in a green one. This sombre ritual marked a woman's departure from her family home; traditionally, the bride is meant to cry, her mother intervening to console and comfort her. Fatima's parents were absent, however, and Fatima was more amused and intrigued by this performance than appropriately sorrowful.²⁸ To the guests, however, the ritual of the *kina* was enough to begin the process of making Taha's marriage material to the intended community.

The wedding party, to which a longer guest list had been invited, was held in a party hall popular among London's Turkish diaspora. It included a DJ, free flowing drinks, and food and dancing late into the night. The guests in attendance played a role not only in recognizing Fatima and Taha's marriage, but in responding to it in the culturally appropriate manner: with monetary gifts. As was customary, toward the end of the night, each individual or group seeking to congratulate the young couple approached the microphone stand. In the lull between songs, they announced how much money they would gift the newlyweds before placing the cash sum in an envelope held by Taha's sister. Traditionally, it was at this point that the bride's family members would give her parting gifts of gold jewelry, which displayed their wealth but also provided her a means of economic security. With Fatima's parents absent, Taha's mother and sister played the part of her family by adorning her with a few simple pieces of gold jewelry—a necklace and bracelet decorated with traditional Turkish gold coins. With the end of the festivities, Taha's marriage had been announced and made material to his extended family and the diasporic Turkish community in which he grew up, legible to them in the ways they valued and understood.

Marriage, materiality, and community

Looking at Fatima's story, and the multiple manifestations of materiality throughout her marriage process, it becomes clear that a marriage requires not only material artifacts and practices, but also a community to witness these things and make it real. Depending on the community sought after for this recognition, the material forms of the marriage take different shapes. The very same marriage between the very same people materialized differently depending on the place—and thus the community—in which it unfolded. Without a community in Dubai, Fatima's marriage left few material traces. Despite her entire relationship with Taha having developed in Dubai, the couple (not to mention Fatima's family) held no connections worth speaking of there, and so the city did not really figure into the marriage process. By contrast, in Kuwait, the materiality of this marriage took shape in relation to Fatima's relatives, Islamic law, and state legislation. In the UK,

it was the Turkish diaspora that guided the materiality of the marriage, through the *kina* and the wedding party afterward.

What implications does this articulation of the connections between marriage, materiality, and community have for other aspects of kinship and relationality among migrants in Dubai, or in the Gulf more broadly? In the opening of this chapter, we read Fatima's firm declaration that she "never wanted a wedding." How does someone who wanted no wedding end up with a transnational celebration in three parts? Upon first glance, Fatima's desire to forego a wedding might be read as a wish to evade the communal ties that the materiality of a marriage presumes, establishes, and entrenches. At the same time, Fatima's relationship with Taha mattered beyond the two of them. Despite the absence of a community in Dubai to legitimize her marriage, Fatima remained connected to her family's Kuwait-based community *through* her efforts to maintain her relationship with her parents. In the process, these familial ties, while reconfigured, were also reestablished. At the same time, her marriage was also an opportunity to create new connections with people she had never before met—the network drawn together by Taha's mother in London formed a new community to which Fatima was incorporated.

For some migrant Muslim youth who are increasingly drawn to individualized forms of piety and undeterred by the social and religious taboos against pre-marital sex, marriage may increasingly be seen as an unnecessary endeavor. The task can seem daunting to individuals who see no significant difference between cohabiting and being formally married, with the latter simply entailing greater demands and expectations than the former. As Fatima and Taha's case demonstrates, however, there remain important threads that still *do* connect young lovers to others—their parents and, by extension, aunts and uncles, cousins, grandparents, neighbors, and friends. Insofar as some sense of community remains, albeit in another country—Kuwait or the UK, in this case—there will remain some push, some need, to make a relationship material. And from that materiality and marriage springs new avenues for community.

Notes

- ¹ Fatima came from a religious Muslim family where casual dating was frowned upon. To avoid familial oversight and pressure, Fatima only informed her parents about her relationship with Taha when they were ready to take the next step: marriage.
- ² Taha's parents separated when he was a child, and his father had played no role in their lives since.
- ³ Most of my fieldwork took place during 2017 and 2018, amounting to roughly two years of research. In the years that followed, I visited Dubai frequently, and also resided in the UAE from January 2019 to August 2021. This enabled me to remain in touch with interlocutors who had remained in the country or those who had left and then returned.
- ⁴ Although I interviewed Fatima's mother on a separate occasion, our conversation took place prior to Fatima's marriage and thus revolved around other matters. The story in this chapter is narrated exclusively by Fatima, offering her perspectives on these events several months after their conclusion during our meeting at the Mongolian restaurant. When I describe Taha or Fatima's parents as feeling or responding in a certain way, it should be clear that this is how Fatima presented the matter to me. Such data remains useful, while keeping in mind that it remains subject to Fatima's perception and hindsight.
- ⁵ I use the terms "migrant," "foreign resident," and "non-citizen" interchangeably. That being said, not all my interlocutors migrated to the UAE in the strict sense of the term. Some were born in the country in which their parents had been raised, elsewhere in the Gulf, or in the Euro-American world, migrating to the UAE with their parents at a young age. Others were born in the UAE and had resided there for their entire life, with no substantial connections to a "homeland" elsewhere. The reason such women are often still termed migrants (in scholarly literature and popular discourses alike) is because the UAE offers foreign residents no pathway to citizenship. As a result, Fatima and others like her remain "migrants" in perpetuity.
- ⁶ For examinations of the *kafala* system and its consequences, see Ahmad (2017), Jamal (2015) and Vora and Koch (2015).
- ⁷ That being said, long-standing diasporic communities have long been part of the UAE's social fabric; for example, see Vora (2013), Assaf (2017) and Akinci (2020).
- ⁸ Many also avoid or postpone marriage due to the significant financial responsibilities it demands (Singerman 2007).
- ⁹ In my fieldsite, the middle class (as I understand it) consists of university-educated individuals employable in white-collar jobs.
- ¹⁰ Although the UAE hosts many individuals and families from neighboring Gulf countries, the majority of Muslim middle-class migrants hail from elsewhere in the Arab world (Egypt, Syria, and Palestine are particularly well-represented) and South Asia (especially India, Pakistan, and Bangladesh). As a Kuwaiti, then, although Fatima was not your typical migrant, her experience was reflective of what other migrants faced.
- ¹¹ For an example of how queer migrants experience the UAE's transient context, see Mahdavi (2019).
- ¹² The topic of marriage was ubiquitous both during participant observation and in the 100 life history interviews I conducted with women, with women in their twenties and thirties particularly invested in the matter.
- ¹³ This is equivalent to roughly 19,000 USD. In 2004, more than 2 billion dollars had been distributed since the fund's establishment in 1997, with the figure undoubtedly higher in the twenty years since. The grant is only available to Emiratis whose net monthly income is below 25,000 AED, and

- one condition of the grant is that the couple must attend marriage awareness lectures organized by the Ministry of Development (Al Nowais 2004; Zeitoun 2001).
- ¹⁴ One way to achieve permanent residence is by marrying an Emirati citizen; while this happens on occasion, it remains an unlikely scenario for most migrants. When these marriages do take place, they do so in gendered ways, with matches between Emirati men and non-Emirati women more common than vice versa.
- ¹⁵ For an in-depth explanation of the reasons migrants are barred from attaining citizenship, see Jamal (2015).
- ¹⁶ Walsh cites Dubai's *Time Out* magazine, which states: "Not only does Dubai's transient population militate against meeting long-term lovers, the city also has something of a reputation for eating relationships for breakfast" (quoted in Walsh 2007, 508).
- ¹⁷ Fatima and I had first met several years earlier as undergraduate students at the same university. We stayed in touch and she became a participant in my research when I returned to the UAE in 2016.
- ¹⁸ By most interpretations, an Islamic marriage contract necessitates the approval of the woman's *wali* (male guardian), usually her father, brother, or uncle. For Fatima, the approval of her father (and mother) stemmed not simply from this legal requirement, but also from a desire to maintain good ties with her family.
- ¹⁹ Sunni legal scholars maintain that a marriage contract must be publicized in order to be considered valid. Considering the significant legal penalties and social taboos against extra-marital sex, announcing to one's community that a man and woman have formally entered a marriage prevents misunderstandings and slander against them.
- ²⁰ Johnson, Abu Nahleh, and Moors (2009), for instance, describe the major shifts in marriage practices between the first and the second Palestinian intifada.
- ²¹ In other manifestations of Muslim marriage, a contract can be signed by the couple without formalization with the state. For examples of how these "religious-only" Muslim marriages unfold, see the contents of a recent special issue of *Sociology of Islam* (Moors, Akhtar, and Probert 2018).
- ²² For a description of the bureaucratic procedures in the UAE, see here: <https://www.bayut.com/mybayut/expat-marriage-dubai/>. Last accessed July 16, 2023.
- ²³ Moreover, Fatima's mother had recently lost her uncle; she and her family were still in mourning, and a grand wedding celebration was inappropriate as a result.
- ²⁴ Fatima's parents remained unaware that Taha had already seen her unveiled prior.
- ²⁵ For elaboration on the distinctions between Italian gold and *baladi* gold, see Moors (2003, 111–13).
- ²⁶ According to Moors, this performance "was a statement that they did not need financial guarantees and could afford to place their trust in the groom." Italian gold played into this, because it was intended to demonstrate high status, and became "an effective statement about wealth, modernity, and refinement" (Moors 2003, 112).
- ²⁷ Fatima's perspective stands in tense relation to Muslim family law, in which the parties to a marriage maintain their wealth separately and have no claim to the finances of another. It also challenges the notion that the dower belongs exclusively to the bride—not her father, nor her husband.
- ²⁸ Fatima had invited her parents, but they had chosen not to attend, concerned they would feel out of place; they had no relations to the people who would be present at the wedding, and were uninterested in establishing them. Similarly, Taha's mother had formally been invited to the *nikah* and *azīma*, but with no expectation that she would actually come. While Fatima's parents had met Taha's mother once before, and were on friendly terms, there was no substantial coming together of the two families or establishment of a new, shared community.

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The Dower among Moroccan Muslims in the Netherlands: Generational and Gendered Shifts

Loubna el Morabet

Introduction¹

Haniena: “My father in-law told my father [...] I didn’t talk about it. That was none of my business.”

Mina: “He gave it to me in cash [...] and not a single family member talked about it. It was really something between us. We deliberately did not involve anyone in this.”

The first quote is from my interlocutor Haniena, born in 1968 in a rural area near the North Moroccan city of Alhoceima, and married in 1990 shortly after arriving in the Netherlands for family reunification. The second quote is from her daughter Mina, born in 2001 and married in 2020 in the same city where her mother had arrived some thirty years ago. These quotes from two Moroccan-Dutch women get to the very heart of transformations in dower practices in the last thirty years in the Netherlands. To Haniena and many of her generation, married in the early 1990s, the *sdaq*/dower was the domain of men. For her daughter’s generation, married after 2010, this has become something for the couple to manage.

Haniena’s and Mina’s presence in the Netherlands is the result of Moroccan migration that started in the 1960s with able bodied men, mainly from the northern parts of the young Moroccan state (Lucassen and Penninx 1999). This region saw an increase in population without any economic growth combined with political unrest that rendered this area challenging for survival. Seasonal male migration already existed, and these men followed in the footsteps of their forefathers. Many young men left their fathers’ farms in search for paid work, either elsewhere in Morocco or in the neighboring country Algeria. When rumors spread about work on the other side of the Mediterranean Sea many of them were ready to leave (Obdeijn 1995). Chain migration played a vital role in the increasing number of Northern Moroccans in the Netherlands. The economic decline following the 1973 oil crises tipped the scale in favor of family reunification and permanent residence

in the Netherlands.² Currently more than 400,000 (Dutch) Moroccans live in the Netherlands, making them the second largest ethnic minority (CBS 2022).

When Moroccans migrated to the Netherlands, they initially continued with their habitual ways of concluding marriages for their offspring. However, these habitual marriage practices have changed significantly over the last thirty years. So far research on marriages of these migrants has mainly focused on problematizing spousal choice, in particular same-ethnic (transnational) marriages and their implications for integration, and the problematic, but exceptional, cases of forced marriages (see, for example, Sterckx 2015).³ My focus differs as I explore how a specific condition of entering into marriage—namely the dower (*sdaq*)—has changed. As Muslim migrants to the Netherlands, my interlocutors find themselves in the position of an ethno-religious minority. At the same time, they have gained more access to paid employment and education. The latter has resulted in both a generational as well as a gendered shift in family relations: younger generations have become financially far less dependent on their elders and women have gained some financial independence from men. In this chapter I discuss the implications of these transformations on how women signify and act with the dower.

This chapter is based on my ongoing fieldwork with Moroccan-Dutch women that consists of topical life story interviews, informal conversations, and participant observation (Bertaux 1981). For this chapter I have conducted interviews, in 2019 and 2020, with eighteen Moroccan-Dutch women from different generations. I contacted my interlocutors through a network of family and friends and used the snowball method to expand my reach. Furthermore, I also draw upon my experiential knowledge as a Moroccan-Dutch woman. All of my interlocutors originate from North Morocco, from the cities of Alhoceima, Nador, Tetouan, Tanger, and their surroundings. In the Netherlands they live in urban areas, most of them in the Randstad (the most urbanized central western part of the country). Nine of these women, whom I call the mothers' generation,⁴ migrated to the Netherlands through family reunification programs, either as a daughter or as a transnational bride. They share both similar migrational experiences, as well as the stage in their life cycles. Most of these women had already moved within Morocco from a rural to an urban setting (their fathers no longer peasants but workers), only to migrate to the Netherlands a few years later. It is in this context of accelerated change that they transitioned from single to married. At the time of their marriage, most of these women had only finished their primary education except for two who were university educated. Their adult children, whom I call the daughters' generation, recently started their own families at the time of my research or were about to do so. Most of them were born and raised in the Netherlands save one who was a transnational bride. At the time of their marriage these daughters had finished their secondary schooling, some of them were still studying and some were already

employed with degrees ranging from secondary vocational training to (applied) university.

In this chapter I examine changes in dower practices from the perspective of two generations of women: the mothers and their daughters. First, I explore changes in what the dower means to them by comparing the mothers' narratives with those of their daughters. Then I investigate how the dower was negotiated in the 1990s (the mothers' generation) and from 2010 onward (the daughters' generation): who were involved in these negotiations, how did they evolve, and what were the results? Lastly, I discuss shifts in how the dower was spent by comparing the choices of mothers and daughters with special attention paid to the role of gold. I share their dower accounts after a brief discussion of the Islamic dower and some of the existing research on this subject that points to changes between the generations and genders and the impact of the ethno-religious minority context elsewhere.

The Islamic dower: a flexible institution

Marriage among Muslims is highly valued, both because it is religiously recommended and is the only way to have a licit sexual relationship and produce legitimate offspring entitled to inheritance. There is no marriage in community of goods in Islamic law, but the husband is obliged to house his wife and provide for her and their children. The husband also must give his wife a dower (in Arabic *mahr* or *sdaq*), which provides women with some financial security (Günther, Herzog, and Müssig 2015; Welchman 2007). The dower is legally the property of the wife and is protected by Islamic law as being hers only to do with as she pleases. The nature and the amount of the dower depends very much on the religious, cultural, and economic context of the individuals involved.

There are some ethnographies on Morocco that recorded earlier dower practice (for example, Hart 1976; Maher 1974; Westermarck 1914),⁵ but little has been written about more contemporary dower practices.

Research on dower practices elsewhere in the world, including what it means for the women involved and how these have changed through time, is scarce. An exception is the work of Moors (1995, 2008) and Mir-Hosseini (1993). Moors' work on Palestinian women and property highlights how dower registrations and payments differ depending on class position, the rural-urban divide, and education. Women who have experienced upward social mobility through education and professional employment opt for a symbolic dower to claim modernity, only register a deferred dower, and gain status by downplaying the material side of the dower that becomes more geared toward consumption. Mir-Hosseini (1993) shows how in the Iranian

context, in contrast, the registered prompt dower is often very high and immediately due upon the wife's request, which gives women a strong bargaining position in case of a divorce or a conflict (Mir-Hosseini 1993).

Depending on the Islamic legal school one follows, the relation between the dower and the validity of marriage differs. For most legal schools, the dower is an effect of marriage even if not explicitly mentioned. This differs for the Maliki legal school of law that is dominant in Morocco, where the *sdaq* is a condition for marriage and has to be specified in the marriage contract. For the Malikis then, a marriage without a dower is invalid (Buskens 2010; Welchman 2007). Moroccans need to register a prompt dower in the marriage contract, which is handed over before the wedding (see Mir-Hosseini 1993); there is hardly any deferred dower. Also, the most recent Moroccan family law reforms of 2004 still include the obligation to register the dower in the marriage contract to validate it (Günther, Herzog, and Müssig 2015).

Research on the dower in Muslim minority settings is also limited. A growing body of research focusses on the legal effects of *mahr* in the west (e.g. Fournier 2009; Günther, Herzog, and Müssig 2015; Mehdi 2003; Mehdi and Nielson, 2011), but these contributions pay little or no attention to the dower as a *social* practice or to how women themselves signify and act with the dower. There are, however, some studies that address how the dower may function as an identity marker in minority contexts, even if in very different settings and with different effects than that of Moroccan migrants in the Netherlands. Bøe (2018, 2021) shows how secular Iranians in Norway register a *mahr* as they consider this as part of their Iranian cultural heritage and as a sign of national belonging. In Oman, *shia* Muslims, who constitute a religious minority, use dower registrations and practices to differentiate themselves from the Sunni-Ibadi majority (Safar 2021).

My work contributes to this emerging research. Taking into account the changes in dower practices in a context of migration to a country where Muslims are a religious minority, I use topical life stories of two generations of Moroccan-Dutch women, whom I refer to as the mothers' and the daughters' generation. To start with, I investigate what the impact of migration has been on the meaning of the dower for these women.

Mothers and daughters: Signifying the dower

For my interlocutors, the Islamic dower continues to exist as part of religious and cultural marriage practices. These Moroccan-Dutch mothers and daughters, like most Moroccans and their children residing abroad, follow Moroccan family law (the *Mudawanna*). Thus, Moroccan-Dutch, born and raised in the Netherlands, continue to marry at the Moroccan consulate where *la'dul* (professional Muslim

witnesses), assigned by the Moroccan state, oversee the proceedings, including questions about the amount of dower and whether the woman has received it.⁶

Haniena, whose words opened this chapter, spoke about her *sdaq* as both self-evident and an economic entitlement. After stating that it had all been arranged by her father and that “it was none of her business,” Haniena, like most of the mothers’ generation, talked about how she went shopping and bought what she liked with the *sdaq*. Having grown up in a Muslim majority society the mothers’ generation regards the *sdaq* as part of their sociocultural heritage and the Islamic tradition. These women take the dower for granted, considering it a normal and habitual practice. They do not feel the need to explain or justify it in their narratives because receiving a dower was self-evident to them.

This became even more apparent when I discussed dower practices with the few university-educated women from this generation, like Mariam. In contrast to Haniena, she elaborated on and considered it necessary to justify her adherence to dower practices, while simultaneously trying to resignify them. She spoke about how others received their dower “the traditional” way and how different she did things:

I was and I am still an idealist. I have a different view. I am not for sale! [...] To me it didn't feel right to accept money. In those days if you got money, it's like some sort of sale but if you get gifts, it's still a bruidsschat [dower LM] but a different form, you understand? To me it didn't feel right. It had to be put in our marriage contract. It says that I received 2000 euros, but I never received it cash. You had to have something in your contract [...] I know it says in the Quran that you could get married even with just a ring as a gift. It doesn't have to be money. I know it serves as some kind of security for a woman if things go wrong but in my case it wasn't necessary. I had a job already. I am a self-reliant and independent woman, financially independent so I only wanted it because that is how it is in Islam. A ring and a neckless would have been more than enough.

Mariam refused to accept money as her dower and chose a mode of reception that suited her “modern” identity better. Moroccan women, like Mariam, continued to register and receive their dower, but tried to downplay the financial side of it. Mariam refers to the Quran to justify her perspective on the dower and her personal choice for gifts, placing her argument within a religiously and culturally acceptable Islamic framework. As the first generation of women within their families to access higher education and to have the possibility of entering a profession, women like Mariam needed this justification and adjustment to fit the dower practice with their sense of modernity.⁷ The dower needed resignification to match with their ideas and ideals about gender equality and women’s independence.

The daughters’ generation, in turn, also resignifies the dower, but in a different way. In their case, there is little or no uneasiness with registering and receiving the

dower. This generation—highly educated or not—explicitly articulates the Islamic obligatory character of the dower and also complies with the social expectations of receiving money. These women do not voice a tension between receiving a dower and their identity as modern young women, as they have grown up in a setting where female education and access to professional employment are the norm, with gender equality more commonly accepted. They are mainly concerned with the Islamic aspect of the dower. Therefore, Haniena’s daughter Mina arranged for the dower as quickly as possible “[b]ecause we wanted to be married Islamically during the hand-asking,⁸ so that everything became halal [permissible LM].” For her the dower does not threaten her (taken for granted) modernity, but is central to her religious tradition and necessary to make her marriage Islamically licit. Whereas in the Dutch context being modern is self-evident, being Muslim is not.

This generational difference is then strongly influenced by the migration context. The mothers grew up in a Muslim majority country where the *sdaq* was part of their Islamic upbringing, while their daughters have to negotiate their sociocultural and religious identity with the dominant non-Muslim majority. With the shift in the integration debate toward a more assimilationist trend and a growing emphasis on the non-belonging of Muslims in Europe from the 1990s, Moroccans have increasingly become “Muslims” in the eyes of Dutch society (See, for example, Bouras 2013). This has also resulted in Moroccan-Dutch self-identifying more strongly as Muslims, a process also set in motion by the Islamic revival. Hence Mina and her contemporaries explain the dower in religious terms and claim it as their religious right. In contrast to the generation of the mothers, for whom the dower was so self-evident it did not need justifying, the daughters more explicitly consider the *sdaq* as part of their Islamic marriage.

The mothers’ generation: dower negotiations as a men’s domain?

As Haniena stated earlier, the dower was “none of her business.” Among the first-generation Moroccan women, it was common for men to determine the *sdaq*. Depending on the circumstances these men could be the fathers of the couple or their close paternal relatives. These negotiations did not include the bride. She would only hear about it afterwards, as Hanan, who married in 1993, narrates:

Yes, yes but with my father of course not with me. That never happened with girls at that time but with the father. And he, my father, my older sister was already married in the Netherlands as well, my father told him the amount of money that my older sister received from her husband. It was around 3000 euros in Guilders at that time. My father said you’re free to give whatever you can and he gave the same amount.

Her self-evident attitude about the men doing all the talking underlines how much the dower was a men's domain. As a bride she was represented by her father, and he negotiated and defended his daughter's interest. Her own position was passive, letting it happen and receiving it in silence.

Hanan's father used a common strategy during dower negotiations, namely the precedent of another married daughter's dower. More than one father did this, either to test the waters or to set a boundary. Fathers mentioned the precedent of what their married children, like their daughter(-in-law)'s had received as *sdaq* to discover what the groom was capable of giving and sometimes to "warn" him not to go below a certain amount. None of the parents referred to their own marriage. They saw the dower as time-specific and changeable and thus compared the dower for their daughters with that of their daughters' contemporaries. The fathers were responsible for the dower money trail. Most of the women from the mothers' generation knew the amount they had received, but not when and where it had changed hands. It was an act hidden from most brides and reserved to the men and their "world." The money became "visible" again when these brides described their spending.

While this may well have been the common norm in the 1990s, even then some women acted differently and "defied" this norm. Age in combination with education, access to paid work, and Dutch citizenship played a vital role in turning some women of the mothers' generation into more active participants in dower negotiations. Two of my interlocutors of this generation stood out. One of them was Somaya who married in 1993. She was not highly educated but she was the oldest daughter, which gave her more influence within her family, and most importantly, she had paid work in the Netherlands. She was "courted" by her father-in-law for more than a year trying to persuade her to accept the marriage proposal of his son who lived in Morocco. Both her economic independence and Dutch citizenship were to her advantage.

Indeed, I was the one who asked for 6000 guilders at that time. It was a high amount for that period. My father-in-law tried to haggle but I didn't give in. I wanted 6000 and that was it. My father wasn't interested. My father said that it was up to me⁹ [...] He [father-in-law] came twice to discuss the cost of the wedding. I was not interested in the food and such. For me it was about the *sdaq*. He found the amount too much, but I knew that he was good for it, so it was nothing for him [...] My husband didn't have any money so he [father-in-law] had to pay for it with his own money.

Her situation differed from her peers in various ways. Her father-in-law did not meet separately with her father but visited their household and talked to her and her mother as well. She told me that he did things according to "the old ways" when

gender segregation was not yet an issue and gender mixing had not been problematized by a more conservative Islamic discourse. Direct access to her father-in-law enabled Somaya to express her opinion and demand what she considered reasonable, as she would help her husband migrate to the Netherlands. Like most of my interlocutors from the mothers' generation who entered an arranged marriage, she had no relationship with her future husband prior to marriage. This meant that her negotiations were free of any emotional pressure. She stood her ground because it was her rich father-in-law who would pay.

Another exception among the mothers' generation was Mariam who, like her future husband, was university educated. She was in a relationship with him before they got married. They had met at university in Morocco before she moved to the Netherlands with her family. Because of their studies, it took them longer to enter the job market and to get married. Unlike Somaya's her marriage was a companionate one, even if she did not make it explicit.¹⁰ Mariam stood out with her dower account for more than one reason. As it turned out, her dower was never a subject of negotiation. The amount of dower to be registered only emerged when they concluded the marriage contract. Her father became aware of it only when her husband had to mention an amount to be registered. Although Mariam was very explicit about her choice of gifts instead of money, I could not pinpoint who decided on her dower. She clarified when I asked:

There was no negotiation. We didn't talk about an amount. [she told her husband LM] "You buy what you can afford and that's it." When we were at la'dul we had to mention an amount and then we said 2000 euros but that is for the official [part]. That is not exactly what I got [...] I didn't receive my sdaq in money [...] After signing we went into town and we bought golden jewelry together.

Her unease with the dower made her avoid negotiations; instead she made it a condition that her husband bought her gifts. Mariam used "we" instead of "I" when recounting the events. She saw her marriage, including the necessary steps with the dower, as a couple's affair and this tone of consultation between the couple characterized her story. Although her ideas about marriage and the dower differed strongly from those of Somaya, in both cases they had greater say about the dower than many of their contemporaries because of education, access to employment, and/or citizenship status (Cuno and Desai 2009). Whereas Somaya was also exceptional in that she could take advantage of "the old ways," Mariam may be considered an early case of the new possibilities and aspirations (higher) education would provide. Both women were exceptions among the mothers' generation, women who by and large did not take part in dower negotiations. What options were open to their daughters' generation?

The daughters' generation: a private affair for the couple?

When the generation of the daughters married in the 2010s “the norm” regarding dower practices had started to shift. Even if there are differences among the women marrying in the 2010s, this generation was generally far more involved in the negotiation of their dower. Let me start with Samira who remained close to how the mothers' generation had married. After “dating” her future husband, she married in 2015 without much say about the dower:

They spoke about sdaq, the dower. I was hiding in the kitchen [...] Actually it was more the men, yes, my father was a bit quiet so my mum talked now and then it was more my father-in-law. He didn't ask how much would you like to receive or something like that but more like “you know what my daughter received that is the amount we're giving you”.

Although her story resembles that of her mother, there is, however, an important change in those involved in dower negotiations: the presence of women. Whereas in the case of the mothers' generation it was the fathers who determined the dower, in her case her mother was also present and took part in the conversation.

More generally, however, the exclusion of the bride herself was becoming increasingly exceptional, as the case of Mina indicates. While her mother Haniena had dismissed her own dower negotiations as something the “men” did, her daughter and her future husband consciously chose to largely exclude their parents:

We both agreed very quickly that we didn't find it necessary to involve our parents. We were so aligned that no third party was needed. I always thought of the dower as an Islamic obligation. He approached me with the question “what would you like to have as dower?” then I said “well what you can afford that is what you have to give. I can't name an amount because I don't value the amount per se but I do value that it happens.” So that the Islamic marriage is completed. I mean the nikah. Eventually I chose an amount and shared it because he really wanted to hear it from me and did not want to determine it. He thought it was really important that the woman specify the amount because it's the woman's right and he refused to comment on it. He said “you'll get what you ask.” It took at least a month long discussion back and forth of yes and no ... eventually we reached an agreement. I always thought something like this is private. Luckily, we agreed. My parents and his parents respected that, and they never wanted to play a dominant role.

Her future husband approached her directly to discuss the dower rather than leaving it to their fathers. Moreover, the timing of dower negotiations also differed from their parents' generation, where dower negotiations only took place after the marriage offer was accepted. Instead, Mina and her future husband discussed her

dower as part of their preparation for the “formal” asking of the hand of the bride, that involved the parents. They wanted to conclude their Islamic marriage as soon as possible and considered the dower as a crucial part of it.

As they had known each other for years, they took matters into their own hands. Their marriage fits into the wider shift in concluding marriages. Whereas Mina’s mother had entered into an arranged marriage, their marriage was more similar to what is often referred to as a companionate marriage (for example, Moors 2022; Hirsch and Wardlow 2006).¹¹ Also their sense of privacy was much more pronounced, as the couple did not involve anyone in what they considered their own affairs. This was part of a broader process in which notions of parenthood had changed among Dutch Moroccans with more space for input of the younger generation. Mina’s parents did not tell her what to do, but listened to what she wanted. This more egalitarian balance of power is not only generational but also included gender relations. The couple itself discussed Mina’s dower as equals. Her husband persuaded her to tell him what she wanted. He based this on the Islamic idea that the dower is a woman’s right. Although Mina was given a *carte blanche* to ask for whatever she wanted, she in turn insisted that he would give her what he could afford. The important thing for her was that the Islamic marriage would take place, rather than how much she would get as dower. When I asked her about the amount she received, Mina made it very clear that she considers her dower something private between her and her husband:

To be honest I would rather keep that private purely because I really haven’t discussed this with anyone else, so I am like it stays between us.

Me: “But they had to write it down at the consulate?”

Mina: “oh yes, that is true indeed the contract. Yes, that’s a good one. Our fathers are the only ones who know.”

Sharing her dower with the Moroccan state was necessary, but what matters to her is that she managed to keep her dower private in her own social circle.

The case of Yousra, who married in 2019, confirms this generational and gendered shift. When her future husband insisted that she mention an amount, she replied, “Whatever God has destined!” Eventually, she proposed an amount that her husband agreed to. Both Mina and Yousra were well aware of the *sdaq* as their property to do with as they pleased. Their contemporary Fatima (of similar socio-economic and educational background) took this parents-to-couple shift to a next level by putting it in a joint account. “We decided to put the money on a joined savings account. So this has been deposited in a joined account and whenever we have a setback we ‘borrow’ from that money.” Putting the dower in a joint account that would serve as a “safety net for the couple” differs from the Islamic norm that marriage is not

in community goods. Fatima's "radical" choice to involve her husband and to give him access to her dower reflects her own ideas of how marital relationships should be. This further emphasizes the shift of control to the conjugal couple with men not talking about women but with them, and women actively involved in dower practices. This shift has been accepted by parents, though sometimes reluctantly.

In two cases parents were not satisfied with the amount their daughter had negotiated with her future husband. In both cases, the brides knew their spouses and agreed on a dower of 2000 euros, but their parents thought the amount was too low and told them that they had expected 5000 euros. One of the brides then went back to the negotiations and her future husband raised his offer to 3000 euros. The other bride asked her mother—since her father was not involved—whether she should retract the offer and reopen the negotiations, but her mother declined when the daughter made it clear that she would inform her future husband that this request came from his future mother-in-law. These cases further illustrate the changes in power relations between parents and their children, confirming the relative shift from fathers/parents to the younger generation, but also indicate that in some cases it is still a balancing act. Parents are no longer the determining force, even when they try to exercise their power. Moreover, when they get involved, the mothers are now also part of the process. Whereas their children often try to please their parents, because they care about them, parental influence has nonetheless diminished significantly.

Huda's situation sheds further light on this dynamic between parents and children. She got married in 2018 and negotiated her dower on WhatsApp. She was introduced to her husband by a mutual acquaintance, who knew they were both open to marriage. Huda told me the following:

I told my father that he wanted to give me this amount [3000 euros]. I thought I'll go ahead and tell my father. I don't know. I find it a bit uncomfortable if you had expected a lower or higher amount. I just didn't want there to be a change in emotion or facial expression when the amount was mentioned. So I told my dad beforehand and he said "That is alright".

I suspected something had happened that made her cautious, so I asked her about the situation of her recently married brother. It turned out there was some awkwardness in his case. Her brother had discussed the dower with his father beforehand, but when they made their offer to his father-in-law, he asked for a higher dower. With this experience still fresh in Huda's memory, she prepared her father to avoid embarrassment. This also illustrates how the father–daughter relationship is changing. Her father follows her lead instead of the other way around, but she prepares him for what is to come, to prevent disturbing emotions while her private negotiations were finalized. When a couple has reach an agreement, they

expect the conclusion of their marriage to go smoothly and their parents to follow the lead of the couple.

However, some fathers still try to cling to the “correct” ways of engaging with the dower, as in Yousra’s case. Whereas her father had accepted his exclusion from her dower negotiations, he insisted that she receive it in cash rather than via bank transfer:

I received it cash because it was an issue for my father ... my younger sister had received hers by bank transfer. It was transferred and my father didn’t think it was okay [...] She had to say how much she received and the man who worked there [at the Moroccan consulate LM] asked “did you already get it?” then my sister had to say yes and then the man asked “how did you get it?” and then my younger sister said “through a bank transfer.” I don’t know what the reason was. Maybe he wanted her to get cash and receive it by hand. Maybe he was used to the days when you got an envelope with money inside.

Yousra’s father clearly cares about the way the dower is presented. He believes that the amount of money should be given in a specific material form: cash in hand, so that the exchange is captured in a physical act and is preferably witnessed. Like her younger sister, Yousra would be happy to have her future husband deposit the amount directly in her bank account, but according to her father and the Moroccan state officials, this is not how it should be done. She had to “count” the banknotes while the men present watched:

No, I received an envelope with money. I then took it from my husband like “thank you” and then the guy who had noted the amount joked I think I don’t know if he meant it “no, you have to count that and check if it’s right!” so I thought “do I really have to count all of this?” so my husband goes “yes, go on count it!” so I counted, counted, counted until I just pretended to count.

This incident exemplifies the ambivalence of the daughters’ attitude towards *sdaq*. They accept it as an Islamic practice, but may feel uncomfortable when this particular format, that is the “old ways” of counting the money, is upheld. Yousra’s unfamiliarity with the practicalities of receiving her dower and with what is expected of her, caused her to go along with it, only to get it over with. Both the amount and the manner in which the dower is handed over is supposed to be recorded in the marriage contract according to the 2004 Moroccan family law (Buskens 2010, 115). Fathers and the professional witnesses (*la’dul*) try to preserve these aspects of the dower practice, as regulated by law, while the younger generation is not only unaware, but also uncomfortable with some of them. Despite

this ambivalence, the daughters comply with these dower practices, but are more actively involved as more equal partners.

However, this “equality” differs somewhat for transnational brides, as shown by Narji’s case. She was born and raised in Morocco and came to the Netherlands on a student visa. After a long relationship, she married her Moroccan-Dutch partner in 2013. When I asked her if their fathers discussed the dower, she said:

Actually they didn’t discuss it. Badir had agreed with me on how much he would give me. He gave me 2000 euro’s. My father and his father didn’t speak about this. They spoke about us doing the *zawjiya* [marriage contract]. My father said “*Sdaq* is between the two of you. Whatever he can give should be alright.”

Despite the similarities with the other Dutch-Moroccan brides, such as a companionate marriage and the absence of fathers from the dower negotiations, it is likely that Narjis’s relative power in the relationship differed significantly because of her citizenship. Narjis needed her husband to keep his promise of marriage and taking her to the Netherlands, after years of dating him. This resulted in a more unequal relationship; instead of asking for her input, her future husband told her what he would give her.

For those marrying in the 2010s, their parents are hardly involved in dower negotiations, but are more or less spectators or distant guardians. Most of the discussions about the *sdag* take place between the bride and the groom. The couple decides on the dower and informs their parents afterwards. In those cases where these negotiations do take place between families and there is a female presence (the mothers of the couple), the dower is no longer an exclusively male domain. This generational and gendered change in dower negotiations is accompanied by a greater sense of privacy and a desire for a smooth conclusion of the negotiations. Changes in dower practices are not limited to negotiations, but are also evident in how women of both generations spend their dower.

The mothers’ generation: the importance of gold

How did the mothers’ generation spend their dower? Who were involved and which choices did they make? Here I return to Haniena’s case, which is exemplary for her generation, and use a few similar cases to further illustrate the norm in dower spending in the early 1990s. Then I turn to Mariam’s exceptional case to shed light on how highly educated women spent their dower, and finally I discuss transnational brides of the early 1990s through Kamla’s story.

Most of my interlocutors who married in the 1990s spent their dower in similar ways. They bought some items for personal use, but used most of it to buy gold. As Haniena relates:

I received 6000 guilders for my *sdaq*. I spent 1000 here in the Netherlands. I bought my wedding dress and a nice bedcover. I bought beautiful shoes and a beautiful watch. My parents kept the rest of the money for me. They took the 5,000 with them the following summer as I didn't go to Morocco, and they bought me gold. They bought a set of 7 *remsajes* [thin bracelets]. A *deblij* [a wide bracelet]. They bought me a *mushaf* [Quran shaped necklace], earrings and a few rings. I gave the earrings away to a girl in Morocco. Because I felt sorry for her. She was looking at my gold and I thought she was sad. I think she never had any gold, so I gave it to her as *sadaqa* [charity] with all my heart. They were very pretty *masha Allah*. I sold my seven bracelets. I thought it was too much on my hand. I also sold the wide bracelet. It was a beautiful piece, and I sold a few rings. I did that a few years later because we bought a piece of land in Morocco, so I gave it [gold money] to my husband and said "use it to pay a few debts". Four or five years later I got my money back [...] Then I bought gold again. I bought a beautiful necklace, earrings, a bracelet and a second necklace and a beautiful ring. That was it. I still have a simple necklace from my original *sdaq* gold. That necklace and my wedding ring are the only items I still have.

Haniena's story clarifies a few things. She used her dower as she pleased but included her parents and husband in her choices. She spent most of it on gold and speaks of "her gold" almost as part of her. In Morocco, as elsewhere in the Middle East, gold jewelry functions as a means to store value (Moors 2013). For Moroccan women gold is theirs alone, and a woman with gold is considered a woman of power (Kapchan 1996, 37, 225). Haniena's gold was not just beautiful but could also be sold again and turned into cash if needed. Hence the choice to outsource the shopping to her parents in order to get her Moroccan gold as quickly as possible. It was a sociocultural necessity to buy gold that then became a source of both economic as well as social power. Her dower made it possible for Haniena to make charitable donations, which is also an accepted act of "spending" one's dower. It is not uncommon for Moroccan Muslim women in the Netherlands to give away their gold to help build or renovate mosques.¹² They donate their gold jewelry, which is then sold by the mosque board to acquire the necessary funds.

For Haniena's generation, that of the mothers, the *sdaq* was usually about 3,000 euros (or its equivalent in guilders) and was used to buy gold and a few fixed items such as a *jellaba* (Moroccan outerwear), *balga* (Moroccan sandals), shoes, and a *tekshita* (two-piece Moroccan dress). All interlocutors of this

generation explained that they spent most of their *sdaq* in Morocco and not in the Netherlands. They did this because Moroccan gold keeps its monetary value, while European gold jewelry's value is in the design, which would be lost if they were to sell it.

Hanan's situation differs slightly from Haniena's, as her husband was a transnational groom who needed her to gain a residence permit. She told me that her father kept her money for her so she could spend it for herself when they went to Morocco. Her narrative clarifies how personal choice was secondary to what was expected:

Yes, yes, I remember having two very beautiful dresses made, traditional ones. And I bought gold with it. I don't really like gold but before you had to buy something with the money. I bought seven bracelets. Ehm I bought a thick necklace pendant, Mushaf [Quran shaped necklace], a belt, real gold, a belt of solid gold but you know I also added some of my own money because I worked then. I had a job so I supplemented it a bit.

Hanan admits she did not even like gold, nevertheless she spent most of her dower on gold and added her own money to buy a gold belt. Next to a means to store value, she did this because more gold would mean a higher status within family and community.

Hanan was not the only one to add money to her dower to buy a solid golden belt. Somaya did the same:

Yes, my jewelry ... I already had a lot but with the money I bought a solid golden belt. I still have it. I want to sell it one day, but I am never lucky. When the gold price goes up, I am not in Morocco, like now. I won't sell it for nothing. I want to go on hadj with that money. I still have it. That is what I bought with that money and I had to add money. It was more expensive than 6000 [guilders]. Everything else I bought myself.

Somaya was very conscious when she negotiated her dower and continues to be so when it comes to her gold. Her narrative shows an explicit economic awareness of the monetary value of her golden jewelry. Her gold and its monetary value give her independence from her spouse. While she will still need her husband or one of her sons to accompany her on hadj, she will have her own financial means for the pilgrimage if the opportunity to go arises.

More generally, there is quite a strong sense of ownership of the dower among the mothers' generation. These women used their dower as a safety net by investing it in their gold jewelry and only liquidating it for worthy causes such as buying a family home or as potential financial plan for *hadj*. Haniena used her gold to help

her husband finance their future family home in Morocco, but only temporarily as her husband promised to pay her back. Just like Haniena, Hanan also sold her gold to help her husband:

Me and my husband were discussing the value of that belt recently. He said that the estimated market value of my belt would be 12 000 euro's nowadays. I don't have it anymore. I sold it a while ago when we bought our house in Morocco. I have actually sold all of my gold and invested it in our house.

But Hanan, in contrast, told me that in hindsight she regretted her choice to help her husband because the house is her husband's property. This means that she lost control over her dower property because her husband did not include her as a co-owner.

While the aforementioned women approached their dower mainly economically there were exceptions to this, even among this generation. Women like Mariam, who were highly educated and considered themselves independent, made similar choices just as some Palestinian-educated professionals who emphasized the aesthetics of their jewelry gifts and were uncomfortable with its material value (Moors 2013). Mariam started by refusing money all together. Instead, she went shopping for gifts with her husband after signing their marriage contract, almost as if celebrating their union:

I didn't receive my sdaq in money. After we signed our marriage contract we went into town and we bought golden things together [...] a very thick bracelet, a necklace, two rings, earrings and that sort of thing. It was 18 carat gold not 24, something reddish. I still have my two rings and earrings. I didn't sell anything but traded my bracelet because it was becoming tight, so I traded it for a bigger one. I still have it and I am not going to sell it. I am going to give it to my daughter when she gets older if she likes it. I think I traded it three years ago. I traded my collier and bracelet for something more modern. I still have a set.

Mariam focuses on the aesthetics and emotional value of jewelry rather than on its monetary value. She even clarified that her gold was 18 carat and not the usual more traditional Moroccan gold. Such gold, which is lighter in color, is considered more modern but loses more of its value when it is sold. By buying her pretty jewelry, she celebrated her marriage; it brought her pleasure and made her happy. Exchanging her set when her bracelet became uncomfortable for something more modern and fashionable suited her preferences. The golden jewelry was valuable to her not for its monetary worth, but for its aesthetics, for fashion. Added to that was an emotional connection—a possible family heirloom to be passed on to the daughter—with the option to trade it for something new.

The women mentioned above had their own money to increase the amount of gold they could buy, but transnational brides like Kamla received a relatively lower dower and lacked the means to supplement it, as she explained:

I bought my seven, you know the thin reddish bracelets, 24 carats and I bought an almk-helfa/porsila [a thicker bracelet that stands on its own]. I sold my gold [she replaced it with more fashionable gold jewelry LM]. I regret wasting it. It was so beautiful. Furthermore, I bought a tekshita [two piece Moroccan dress] and undergarments. You need that. It's different from here [the Netherlands] where you work, and you do everything yourself. With the 2 mill [franc] you had to do everything. I had the tekshita [two piece Moroccan dress] already. I had bought the fabric because I was preparing for my previous marriage offer. I bought undergarments, shoes, jellaba [Moroccan outerwear], headscarf, albalga [Moroccan sandals]. I sent my sister to buy those things for me. I refused to go outside and stayed home.

I could almost feel her sorrow for not having a bigger budget. It can be costly when one needs almost a whole new wardrobe. Kamla is aware of how different her situation was compared to Dutch citizens with access to paid work and the associated economic independence. Changing one's social status from single to married meant adjusting one's appearance and that could be expensive. Becoming someone's wife meant showcasing one's "wealth" and letting one's social world know that you made a good match and acquired a good socio-economic position. Having nice clothing, shoes, and jewelry expressed that materiality mattered and not only in taste but also in volume.

For this generation the *sdaq* was more than just an Islamic part of their marriage; it was also of socio-cultural and economic relevance. This included buying gold, the more the better. Gold mattered to them and their social world; it was important for a woman to have her gold and keep it. Even when women sold their gold, they tended to replace it. These women were, and are, well aware of the material worth of their gold. Some have used it for substantial investments, while others consider it precious because of the emotional value it has acquired, or both. Although access to education and paid work made a difference, all women spoke with a sense of ownership and appreciation of their gold, which makes it even more striking that their daughters have such different views and feelings regarding their dower and gold.

Spending the dower among the daughters: multiple options

What did the daughters of those who married in the 1990s do with their dower? Here I return to Mina's case to illustrate the intergenerational changes in both dower spending and the role of gold. I also present the narratives of some of her

contemporaries to show the emerging diversity in dower spending, and finally I pay attention to what Narjis, a transnational bride, did with her dower.

Whereas Haniena and the mothers' generation more generally had mainly used their *sdaq* to buy gold jewelry that held its value and displayed one's socioeconomic status, her daughter Mina, who married in 2020, had different aspirations:

I think I spent 15% of it on stuff for my house. To be honest I don't have any plans with it. I think I'll just keep it in case I need it for something. Yes, I would prefer to save it. I like saving money because you never know. Maybe I'll save some more money to buy a nice car in the future. But no I can't honestly tell you that in sha Allah I will spend it on such and such.

When I told her that I found it interesting because she didn't immediately bring up buying gold, her reaction was:

To be honest the only thing that I do value is that my wedding ring and engagement ring are golden rings. I was like "no, I don't want silver." I made it clear that I wanted golden rings that would keep their value. And well my dower I never thought of spending it on gold.

Excluding gold as an option was the one thing that Mina knew with certainty; everything else was possible, but not gold. It didn't even cross her mind to buy gold, indicating a fundamental shift in spending habits and preferences. Buying gold is no longer an undisputed way to spend or preserve one's *sdaq*; new commodities have entered this "space." Mina, like most of her contemporaries, prefers her bank account for saving her money, with the option of quick access in case of need.

Samira, who married in 2015, remained closer to her parental generation in her spending pattern. When I asked her if she bought gold with her *sdaq* she said:

"Yes, actually that summer when we went to Morocco I bought that bracelet right away and the rest little by little every time I would see something I liked."

Me: "Did you spend the whole amount on gold?"

Samira: "No, I think I spent 1000 euros on my car. I wanted to buy a car and I just spent it on that."

Even if the daughters come close to their parental spending habits, there was a difference: the dower was used more instrumentally to meet current needs, such as mobility, and there was the (deliberate) delay of the bride's shopping. Samira took her time spending her dower, waiting for something she liked instead of buying her jewelry just before or after her wedding. One of my interlocutors, Huda, had yet to spend her dower when I interviewed her in 2019. I went back to her with

the question via WhatsApp sometime later and she wrote: “Yeh, I bought golden jewelry. In Turkey two months ago. So two years after the wedding, a necklace, bracelet, and a ring.”¹³

When I asked her if she knew how many carats the gold was, and if it looked like Moroccan gold, she answered: “No idea! No, it’s prettier than Moroccan gold, just yellow gold.” I responded by mentioning an upcoming wedding celebration that we would both attend and that I was curious about her gold. Her response to that was interesting: “Yes maybe inshallah [God willing] if it fits my outfit.” Even when they bought gold, Huda and her generation do not view or use gold the same way as their mothers. She does not intend to show off her wealth or that of her husband, but intends to look beautiful, matching her jewelry to her outfit instead of using her gold as financial security. For this generation, it is more about personal taste and aesthetics than value. This consumptive behavior is partly consistent with the changed meanings of gold jewelry observed in the Middle East (Moors 2013).

Daughters not only differ from their mothers in how they spend their dower, but they also postpone spending it and keep it in a bank account. Most of the young brides I interviewed still had their dower, not knowing what to do with it. They are better educated and financially more independent of their husbands than their mothers had been, and they did not need the dower money. The ones who eventually choose to spend it on jewelry may do so years after their marriage.

Also, among the daughters’ generation, using the dower to pay for the hadj (the pilgrimage to Mecca) was sometimes mentioned. Yusra, for instance, told me: “I spent my dower right away by putting it on my savings account and going on hadj with it. So I didn’t spend my dower on gold or other materials. *Alhamdu li Allah* [Thank God LM] I have been able to perform the hadj using my dower and my other savings.” Somaya, from the mothers’ generation, had wanted to do the same. But she had to save her dower with some of her own money in the format of a gold belt, and is still waiting for a chance to go, while Yusra and her husband went soon after their wedding. This suggests a different pace of consumption among the daughters’ generation and could explain why so many of them preferred to keep their *sdaq* accessible in their bank accounts. Their greater ease in spending money comes from their improved economic conditions. While most of their parents belonged to the working class, the daughters are mainly part of an emerging middle class.

In the case of Narjis, a transnational bride who married in 2013 in Morocco, it was mainly her lack of access to paid work that influenced her choices in dower spending. When I asked her what she did with her *sdaq* and if she bought gold her answer was:

No, because I am not into gold. I bought my tekshithat [two piece Moroccan dress], my stuff for the wedding. Whatever was left I used for ziana¹⁴ and those kind of things. I didn’t

want any gold. I still don't want any gold. I still have the clothing I bought. It is a keepsake. My tekshith are still pretty. I chose really expensive ones at that time but now they just hang there.

Narjis spent her *sdaq* on nice traditional dresses and on wedding services. Of course, not everyone likes gold and gold jewelry as was evident in Hanan's narrative, who wasn't "into the gold" either but ended up buying more than expected, adding her own money to buy heavy gold jewelry. Older women might say that she "wasted" her dower by spending it on volatile consumer goods, but to Narjis buying nice dresses and spending the money on much-needed wedding services was more important than buying gold. This shows that when a bride doesn't have her own means of paying for "everything else" needed for the wedding, she may turn to her dower out of necessity. Weddings have become expensive and not all brides have their own means. Class, education, type of profession and citizenship influences brides' choices when they spend their dower. Narjis needed her dower to pay for her wedding services for lack of other means.

Gold is no longer the main purchased item of the *sdaq* among the daughters' generation; buying gold is no longer self-evident. This generation has something their mothers did not have, namely a confidence that their economic situation will be sufficiently secure under all circumstances. Their improved education and job opportunities turned them into consuming brides rather than risk calculators. Keeping the value of their dower is not the first thing on their minds. Rather they wonder, "What's in it for me?" When they do buy gold jewelry, their choices are dictated by their fashion-driven taste and associated aesthetics. They no longer buy gold as a sign of social status. The daughters also prefer to spend their dower on such emerging needs as mobility and expensive wedding services (which the mothers did not have). Depending on their socio-economic circumstances some of them may keep the money until they find a good purpose for it.

Conclusion

The stories of my interlocutors have shown both intergenerational and gendered shifts in dower practices among Moroccan-Dutch in the last thirty years. These shifts need to be seen within the context of the migration process, that had simultaneously turned my interlocutors into a religious minority and had provided the daughters' generation with some level of upward social mobility.

The migration to a Muslim minority setting has engendered a re-signification of the dower among the daughters who were born and raised in the Netherlands. Unlike the mothers who see their dower as self-evident and habitual, the daughters

explicitly emphasize the dower as a religious practice. The dower is an obligation to make their marriage Islamic, which is central for their religious identity in a non-Muslim society. Whereas the secular Iranians in Norway that Bøe (2021) worked with also resignify the dower, these Iranians did so in a very different way, that is to highlight their cultural national belonging. In the Moroccan-Dutch case, what matters most is religious identity.

This minority position also explains why the daughters signified the dower differently than the “exceptional cases” among their mothers’ generation. Well-educated women like Mariam had considered the dower an outdated practice in modern times and tried to downplay the materiality of the dower. The modernity of the daughters was not in question and did not need to be emphasized; it was their Islamic identity that required the additional affirmation through the dower. Similar to the well-educated, older women, the daughters’ generation experienced upward social mobility. Yet in contrast to them, they did not downplay the materialities of the dower, even while they had less need for it given their better economic position and the support of the Dutch welfare system, to which they could turn in case of need. They take the dower as their religious right and do not consider it in tension with being a modern woman.

The second change in dower practices concerns the dower negotiations. Whereas the fathers were central in dower negotiations among the mothers’ generation, these women nonetheless spoke with a sense of ownership about their dower and knew exactly what they received. This is in contrast to the British Pakistani Muslim women interviewed by Bano, whose limited knowledge of the dower was striking (Bano 2011), revealing that even when men are “in charge,” the degree to and manner in which gender matters in dower practices varies. The narratives of my interlocutors show a major generational and gendered shift in how dower negotiations are conducted. Among the daughters’ generation, the couple is in charge, even if they include the older generation, and women are more actively involved and play a more important role in these negotiations. The daughters are not only involved in what is registered as dower, but are one of the main parties deciding that amount.

Lastly, whereas buying gold with one’s dower was socially expected of the mothers and their gold served both to store monetary value and to signify socio-economic power, the daughters’ dower expenditures were more individually decided based on their wants and needs. The daughters no longer prioritized spending their dower quickly, and when they did so, it was to meet their individual needs. These needs varied depending on personal aspirations, such as mobility, marriage services, pilgrimage, or jewelry. When the daughters did buy gold, they showed a more consumptive behavior and focused on the aesthetics and not monetary value. This greater emphasis on aesthetics is similar in Muslim majority settings but there

the economic value of gold still matters as well (Moors 2013). In the Netherlands my interlocutors, who have increased access to education and employment, use bank accounts rather than gold to store financial reserves, and do not feel the need to hold on to gold for economic security as much. Migration has made the dower more important as a religious practice and identity marker, but far less central as a source of economic safety.

Notes

- ¹ Research for this project is partly funded by the ERC advanced grant on “Problematizing ‘Muslim marriages’: Ambiguities and contestations” (Grant number: 2013-AdG-324180). I started my fieldwork in 2019 and continue to work on it as an external PhD candidate at UvA.
- ² The women left behind also advocated permanent residence (see Eldering 1978; Bouras 2012).
- ³ Delsing’s research (2001) on marriage rituals among Muslims in the Netherlands includes some cases from Morocco, but lacks the historical depth that a generational comparison provides.
- ⁴ For an elaborate discussion of “generation” see Bristow (2016).
- ⁵ Maher (1974) showed that the dower was mainly used for solidifying socioeconomic status through alliances between (higher) middle-class families while it practically didn’t exist for poor women.
- ⁶ It is only recently that I have come across Moroccan-Dutch cases of the so called “Islamic” or “Fatiha” marriages (non-state registered marriages) but these remain exceptions.
- ⁷ Modernity here refers to access to education followed by a paid profession and independence from men.
- ⁸ Hand-asking is my translation of the Moroccan-Dutch term “handvraging,” referring to the step within the marriage process where the young man and his family visit the young woman’s home to ask for her hand in marriage.
- ⁹ Somaya was financially independent and did not need her father to help her with anything regarding her expenses as a bride, thus how much dower she would receive did not have an impact on her father. He left the matter to her.
- ¹⁰ This is a common strategy to avoid voicing illicit behavior as only marriage legitimizes a “romantic” relationship.
- ¹¹ Although Haniena’s marriage started as arranged, it did develop into a companionate one. See Hart (2007) for the everyday complexities of love and arranged marriages. My emphasis on the difference between mother and daughter is strictly in relation to the implications for how both “did” their dower.
- ¹² This is something that I have heard happen throughout my adult life. People would mention things like “so and so has donated her gold.”
- ¹³ During a second interview I learned that it was actually her husband who did the buying. He was on a vacation in Turkey with friends and went shopping for his wife. They used their smart phones so she could choose her jewelry.
- ¹⁴ Female professional who grooms the bride.

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When Islamic Marriage Travels to the Netherlands: Convert Muslim Women (Re)Signifying the Marriage Guardian and the Dower

Annelies Moors and Vanessa Vroon-Najem

Introduction

Converts to Islam in the Netherlands generally know that an intimate sexual relationship is only licit after marriage. But their knowledge about how to marry Islamically is often limited, and their experiences vary considerably. Zahra, for instance, had no idea what entering into such a marriage entailed. She let her husband arrange everything and years later the couple still occasionally wondered whether their marriage was Islamically valid. Mina, in contrast, was well aware of her Islamic rights, but in spite of being well prepared, she felt duped by her husband and blamed the imam acting as her marriage guardian for having been negligent in checking her husband's background. Roxana's experience was, again, different. She had married at the same mosque as Mina, but with a different imam, and was pleasantly surprised about how well he had explained everything to her and how he had also tried to include her non-Muslim parents.

Our interlocutors, women who converted to Islam and have become observant Muslims, all consider marriage very important. An Islamic marriage is a religious institution, that is highly valued in Islam. As a recognized status, it also is central to social reproduction, that is the production and maintenance of human life. A marital relation structures domestic economies of labor and care and is a means to transfer goods and wealth. It organizes sexuality and procreation, produces recognized kinship ties, and hence families, descent groups, and ethno-national and religious communities.¹ For individual converts, its religious meaning is central, but its social effects also matter. As conversion leads to changes in lifestyle, they often have lost the support of friends, family, and social networks. Attempting to develop a new sociality, they hope that through marriage they will become part of and start a Muslim family themselves.

Both in material and in ideational terms, an Islamic marriage may differ substantially depending on time and place and on the multiple positions those

involved in concluding a marriage take up. In this contribution, we investigate what happens when the concept of an Islamic marriage, which had developed in the early days of Islam in the Middle East, travels to contemporary Europe. More specifically, our focus is on how converts to Islam in the Netherlands understand and engage with two conditions of an Islamic marriage, that is the marriage guardian (*wali*) and the dower (*mahr*). Whereas those born and raised in a Muslim family often have some habitual knowledge about these aspects of an Islamic marriage, the *wali* and the dower are utterly new concepts to converts.

Our analysis of how converts to Islam in the Netherlands try to understand, signify, and engage in practice with the *wali* and the dower is part of our long-term research with women converts to Islam in the Netherlands, all of whom self-identify as observant Muslims. Whereas they do not commit to a particular school of Islamic thought, they have, to various extents, been inspired by the Islamic revival. Aspiring to live a Muslim life, they attempt to follow “correct or pure Islam” that is not tainted by cultural customs. From 2014 on, Moors and Vroon-Najem worked together to explore how these women entered into marriage (Moors, de Koning, and Vroon-Najem 2018; Moors and Vroon-Najem 2019).² Central to our project are topical life story interviews, centering on how to find a spouse and enter into marriage (Bertaux 1981), that we conducted with forty women converts, mostly from 2015 to 2019. We also interviewed eight religious authority figures, both converts and born Muslims, to whom converts often turned for advice. Next to this, our fieldwork included participant observation at the conclusion of marriage contracts, attending lectures and courses on how to enter into a Muslim marriage, and many informal conversations with the various parties involved in these marriages. Both authors have been involved in conceptualizing the project, have done fieldwork, that includes joint interviews with our interlocutors, and have worked together in analyzing the material.

Our interlocutors, both women converts and religious authority figures, underlined that the significance of the *wali* and the dower was hard to understand for converts. Whereas there is now a considerable literature on conversion to Islam, how converts enter into a Muslim marriage has not drawn much attention and their engagements with the *wali* and the dower have been almost completely overlooked in academic research.³ Yet as these issues do matter to the converts themselves, this raises a host of questions: How do these women converts understand and signify the *wali* and the dower? How active are they in selecting a *wali* and what do they expect from him? How do they discuss the dower and what do they actually receive? How do religious authority figures see the tasks of a *wali* and what advice do they give about the dower? How do the women converts respond to their advice?

In the following we start with briefly contextualizing the *wali* and the dower as institutions that have emerged historically in the Middle East and have

subsequently been affected by more contemporary developments in the fields of religion, law, the family, and the economy. The next section focuses in depth on the narratives that women converts present about how they engage with the *wali* and the dower in the Dutch context and the particular differences among them that matter. As converts often depend on religious authority figures to gain religious knowledge, we then turn to perspectives of such authorities about the *wali* and the dower and their interactions with women converts. We end this contribution with a reflection on how efforts to act according to “correct Islam” may function as a conservative force, but also simultaneously resignify and transform the meaning of the *wali* and the dower.

Muslim family law, legal reforms, and social practices

Islamic legal scholars acknowledge that classical Islamic law has always allowed for multiple points of view. Different schools of law disagreed about certain aspects of marriage, such as the *wali* and the dower, yet each school recognized the others as legitimate.

In order to enter into marriage, most schools of law stipulate that the bride needs to be represented by a marriage guardian, her *wali*, except for the Hanafi school that allows a woman to represent herself if she is in her legal adulthood (Welchman 2007). Such a *wali* needs to be Muslim, adult, male, and sane, and there is a fixed order of priority: first in line is the bride’s father and then, depending on the school of law, other close agnatic male relatives, such as the grandfather, the son, and the brother. If a father refuses to marry his daughter without a valid reason, she can appeal to the sharia judge to marry her. Also for women who do not have a *wali* (such as orphans without kin or women who have converted to Islam and do not have Muslim family), the sharia court judge functions as their marriage guardian.

The dower is part and parcel of the gendered economy of a Muslim marriage. According to Islamic law, there is no marriage in community of goods; that is, after entering into a marriage, husband and wife do not establish a common fund but control their own financial assets. When they enter into marriage, men are obliged to pay a dower to their wives, which the latter can use in whatever way they want; only after the dower has been paid, women are to submit to conjugal life. After marriage, men, who are considered the maintainers of women, are responsible for their wives’ housing, food, and clothing, even if these wives have means of their own. Schools of Islamic law differ on the relation between the validity of a marriage and the dower. According to most schools of law the groom needs to state an amount and pay this dower to his wife for a marriage to be valid. Only the Hanafi school holds the opinion that if no dower is included in the contract, the

marriage is nonetheless valid, and the bride is entitled to a dower “her equals” (in status) would receive.

The central role of fathers (and close agnatic kin) in marriage needs to be seen within the context in which Islam emerged, that is a society in which kinship had major economic and political functions and where people were part of patrilineal kin groups with the younger generation largely dependent on their elders for their livelihood. As marriage was such an important institution for social reproduction, the control of elderly men over marriages was self-evident and the *wali* and the dower bolstered such structures of authority. Whereas women had generally less agentic power than men, such controls ideally also entailed forms of protection. While daughters needed their fathers’ consent, they would be able to return to their own kin in case their marriages did not work out. Islam supported women’s positions by taking a stand against forced marriages, and by making the dower a woman’s property, providing her potentially with some level of economic security.

In the course of time, the weight and meaning of kinship and marriage have, to some extent, changed. With the development of the nation-state and its bureaucracies, with the growth of education and the emergence of professional employment, with shifts toward a market economy, access to wage-labor and migration, the relations between the older and the younger generations, and between men and women have partially changed. Respect for the older generation is still valued—honoring one’s parents is also an important Islamic virtue—but with the younger generation economically less dependent on their elders, the centrality of kinship has decreased. The net result is that the younger generation has more say in when, how, and with whom to marry, also if their parents remain involved.

These processes tally with how, in many Muslim majority countries, Muslim family law reforms have been implemented, while in Turkey Muslim family law has been abolished. Such reforms have generally strengthened the conjugal tie, limited kin control over marriages, and restricted some of men’s rights (such as to polygyny and unregulated divorce) (Hasso 2011; Moors 1999). The position of the *wali* has become a topic of debate and policy making (Mir-Hosseini, Al-Sharmani and Rumminger 2015). In some settings legal reforms allow women to enter into a marriage without the agreement of her marriage guardian.⁴ For instance, according to the 2004 reforms of Moroccan family law, women eighteen years and older are no longer obliged to have their marriage concluded by their *wali*.⁵ In the UK, progressive Muslims have made an attempt to develop a new, still strongly contested, marriage contract, that considers the presence of a *wali* as optional (Bowen 2014). However, especially for women with limited access to resources, a marriage without a *wali* can be risky, as she may then lose the protection of her family in times of need. Hence, also in settings where there are no legal obstacles to a marriage without a *wali*, many women prefer not to do so (Welchman 2015, 153).

There are no firm rules about the size or nature of the dower. In some settings it is common to pay only part of it at marriage, with the wife entitled to the remainder when her husband repudiates her or if she is widowed. Family law reforms have generally not affected the dower, even if in a few cases there have been attempts to limit the amount, such as in former South Yemen (Dahlgren 2015). Off and on there have been debates about the rising costs of marriage, with some pointing to the fact that women and their fathers ask for unrealistically high dowers (Hasso 2011; Singerman and Ibrahim 2003).⁶ Whereas conventionally a high sum had been considered as a claim to a higher status (Maher 1974), especially among higher educated, professional women, registering a high dower has become criticized as “the sale of women.” In those circles, where women do not need a dower for their economic security, registering a very low, symbolic amount has become a sign of modernity, while the bride may still receive expensive gifts (Moors 2008).⁷ Also in more observant Muslim circles, a small sum of money is considered as closer to the prophet’s *sunna*, as it facilitates marriage.

In short, in Muslim majority countries, political and economic change, including the greater access of the younger generation and women to education and employment, have had an effect on Islamic marriages. The strongly gendered nature of such marriages, including institutions such as the *wali* and the dower, have become a topic of discussion with new trends emerging. Yet when these institutions do not only travel through time, but also move from the Middle East to Europe, they are further resignified (see Elmourabet, this volume). Converts to Islam, in turn, not raised in Muslim families, face particular challenges.

Women converts entering into an Islamic marriage

In contrast to the situation in most Muslim majority countries, concluding a Muslim marriage in the Netherlands is only an ethical and not a legal practice (Moors and Vroon-Najem 2019). Such a marriage is not recognized as a legally valid marriage, and hence does not produce legally enforceable rights and obligations.⁸ When converts reflect on how they entered into marriage, there is a wide range of positions that emerge. We first present two divergent cases, not because they are representative for convert women in general, but because they highlight major differences. Let us start with Mina’s marriage story, as a strong example of someone who was already familiar with the concept of an Islamic marriage when she started to look for a husband. Yet in spite of being well-prepared, after the conclusion of her marriage, she nonetheless was disappointed and felt deceived. While her sense of deception colors her narrative, the ways she engages with the *wali* and the dower is a good starting point to shed light on the specific positionality of converts.

Mina, whose father—a non-practicing Turkish migrant—had died when she was young and whose mother was not a Muslim, converted to Islam when she was in her late twenties. A year later, she became active in a small association of strictly observant convert women. At the time she still had a boyfriend, “a Turkish cultural Muslim,” as she said, but when he did not want to marry, she ended the relationship. Then she started to look for a husband “the normal way.” She made a checklist of what questions to ask possible candidates and found a man who could be her *wali*, an older Egyptian brother, who had also functioned as *wali* for other women of her group.

First, he would check the men—they came through mutual acquaintances—whether they drank alcohol and so on, and I would ask about their housing situation, their work, how they like to spend their time, how they would deal with cultural difference in communication. I think I met with eight men, but it did not work out: one subjected me to a cross-examination about Islamic knowledge, another one, wearing jeans and a leather jacket, asked me to wear niqab... another one wanted me to work as he could not find work at his level... I feel that if we observe Islam we have to do so consistently, not half and half..⁹

She then met her future husband through a close girlfriend. This time, the girlfriend’s father functioned as *wali*, and his wife was also present.

The first conversation went well. I had asked whether he had papers, and he said that was all arranged for, he had work, he liked having a family and wanted children. I also wanted children as soon as possible. I asked him to be open, not to hide stuff. Then I called the imam of a mosque where, at the time, they did Islamic marriages with a written contract. I asked one of the imams to inquire about him. And I also wanted to talk with his family, so I went to meet his aunt. We had three conversations in person and many by telephone, and then we agreed [to marry].

When Mina reflected in more detail about the preparation of the marriage, she highlighted how things started to derail:

I took the imam as my wali for the marriage, that turned out to be a big mistake! I wanted a dower of 2000 euros. I had asked around and the average Moroccan dower was 5000 euros. That I considered too much, but you also should not give yourself away for free. I never received the 2000 euros. He had agreed to the dower, but when we were in the mosque he said that he did not have it... Then the imam wrote [in the contract] that it could be paid some months later. If he had been a good wali he would have said: “that is not in your interest” and he would have checked better! A wali is good for advice, but you cannot really trust him because he is not as your father, you have to be a wali for yourself.

In contrast to most of our other interlocutors, Mina had prepared a list of conditions in writing that her husband needed to agree to. But this also did not work out as she had planned:

Next to the normal obligations that he would work and provide a house, I also had specific conditions... The marriage would only be consummated after the house was ready, I can continue with our women's group, can study and work, can go to lectures, can also visit non-Muslim girlfriends and my family, we will also marry according to Dutch law, and we will not do hijra [emigrate to a Muslim majority country] during the first seven years and only when we have the financial means to do so. The imam had said, that he had agreed with all my demands. But things turned out differently. I had wanted to sleep separately till the civil marriage, but when he returned from Morocco a few months later, he moved in with me. I thought it was OK and we started to plan the walima (festive meal to announce the marriage publicly) and the civil marriage, whom to invite, what will we eat... And then after ten days he suddenly told me that I need to have an income... Then it became clear that his papers had not been renewed, "you have to help me", he said. The same evening I discussed this with my close girlfriends and the next day I demanded my key back. Also because it did not really feel good during those ten days, not as if I really had a partner. He wanted me to pay, while we had agreed that as the husband he would be responsible for the household expenses... I was so angry... I said: "you'd better leave or I will kick you down the stairs". I also said you do not need to give me the dower, but I am not going to give it up either... you will have a big problem on judgement day!... If he had apologized, if he had tried, I may have forgiven him, but he never intended to stay together. I had expected him the next day with chocolates and flowers, but none of that... Then it turned out that I was pregnant, [which means] you have to wait nine months for a [Islamic] divorce.

She was again disappointed in the imam who had been her marriage *wali* when she turned to him for a divorce:

When I wanted the divorce, the imam considered it talaq (then you have to stay together till the end of the waiting period), but I said, he did not give me talaq, I have thrown him out, that is khul' and then it is immediately done and over with.¹⁰ I would have to return the dower, but I had never received it! And I would not have given it back anyway, because he had lied to me! [I said to the imam:] "You should have checked him!"

Yet her disappointment with this particular imam did not change her view on the importance of the figure of the *wali*. As she was much against the idea of unsupervised gender mixing, she had immediately involved a *wali* in the process of dating. And when we asked Mina if it would not have given her more security had she concluded a civil marriage first, she explained that doing so would not make sense.

“No I would not advise others to first do a civil marriage, for that you need to make all sorts of arrangements together, and then it is better to be already Islamically married.” In the end she turned to another imam to support her, and an Islamic divorce was quickly arranged.

Zahra’s narrative is a strong counterpoint to that of Mina. From an African Christian working-class background, Zahra was born and raised in the Netherlands. When she was seventeen, she fell in love with a Turkish-Dutch classmate. Two years later they broke up, as they could not envisage a future together, but within a few months they got back together. In the meantime, Zahra had started to read about Islam, and decided on her own to convert. Soon thereafter, they entered into an Islamic marriage, so they could live together.

“In hindsight,” she said, “I married too quickly,” even though they later also concluded a civil marriage and are still together. She knew that an intimate relationship is only allowed if you are married, but she had no clue about how to actually conclude an Islamic marriage.

I thought my husband would know, but as he told me later, he really did not know either. But he did know an imam who was willing to conclude the marriage. It was all done very quickly and informally. I was sitting with my sister-in-law in a different room at his parents’ house, then I covered my head and entered the room where the imam, my husband, and his father were sitting. I was surprised that the imam only spoke Turkish... My husband told me to say yes three times, and that was it.

It all had happened very quickly. Over time, Zahra started to wonder whether the marriage was actually Islamically valid, particularly in regard to the presence of witnesses, and, if not, whether they would need to do the marriage again.

Well, if you include the imam, there had been two male witnesses. And the wali? That did not matter so much for converts. It could have been the imam. A dower was not discussed... Later, my husband said that he thought that was something cultural, something Turkish ... So we asked another imam and he said we should marry again. Then we went back to the imam who had married us, but he said it was not necessary to marry again, all that really matters is the agreement of the bride and the groom...

About five years later, they also concluded a civil marriage, so they could do the hajj as a married couple. But they never celebrated a wedding.

Turkish people see concluding the contract more as an engagement, they do the wedding later. [At the time of the Islamic marriage,] his parents thought it was all too quick. They were wondering: “who is this girl? Who is her family?” They probably thought it wouldn’t

last a week... In the end we never did a wedding, but later his family brought me some gold from Turkey...

Considering an Islamic marriage as an engagement resonates with practices in Muslim majority countries. In more conservative families, couples often use the time period between concluding the marriage contract and the public wedding to get to know each other, with cohabitation only considered socially acceptable after a wedding has been publicly celebrated.¹¹ Converts in the Netherlands, in contrast, often cohabit immediately after the contract has been concluded, sometimes with a *walima* (festive meal) on the same day.

In short, the knowledge that our interlocutors displayed about an Islamic marriage differed considerably. They were all well aware that having an intimate, sexual relationship outside of marriage is Islamically prohibited (*haram*). Once they had become interested in Islam and had converted, those women already in a relationship with a Muslim partner, wanted to turn such a relationship into an Islamic marriage as soon as possible. For some men, to which our interlocutors would often refer with the term “cultural Muslims” (that is non-practicing), such a marriage was not what they had in mind when they started the relationship. If women insisted on an Islamic marriage, this then often meant the end of the relationship, as is evident from Mina’s narrative. In other cases, such as that of Zahra, whose partner was a practicing Muslim himself, the couple agreed to quickly enter into an Islamic marriage. How to enter into such a marriage was then the next question. Mina had strongly emphasized the need “to know your Islamic rights.” She herself had insisted on including conditions in her marriage contract, was in favor of a substantial dowry, and expected her husband to take on his duties as maintainer of the family. Others, like Zahra, simply relied on their partner and what was common in his social circle.

Selecting a *wali*

Our interlocutors differed in how they signified the figure of the *wali* and his tasks. As mentioned before, in Muslim majority countries there is a fixed order of men functioning as *wali*. Usually this is the bride’s father, who is also responsible for, and has authority over, his daughter prior to and, to some extent, after marriage. If, in contrast, the marriage is concluded by the sharia court judge, the latter only functions as her guardian at the moment of the conclusion of the marriage contract. As Mina’s case indicates, she did not simply have a *wali* for the marriage contract, but also appealed to a number of men to function as *wali* during the dating period, and had expected support of her marriage *wali* when she faced problems after marriage. From her comment “A *wali* is good for advice, but you cannot really trust

him because he is not as your father” it is evident that she considered the role of the *wali* as similar to that of a father. Zahra, in contrast, was not aware of the figure of the *wali*, and the imam who concluded her marriage—most likely adhering to the Hanafi school, the dominant law school in Turkey, that allows for marriage without a *wali*—did not discuss this with her.

The main problem a woman convert faces is that her father or other male kin are not able to function as *wali* because according to the majority opinion the *wali* for a Muslim woman needs to a Muslim man.¹² In particular for women who are critical of gender mixing (with non-mahram men) this poses problems.¹³ And whereas in Muslim majority countries, the judge of the shari’a court is to function as the marriage *wali* for a woman convert, there is no such institution in the Netherlands. So how to select a *wali*?

Some women, like Zahra, left it up to their husband to deal with this issue. As a result the *wali* may well turn out to be his father or his brother. This then goes against the grain of the function of the *wali* as the one who is to protect the wife and to defend her rights vis-à-vis the husband. Some of our interlocutors, such as Petra, point to the tensions that may then occur. When she was twenty, Petra had converted to Islam; in her words, “it was simply a feeling in my heart... I did not yet have Islamic knowledge.” A few years later she entered into her first Islamic marriage.

The first time I married was with a man I met in Morocco, I had travelled there with a girlfriend, also a convert, and her Moroccan-Dutch husband for vacation. When I saw his brother, it really was love at first sight! Three days later he proposed to me. His father then suggested that we should travel around for a bit to get to know each other better... Then I got all the papers I needed from the Netherlands and we prepared for the Moroccan marriage... One day my father-in-law had bought me a new dress and we went to the imam... My husband’s family had arranged everything. My husband also suggested that his father would be my wali, I liked him so I said, “fine with me”. Later I discovered that my dower was 200 euros, I had no idea about that, and I only received it when we divorced.

Reflecting back on this episode, Petra had become more critical:

Only after the marriage had failed, I realized how important a wali is. I was very naïve when I married, I thought that all Muslims were righteous people... In hindsight I see that it is very convenient that a convert does not have a relative as wali who would defend her like a Moroccan father would do for his daughter... I said to a sister¹⁴ who is planning to marry next week, “please be aware who your wali is”. It really is not smart if your wali is one of your husband’s relatives, he will always defend your husband, take his side. I would advise, choose an already married girlfriend with whom you are close, whom you trust and ask whether her husband can be your wali. That is how I have done it the second time.

Another possibility is to opt for an imam as *wali*. This may seem a good choice as it would be someone with Islamic knowledge and religious authority. Yet Mina was seriously disappointed in the imam who had concluded her marriage. In her eyes he had failed to protect her. She felt that he had focused more on her husband's interests than on hers, both with respect to the dower (allowing for delayed payment) and the divorce. In hindsight she had even become suspicious that he may have known that her husband had wanted to marry a convert to facilitate residency rights.

But others had more positive experiences with an imam. Take, for instance, Roxana, who did not want to involve a *wali* in the dating process, but had an imam as her marriage *wali*. From a working class background, she had always had a lot of Moroccan-Dutch friends. In her early twenties she converted to Islam:

In the beginning, there were lots of men who wanted to marry me. But I said I was not interested. I did not have a wali, I always felt very uncomfortable about that idea. It is not someone you know well, it is a man, and I would be embarrassed to explain to him why I did not accept an offer... It is something unfamiliar to me to meet someone through others, I feel that I am still very Dutch in that respect. I also cannot imagine that if you have problems with your husband after marriage, you would discuss that with a wali.

Instead, she decided to try a Muslim online dating site:

I met a few of these men in person, but always with a third person present, usually a girlfriend or my mother... This is also how I met my current husband. We first talked online, then after two months sent each other a photograph, then we met in person, taking long walks in the park, and a few months later, after his family had met me, and my family had met him, we decided to do an Islamic marriage.

Roxana had some demands when she started online dating. Her husband had to have residency papers; otherwise she would worry that he only wanted to marry her for that reason. He had to have work, be able to maintain a family, would have no problem if she continued part-time work, would not be married already, agreed to also do a Dutch civil marriage, and, most important to her, he needed to accept her non-Muslim family. Later, when Roxana's mother joined us, the conversation shifted to the conclusion of the contract in the mosque. Her mother, who had also been present, described the setting.

It was very informal in a small office above the mosque[*'s* prayer hall]. My husband, Roxana's father, would have come too, if he had known that. We thought it would take place in [the prayer hall of] the mosque with men and women separated and we do not do that...

Roxana then explained how arrangements had been made:

Yahya [her husband] also did not know that. He had simply made an appointment, he had to bring documents. As I did not have a wali, Yahya said, I know this imam well. He always prays in this mosque. He said that he was sure that I would feel at ease with him as my wali... I had been hesitant at first, an imam as wali ... and I had never met him before. But even my mother said afterwards, "that was a really nice imam, so friendly and open," he was chatting with her, asking her about how she felt about the marriage...

Her mother added:

I really felt involved... I said, "I support it, it is not a whim." He asked whether Roxana was a believer... I felt he was sincerely concerned, whom am I marrying, is this really serious, can I support it... Because he does not really know her. It is also a responsibility for him.

Turning to the dower Roxana explained:

The imam immediately asked about it. We had agreed that I wanted a very beautiful ring. The imam asked whether I had received the ring. I said no, and then he turned to Yahya, "why did you not give her the ring yet?" But we had agreed that he would go to Morocco some months later and I wanted a Moroccan ring because there they are really beautiful. Then the imam asked whether I had agreed to that, and Yahya had to set a date when I would receive it. They changed that in the contract and printed a new copy. And he asked me whether I understood Arabic, I do not, and then he stood next to me and explained everything in the contract.

Roxana's ideas about the function of the *wali* diverged from those of Mina, as she only had a marriage *wali* to conclude the marriage contract on her behalf, while Mina had involved a *wali* in the dating process. Her experiences were also very different, far more positive, as both she and her mother were very pleased with how he tried to involve her mother in the process and how he was concerned about her dower.

Some converts, highlighting that the function of the *wali* is to protect the woman, would avoid a *wali* who was from her husband's family or his social circle. Looking for a *wali* who would be "on their side," the most common solution was to ask the husband of a close female friend to function as *wali*. This may turn out to be an imam, if the woman concerned was already on friendly terms with his wife, as was the case for a few of our interlocutors. But more often they may try to involve the husband of a close girlfriend in the process. This is what Petra, whose first marriage had fallen apart when they had come to live in the Netherlands, did

when she entered into a second marriage. Her new husband was also a convert to Islam, the son of non-Muslim migrants who had grown up in the Netherlands. Just like Petra, he was well-educated.

I had met him through a Muslim dating-site. This time I did not follow my heart but used my mind. At our first in-person meeting he had brought an imam as wali, I felt a bit intimidated, this imam had studied in Medina. Then the next time I brought my girlfriend and her husband along. At the third meeting he proposed marriage and five days later we were married. We went together with two witnesses and my girlfriend and her husband (who functioned as my wali) to the house of an imam, my husband knew him already. The latter gave me the marriage contract to read (it was in Arabic and in Dutch), and an envelope with 1000 euros, that was the dower. I had wanted that amount, because I had wanted him to make an effort...

Still, her expectations that the *wali* would also be someone she could turn to later if problems emerged, did not materialize. As she explained, her *wali* had become involved in a “more extreme” form of Islam, something she did not want anything to do with, had left his wife, and had disappeared from her social circle.

Engaging with the dower

For many of our interlocutors the dower is a strange and unfamiliar concept. When Zahra’s marriage was concluded, no dower was mentioned. Her husband had thought it was a Turkish “cultural thing” and the imam did not seem to have paid attention to it either. Again, his Hanafi orientation may well have played a role, as this school of law does not consider the dower a condition for marriage. Perhaps the Turkish gold she received years later from her husband’s family was considered as such. Mina, in contrast, had no problem with asking for a considerable amount of money, 2,000 euros. She was quite critical of women who did not care about their financial rights.

Some sisters ask a niqab as dower, that is stupid, or a Quran... Ask a sum of money, 500 euros, 750 euros, the equivalent of one month rent... if he cannot even pay that how serious is he then? I would ask one month minimum wage at least, you [the husband] have to be able to fulfill your duties to Allah. Those duties include also my right to maintenance. I get really angry if I hear people say, he is a good brother, he has no papers but is good with his iman [faith]... It is her right that he maintains her, that is the division of tasks Allah has arranged for... Sometimes they cannot even maintain one wife, and take a second one. I would never accept that.

Whereas a few of our interlocutors also insisted on receiving a more substantial dower, as Petra did when she remarried, most of them did not feel comfortable doing so. It is true that a few of our interlocutors received a large sum of money, up to a rather exceptional 5,000 euros, but, in that case, it was often the husband or his family who themselves *offered* to pay such an amount, having the financial means to do so. In the case of the woman who received 5,000 euros, for instance, her husband was financially secure as the owner of a thriving shop, and the couple had already been together for some years. Many, however, received sums that were considerably lower, often amounting to only a few hundred euros, something women from Muslim communities and their families would often consider unacceptable.

Still, their unfamiliarity with the dower was not the only reasons why convert women did not ask for a high amount. In many cases it did not make sense to them to ask for or receive a high dower, as they themselves earned more than their husbands, and hence would not need the dower as a financial guarantee. Some also presented the very same arguments as common among well-educated, financially secure women in Muslim majority settings. They felt that paying money does not fit their ideas about a companionate marriage in which affective feelings rather than material concerns matter most. One rather common solution was then to turn the dower from a sum of money into a valuable gift, such as the expensive ring Roxana had asked for, an item that also non-Muslims would consider an appropriate marriage gift.

Some of our interlocutors presented yet another take on the dower, framing it in explicitly Islamic terms. They referred to prophetic ahadith (pl. hadith) to argue for a modest dower to facilitate marriage,¹⁵ or included religious services, such as the promise of the husband to learn part of the Quran by heart.¹⁶ Benthe, who had lost her job when she started wearing a khimaar [large veil] in the Netherlands, had met her husband online. When she went to visit him in North Africa where he was living, they decided to marry. Her *wali* was a relative of her husband, but in her words, “someone who really wants to live according to pure Islam, who does not like cultural things.” About her dower she said:

I really have a very low dower. I had asked for the equivalent of 50 euros, salaries there are very low and he was out of work, so he even had to save money for that... But the day before the marriage, the wali said, we do something else, he also needs to memorize the last part of the Quran. Isa [her husband] then asked me, “what do you think?” I thought that was really beautiful, so it was the 50 euros and memorizing part of the Quran. But Isa thought he needed to have that done the next day... He called my wali and said “I cannot do that!” Then two hours later, they incidentally met each other and the imam said, “I do not understand why you cannot do it”... Then Isa said “how can I do that before tomorrow?” The answer was, “it is not before tomorrow but within a year!” That was such a relief...

Sometimes, an imam would encourage a woman to take the material value of the dower seriously. The case of Warda, for instance, shows how an imam tried to convince her to ask for a sum of money, which she keeps avoiding. Warda had already lived together with her partner before converting to Islam. She had first entered into a civil marriage, but then still not considering the relationship *halal*, decided to also marry Islamically. She knew the wife of an imam, and the latter became her *wali*:

When he asked whether we had already discussed the dower, I said, yes, I want the tafsir of Ibn Kathir. He said, only that? You do not want more? I said, no, that is fine. He kept repeating, "Why not? It is your right. You can ask whatever you want, what else do you want?" I said, "well then also Sahih Bukhari". He said, "only that?" Ok then also Sahih Muslim. He said, "are you sure? It is your right, he has to pay, he cannot marry you for free"... I said "it is fine like this", so I ended up with three hadith collections. Then he asked him, "do you already have it or are you still going to get it?" They also write that in the contract...

In these cases what mattered was religious merit rather than a material guarantee. But something of religious value could also be quite expensive. A strong example is that a few of our interlocutors asked their husband to commit to paying for their *hajj* as dower.

In short, many convert women had very limited knowledge about the conditions of an Islamic marriage, especially when it was their first marriage. They usually married a born Muslim from a Muslim majority country, who for convenience's sake often suggested one of his close relatives as *wali*. Some converts who were active in mosque circles approached an imam to marry them, while women with more experience considered asking the husband of a close girlfriend. Marrying a (post-)migrant also had an effect on the dower. As these women were often in a stronger position with respect to financial resources and legal position, they did not need the dower as source of security. Instead of a considerable sum of money, they often either preferred a substantial gift, such as a beautiful ring, or they would receive only a small or symbolic dower. Those influenced by the Islamic revival may also opt for a dower that had a strong religious meaning. Yet, also in the case of the dower, more experienced, remarrying women would often prefer a more substantial sum of money, also in order to test the seriousness of their suitor.

Acting as *wali*: imams and lay men

Because women may turn to imams or other men with religious knowledge to function as *wali*, we also interviewed eight men who had experience with functioning as the *wali* of an unrelated woman. Some of these men are imams connected to

mosques; others are well-known in their communities. Four of them were converts, the other four born Muslims from different ethnic backgrounds. All were fluent in Dutch and were well-aware of the local situation. Judging from the stories of many of the women converts we have talked with in the course of our research, there are also many imams who function as *wali* without much explanation of what it means, and the women who opted for such a “fly-by wali,” usually someone suggested by their husband-to-be, would neither see him before or after the conclusion of the marriage. The men we interviewed took this task more seriously. They all considered their *wali*-ship as a serious responsibility and actively engaged with the couple. They also generally agreed that it is not easy to be the *wali* of an unrelated woman. Imams often felt obliged to do so because of their position, while others did so out of a sense of religious duty.

All of these religious authority figures agreed that there needed to be a *wali* for the marriage to be valid. Referring to the sunna, they often used the shorthand “no *wali* no marriage.” As one of the imams, attached to a larger mosque, explained:

If we talk Islamic marriage, one of the most important conditions is the permission from the wali. Without a wali, this [marriage] is impossible because our prophet, peace be upon him, has said “if a woman marries without the consent of her wali, her marriage is invalid, her marriage is invalid”. This is black and white. So the wali has to be there, at all times, and whether the marriage takes place in the Netherlands, the Middle-East, Morocco or the United States, that does not matter. The function of wali has to be fulfilled.

This imam, of Moroccan-Dutch background, evidently did not agree with the reforms of Moroccan family law that allow for a marriage without a *wali*. Whereas the Hanafi school also historically allowed for a marriage without a *wali*, those men who themselves follow that school would nonetheless also advise against a marriage without a *wali*. As one of them explained:

Yes Hanafi law allows for a marriage without a wali, but I do not tell them that...

It is still sunna, it is advised to have a wali, and with the other [three] madhahib it is mandatory. So I will not promote not having a wali. I think people would take advantage [without a wali]. Perhaps it is not an obligation [in Hanafi fiqh], but it still is much better to have a wali.

One of the imams, who also teaches courses about marriage, further elaborated:

When I conclude a marriage, I try to choose a safe opinion. We live in the Netherlands, not in Turkey [where the Hanafi school of law is prevalent]. In Turkey it would be different.

There, I would not object [to a woman not having a wali] but if you have a wali, you are always safe. So I will not conclude a marriage without a wali.

Turning to the responsibilities of the *wali*, our interlocutors interpreted the task of the *wali* in different ways, just as the women converts did. Some would consider their task as limited to the moment of the marriage itself; others would also feel that they had a certain responsibility during the “dating period” and/or in case of problems after marriage. Some would become involved in negotiating the amount and the nature of the dower, or advise on conditions, whereas others considered that as something the couple itself should negotiate. Yet whatever they themselves considered desirable, they also had to acknowledge that in everyday life their authority as *wali* was limited, only based on the powers of persuasion.

One of the main points of contention in a Muslim minority setting such as the Netherlands is who should function as *wali*. Should it be someone with a position of Islamic authority, such as an imam connected to a major mosque, or may the woman choose someone from her own social circle, such as the husband of a girlfriend? Our interlocutors presented a variety of positions on this issue, especially when they explained how being a *wali* functioned in practice. The aforementioned imam of the larger mosque argued against a woman choosing the *wali* herself.

It has to be someone with knowledge of Islam, you cannot just take anybody of the street [and ask] “Do you want to be my wali?”, that’s impossible. He [the *wali*] has to have knowledge [of Islam] to be able to judge the brother. If you have no knowledge, how will you be able to judge whether or not someone is good? That is a wali’s duty. If I am someone’s wali, I will not give a sister away to a brother if I know he is bad. That is my responsibility. I will not do it if I see he does not meet the mark. Simple as that. Same as from the perspective of a father. My daughter, my dearest, I want to give her away to someone good, not just to anybody. In other words, a father should not give his daughter to someone who is drinking, or does not pray, or someone using drugs. That is the same for the wali, he will not do so either.

There was also another line of reasoning, one of our interlocutors, much respected as a teacher of Islam, presented:

They say, “[the *wali* is] the husband of my girlfriend”. Then I always say, “you cannot choose a wali yourself”. The intention [is] that he does not simply agrees with you, he has to be businesslike. If it is the husband of a girlfriend, he will no longer be objective... A Muslim woman also has no choice, it is her father. But then if she insists [on the husband of a girlfriend as her *wali*] I will talk with him, whether he is aware of his responsibility... But in my opinion, it should be a religious figure, well-known, honest, trustworthy....

Our interlocutors generally considered taking on the task of a *wali* as a difficult and often ungrateful duty. One main problem is that an unrelated *wali* will always be a stranger to the woman concerned, and lack the authority that either a father, or a judge in a shari'a court, would have. As one of them explained:

It is a good deed, for sure, but I am a control freak, I like to have control, and as a *wali*, you do not have control. I do not like that. I have no means to exert pressure. If I look at the *fiqh*, I should look after the woman's interests. So then I have a certain vision on what is best. And if she says "no" [to that vision], I will ask to be relieved by her from my duty, or I quit myself and send her an e-mail. It is okay, it does not bother me too much but it is a pity that such a convert sister will make a choice that can hurt her, for instance if she wants to marry a brother I have not even met. First they ask if I can have a talk, but then they are madly in love and just want to go ahead. Very complex situations but they [these women] just go ahead.

Another convert man, respected for his Islamic knowledge, but not holding the position of imam, shared similar stories. He elaborated on his experiences when he was asked to act as a *wali* for a young, in his words "somewhat naïve," recently converted woman, who was not in a very stable situation. She was struggling with her parents about wearing a headscarf and was having a rough time. Then she wanted to marry someone she had only known for one week.

The guy [she wanted to marry] had a history with violence, and she knew that, but she was all woohoo [in love] so she went ahead.... She asked me if I could have a talk with him, to check his character, and I immediately sensed his aggression, which he also admitted to, so I warned her [not to go ahead]. But it is complicated. It is true that you function as a *wali*... [and] if she were a born Muslim, her father would not agree. But she is not my daughter so I cannot say "you cannot go ahead", and I know she will not have anyone stand in her way. She told me that if I disagreed she would marry him without a *wali*. That's even worse. So that is the dilemma.

The same interlocutor recounted another story where his efforts, again, did not render the results he had hoped for.

We [he and his wife] were taken by surprise with a situation when a brother and a sister [in Islam] were getting acquainted here [at their home]. He seemed a really nice and decent guy. She was just converted and they both wanted to grow [in the religion], they liked each other, were attracted to one another, the conversation went smooth, they could laugh together, but at a certain point he confessed that, every now and then, he smoked weed. She used to be very much against drugs but all of a sudden, she glossed over it like, "oh

well, if he smokes some weed once in a while... [that's OK]". So I was like, "No, wait a minute", but she wanted to give him a chance. We got a WhatsApp message: "Thank you for your time but we will start seeing each other on our own, we like it better that way". We had planned to get his mother involved, as a next step, but they liked it better by themselves. As an unrelated wali there is not much you can do. [After these experiences,] I have decided to think a hundred thousand times before I say yes when someone asks me to be her wali.

Because being a *wali* can be such a tough task, our interlocutors often emphasized the importance of involving the couple's families in the marriage process, as the imam who had married Roxana had done. Some of them also pointed to earlier bad experiences if a bride's parents had not been consulted. As a convert imam explained:

You cannot do such a thing [a marriage] in a vacuum and expect it never to come up again. All you need is half a comment on Facebook and your whole family is up in arms. You cannot keep it a secret for half a day! I understand it is really difficult to say, but [I always say] "please, [involve your family or] you will run into trouble".

In a similar vein, another imam told us:

The girl is converted, she doesn't have a wali, [in such a case] people always find me. One of the first things we do is an intake and the first question I ask is "Is it a secret relationship? Do your parents know?" ... If two people marry, two families marry. The fact that the girl does not have a wali, does not mean that she should not stand up for her rights. So I always ask "Who knows about it?" If they say, "Just friends and colleagues," I will ask further, "Why do they not know it?" [They say things like:] "At home, I'm the only Muslim, if they know, I will have a problem, they will never consent." They find it all very difficult. But no matter what, they are your parents, they have raised you, they have given you the chance to convert, at least they have a right to know. They [these women] are often scared [of their family's reaction] so then I offer to call their parents, or visit their homes, why not? A few times, it came to that.

Women converts often prefer to leave their parents in the dark, also because of the often very negative media coverage of Islamic marriages. Instead, they present the new husband as a "boyfriend." But based on negative experiences with that scenario, most men acting as *wali* disagree. In some cases, however, they might consider the risk of *zina*—unlawful sexual relations—that would result from the lack of an Islamic marriage even more undesirable, and hence give in and support such a marriage.¹⁷ Another way of dealing with the pressure they experience, also from

the Dutch legal system, was to point to the legal obligation to have a civil marriage first.¹⁸ When making general statements, imams would usually argue in favor of a civil marriage not only for legal reasons, but also to prevent young, inexperienced converted women from being exploited by men who are only after a quick sexual relationship. Yet when turning to particular cases, when the imam knew the future husband as honest and well-intended and in particular when the families were informed of the marriage and had agreed, the imam might consider it.

Another question that emerged was whether these men acting as *wali* should have a role in the dower negotiations and what position should they then take. Also in this case, the opinions of our interlocutors varied, as there are no unequivocal Islamic guidelines. The common advice given to converts is to either ask their Muslim girlfriends what they would ask, or alternatively, to ask what is common in the socio-ethnic group of the husband-to-be. As one imam explained:

I always say, the more specific, the better. Sometimes they [converts] want something symbolic. That is nice, masha Allah, but I want an amount. And if they say "I do not know" than I advise to ask their girlfriends what is common. Then they hear [high] amounts and say "I had no idea", and then they ask for a lower amount. Which is not the way it should be, because she is as worthy as any other Muslima, so why should she settle for less? We should not commit such an injustice and there we see the [importance of] the role of the wali: the strength of the wali is that the wali can negotiate. Because the woman will not negotiate, she wears rose-colored glasses, butterflies in her stomach, Prince Charming ... There is the role of the wali. I would leave it [the decision about the amount of mahr] to the wali.

Stressing the same point, specifically in regard to the oftentimes problematic intersection of convert women's unfamiliarity and unease with the concept of mahr, one convert *wali* explained:

[As a convert woman] you do not have to say "Look at what a God-fearing person I am, I just ask 50 euros." You can ask whatever you want. Then they ask, "What do you think, 600 or 700 euros?" Then I would say, "Let's do a 1000 euros, that's completely fair." But women are ashamed to ask for money, [in their perception] that is impossible.

There are also men acting as *wali* who consider a symbolic dower more appropriate, although only if the woman consents. As one of them explained:

The mahr is a simple but complex situation. The marriages in which I was involved, a symbolic amount was accepted. If they [the couple] agree [on the amount], then I do not have to give my opinion. But if I would advise, I would advise a symbolic amount, which [also] can differ from situation to situation.

Stressing the need for flexibility, he added:

You need to approach the mahr tactically, it is not just ticking a box, you need to bring the hearts together. I favor a tactical solution but there are other opinions, [such as] to look at what is common in the community [of the husband-to-be]. But I consider it a kind of goodwill. The concept of mahr is also a protection, and important for sure. But I consider the symbolic value more important than whether a couple of thousand euros is handed over. That would be my advice if the brother makes a modest living. And if a brother is well-to-do, then by all means, do it more elaborately.

It is evident that being a woman's unrelated *wali* is a demanding, often unrewarding task and a heavy responsibility. It may be time-consuming, especially if they are also drawn into the dating process. Moreover, because such an unrelated *wali* is not a woman's relative, his wife may also become involved. Still, whereas schools of law present different opinions about whether a *wali* is obligatory, in the Dutch context it is hard to find those who would *explicitly* state that a woman does not need a *wali*. Even those aware of this Islamic option, including those who consider themselves Hanafi, do not publicly propagate it. The narratives of convert women also indicate that, in individual cases, their position is ambiguous. Some women recall that not only was their marriage concluded without mention of a *wali* but the function of the *wali* was also never explained to them. Imams and other religious authority figures who publicly disagree with women selecting their *wali* themselves, also realize that they can only try to persuade couples not to do so, or, as a last resort, refuse to attend the marriage. They are well aware of the fact that the woman may find another *wali* ("go *wali*-shopping"), choose someone who does not pose difficult questions, or marry without a *wali*. As a result, even one of our interlocutors who had studied Islamic law in Medina stated that, in his opinion, the approach to Islamic marriage in the Netherlands should not be too legalistic (*fiqh*-oriented).

Conclusion

The narratives presented here shed light on how a religious institution, such as an Islamic marriage, that emerged at a particular time and in a specific setting, becomes intelligible for converts in contemporary Europe. Whereas Islamic marriages are flexible institutions (with legal schools holding different points of view), and the *wali* and the dower have been part of reforms of Muslim family law, religious authority figures in the Netherlands tend to hold on to a relatively conservative perspective, considering both the *wali* and the dower obligatory. Yet, as the Netherlands does not recognize Islamic-only marriages, these men of

religion only have the means of persuasion at their disposal to enforce their points of view. Hence in practice, they show considerable flexibility in how to deal with the *wali* and the dower.

When an Islamic marriage moves from one spatio-temporal context to another, it becomes enacted and resignified in settings where the political and economic context is very different, and where the subjects involved may well have different aspirations and concerns. This is already evident in the Middle East where economic and political change has affected family and kinship relations, resulting in the decreased centrality of the *wali*, and sometimes to registering a symbolic dower. Such a resignification is even more pronounced when these institutions travel to secular Europe, and in the case of converts, who did not grow up in a Muslim family, with a particular saliency. The kin relations and family economics that were central to marriage in the early days of Islam in the Middle East are absent in the Netherlands. Women converts recognize that a good relationship with one's parents is highly valued in Islam, but they are not dependent on their own family in a material or a legal sense. Their fathers cannot function as *wali*, and they do not need the dower for economic protection because they are often in a stronger economic and legal position than their migrant husbands. As a result, converts may simply accept a relative of their husband as *wali* and many try to minimize the dower, also because they consider a marriage based on affection to be in tension with such material demands.

Yet, temporality also matters here in a different sense. When women converts become more experienced, they are often more intent on claiming their Islamic rights. They become more selective in the choice of the *wali* and may insist on a more substantial sum of money as dower. This also may turn into a collective process, with women converts (and the women's groups they attended) increasingly aware that they may be taken advantage of. A similar shift is visible among religious authority figures. Whereas earlier some were in favor of an Islamic marriage as always better than an illicit sexual relationship, they have become more aware of the need to protect women, and women converts in particular. This is the more so for those men of religion who are themselves converts or, if their parents were migrants, have themselves been raised in the Netherlands. In the Dutch context then, the *wali* and the dower have been resignified. They are no longer considered as a possible kinship-based protection for women, but may function to ensure that the husband-to-be has serious intentions and protect women from men who only make use of an Islamic marriage for a brief sexual relationship, for economic exploitation, or to facilitate residency status.

Notes

- ¹ Such effects are part and parcel of the institution of marriage in general, see Cannell and McKinnon (2013) and Carsten et al (2021) for the transformative capacities of marriage. For Muslim marriages specifically see the introduction to this volume.
- ² Research for this project is funded by the ERC advanced grant on “Problematizing ‘Muslim Marriages’: Ambiguities and Contestations” (Grant number: 2013-AdG-324180). Vroon-Najem had started research about women’s conversion to Islam in the Netherlands and the politics of belonging in 2006 (Vroon-Najem 2014, 2019), while Moors has a long history of doing research on Muslim marriages and, in particular, the dower (Moors 1995, 2008).
- ³ There is some literature on the mahr in Europe (Mehdi and Nielsen 2011) but this deals only with the legal aspects and does not specifically focus on converts.
- ⁴ At the same time, the bureaucratization of the legal system, with its stronger formality, greater emphasis on written documents, and lengthy procedures, may work to women’s disadvantage.
- ⁵ In Malaysia there have been debates about whether dysfunctional fathers can claim the right to guardianship <https://pls.law.harvard.edu/holding-marriage-hostage-male-guardianship-in-muslim-womens-application-for-marriage-in-contemporary-malaysia/> (last accessed 20 December 2021) and In Pakistan, where the Hanafi school of law is dominant, marriages without a *wali* have been recognized after a long legal struggle.
- ⁶ See Kholoussy (2010, 24ff.) for earlier debates on “the marriage crisis” in Egypt.
- ⁷ In some settings, such as in Iran, very high sums are registered, but not paid; there, women may use their husbands’ indebtedness to them as a bargaining tool in the case of divorce (Mir-Hosseini 1993, 79ff.).
- ⁸ According to the Dutch Civil Code religious-only marriages are prohibited, with “religious functionaries” only allowed to conclude a religious marriage after a civil marriage has been officially registered (Article 68 Book 1 Civil Code). Van der Leun and Leupen (2009, 8ff.) describe debates in the field of law about the relation between civil and religious marriages.
- ⁹ All quotations have been translated from Dutch into English by the authors. They have also been edited lightly to increase their readability.
- ¹⁰ *Talaq*, often translated as repudiation, refers to a unilateral divorce on the request of the husband. *Khul’* refers to a divorce on the request of the wife. In the latter case the wife gives up (some of) her financial rights.
- ¹¹ Religious authorities underline that once the contract is concluded the couple is married, state authorities consider the couple married once the contract have been officially registered, and the community considers cohabitation as legitimate only after a wedding has been celebrated (Mir-Hosseini 1994; Welchman 2007).
- ¹² This is the majority point of view; very few religious figures argue otherwise.
- ¹³ A mahram is someone within the forbidden categories of marriage.
- ¹⁴ “Sister” and “brother” are common terms of address among Muslims; it does not refer to kinship, but to “sister in Islam.”
- ¹⁵ <https://islamqa.info/en/answers/10525/reducing-the-mahr-is-the-sunnah>. (last accessed: 31 July 2023)
- ¹⁶ <https://www.abuaminaelias.com/dailyhadithonline/2012/10/13/mahr-dowry-marriage-modest/>. (last accessed: 31 July 2023).
- ¹⁷ One of our interlocutors, who often concluded Islamic marriages, explained that he may do so in the case of a woman with a non-Muslim family, but if a woman with Muslim relatives disagreeing

with the marriage, would ask him, then he would not do so, as he would fear to get into serious trouble with her family.

- ¹⁸ This also needs to be seen in the context of the increased criminalization of Muslim-only marriages (Moors and Vroon-Najem 2019; Moors, De Koning, and Vroon-Najem 2018). Some imams of larger mosques were considering other options, such as asking for the official civil registration of the intention to marry or having the parties enter into a formal cohabitation contract.

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PART III

**Interfaith Marriage:
Religious Difference and
Multiple Positionalities**

The Intimate Politics of Publicly Staging “Mixed Couples”: The Gendered Racialization of a Poster Campaign

Shifra Kisch, Rahma Bavelaar, and Annelies Moors

In the spring of 2017, a poster campaign was launched in the city of Rotterdam with images of couples of various racialized backgrounds kissing intimately. Femmes for Freedom, a women’s rights organization that promotes marital freedom and the equality of men and women, in particular for, in their words, women from “patriarchal communities,” had developed the campaign concept and co-organized its realization. Supported by the Rotterdam City Council, the campaign was initiated by Ronald Schneider, the chairman of the municipal committee for housing and integration and a city council member for the local ethno-nationalist party *Leefbaar Rotterdam* (Liveable Rotterdam).¹

In this article we analyze how this poster campaign turns particular categories of the population, and the practices they engage in, into a problem in need of intervention (Bacchi 2015).² We use racialization as a key analytical concept to refer to a process of sorting and categorizing populations that produces and naturalizes hierarchical difference between them.³ As a technology of power, racialization involves a struggle over signification, that is the power to define. Questions center on how particular sections of the population are able to categorize and define others, and to impose an identity on them, which the latter are unable to escape from or undo (Fanon [1952] 1967; Hall 2017, 81). This is not simply an individual act, but it involves a process of objectification through interventions by “a third party,” such as politicians and statisticians (Fassin 2011, 425).

Depending on place and time, racialization may draw on markers such as religion, race, and culture, which are often hard to separate and function in similar ways (Lentin 2000, 96–97). Racialization uses “the figure of the body as the bearer of immutable difference whether or not this putative difference is represented as biological or cultural” (Brah 1993, 13). It does not only work through discourse, but also through perception, affective responses, and sensibilities, which accumulate and are internalized over time (Fassin 2011, 430; Navaro-Yashin 2009; Ngo 2016, 854). As a relational practice, it does not only turn certain categories of the population into

marked minorities, but simultaneously produces the majority population as neutral, the unmarked category (Amir-Moazami 2016; Scheer, Johansen, and Fadil 2019).

Racialized categories themselves may also be divided into those that are more and those that are less acceptable to the majority public; how these boundaries are drawn is context-dependent, historically and locally specific (Bader et al. 2011; De Koning 2020; Kundnani 2014; Mamdani 2004). In contemporary liberal secular settings such as the Netherlands, the former (more acceptable) are often labelled as liberal, moderate, or cultural Muslims and the latter (less acceptable) as conservative, Salafi, or radical Muslims. As will become evident in this contribution, also racialized categories may themselves take part in processes of racialization; the positions individuals take up in debates is not determined by their racial or religious background.

The poster campaign, a strong case of the ethno-religious categorizing of the population, is intricately linked to the inherent tensions in the concept of the liberal nation-state, that simultaneously draws on the rational discourse of the rights and obligations of individual citizens *vis-à-vis* the state, and the romanticism of sharing a feeling of belonging to the nation, often grounded in myths of origin and a shared past (Baumann 1999, 18ff.). The hyphenation of nation and state produces the notion that each territorial state is populated by a people with its own national culture. However, in practice, nation-states privilege some categories as the unmarked majority and marginalize and minoritize others, as marked.

In the Netherlands, these tensions have become further exacerbated with the culturalist turn in the 1990s that gained major strength in the early 2000s (Geschiere 2009). With most policy makers agreeing that integration is only possible if the Dutch national identity is more firmly established, and with the emergence of ethno-nationalism in party politics, this has engendered an increasingly strong majoritarian identity politics (Grosfoguel 2010; Tebble 2006; Vasta 2007). This has been accompanied by a shift from concerns about the public presence of racialized minorities to a more pervasive intrusion in their private, intimate lives (compare Fernando 2014 for France). The poster campaign provides a productive lens to analyze how the “soft” topic of love and intimacy, which for many has overtly positive connotations, may nonetheless function as a rather not so subtle means of exclusion of racialized categories from the nation.

In the following, we first turn to the politics involved in developing the poster campaign, that is the cooperation between Femmes for Freedom and Leefbaar Rotterdam. Whereas the campaign is a strong example of the gendered racialization of Muslims, this cooperation simultaneously lays bare the differential positions Muslims themselves may take up. The main focus of this contribution is on how the poster campaign targets particular categories of the population and their relational practices as a problem-space. Analyzing the work the campaign

does, we focus on how categorization and signification work through discourse and through particular styles of visual representation. We then turn to the shifting meanings and evaluations of “mixed marriages,” analyze how “mixedness” has come to be considered as a sign of integration, and discuss the implications of the turn from opposing forced marriages to “the right to fall in love.” We end with a brief note on the second poster campaign in Amsterdam, that further centers the theme of “love.”

The poster campaign and its protagonists

Disseminated on billboards, at bus stops, and elsewhere in the city, the posters present four young couples all intimately kissing in front of the iconic Erasmus Bridge in Rotterdam. The couples depicted are recognizable as “mixed” in terms of religion, race, or ethnicity. In two cases the women are wearing a headscarf that covers the hair completely, marking them as Muslim; one of these women is kissing a man with a kippa (and hence recognizable as Jewish), while the other is kissing a white man with short blondish hair. The other two couples are a brown woman with long straight dark hair wearing a style of dress that points to a South-Asian background, kissing a black man, and a same-sex couple depicted in a similar pose, one woman wearing a takshita dress and thus marked as being of Moroccan background, the other white with long blonde hair, wearing a blouse revealing a bare shoulder.⁴ All four images are accompanied by brief texts to ensure that the public will grasp the intended message. Above the pictures of the kissing couples the text reads, “In the Netherlands, you choose your partner yourself,” while at the bottom there is a green field superimposed with the text “Do you feel free to choose?” with links to a Facebook page and a twitter account.⁵ All posters also feature the logo of the Rotterdam City Council.

One criticism of the campaign centered on the cooperation of Femmes for Freedom, a women’s rights organization with a particular concern for the problems Muslim and migrant women are facing, with Leefbaar Rotterdam, a local ethno-nationalist political party that often presented an anti-Islam stance. For Leefbaar Rotterdam the campaign came at a particularly opportune moment. As Geert Wilders, leader of the anti-Islam Party for Freedom, had announced his intention to also take part in the local Rotterdam City Council elections, Leefbaar Rotterdam used this campaign as a means to counter competition for the votes of its constituency. Femmes for Freedom, in turn, pointed out that it had pragmatically accepted the support of Leefbaar Rotterdam as other more mainstream political parties had refused to support the campaign. Still, Femmes for Freedom had also previously accepted the support of those promoting an ethno-nationalist agenda.⁶

Under the heading *Hommes for Freedom*, the list of male supporters that *Femmes for Freedom* presented on its website included prominent right-wing supporters with an anti-Muslim agenda, such as Frits Bolkestein and Paul Cliteur.⁷

This cooperation between *Leefbaar Rotterdam* and *Femmes for Freedom* may be seen as an instantiation of what Sara Farris has coined *femonationalism*. Farris employs this term to describe the unlikely convergence of actors involved in seemingly different political projects, such as, in this case, an ethno-nationalist right-wing party that invokes the rhetoric of gender equality and women's rights to stigmatize Muslims and ultimately to advance its own political agenda and a women's organization that works to advance the rights of Muslim women. The groups can come together, Farris argues, because they both lay the claim that "gender relations in the West are more advanced and must be taught to Muslim women" (Farris 2017, 7). This is yet another variant of the well-known script that Muslim women need to be saved from "their own men."⁸

Importantly, *Femmes for Freedom* is by no means a white non-Muslim majority organization. The director of *Femmes for Freedom*, Shirin Musa, self-identifies as Muslim and is recognizable as such as she also wears a headscarf, using a style that loosely covers the hair and distances her from a more "conservative look." Those supportive of *Femmes for Freedom* and its take on Muslim women's oppression, such as the *Free Left*, an association that promotes individual freedom, secularism, and progressive values and is particularly critical of those on the left whom it considers tolerant of conservative Islam, also includes those who consider themselves Muslim or of Muslim and/or migrant background. It is rather the presence of Muslim women and women of color in these organizations that lends the campaign a particular authenticity and hence credibility.⁹

Gendered racialization: publics and provocations

The chosen format of the poster campaign, large glossy posters on billboards, turns them into something akin to an advertisement campaign.¹⁰ As mentioned before, the couples included in the campaign are strongly gendered and racialized (see also Deen 2022). Each poster either includes the figure of a Muslim woman, marked as such by the headscarf she is wearing, or a woman of color, with all couples staged in a very similar pose. Such a style of representation is reminiscent of how nineteenth-century photographers worked with typologies to represent colonized populations. Rather than representing named individuals, those depicted in such colonial images were turned into anonymous figures or "types" representing a category of the population, legible as such to the public through items of dress, phenotype, accessories, and accompanying captions.¹¹ Similarly, the poster campaign

also used unnamed models with each couple including individuals representing a particular minoritized category of the population.

From the visual imagery it is also evident that the campaign’s prime concern is for women of color, and, more specifically, Muslim women. What the poster campaign suggests is that the lack of freedom to choose one’s partner (“Do you feel free to choose?”) is an issue for some couples, but not for others, that is, it targets particular sections of the population. Femmes for Freedom itself uses the shorthand term “migrant women” or “women in patriarchal communities” to point to whom they are concerned about. The possibility that white (non-Muslim) women may face censure when entering into a “mixed intimate relationship” is not entertained; there is no poster of a white woman with a Muslim man or a man of color. Yet research indicates that when white non-Muslim women enter into a relationship with a Muslim partner, they may also become the object of censure in their own social circle (Moors 2013a; Vroon-Najem 2014).¹² Neither does there seem to be an acknowledgment that men may also face resistance when they engage in a relationship with a woman of a different ethnic or religious background. While the young man with the kippa who appears in one of the posters might suggest otherwise, the campaign does not target the families of Jewish men. The potential reading of the image in this way was quickly disqualified by authoritative comments, such as those by Esther Voet, the former editor-in-chief of the *Nieuw Israelietisch Weekblad*, a Dutch Jewish weekly. She underlined that the poster campaign shows that in the Netherlands today “for many Muslims, seeing a member of their own community kissing a Jew is an image that crosses a line,” adding “that sentiment is precisely at the heart of the reason that this campaign was started in the first place.”¹³ It is, however, rather unlikely that the parents of an observant young Jewish man would easily accept the choice for a Muslim daughter-in-law (or any non-Jewish partner for that matter).¹⁴

The poster campaign may not only be read as an advertisement for particular kinds of interethnic, interracial, or interreligious intimate relationships, namely those of Muslim women or women of color with someone from another religious or ethnic background. It also carries a strong didactical message: “In the Netherlands you choose your partner yourself.” This raises the question as to the target audience of these posters. At first glance the campaign may seem to address those families and communities that would resist mixed marriages of the kind displayed on the posters. It is, however, not trivial that the poster campaign uses billboards at bus stops, train stations, and other crowded locations, and thus conveys its message to the general public, inviting a more multilayered analysis.

The caption with its firm “In the Netherlands ...” interpellates those deemed either unaware of or actively ignoring such mainstream values as free partner choice, in particular the families of young Muslim women and women of color who

would object to such mixed relationships. It is, furthermore, not only the substance of the message that matters; it also uses a particular visual style. Those targeted are not only required to embrace the freedom to choose one's partner, but are also to accept, if not aesthetically appreciate, the public display of some level of sexual intimacy. This is part of a wider trend. Whereas feminist movements have historically been critical of the instrumental use of women's bodies, in the case of Muslim women, such a more sexualized style of display has become celebrated as a sign of Muslim women's emancipation (also Scott 2007, 156).¹⁵ Promoting mixed intimate relationships in this way, the poster campaign may then function to push those who experience not only a sense of discomfort with such marriage, but also with the style of display outside of the fold of the nation.¹⁶

The initiators of the campaign cannot but have been aware of the kinds of responses the poster campaign would evoke among those targeted. This is, for instance, evident in the comments of Esther Voet, mentioned above, for whom the fact that "many Muslims" would take offence was "the reason that this campaign was started in the first place."¹⁷ This then raises further questions about the effects of this poster campaign. No doubt individual spectators—Muslim or not—will have a variety of interpretations of the poster campaign (Hall 1980). But let us imagine for the moment that those addressed are the parents of a young Muslim woman, prepared to prevent their daughter from getting involved with the man or woman of her choice. Will such a poster campaign using provocative visual imaginary convince them that free partner choice is an important value they need to adhere to? Is it likely that such an approach will turn them into the desired kind of liberal subjects? Responses of those working in this field have pointed to the risk that such a provocative campaign will, in fact, engender a more defensive attitude, rather than increase openness toward "mixed relations."¹⁸

Whereas the campaign will probably be of little help to the women *Femmes for Freedom* is concerned about, the poster campaign has other effects. It selectively targets and stigmatizes those categories of the population it deems opposed to the kinds of mixed relationships depicted on the posters, in particular more conservative Muslim communities. Responding to criticism of the poster campaign (be it the cooperation with *Leefbaar Rotterdam*, the selectivity of the categories of concern, or the style of representation), the protagonists of the campaign then turn such critical comments into a "meta-didactical lesson." They consider critical comments as evidence that those targeted would not be able to tolerate points of view and visual imagery they feel uncomfortable about. In their view, those targeted need to learn to accept that they are the object of censure, to show their tolerance of criticism and of what they may consider provocation (compare Brown 2009).¹⁹ Not being able to do so is then turned into indication of their lack of integration in Dutch society.

Signifying mixedness and the turn to integration

The protagonists of the poster campaign seem to appeal to a common romanticized idea that mixed marriages have the power to erase societal divides, presenting those who publicly question the celebration of such intimate relationships (presumably conservative Muslims), as going against mainstream Dutch values and hence as refusing to integrate. The active role of Ronald Schneider, Leefbaar Rotterdam’s municipal alderman for housing and integration, as initiator of the campaign already points in that direction. Also, the first part of the slogan “In the Netherlands you choose your partner yourself” marks interethnic, interracial, or interreligious relationships as an issue of integration.²⁰ This is further reinforced by the kinds of couples selected and how the campaign foregrounds the problems of women “from patriarchal communities,” communities that are presented as lacking knowledge of and commitment to the values that are central to life in the Netherlands.²¹

Taken at face value, the post-1990 Dutch integration discourse starts from dividing the population into those individuals who are and those who are not (yet) integrated in society. However, as Schinkel (2013) has pointed out, it is simply impossible not to be part of society; non-integration actually refers to those who supposedly fail the test of good citizenship, as defined by the dominant majority. Such a charge of non-integration is not leveled equally against all individuals whose behavior deviates from the norm. The contemporary integration discourse is first and foremost a discourse about ethno-national belonging that starts from dividing the population into racialized categories. Those who are seen as white and secular or post-Christian, are automatically taken to belong to the nation and hence granted “dispensation from integration” (Schinkel 2013, 1155) apparently based on the assumption that they share its fundamental values, such as, in this case, liberal norms about gender and sexuality. Racialized ethnic and religious minorities, in contrast, have to provide evidence that they share these values.

A strong indication of sharing these values is, as the poster campaign proposes, the acceptance of free partner choice, and more specifically of “mixed intimate relationships” for Muslim women. However, such a link between accepting “mixed couples” and integration is far from self-evident. In some way all marriages are mixed, bringing people together who differ from one another in some aspect, with gender difference as central to many marital systems. Yet what kinds of intimate relationships are marked as “mixed” and considered as a problem-space is strongly context-dependent. In the Netherlands, until the late 1960s the term “mixed marriage” was by and large used for marriages between Protestants and Roman Catholics, which were considered undesirable (Hondius 1999).²² With the rapid deconfessionalization of Dutch society in the decades to come, marriages between Protestants and Roman Catholics became widely accepted, reflecting the reduced

significance of intra-Christian differences. Thereafter the term mixed marriages was by and large used to refer to those relationships that are labeled as inter-ethnic (including a non-white partner) or interreligious (including a non-Christian partner).

In evaluations of intimate mixed relationships gender also matters. Such relationships were and are differently evaluated by society at large, depending on how they are gendered and racialized. In colonial times, for example, the Dutch majority public and state institutions considered relations of white Dutch women with black men as far more problematic than those of white Dutch men with black women and women of color, although racial prejudices were also present in the latter case (Wekker 2016; De Hart 2015). More recently, however, such forms of ethno-religious mixedness have become evaluated positively in the context of integration discourse. The appeal of mixedness for integration is based on the assumption that such mixed intimate relationships have the power to bridge or transgress difference. There is, however, not much evidence that such relationships and intermarriage in and of itself promote or facilitate the erasure of ethno-religious difference (Pesarini 2017; Rodríguez-García 2015; Song 2009). Depending on the context and the marking of the individuals concerned, mixed marriage may well confirm and reinforce difference and hierarchy rather than undermine them.²³ That such marriages often did not engender integration in the sense of acceptance is also evident when turning to the social position of children born from these mixed unions. Contrary to the idea that children of mixed families blur the boundaries of racialized difference, they may, instead, be forced to choose, or are ascribed to, one category or the other, based on markers such as their name, their appearance and skin color, their religion, and their class position (Rodríguez-García, Solana-Solana, and Lubbers 2016; Sagiv 2014; Song 2009).

It is true that some extraordinary marriages across legally guarded social divides, such as that of the mixed-race couple Mildred and Richard Loving who went to court to fight the ban on interracial marriages in the USA, may have major social impact. In this case it led to dramatic legislative change, with bans on interracial marriages declared unconstitutional. However, such an effect is by no means self-evident or automatic. It requires people to mobilize their personal life to undertake a political struggle. Many couples in similar situations would choose to keep their unusual marriage discreet and personal, hidden under the disapproving radar. But this is not always possible, and such a marriage may come under severe attack and the focus of sharp controversies. Rather than erasing societal divides, these then may engender stronger social boundaries and an avoidance of the reoccurrence of such mixed marriages.

One particular kind of “mixed marriage” stands a better chance to actually function, at least in material terms, as an equalizing social force and to reduce social difference, that is cross-class marriages. Yet this form of mixing is often not

even recognized as a "mixed marriage." In the Netherlands such cross-class marriages have, in fact, become less common than in the past. With the greater access of women to education and employment, marriages and partnerships have become increasingly homogenous in terms of educational level and class positions.²⁴ Such a trend toward increased class-homogeneity of marital partners may make gender relations more equal, but simultaneously reinforces class inequality. This has, however, not been defined as a problem in need of intervention.

On the right of women to fall in love

Femmes for Freedom has a history of fighting against forced marriages and marital captivity. With this poster campaign they shifted their concerns from "negative freedom" (to be free from being forced into an undesired marriages) to "positive freedom," which they extended from the right to choose one's partner to the right to fall in love.²⁵ Explaining the campaign, Femmes for Freedom stated that it wanted to stand up for "the right of women to fall in love with whomever they desire, to decide for themselves whether and with whom they enter into a relationship, whether or not they have a sexual relationship outside of wedlock, and whether they want to cohabit (without marriage)." Therefore, together with "a number of women from Islamic cultures" they developed the idea for a poster campaign for the right to fall in love.²⁶

However, not everyone would agree with the desirability of a universal "right to fall in love." The "right to fall in love" brings together different discursive fields and social logics, drawing simultaneously on the rational language of rights and the affective language of passion. Whereas the former refers to the rights-bearing citizen in her relation to the state, the latter belongs to the field of affect. Protagonists of "the right to fall in love" consider this as grounded in the free choice of the autonomous liberal subject. This resonates with Giddens' (1982) concept of modern marriages as "a pure relationship," that is a relationship of intimacy "free from" the ties of kinship or material concerns. Empirical research, however, has indicated that financial transactions are very well compatible with intimate, affective relations (Zelizer 2000), while the ideal of the self-contained, autonomous individual stands in tense relation with how everyday life is structured through webs of mutual dependencies, that often include kin relations providing access to resources and care (Joseph 1994; Peletz 2001). At the same time, some may consider falling in love as ambiguous or even undesirable, as one becomes subject to a force that one may not be able to resist. Also when the cultivation of marital love is valued and cherished, "falling in love" may still be considered as a negative, distractive, and possibly destructive force.²⁷ Taking marriage as an issue too important to leave

to passions that may easily wane, they would argue for the need to foreground rational considerations, framed in terms such as compatibility.²⁸

Femmes for Freedom does not only propagate the right of women to fall in love but also to do so with whomever they desire, with the poster campaign centering intimate relationships of partners from a different ethnic, racial, or religious background. However, it is evident that partner choice is always in some ways restricted. In particular settings, some intimate relationships are considered far more acceptable than others. Ideas about what kinds of relations are considered incestuous, for instance, differ between communities and may also change through time, such as in the case of cousin marriages (De Koning, Storms, and Bartels 2014). Whether relationships are deemed more or less appropriate depends, moreover, on the positionality of the parties concerned, that is the complex entanglements of such markers as gender, ethnicity, race, religion, kinship, age education, class, and marital status. A wide variety of influential actors, be it family members, religious authorities, political and feminist movements, and peer groups may have their own more or less preferred matches in mind.

Turning an intimate relationship into a marriage means that it gains acceptance as a state-recognized status. How people enter into marriage is not only structured by both affective relationships and hierarchies of power, by intimacy and romantic sentiments as well as by material and pragmatic concerns. Couples who want to enter into a marriage also need to engage with a host of state regulations. Particular kinds of unions may be prohibited. In the Netherlands, this is, for instance, the case for polygamous marriages or a marriage with someone below the age of legal adulthood. Yet it is not only family law, but also migration law that matters. Since the 1990s Dutch policy makers have attempted to counter marriage migration, often with the argument that the women involved may be victims of forced marriages (Bonjour and de Hart 2013). Using income and age restrictions, pre-departure integration requirements, longer spouse-dependent residency permits, and special requirements for cousin marriage, state actors instrumentalize the argument of (migrant) women's well-being to stem marriage migration and to restrict residency rights especially in the case of a marital partner from the global South (Bonjour and Kraler 2015; Sterckx et al. 2014). These women then are not able to cohabit with whomever they want, not because of community or kin pressure but because of state regulations.

The Dutch state, moreover, does not only regulate civil marriages, but also religious-only marriage, although such marriages are not granted recognition and do not have legal effects. Since the early nineteenth century, religious functionaries have been liable to prosecution if they concluded a religious marriage prior to a civil marriage. Yet this law was largely dormant until the mid-2000s, when such Islamic-only marriages came to be seen as a possible indication of, first, jihadi

radicalization and then, Salafi-oriented Islam (Moors 2013a). When in 2016 the right-wing liberal party (VVD) presented an initiative in Parliament to further criminalize Muslim marriages conducted prior to a civil marriage, this was actively supported by Femmes for Freedom (see Moors, de Koning, and Vroon-Najem 2018). While propagating the right to fall in love with whomever one desires, Femmes for Freedom simultaneously supported the imposition of restrictions on particular forms of intimate relationships, such as Muslim-only marriages.²⁹

A new campaign: Celebrating Love in Amsterdam and beyond

In March 2018 Femmes for Freedom launched a second poster campaign, this time in the city of Amsterdam. With the images of the couples framed by an art-nouveau-like colorful decoration, the posters depicted eight couples expressing their intimate relationship in a broad range of styles of hugging and kissing. Whereas this second campaign also celebrated various forms of mixed relationships, the cooperating parties, the kinds of couples portrayed, and the styles of representation differed substantially from the earlier campaign.³⁰

In the Rotterdam campaign, Femmes for Freedom had cooperated with a local ethno-nationalist party, but in this new campaign Femmes for Freedom rejected an offer to collaborate with Forum for Democracy, at the time a new, rapidly growing, ethno-nationalist party operating at the national level. Instead, Femmes for Freedom accepted the offer of the director of CS Digital Media who stepped forward to help with the campaign.³¹ The latter proposed the frame of the free love of the early 1970s (“the days of flower power”) to develop a campaign that was explicitly intended to be less controversial and more nuanced. In a shift away from the overtly racialized images of the first campaign, the posters this time did not present anonymous models posing in stereotypical garb (“types”), but real couples who had stepped forward to participate in the campaign. None of the women were wearing headscarves to mark them as Muslim, and with half of the images depicting same-sex couples, gender relations were foregrounded. Rather than all engaging in a similar stylized intimate kiss, the couples were given space to express their relationship in a way they themselves felt comfortable with. This then resulted in more diverse and less sexualized ways of expressing an intimate relationship. On the website a short background text was also provided and all but one of the participants were identified by their first name. The overtly didactical “In the Netherlands” was absent, which moved the posters away from the integration frame that was so central in the first campaign. Instead, the central message was “Celebrate love” (notably in English rather than in Dutch) with a small image of a heart and with “#lovetoo” as the only additional text on these posters. This new

campaign can then in some ways be read as a critical reflection on the Rotterdam campaign, while simultaneously still celebrating particular kinds of “mixed relationships” and centering “the right to fall in love” even more.

Conclusion

The Rotterdam poster campaign is a strong case of how the integration discourse turns particular racialized categories of the population into a problem-space. Our main argument is not (only) that the campaign would most likely not be of much practical support for the women concerned. Rather, we highlight the other effects this campaign produced. It presented particular kinds of mixed intimate relationships as desirable, Muslim and migrant communities as less tolerant of these, and used a sexualized visual language that evokes particular sensibilities to make this point. When those targeted expressed criticism of being singled out, they were once more blamed for not being able to accept criticism and to deal with such issues, which was then, in turn, seen as evidence for the need for such a campaign. The net effect is that the posters—as imperative celebration of particular kinds of mixed intimate relationships—amplify and even produce the racialization of the ethnic and religious categories they claim to be concerned about, excluding them from the nation as overtly traditional and intolerant.

Such a public engagement with and politicization of intimate relationships is strongly context dependent. In the Netherlands the meaning of “mixed relationships” and their desirability have shifted through time. “Mixed marriages” (involving non-white and/or Muslim individuals) that were previously considered controversial have become celebrated as an indication of successful integration. The poster campaign is, however, not simply another such manifestation of the Dutch culturalized integration discourse. Whereas this discourse has mainly focused on a problematic presence of Islam in the public sphere, the campaign pushes toward an intrusion into their private life. In doing so, it produces a particular take on the feminist slogan, “the personal is political,” and shows the need to take the changing political field into consideration. Half a century ago this slogan was used by women to draw public attention to issues that were hitherto only seen as private, such as domestic violence. In the present-day context of heightened ethno-nationalism, state interventions in the case of racialized minorities may well function as an imposition of majoritarian lifestyles, also in their intimate life.

The poster campaign started with the assumption that gender inequality in the private sphere is particularly problematic in the case of ethno-religious minorities. Yet, considering liberal subjects as free from constraining norms misrecognizes that freedom always entails the regulation of conduct and that liberal subjects are

also shaped by the conventions of their social circle. Rather than using a frame of force versus choice, it may be more helpful to recognize that young men and women generally experience and position themselves in multiple ways, informed by religious and other moralities and by loyalties to kin and non-kin. Yet the ability to enact their aspirations may differ, and this includes how state attempts to restrict marriage migration limits the freedom of partner choice.

Notes

- ¹ See www.femmesforfreedom.com and www.leefbaarrotterdam.nl/ Unless stated otherwise, all links were last accessed April 29, 2023.
- ² We presented an earlier version of this article at the conference *Islamic Visualities and In/Visibilities: Reimagining Public Citizenship?*, Leiden University, December 14, 2017.
- ³ The racialization of Muslims in Europe has been widely discussed; see, for instance, Garner and Selod (2015), Meer (2013), and Sayyid and Wakil (2014). Also through comparing Islamophobia and antisemitism, see Jansen and Meer (2020) and Renton and Gidley (2017).
- ⁴ <https://www.femmesforfreedom.com/nieuws/campagne-zelfgekozen-en-oproep-aan-nieuwe-kabinet>
- ⁵ www.facebook.com/ZelfGekozenNL/ and twitter [@zelfgekozen](https://twitter.com/zelfgekozen); also the hashtag #zelfgekozen (self-chosen) has been used.
- ⁶ Leefbaar Rotterdam also advocated for a headscarf ban for government employees for the sake of governmental neutrality, a proposal effectively excluding Muslim women who wear a headscarf from government employment, a position Femmes for Freedom would not agree with https://www.archieven.nl/nl/zoeken?mistart=16&mivast=0&mizig=176&miadt=184&milang=nl&misort=jaa%7C-desc&miview=ldt&mizk_alle=trefwoord%3APolitieke%20partijen, last accessed June 7, 2022. Feminist rhetoric had earlier been used to exclude women who wear hijab from mid-level employment. Cisca Dresselhuys, the former editor of the feminist monthly *Opzij*, stated in 2001 that she would be willing to hire a woman with a headscarf as a cleaner but not as a journalist www.trouw.nl/home/bij-opzij-geen-hoofddoek~abb8c9bb/
- ⁷ Frits Bolkestein was one of the first mainstream conservative politicians to assert the incompatibility of Islam and Western liberal values in his speech at the Liberal International in Luzern in 1991 (NRC, September 21, 1991). Paul Cliteur, a professor of law at Leiden University, headed the scientific institute of Forum voor Democratie (Forum for Democracy), an ethno-nationalist anti-Muslim and anti-refugee party with five seats in Parliament, see www.femmesforfreedom.com/column/, last accessed in 2018, no longer available on the website.
- ⁸ One of the best known authors making this point is Okin (1999); for a critique of such a position see Ahmed (1992) for colonial Egypt and Abu-Lughod (2013) for contemporary debates.
- ⁹ See also Fernando (2009) for a similar argument in the case of France, and Amir-Moazami (2011) for Germany.
- ¹⁰ Depicted as a kissing couple, these images resonate with earlier Benetton advertisement campaigns, such as the 1992 image of the kissing priest and nun, juxtaposing the sacred and the profane in an impossible love. The most controversial poster, that of a Jewish man kissing a Muslim woman, is similar to the front cover of *Enemies*, an eighty-four-page glossy Benetton catalogue annex photo-essay, which depicts a Palestinian Bedouin man intimately kissing a Jewish Israeli woman.

- ¹¹ See, for instance, Edwards (1990) and Pinney (1990).
- ¹² NIDA, a local political party inspired by Islam, has also pointed out that it is doubtful that supporters of Leefbaar Rotterdam would be pleased with a practicing Muslim daughter-in-law or son-in-law, <https://nida.nl/2017/05/24/rotterdam-kiezen-we-allesmaal-partner-zelf/>, last accessed June 7, 2022.
- ¹³ www.timesofisrael.com/in-rotterdam-posters-of-jewish-man-and-muslim-woman-kissing-sparks-a-scandal/
- ¹⁴ As Ronny Naftaniel, the former director of the CIDI, the Center for Information and Documentation Israel, stated in the same interview, “[Many Dutch Jews would not like to see their child marry a Muslim, though they don’t feel the need to say it.”
- ¹⁵ This is also evident in discussions about the kinds of Muslim attire that are more and less acceptable to majority publics in Europe. Those styles of Muslim dress that allow for a more sexualized presence of women’s bodies, accentuating rather than hiding the shape of the body, tend to be more acceptable (Moors 2013b).
- ¹⁶ See, for instance, Haritaworn (2015) who argues, based on fieldwork in Berlin, that queer subjects are now worthy of protection, through the invention of a new folk devil, the “homophobic Muslim”; see especially the chapter on intimately kissing same-sex couples, “Kissing in public spaces,” pp. 95ff.
- ¹⁷ The posters can, moreover, also be read as conveying a more imposing message, that is as propagating interethnic and especially interreligious sexual intimacy. It is precisely this kind of imposition that Ronny Naftaniel (see ref, note 14) raised some doubts about. In his words, “You can choose someone from a different ethnicity to yours. But you don’t have to. And I think the campaign could have been clearer about this distinction.”
- ¹⁸ Some are critical of the campaign, as it does not recognize the work done by a host of organizations that from the late 1990s have worked against forced marriages and similar issues; see, for instance, www.parool.nl/opinie/-je-gelijk-uitventen-met-een-dure-postercampagne~a4556774/ and www.republiekallochtonie.nl/blog/opinie/in-en-uitsluiting-van-de-morele-gemeenschap-in-nederland-de-postercampagne-celebrate-love
- ¹⁹ This resonates with the arguments presented for republishing the Muhammad cartoons, that is to teach Muslims that they need to be tolerant of such a provocative act. Some Muslims then, in turn, protested against republication, not because of the substance matter, but because of the intention to produce pain (Henkel 2006).
- ²⁰ This is also the issue Fatima Talbi, council member for the Social Democrats in Rotterdam, raised. She was heavily criticized by her party chair for voicing such a critical stance. <https://joop.bnnvara.nl/opinies/waarom-leefbaar-postertjes-niet-deugen>
- ²¹ As a council member for Leefbaar Rotterdam pointed out, “In this way we show clearly what our norms and values are” www.ad.nl/rotterdam/posters-met-zoenende-moslima-leiden-tot-woenende-reacties~ad503830/
- ²² As expressed in the common saying, “Two faiths on one pillow, then the devil sleeps in-between.”
- ²³ This is perhaps most evident in war-like situations, where such mixed marriages function as a means to sediment relations of domination, with men of the dominant group forcing women of subaltern groups into marriage (Das 1995; Barton 2011).
- ²⁴ Jan Latten has pointed out that marriages have become increasingly homogeneous in terms of educational levels of the spouses, which engendered greater societal segregation. www.nrc.nl/nieuws/2017/11/05/liefde-leidt-tot-segregatie-13866946-a1580068
- ²⁵ See Isaiah Berlin’s essay (1958) on two notions of liberty, with negative freedom as the absence of coercion and positive freedom as self-realization and the ability to act.

- ²⁶ <https://www.femmesforfreedom.com/activiteiten/campagnes/zelfgekozen> and already in 2015 www.nrc.nl/nieuws/2015/08/01/ik-vecht-voor-het-recht-op-verliefdheid-1519983-a662002
- ²⁷ In locations where there are strong restraints on the public expressions of romantic feelings, these may nonetheless be shared if in particular formats (songs, poetry) or in more restricted settings (Marsden 2005; Schielke 2015; Abu-Lughod 1986).
- ²⁸ “Islamic dating” is one well-known example that builds on this idea. But also publicists, such as Alain de Botton (2016) are very critical of the idealization of romantic love as a ground for partner choice.
- ²⁹ Femmes for Freedom has changed its position on Islamic-only marriages to some extent, as evident in its reaction to the law proposal Countering marital captivity (August 9, 2021). Femmes for Freedom then argued against extending the criminalization of such marriages to the women involved.
- ³⁰ <http://celebratelove.nl/> Some of these differences may well be in response to the criticism voiced of the Rotterdam campaign.
- ³¹ This section is based on the public kick-off of the second campaign in *De Balie*; see *Volkskrant* March 17, 2018.

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“We are an Example of Ceuta’s Convivencia”: Muslim–Christian Marriages at Europe’s North-African Border

Ibtisam Sadegh

Introduction

Habiba and Pedro grew up in the eighties as next-door neighbours in a relatively mixed neighborhood at the North African, Spanish enclave of Ceuta.¹ Their religiously devout parents supported their friendship despite the families’ religious differences; Habiba, Pedro, and their many siblings were always welcome in each other’s homes. “This was true *convivencia!*” the pair exclaimed, nostalgic for their childhood. In their teenage years, the two grew secretly romantically involved but found themselves in a predicament; “firstly, because of religion, and secondly, because we were like family,” said Habiba. The couple feared that the revelation of their secret courtship would ruin the good rapport between their families. To the couple’s relief, however, when a prying brother eventually exposed their secret relationship, their families received the news with acceptance. “It’s logical that your parents would like you to marry someone of your religion, but we got married, and they have respected us anyway up to the present day,” explained Pedro.

After a ten-year courtship, the couple celebrated a civil marriage, “because, he didn’t want to have a Muslim marriage according to my religion, and I also wasn’t going to marry in church,” reasoned Habiba. Instead—“in order not to offend either side”—the couple had a civil ceremony at the Ceutan town hall followed by a wedding reception at the terrace of Oasis; a Ceutan restaurant, renowned for its Moroccan cuisine and breathtaking views overlooking the straits of Gibraltar. Habiba and Pedro vividly described how they—she in her white veiled dress and he in his sharp suit—welcomed their guests while a mariachi band sounded trumpets and vihuelas in the background. “We had a blast! We spent our wedding with our most beloved,” smiled Pedro. “There were people who didn’t like it because of the religion aspect but we didn’t care. No one said anything to us. They complained to our mothers instead, but to me the important thing is that my mother and mother-in-law love us. They respect us. So, what people say, I don’t care much,” shrugged Habiba. “There are very few mixed couples like us, and we are frowned upon,” said

Pedro, echoing the complaints of other Muslim–Christian couples. “We have always respected each other’s beliefs. We continue to be mixed,” he added to emphasize that neither partner converted to the other’s religion. During their fifteen-year marriage, each of the spouses sought to transmit their culture to their two sons. “We are an example of Ceuta’s Convivencia!” asserted the couple.

When I started fieldwork in Ceuta my new acquaintances were curious about my research topic and the way it overlapped with my own identity as a Maltese–Libyan and the daughter of a Muslim–Christian couple. When I explained that I was studying interreligious marriages, Ceutans, Moroccans, Peninsulars (Spaniards who migrated to Ceuta from mainland Spain) and other European residents alike quickly pointed out that I had arrived at the ideal place to conduct such fieldwork. Contrary to what interreligious couples like Habiba and Pedro said, the enclave’s residents often told me, “we have many mixed marriages here. This is because in Ceuta we have convivencia between Muslim, Christians, Hindus, and Jews.” “Convivencia,” they explained, was “Ceuta’s reality” (*la realidad Ceuti*), namely the peaceful cohabitation of approximately 87,000 residents of heterogeneous backgrounds. While often loosely translated as “coexistence,” Ceuta’s inhabitants insist on the insufficiency of this definition. Convivencia, they say, requires that members identifying with different ethno-religious groups (often referred to by Ceutans as “*culturas*”) not only coexist harmoniously in Ceuta’s minute space, but also have regular contact forging close relationships with one another based on mutual respect (“*respeto*”).

Excited by the idea that Ceuta was booming with potential interlocutors who could share their experiences of interreligious courtship and marriage, I asked every new acquaintance whether they could introduce me to such couples. I soon realized that many of those boasting about the countless mixed marriages in Ceuta did not in fact personally know anyone that fitted that criterion. I was often directed to the same few couples, a strong indication that this phenomenon was much less prevalent than initially believed. At the same time, it became evident that while mixed courtships were not unheard of, Ceutans would often point out that these rarely made it to marriage and if these couples did marry, their marriages rarely lasted. Yet, such negative perceptions of interreligious couples did not deter the same people from considering these marriages as testimonies of convivencia. Ceutan interreligious couples themselves criticized the lack of more couples like them while reiterating the belief that they represented unique examples of the enclave’s convivencia success.

Whether a marriage is considered “mixed” and how it is evaluated is strongly context dependent. In the case of Ceuta, religion is obviously an important category of consideration. Other categories, however, are likewise important for thinking about “mixedness.” For example, since the rise of the nation-state, and the growing

importance of borders, nationality has become an important concern for state and non-state actors, including in marriage (Moors et al. 2018). Marriages of couples with different nationalities can raise concerns, especially when one grants access to larger political entities like the European Union (EU), as is the case with Spanish citizenship. Gender too can play a role in how a “mixed” marriage is evaluated. There is often far greater concern about women who marry outside their community or group than men. Such structural aspects that individuals need to engage with or “navigate” (Vigh 2009) are not fixed or static, but subject to change through time (Carsten et al. 2021). The ways in which background variables—such as gender, religion, nationality, but also class—intersect allow for a variety of positions, that may be ambiguous and in some ways contradictory.

Drawing on fourteen months of fieldwork, this contribution elucidates what is understood by “interreligious” in Ceuta and explores who are the interreligious couples that feature so prominently in the enclave’s oft-propagated discourse of *convivencia*. Why do the enclave’s residents feel the urge to emphasize that “there are many interreligious couples in Ceuta,” while interreligious couples themselves disagree and claim that “there are only a few and these are poorly regarded”? Analyzing how Muslim and Christian partners discuss their relationships sheds light on which couples are discursively highlighted as the quintessence and ultimate marker of Ceuta’s *convivencia* success, and which kinds of interreligious relationships are problematized. By exploring how Muslim–Christian couples contextualize their relationships within the complex identity politics of Ceuta, I discuss the intersection and entanglements of religion, gender, nationality, and class and how they impact the way in which particular constellations of mixed marriages are socially evaluated. I argue that when Ceutans highlight “interreligious couples” as evidence of *convivencia*, they are actually referring to a very specific sub-set of Muslim–Christian relationships.

There is no official record of the number of people identifying with each religious community present in Ceuta. As it is evident that Christians and Muslims are by far the largest religious groups, roughly similar in number, my focus is primarily on Muslim–Christian couples.² As I was soon to find out, many of the interreligious couples residing in Ceuta do not involve Ceutan partners but are composed of Muslim-Moroccan women married to Christian men originating from mainland Spain. I refer to these relationships between partners of different nationality as “transnational” and relationships between Ceutan or Ceutan-Peninsular as “conational” since both spouses in these latter relationships are Spanish citizens. In this contribution I seek to analyze and contextualize the couples’ narratives and the *convivencia* discourse within the overarching geo-political context of Ceuta.

Muslims and Christians do forge close relations; however, they also encounter many ambiguities, dilemmas, and even contradictions stemming from the tension

between the hegemonic discourse and their experience of *convivencia* (Sadegh 2022). By studying how couples respond to the problematization of their relationships and which of these relationships are considered more and less desirable, I unpack the various layers of the locally propagated *convivencia* discourse and include empirical examples of contemporary experiences of “*convivencia*.” I explore how interreligious intimacies are perceived as a problem despite being celebrated and show whether and how the interreligious couples themselves participate in this problematization process. I demonstrate that while Ceutan discourse depicts Muslim–Christian relationships involving Ceutans or Ceutan–Peninsular partners as the paragon of local *convivencia*, Ceutans do not hold transnational interreligious couples in the same regard.

Research methods

This research is based on in-depth, semi-structured interviews with thirty-five Muslim–Christian couples who were residing in Ceuta in 2015 and 2016 during my fieldwork stay in the enclave. The key interlocutors are couples who were cohabiting or married, either religiously or civilly, and in some cases having celebrated more than one marriage. All spouses got acquainted and courted while identifying with different ethno-religious groups, albeit some did convert to their spouses’ religion before or during marriage. While no Muslim interlocutors formally converted to Christianity, some Christian spouses took the necessary steps to be recognized as having converted to Islam, mainly by reciting the *shahada*, a solemn declaration of faith, before a religious authority.

As a female researcher and an “outsider” to the Spanish–Moroccan context, I was granted access to both men and women identifying with both ethno-religious groups. Inspired by Bertaux (1981), I conducted topical life story interviews with my interlocutors, focusing on their courtship experience, marriage choices, and expectations. The interviews typically lasted one hour and over the course of fieldwork, most spouses were interviewed several times in Spanish, English, or Arabic according to their language preference. Additionally, I engaged in numerous informal conversations and conducted participant observation. When visiting Muslim–Christian homes, I was able to observe how spouses shared their private space and communicated between them and with their relatives in the comfort of their own homes.

Of the thirty-five key interreligious couples, thirteen were conational; ten involved Ceutan partners only and the remaining three were Ceutan–Peninsular couples. In five of these thirteen couples, the male partner identified as Muslim and the female as Christian, while in the remaining eight couples, the female

partner identified as Muslim and the male partner as Christian. The other twenty-two interreligious couples I interviewed were “transnational.” Except from three couples—Belgian-Moroccan, Dutch-Moroccan, and Irish-Moroccan,—all the transnational interreligious couples were Moroccan-Spanish; in only two of these couples the Spanish partner was Ceutan. With only one exception, all Moroccan-Spanish couples consisted of the wife identifying as Muslim and the husband as Christian when first courting.

Muslims generally agree that a Muslim marriage may be celebrated between Muslim men and Christian or Jewish women, whereas Muslim women are prohibited from marrying non-Muslim men. The higher number of marriages between Muslim women and Christian men rather than Christian women and Muslim men is therefore surprising and rarely documented in the literature. Unlike in neighboring Morocco (Therrien 2020), interreligious couples in Ceuta may choose to celebrate a civil marriage at the town hall, civil registry, or district court regardless of their religious backgrounds. Like Habiba and Pedro in the introductory vignette, this secular option is usually observed by the couple as a compromise between their different religious affiliations. Whereas in Ceuta none of my interlocutors celebrated a Christian marriage, some couples celebrated a Muslim marriage either in Spain before a Muslim “religious minister”³ or in Morocco before an *adoul*, a public official that drafts marriage contracts and divorce settlements.

In the following sections, I first turn to the complicated identity politics of Ceuta as a multicultural border city on the periphery of the EU. I then unpack the key term “interreligious” used throughout this paper to define mixed couples that identify with different ethno-religious backgrounds to better understand what markers are mobilized in Ceuta when self-identifying and socially considering a couple as interreligious. In the following sections, I analyze the multiple ways religiously mixed couples are problematized, starting with Ceutan and Ceutan-Peninsular interreligious couples before turning to transnational interreligious marriages. I analyze conational and transnational interreligious couples comparatively to highlight how particular actors problematize them in different ways. In both cases, I consider how these couples are gendered.

Contextualising Ceuta: “This is Spain”

The present permanent borders of Ceuta that extend well into the Mediterranean Sea are a recent addition to the enclave’s landscape and a consequence of Spain’s successful bid to enter the EU in the eighties. To satisfy EU-membership requirements, Spain replaced the previous markers with heavily guarded borders around its North African enclaves. As part of the EU re-bordering process (Suárez-Navaz

2004), the previously undocumented Muslim residents of Ceuta were granted for the first time Spanish documents regularizing them as migrants (Mutlu and Leite 2012) and later as Spanish citizens. Some Muslims have a long history in Ceuta dating to the 1930s when Muslims were recruited to the Spanish army and Legionary; they played a significant role in the Spanish civil war. The decision to grant Muslims Spanish citizenship was, however, not supported by all Spaniards as it challenged the idea that only Christians could be “Spanish” (Campbell 2018). It was in this period, in the late eighties and more so in the early nineties, while Ceuta underwent substantial changes in its demographic composition and political status, that the discourse of “*convivencia*” was first propagated. This discourse that initially served as a marketing tool to advertise the enclave as an ideal touristic destination (Campbell 2012) helped justify its heterogeneous population to the sceptical Peninsulars in mainland Spain.

Although Spain’s claim over Ceuta enjoys international support, Ceutans remain apprehensive that the national government in Madrid might surrender the enclave’s autonomy to the irredentist demands of Morocco. By mobilizing the *convivencia* discourse, the Ceutan administration seeks to emphasize Ceuta’s uniqueness among all other Spanish cities. This facilitated Ceuta’s bid to self-administration, granting Ceuta the status of Autonomous City (Ciudad Autónoma) in 1995 and replacing the previous city council with its own assembly chaired by a Mayor-President (Alcalde-Presidente). Ceuta’s municipal government gained significant control over the local economy, taxation, land use, and public security and the public sector expanded rapidly. “*Funcionario*” positions, ranging from police officers and prison guards to teachers and civil servants, comprise to date the largest portion of the enclave’s active population.⁴ Although matters of national interest—such as cross-border trading, education, and foreign affairs—remained in the hands of the delegate appointed by Madrid, on a symbolic level the new autonomous status confirmed Ceuta as an integral part of the Spanish State, on a par with other territories on the mainland, while at the same time reinforcing its differences from its Moroccan neighbor.

Residents’ ability to forge relationships of mutual trust and collaboration despite their ethno-religious differences is highlighted by local government as crucial for the creation of a functioning society and economy in “Ceuta’s reality” (*la realidad Ceuti*) (Campbell 2021). Today, this pervasive discourse permeates all aspects of Ceuta’s political, social, and even economic life; Ceuta is still awarded regular funding from Madrid to support and promote *convivencia*-related projects and events, including an annual “*Convivencia*” trophy-award. Inclusive religious fiestas, secular events celebrating cultural diversity, are all highlighted as illustrative of this utopian self-image of Ceuta’s multicultural environment. *Convivencia* discourse promotes local stability, allaying local anxieties that Spain might concede to Morocco’s request to transfer Ceuta’s sovereignty or that a future Muslim-majority enclave would change its loyalties from Spain to Morocco (Moffette 2010).

Despite an obvious hierarchy between different religious groups in terms of their respective living conditions, access to resources and labour, Ceutans of all backgrounds resort to the *convivencia* discourse as a principal feature of Ceuta’s identity. Muslim-Ceutans, in particular, employ “*convivencia*” to break away from the simplistic dichotomy that only recognizes Christians of Spanish origin as Ceutans and considers all the enclave’s Muslim residents as Moroccan (Campbell 2017). My Muslim interlocutors would in fact complain that their “Spanishness” is still sometimes questioned. By celebrating difference and exalting “*convivencia*,” the goal is to unite the diverse ethno-religious identifications and communities under the umbrella of shared regional and national identities. “This is Spain,” I was often reminded. It was only in more in-depth conversations that Christian residents lamented about how Muslims overburdened the social welfare system with their high birth rates, unemployment, and school dropouts, while Muslim residents complained about discrimination and socio-economic inequalities. Muslim-Ceutans also took issue with the impact Moroccans had on domestic work and the bustling construction and trading sectors, by selling their labour cheaply and informally, reducing opportunity, and driving up competition.

Many versus few: the “interreligious” of Ceuta

The debate on whether there are many or few interreligious marriages in Ceuta absorbed residents’ attention without any probing from my side; rather than the precise number of interreligious couples in Ceuta, what triggered my interest was my interlocutors’ understanding of what comprised “interreligious.” Sociologist Carlos Rontomé Romero (2012) conducted research at the 2009 Ceutan marriage registry and determined that 10 percent of the 328 marriages celebrated in Ceuta between January and November that year were marriages between, as he euphemistically put it, “members of different ethno-cultural groups” (*grupos ethno-culturales*) (2012, 230). A total of 79.4 percent of these mixed marriages were celebrated between Christian men and Muslim women and the remaining 20.6 percent were Christian women married to Muslim men.⁵

Rontomé Romero explained to me that to reach these conclusions, he determined which surnames had Arabic or Spanish origin and identified the spouses’ background according to the binary premise that those with Arabic surnames are Muslims while spouses with Spanish-sounding surnames are Christian. When spouses had a mixed background—one Arabic surname and another of Spanish origin—Rontomé Romero studied their first names to hypothesize their most likely religious identification. Rontomé Romero’s research is interesting albeit inconclusive. It does not account for spouses married in Morocco or mainland Spain and

living in Ceuta or for descendants of mixed relationships with surnames or names that do not reflect the ethno-religious groups with which they identify. Still, his methods reflect and reproduce the kinds of markers used by Ceutans themselves to categorize people. The higher number of Muslim women (compared to Muslim men) in mixed marriages is also present in my data.

While my interlocutors eagerly contributed to the *many-versus-few* debate to make a statement about convivencia's success or failure, it transpired that the residents of Ceuta—whether Ceutans, Moroccans, or Peninsulars—differed as to which couples they considered “interreligious.” Ceutans often invoked ethno-cultural markers of identification, which meant that when discussing a person who religiously converted, they nevertheless identified said person according to the religious identification ascribed to them at birth. They therefore considered marriages in which one spouse converted still as interreligious. Furthermore, Ceutans would often forget to include transnational interreligious couples in their reasonings. “Oh yeah! Then there are those old, divorced functionaries coming from the Peninsula and marrying Moroccan women,” laughed Yusef, remembering that Spanish–Moroccan couples could also be interreligious. As *funcionarios* get generous wage bonuses, tax-breaks, and pension plans in Ceuta and Melilla, the African enclaves are especially attractive for Peninsulars and, once there, some seek new partners. Transnational couples, however, fall outside the frame of convivencia, which focuses on Ceuta's mixed demographic and marriages, ignoring the interreligious transnational couples present in Ceuta even though the latter amount to the highest number of interreligious couples residing in the enclave.

Non-Ceutans on the other hand, would often assume that transnational couples were also simultaneously interreligious. Miguel, a Peninsular who had moved to Ceuta two years earlier for a teaching *funcionario* position, commented that the enclave is an ideal site for my research because “there are many mixed couples. Spaniards marry Moroccans in Ceuta.” Due to its geographical position, Ceuta is home to many cross-border couples but many of these marriages are between Moroccan and Ceutan Muslims, thus falling outside the scope of this research because of their shared religious identification. Non-Ceutan residents, however, would often assume that all “transnational” marriages were also “interreligious” because of their assumptions that only Christians can be Spaniards. Karima, for instance, a Moroccan married to a Muslim-Ceutan, was of the opinion that “only a few poor Moroccan women would marry Spanish men. They do it for *los papeles* (the papers),” referring to the documents permitting residency in Spain on ground of marriage to a Spanish national. This could have served to describe her own marriage to a Ceutan, but she differentiated herself from transnational couples who are also interreligious because she did not consider her Muslim-Ceutan husband to be a Spaniard. She considered him Moroccan despite his birth in Ceuta and Spanish citizenship. When Karima described transnational

marriages as marriages of convenience she referred solely to interreligious couples, assuming that only couples with hidden intentions would cross both national and religious boundaries. Muslim-Ceutans would be upset by Karima’s classification of them as Moroccan despite their long efforts to be recognized as Spanish.

The narratives on religious identification clearly demonstrate that the religious categories by which the enclave’s resident self-identify are grounded in “ethno-cultural” considerations. “I’m an atheist Christian,” said Javier. “My parents baptised me and I even went to a Catholic school in Galicia, where I’m from. I don’t go to church. Haven’t been for years, and quite frankly I don’t even believe in God anymore. The nuns in my school were terrible. But I drink and celebrate Los Reyes,⁶ so I identify as Christian.” According to Javier, Spaniards from mainland Spain do not take religion seriously like some Ceutans do and only identify with a religion once in Ceuta. Still, many Ceutans would also use religious categories in the same way as Peninsulars. “I’m culturally Muslim,” explained Faisal, “a Muslim of Ceuta. I’m a believer, but nothing much more. I don’t take it seriously. Well, it might be contradictory, but let’s say the only religious thing I do is Ramadan. I really like it, also because of the breaking of fast with family, communal eating, reunion and time spent with my parents.”

Ethnicity, family roots, languages, and dialect spoken, family and given names, clothing, festivities celebrated, and food consumed at home are all markers employed to determine religious identities, albeit some are more important than others. “Here people use religion to identify the groups, but then in practice maybe the person does not practice that religion but referring to religion is the most practical [thing to do] in Ceuta,” explained one interlocutor. A person named Mohamed therefore, who speaks *Dariya*, the Arabic dialect of Northern Morocco, would be identified and likely self-identify as Muslim, independently of his religious conviction. Likewise, someone named Jesus, even after having formally converted to Islam, would still be identified as Christian or at most, as a Christian convert to Islam. These identifying markers are reflected in how the term “interreligious” is understood in Ceuta. While interreligious couples are generally defined by the partners’ religious differences, this does not necessarily mean that the partners belong to different faiths and even if one spouse formally converts to the other’s religion, the spouses (and Ceutans) would still describe their marriage as religiously mixed.

Christian women and Muslim men: “Muslim boys just wanna have fun”

“There aren’t many interreligious couples,” said Angela, a Christian-Ceutan woman. Angela argues that whereas interreligious courtships between Muslim men and Christian women are relatively common, these relationships are short lived and rarely materialize into durable marriages. “I know many Christian gals with Muslim

lads that have separated, including a few that had stayed together for many years but later separated.” Angela looked at Yusef, her Muslim-Ceutan husband. “I don’t know why,” she added, “whether it is a coincidence or not, but persons who had a partner from a different culture, break up and then go with people of the same religion. Let’s say that they do not repeat the experience.” Muslim men are often portrayed by Christian-Ceutans as having alternative intentions. The stereotype is that Muslim men sexualize Christian women and lure them into relationships without serious marriage intentions.

Shuffling uncomfortably beside Angela, Yusef retorted, “But, I think that...” He momentarily pauses. “Look for example at us, after all this time that we are together, it is a stable relationship. Maybe if this relationship ends, it will be for other reasons, not necessarily because of religion,” he says, implicitly defending his own position and relationship. “Then again, on Facebook, I had a Muslim friend who was with a Christian girl for a long time and not long ago he put photos of his engagement party with another girl, a Muslim,” reconsiders Yusef. “I think at first they show their true feelings, but later...” said Yusef, pausing mid-sentence. “Yes, many of the Muslim boys who go out with Christian girls break up with them and then marry Muslim girls. But well, maybe not to complicate their life they then marry a Muslim,” he hypothesized. Thus, Muslim men, according to Yusef, are not driven solely by physical desires and social conventions in their decisions to initiate and end relationships with Christian women. They also develop affective, emotional bonds with them. Yet, because of the complex behavioral adjustments required to live with a Christian woman in a manner that truly respects both the Christian and Muslim identities, it is very difficult to turn the romantic relationships into a marriage. “This is what their families want. The Muslim family, most of all, because they come from a more closed culture, they wish that their sons marry Muslims,” concludes Angela, linking the non-durability of interreligious couples to the impositions and external pressures by Muslim relatives.

“Interreligious couples are viewed very badly and the social pressure against them is significantly high,” says Faisal.

For example, in the Muslim religion, here in Ceuta, we say that it is not negatively perceived for a Muslim like me to date a Christian girl and going out with her as partners is not bad, as long as it is to have fun (*divertirte*), but at the moment of marriage, she has to be Muslim. A Christian is fine for the young amorous years but when it’s time to settle down, one should try marry a Muslim. If she isn’t, try to convert her, and so on, but it remains frowned upon.

Being himself a Muslim-Ceutan cohabiting with a Christian-Ceutan woman with whom he had two children, he both reproduces and contests the stereotypes

suggesting that many Muslim men sexualize Christian women, at least initially, and that their courtships are thus less serious and less problematic (to them) than marriage. Marriage therefore is perceived as a significant step that sets the relationship in stone. Similarly, Yusef and Angela explained that when after seven years of courting they decided to take the next step, their parents were still hoping that their relationship was "foolishness" (*tontería*) and that having started the relationship at sixteen, it would eventually fizzle out.

"It's not habitual for mixed couples to last. There aren't many couples like us. Many Christian women end up converting to Islam," Angela further explained, emphasizing that her relationship is not only unique for its durability but also for her non-conversion to Islam. Her earlier remarks that relationships like hers often end prematurely due to the external pressures of Muslim families focuses only on Muslim expectations. Intimate relationships between Muslim men and Christian women are, however, predominantly problematized by Christian-Ceutans, who frame these relationships as oppressive toward their women. Alarming stories of Christian women forced into Islam, obliged to wear headscarves, and prohibited from seeing their families, are frequently recounted to women initiating romantic relationships with Muslim men. Angela explains that she received many of these warnings. "There are many Ceutan couples that stop being mixed, because for many couples the idea of being a mixed couple is that I marry you, but you convert to my religion," explains Carlos, regarding his own story as a Christian-Ceutan married to a Muslim-Ceutan without religious conversion as exceptional. It could indeed be argued that after someone converts to the religion of their partner, the couple once considered mixed would no longer remain so. However, a paradoxical situation exists in Ceuta whereby these couples are simultaneously framed as "interreligious" (even if one spouse converts) and yet criticized for not sufficiently maintaining their differences.

Although Carlos speaks without specifying conversion to a particular religion, formal conversion to Christianity is very rare in Ceuta. While a spouse might be criticized for allegedly "having Christian ways" and not being sufficiently practicing Islam, this rarely consumes discussions on Muslim men. Relationships between Muslim men and Christian women—particularly those involving conversion to Islam by the wife—are mostly problematized by Christians due to the belief that their Muslim husbands are coercing their wives into Islam. As a result, female converts to Islam feel the need to continuously emphasize their own volition and internal conviction. "I do not respect those people who convert because of an obligation, for example, to get married," said Africa, the only female interlocutor who converted to Islam. "Before I knew my husband, since always really, I was attracted to Islam. I can't say that he converted me, that he forced me. No! Already from before, almost all my friends were Muslim. I did Ramadan before getting married.

I enjoyed dressing up, doing henna. I carried it inside of me.” She explained that a decade after converting and marrying her Muslim-Ceutan husband, she decided to wear the hijab. “I didn’t wear the scarf or long clothes for him. I do it for me! It’s all for me! Never forced!” she repeatedly emphasized. “And in fact, my husband is a person that doesn’t really like the scarf. The day I put the scarf on, he said to me, ‘*janda!* Remove that’,” laughed Africa. “He thought that with time I’m going to take it off, but I’ve now been wearing it for almost 9 years,” she smiled.

Muslim women and Christian men: “*It’s supposedly Haram*”

“I tell you, the opposite, that is, a Muslim girl marrying a Christian boy is seen as something terrible here in Ceuta,” explained Faisal. “If the boy converts to Islam, then perhaps yes, it could be permitted, but if the boy wants to keep his religion, that girl could put a cross on [an end to] all of her friendships and everything else. There is total social rejection (*rechazo social*) of such marriages.” Faisal notes that when it comes to courtship, Muslim men have greater agency than Muslim women, allowing them to court women outside their community. He explains that although Islam considers all intimacy outside of wedlock as religiously prohibited, romantic relationships are becoming more publicly and socially acceptable. Dating between Muslim-Ceutan men and women has come to be considered part of their trajectory to a Muslim marriage. The perception, however, changes when it comes to religiously mixed relationships. Most Muslims in Ceuta agree that Muslim men may marry members of any of the monotheistic religions. While in practice, as demonstrated in the previous section, these marriages are considered socially undesirable, the consensus is that they are religiously acceptable. Muslim women, on the other hand, are religiously prohibited from marrying non-Muslim men and there is great emphasis among Muslim families to safeguard Muslim women from such forbidden relationships. If the non-Muslim husband converts, the mixed relationship becomes acceptable albeit still frowned upon. If the couple cohabit or marries civilly without the husband converting to Islam, the Muslim wife could experience serious backlash from her relatives and community. The very act of marrying a non-Muslim would be viewed as betrayal, even if she and her family are not practising Muslims.

“It’s supposedly haram,” said Dalila. “I could never have a relationship with a Christian man, because you have to think, I’m Muslim and my way of thinking is different from a person who isn’t. I do try to see it as something normal, because of course it seems good to me that people are in love and happy, but I wouldn’t do it myself knowing my family wouldn’t like him and that I’m going to have problems with my family.” Dalila tried to imagine what it would be like for her to be with

a Christian-Ceutan. She explained that living in Ceuta, due to the enclave's mixed demographic, every girl must have reflected upon religiously mixed relationships. "Of course, a girl in Ceuta would think about it a lot. Probably in any other country or place it might be normal. But in Ceuta, Ceutan people are very closed-minded," she explains, "and both the Muslim as well as the non-Muslim family would not like such a marriage." Yasmina, a Muslim-Ceutan divorcee, made similar reflections about her relationship with Jesus. "I had never talked to a Christian man before. Perhaps I did as friends, but never as a boyfriend... no, because I didn't want to, because I love my family, and apart from that, I didn't wish to be with a Christian," she explained. The couple, like most interreligious Ceutan couples, initiated a secret courtship (Sadegh 2022) and only when three years later Jesús converted to Islam did their "relationship then become formal."

Whereas conversion to Islam by the Christian spouse would be criticized by other Christians as evidence of external pressures from the Muslim spouse or in-laws, rather than understood as a conscious decision of that spouse, the Muslim family and community is mainly concerned with whether the religious conversion of the Christian husband truly reflects his internal conviction or is simply viewed as a necessary step to religiously marry a Muslim. Male converts to Islam, who meet their Muslim partners before converting, rather than the other way around, are particularly suspected of having converted for pragmatic reasons. Perhaps in response to this, the Christian-Ceutan male converts I met not only emphasized their conversion as a free choice but also sought to highlight this in their daily lives. Some did this by converting many months or years before marriage. When Jesús converted to Islam, he went to Morocco and was circumcised despite consensus among both Moroccan and Ceutan Muslims that circumcision is not a requirement for conversion. Jesus and his wife mentioned the circumcision to prove the extent of his religious commitment. The couple waited three more years before marrying. Once converted, Jesus introduced himself as Enas, his new Arabic name to everyone except his natal family. His wife likewise emphasized his religious conviction. "Since he was young, he had the idea of changing. Of course, he couldn't do it too fast. It was little by little. I helped a little along the way but didn't force him," said Yasmina. "Today, my husband is even more knowledgeable about Islam than I am," she boasted as her husband listened on our conversation.

On the other hand, Peninsular converts often had little knowledge about Islam prior to meeting their Muslim partners. Peninsular men, even those who married Muslim-Ceutan wives, described different experiences of conversion than Ceutan men. When David converted to Islam, his now wife Naima organized a dinner at her sister's house inviting all her close Muslim relatives and friends in an attempt to win their approval. "He wore a white kaftan and I cooked couscous for everyone," smiled Naima. She emphasized that her husband has read the Quran and

knows more Islam than her. David did not quite agree. “I’m Muslim, but not very practicing,” he said. “I was never practicing in any religion. When I was Christian, I never went to mass. I didn’t go through a radical change. Even now, I’m not very practicing. I don’t pray. I don’t eat pork or drink alcohol, but it’s not like I was drinking all day before. Yes, I do Ramadan, but I’m not as religious as those that pray.” While Peninsulars and Ceutans alike stress that their religious conversion to Islam was done freely, the former found emphasis on daily religiosity less important in constructing their identity as Muslim converts. “I carry religion on a different level,” said David.

Transnational Muslim–Christian couples: “Moroccans want *los papeles*”

“It wasn’t very common, but it was relatively accepted that a Legionnaire would meet a girl from Morocco and marry her,” said Eduardo. In 1987, after several years serving in the Canary Islands, the Spanish Legion relocated Eduardo to its Ceutan base. During that year, Spain enacted stricter border controls with Morocco in an effort to regulate its population to meet European Union (EU) demands. It was in this period that Eduardo met his wife Leila, a Moroccan divorcee and single mother, who worked waitressing at a Ceutan café to make ends meet. Leila financially supported her mother and two young daughters living in Tangier. Interreligious courtships between Moroccan women and Spanish men in the military—whether in the Spanish Legion or any other branch of the Spanish Army—were indeed not unheard of in Ceuta and its sister city Melilla. Eventually their conversations grew longer and more personal, and the two started frequenting outside the confines of the café.

In order to work in Ceuta, Leila had a Spanish work visa, which required periodic renewal. The bureaucratic process was lengthy and complex. “At the time, it was so difficult to obtain a visa,” said Eduardo. He used his military connections to obtain permission for Leila to travel with him to Granada in mainland Spain to meet his family. Unlike today, military personnel were prohibited from crossing the Moroccan–Ceutan border as regular civilians, but this did not discourage Eduardo from clandestinely making his way to Tangier to meet Leila’s mother and daughters, risking hefty consequences. The couple lived in constant fear of being separated. “Therefore, the solution was to get married,” claimed Eduardo. “Being married to a Spaniard they gave her residency rights.” Once married, the couple had a baby, adding another member to the already large household, which included Leila’s daughters from her previous marriage.

From the mid-noughties onwards, transnational interreligious marriages involving military men occurred less frequently and tended to reflect patterns in which the Peninsular male partner moved from Mainland Spain to Ceuta or

Morocco for well-paid *funcionario* jobs. Anthropologists have studied the impacts of both immigration and emigration on the marriage market and marriage migration. However, much research remains focused on labour mobility (Constable 2005; Brettell 2017; Kaur 2012). The trajectories of the transnational couples residing in Ceuta, whose relationships also cross religious boundaries, present a third category that connects labour and marriage migration. The process of migration of Peninsular and Moroccan partners often starts prior to and without the explicit intention of marrying, yet not completely independent of the idea of starting afresh, seeking a partner, and forming a new family.⁷

Fatma and her peninsular husband Antonio met in her hometown, in the Western Sahara when Antonio was there for a *funcionario* teaching position in the Spanish school that first opened during Spanish colonial rule over Western Sahara—today falling under Moroccan jurisdiction. Once married, Antonio and Fatma lived in Casablanca before resettling to Ceuta. The couple thought the enclave would be the perfect environment to start a family that would combine their backgrounds but both spouses were disheartened to learn that Ceuta was not what they had imagined. “There are many couples like us, because there is *convivencia* here,” had said Fatma the first time I met her in a Spanish class, only to confide when she knew me better that “there aren’t many mixed marriages. We thought there would be more than in Morocco, but it is quite the opposite, and they think badly of us. I think it’s because they think all female Moors, especially those coming from Morocco married to older man, are bad girls, between inverted commas, ‘whores!’” Her husband Antonio, comforting his wife, explained:

The problem is that there are “white marriages”. For example, you’re Moroccan, I’m Spanish. You tell me, “look I’ll marry you, and give you 5,000 euros. Will you marry me so that I’ll go to Spain?” It will all be a lie. We’re married on paper but it’s not a real marriage. We’re married for you to get Spanish documents, and you even pay me to marry you. This is marriage of convenience and there are many people like that. Moroccan women marrying Spaniards just to have *los papeles*. We’re married, living in the same house, but we don’t sleep together, and when you have the papers, we divorce. There are many people who do that and of course, they think, a young Moroccan girl with an older Spanish man like me. Maybe, it’s a fake marriage. A marriage of convenience, as it’s so often called.

Fatma and Antonio nostalgically remembered their time in Casablanca where they had many friends, including other mixed couples who would regularly invite them to their homes and social events. In comparison they had no close Ceutan friends and found it difficult to fit in as they felt both Muslim and Christian Ceutans held biases against them and their relationship that did not allow them to integrate. I became a close friend and met them regularly until they eventually left Ceuta

altogether and moved to Tangier. “We are very happy here,” they both agreed when I visited them two years later. “Here, we have friends, and we are respected. It’s just easier here.”

“Let’s say that those of my time are the last romantics!” exclaimed Eduardo with a smile stretching from ear to ear. “In the sense that in the history of the Legion there were many mixed marriages,” he expands, “but today you don’t see this anymore. At the time it was quite like the recurring tale of—to put it in colloquial words—‘the Legionnaire and the Moor,’” said Eduardo, referencing a well-known Spanish song about a Legionnaire who falls in love with a Moroccan woman in a brothel in Casablanca; paradoxically consumed by love and anger the Legionnaire ends up killing the woman after he finds her in a cabaret. The fact that most of the Christian interlocutors married to Moroccans are indeed in the military or *funcionarios* is hardly surprising considering the corresponding presence of the migratory trends and labor dynamics in Ceuta. Today, however, transnational interreligious marriages that were in the past associated with romantic marriages between military men and Moroccan women are more linked with narratives like that of Antonio and Fatma. What is intriguing is that whereas in the past these marriages were framed as representations of romantic love by the very crossing of socio-religious and political boundaries, today they are described as marriages of convenience—sham marriages with the sole purpose of the Moroccan partner obtaining residency and citizenship rights.

“I thought Ceuta is better so that she can remain somewhat close to her family whilst still being in Spain,” Miguel said when questioned about their decision to move to Ceuta five years prior. But his wife Lubna disliked Ceuta because she felt she was constantly treated as a second-class resident and reminded that she is Moroccan, whereas Ceuta is Spain. This experience resonates with other narratives provided by transnational interreligious couples. Unlike local interreligious couples who usually meet in their teen years or early twenties, many transnational partners either have a large age gap or met when they were relatively older. The age difference between Antonio and Fatma is more than thirty years while Lubna and Miguel have an age difference of twenty years. Both husbands had been married and divorced in mainland Spain before applying for *funcionario* positions in Africa. Moreover, there is a discernible social class difference between the spouses, which is less evident among conational interreligious couples. All these factors are weaponized by Ceutans in order to disparage these unions and reduce them to scam marriages. There are many Muslim-Ceutans married to Moroccan partners in Ceuta with large age gaps and social class differences between the spouses. However, it is couples that in addition have different religious backgrounds that are often problematized as marriages of convenience. The interreligious factor is viewed as a greater indicator to this effect.

While Ceutans emphasize that religious conversion should always be religiously motivated, most Moroccans and Peninsulars in interreligious marriages described religious conversion as a big romantic gesture, a symbol of good faith or a pragmatic step toward marriage. "Since the document to become Muslim does not expire and is for a lifetime, we said let's start with it," explained Antonio about his conversion to Islam. For him, conversion was merely a step necessary for marrying Fatma in Morocco, where the husband must be Muslim to marry a Moroccan, Muslim, wife. Not all Peninsular converts to Islam described conversion nonchalantly and some did describe a transformation that profoundly altered their lives. Ernesto, for instance, converted to Islam after three years of marriage and wanted to move from Madrid to a city closer to Morocco specifically to raise his daughters in a Muslim environment. Eduardo similarly described how after twenty-five years of marriage he converted to Islam out of religious conviction. However, most peninsular interlocutors who converted prior to marriage and married Moroccans neither framed their conversion on a religious basis nor as it being forced upon them. For them it remained a decision motivated by their desire to marry their Moroccan spouse. Ceutans, in contrast, considered conversion a major decision that would impact, shape, or possibly harm their future identity.

Although Ceuta is home to other transnational interreligious couples who do not involve Moroccan women and Peninsular men (such as Moroccan men married to Peninsular or non-Spanish Europeans), they remain largely ignored in local discourse that primarily problematizes marriages involving Moroccan women and labels them as marriages of convenience. Discourse surrounding transnational interreligious marriages portray the Moroccan wives as opportunist, fraudulent, seductive, and often young and poor, while the men that marry them are often framed as naïvely in love. In trying to understand why there are far more Moroccan women than men married to Spaniards, despite religious prohibitions regarding Muslim women marrying non-Muslim men, I argue that my interlocutors' individual and marriage aspirations reveal a common trend that highlights the intersection of gender and class mobility. Gendered and orientalisating imaginaries underlie the narratives provided by my transnational interlocutors; some peninsular husbands hint that they sought for a more "traditional" spouse, while Moroccan wives hoped that their transnational marriages would provide them with "progressive" partners. Furthermore, Moroccan women wedded to peninsular men are considered both in Morocco and Spain as "marrying up." While these women gain status through their hypergamous unions, their Spanish husbands do not lose any prestige. This contrasts to local interreligious couples, whose marriage partner choices demonstrate a preference for marriages celebrated within the same social class.

Conclusions

Interreligious marriages are celebrated yet simultaneously problematized in Ceuta. This chapter demonstrates the existent tension between, on the one hand, an idealized *convivencia* discourse that celebrates difference, considers ethno-religious communities as equal, and extols interreligious marriages, and on the other the everyday experiences of interreligious couples who find themselves problematized for their marriage, their partner choices, and their crossing of socio-religious and political boundaries. Although Ceutan *convivencia* discourse attempts to unify various ethno-religious identifications under the umbrella of a shared Ceutan (and Spanish) identity, *convivencia* remains grounded in the preservation of distinct ethno-religious communities with a stratified hierarchy of “us” versus “them.” Moreover, in addition to reinforcing divisions among Ceutans, the discourse also provides ground upon which Ceutans (both Christians and Muslims) position themselves in hierarchical opposition to the Moroccan “other.”

Ceutan interreligious couples who emphasize the conservation of religious difference are perceived as the epitome of *convivencia*. *Convivencia* is based on a discourse of mutual coexistence of different “religions/cultures” only in as much as they remain separate and self-contained wholes. The Muslim community is in favor of conversion to Islam, calling for both Christian men and women to convert if they marry Muslims, though more so for Christian men marrying Muslim women for reasons of religious dogma. Yet, they also question the sincerity of converts. The Christian community, in contrast, is against religious conversion. This is primarily the case because in practice conversion entails conversion from Christianity to Islam, rather than the other way around. When Muslims do “convert” they tend to assume a secular or culturally Muslim position, rather than formally converting to Christianity. The Christian community therefore often equates conversion with the Islamization of an interreligious couple and views it as a betrayal of the idealized *convivencia* discourse. To maintain this romanticized notion of *convivencia*, many Ceutans in interreligious relationships emphasize the need to maintain their religious differences and choose to celebrate a civil marriage because no conversion is required.

Most interreligious couples in the city that propagates *convivencia* are transnational and rarely involve a Ceutan partner. The small number of Ceutans who marry outside their religious group prefer marrying other Ceutans or, at most, Peninsulars. This is because couples involving non-Ceutans fall outside the frame of Ceuta’s *convivencia*. In the case of transnational interreligious couples, the religious-cultural aspect is less central to the problematization of the marriage because the overlapping hierarchies of gender, class, and nationality—poorer Moroccan women marrying wealthier Peninsular men—implicate the marriage in broader politics. The transformation of the discourse about these marriages from love marriages

to marriages of convenience is linked to Spain’s EU-accession. Spain’s increased border control and rising suspicions among Spaniards—including Ceutans—about non-European migrants as duplicitous interlopers, have resulted in Ceuta growing into its imagined role of a gatekeeper to Fortress Europe. This provides the backdrop against which the motivations of interreligious transnational spouses are evaluated.

Both Muslim and Christian communities of Ceuta consider women as vulnerable and subject to sexualization and victimization by men from the other communities. Christian women are portrayed as victims of Muslim men (if they marry, they become oppressed, and if they do not marry, they have been deceived by insincere men) and Muslim women are portrayed as victims of predatory Christian men who sexualize them (they either never intend to formerly convert into Islam and marry them, and if they do, their internal convictions is put in doubt). Moroccan women in contrast are not portrayed as victims, but rather as mythological sirens luring Spanish men into “marriages of convenience” intended to provide them with Spanish documents. In this case religion fades in the background as hierarchies of class and nationality are foregrounded. Although convivencia discourse is an ideology of “different but equal,” in practice, interreligious couples find themselves in contradictory positions, both celebrated and problematized. The local and transnational stratified Ceutan hierarchies based on class, religion, and nationality ultimately dictate which marriage partners are considered more or less desirable.

Notes

- ¹ To protect the privacy of my interlocutors, I use pseudonyms throughout the chapter that nevertheless reflect my interlocutors’ gender, age, and background.
- ² Jews and Hindus account together for less than 1.5 percent of the enclave’s residents; albeit their ethno-religious communities are equally emphasized in Ceuta’s “convivencia” discourse.
- ³ Muslim marriages were recognized to have civil effects post-1992 Agreement between the Spanish government and the Islamic Commission representing the Spanish Muslim communities. For the marriage to be recognized, the person officiating the marriage must be recognized by the State and registered as a “religious minister,” and there are various formalities that must take place, including registration of the marriage by the wedded couple at the marriage registry. At the time of research, there were three religious ministers officiating Muslim marriages in Ceuta.
- ⁴ *Funcionarios* are appointed for life. Only the most heinous shortcomings endanger their positions.
- ⁵ Rontomé deduced that 64.3 percent of the 328 marriages celebrated in that timeframe involved at least one foreign spouse, but many of these couples were Muslim-Ceutan married to Moroccan. Unlike data on religion, information on nationality is made available by Spain’s National Statistic Office.
- ⁶ The feast of the three Kings Day, known elsewhere as epiphany, is a public holiday in Ceuta celebrated on January 6. The day is known for its gift-giving spirit as children are told that it is the wise men who bring them presents, and is considered by some Ceutans as more important than Christmas itself.

- ⁷ This resonates with the research of Esteve and Bueno (2012) who found that a considerable proportion of immigrants have no partner when migrating to Spain and therefore the probability of then looking for and finding one in the host society increases considerably.

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Interfaith Marriages in Indonesia: Between the Law, State Ideology, and Progressive Muslim Voices

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Introduction

Indonesia is the world's largest Muslim majority country, with 87.2 percent of its approximately 277 million population identifying as Muslims. Although Islam is the most prominent religion, the country also acknowledges six officially recognized religions: Islam, Christianity (Protestantism), Catholicism, Buddhism, Hinduism, and Confucianism.¹ Interfaith marriages, sometimes called interreligious or more broadly mixed marriages, have been the topic of ongoing debates. Cammack argues that interfaith marriage is the most controversial legal issue in Indonesia and has been contentious for an extended period (2009, 102). Studies of Muslim marriages in Indonesia demonstrate that this issue has been present long before the issuance of the country's 1974 Marriage Law (Cammack 2009; Mulia 2009).

The history of the country demonstrates that interfaith marriages have often been discussed in relation to religious conversion, that is how interfaith couples often opt for conversion in order to navigate the difficulties of obtaining marriage certificates and registering marriage (Seo 2013; see also Katz and Katz 1975; Mujiburrahman 2006; Lukito 2008; Aini et al. 2019; Nasir 2020). Expanding on these works, this chapter argues that religious conversion nowadays is *not* the most primary and prominent issue in debates about interfaith marriage. The focus has increasingly shifted to navigating ways to build an interfaith family without attempts at conversion. Thus, celebrating religious pluralism and multiculturalism has become more prominent among many interfaith marriage couples. Interfaith marriage is increasingly discussed because of the increasing frequency of interactions between adherents of different faiths and their willingness to understand one another's beliefs. Maintaining and crossing religious, or "us" versus "them," boundaries are at the heart of debates between proponents and opponents of interfaith marriages.

Drawing from online and offline ethnographic research in Jakarta from 2018 until 2022, in this chapter I unpack the long trajectory of mixed marriage in Indonesia by analyzing the continuous struggle to legalize the practice and the means interfaith marriage activists use to navigate this field. For this study I carried out participant observation to analyze the process of navigating the marriage process through certain institutions, such as the Indonesian Conference on Religion and Peace, and by attending online and offline initiatives providing ways to accommodate interfaith marriages. I also conducted semi-structured interviews with various key players, including interfaith marriage counsellors, interfaith married couples, Islamic and Muslim feminists, religious leaders, progressive Muslims and non-Muslims, and government officials. The presence of a wide range of voices and narratives on interfaith marriages sheds light on debates regarding religious pluralism in Indonesia. The absence of accommodating laws on interfaith marriages has become a continuous struggle for progressive Muslims who call to preserve religious pluralism (see also Leeman 2009, 743).

This contribution looks at the interplay between the issue of interfaith marriages and the concept of religious pluralism and multiculturalism in Indonesia. Anthropologist Thomas Kirsch, in his critical analysis on the concept of belief, explicates the context in which religious pluralism can be seen when “none of the available religious options represented a permanent or universally valid authority and in which people readily shifted between different religious affiliations” (2004, 700). Within the interfaith family, we see the real practice of Johannes Fabian’s definition of religious pluralism: “the ability of individuals to follow more than one religious orientation at a time” (1985, 139).

Whereas pluralism has been used to denote the nature of Indonesian diversity (*kebhinekaan*) in the post-Suharto period, Indonesia has witnessed both a flourishing of conservative and radical groups, and an increase in religious intolerance.² This has contributed to a reluctance to accept interfaith marriages. In this context, the role of the government is vital in preserving the pluralistic and multicultural nature of the country. Hoon coined the term religious multiculturalism that focuses “on governance... and requires the dynamic involvement of the state to protect its religious population, especially religion minorities” (Hoon 2017, 488).

The debate of interfaith marriage is linked to the position of progressive Muslims and their non-governmental organizations (NGOs), in particular those emanating from the two largest Muslim organizations in Indonesia, Nahdlatul Ulama and Muhammadiyah. The NGOs are keen to support those wanting to celebrate religious pluralism, including through interfaith marriages. One of these NGOs, Paramadina, was founded in 1986 to spread the legacy of progressive and modernist Muslim intellectual Nurcholish Madjid. Other NGOs such as the Wahid Foundation, founded in 2004, are attached to another well-respected progressive

Muslim, Abdurrahman Wahid or Gus Dur, who also served as the country's fourth President. This progressive current has had to face various conservative Muslim groups in the country. Cammack, in this context, rightly says, "The difficulty in contracting interreligious marriage in Indonesia is based more on the actions of conservative Muslim groups in condemning marriages between Muslims and non-Muslims than it is on the application of law" (2009, 103).

Regulating interfaith marriages

During Dutch colonial rule over Indonesia, the population was divided in racial-religious categories with specific regulations about marriage. Those who wanted to marry someone who belonged to a different category had to follow *Regeling op de Gemengde Huwelijken* (Regulation on Mixed Marriages) (Gouwgioksiong 1964, 717; Cammack 2009, 104; Bedner and van Huis 2010, 177). This regulation allowed for interfaith marriages (Cammack 2009, 105; Katz and Katz 1975, 661–62), but the couple needed to follow the legal regulations that applied to the husband. It did not require the conversion of the wife.³ By the early 1970s there were new developments in regulating mixed and interfaith marriages. Since then, the country has witnessed some important changes in colonial marriage laws.

The 1974 Indonesian Marriage Law and some conservative fatāwā

In 1974 the Indonesian Marriage Law was proclaimed. As will be argued below, this law only considered mixed marriages to be those concluded between couples from different nationalities. The year before the issuance of the 1974 Marriage Law, interfaith marriage had become a major topic in debates about the Indonesian marriage bill. Some Islamic groups opposed the fact that this law would allow for the conclusion of interfaith marriages (Mujiburrahman 2006, 164), as evident in Article 11, Section 2, "Differences of nationality, ethnic group, country of origin, place of origin, religion, belief, and descent are not an impediment to marriage" (quoted in Cammack 2009, 110). Some opponents of the bill believed that those drafting the bill were Christians and thus considered the bill as part of an undercover Christianization agenda that would benefit missionaries (Katz and Katz 1975, 662; Mujiburrahman 2006, 164). For example, the first Minister of Religion who opposed the bill, Muhammad Rasjidi, arguing that the bill did not differentiate between religion and other aspects of people's identities, expressed the idea that Christians were using the bill to convert Muslims (Mujiburrahman 2006, 177–78; Cammack 2009, 110). The issue of Christianization came to be seen as a major threat for Muslims in particular "after reports surfaced of two million conversions to

Christianity after the alleged attempted Communist coup in 1965” (Crouch 2013, 273). In the end, Article 11 on interfaith marriages was dropped (Cammack 2009, 113), and the revised bill was considered “a victory for Islam” (Seo 2013, 80).

As a result, the core of the problem in Indonesia’s regulation of interfaith marriage is that the 1974 Marriage Law is ambiguous and does not clearly state whether an interfaith marriage is lawful or not. On the one hand, Article 2 No. 1 states, “a marriage is valid, if it takes place in accordance with the laws of the respective religions and beliefs of the parties.” On the other hand, the mixed marriage rule regulates “inter-racial marriages,” with Article 57 defining mixed marriage as:

Marriage between two people in Indonesia subject to different laws as a result of the difference in citizenship, and one of the parties is an Indonesian citizen.

Thus, mixed marriages in this context have not been interpreted as interfaith marriages but as marriages between parties with a different nationality. As an effort to produce legal uniformity in Indonesia, this law is often criticized for ignoring the nature of multicultural Indonesia (see Lukito 2008, 176). Despite this ambiguity, the number of couples in interfaith marriages has been growing, even if numbers have remained small. In 1970, there were ten known couples in interfaith marriages, this had increased to 80 couples in 1979, and 491 couples in 1986 (*Tempo* 1993). Moreover, because interfaith marriages are often not registered, these numbers do not reflect the actual numbers of interfaith couples.

In the years to come, first in 1980 and then in 2005, the national religious council, Indonesian Ulama Council (Majelis Ulama Indonesia (MUI)), issued *fatāwā* (nonbinding legal-theological opinions) to prohibit interfaith marriages. The first *fatwa* from 1980 (No. 2) stated:

It is forbidden for a Muslim man to marry a non-Muslim woman. Regarding marriage between a Muslim man and a woman of the people of the book, there are differences of opinion. After considering that the *mafsadat* [damage] is greater than the *maslahat* [benefit], the Indonesian Ulama Council issue a *fatwa* stating the particular type of marriage as unlawful.

The *fatwa* issued in 2005 (No 4/MUNAS VII) builds on this earlier *fatwa* and starts with the motivation to issue a new *fatwa*:

1. That lately it is alleged that there have been many interfaith marriages.
2. This interfaith marriage not only invites debates among Muslims, but also often invites unrest in society. (MUI 2011, 477)

The *fatwa* then states:

1. Interfaith marriage is *haram* (unlawful) and illegitimate.
2. According to *qawl mu'tamad* (the strongest view), marriage between Muslim men and women who are *ahlil kitab* (the people of the book) is *haram* and not valid. (MUI 2011, 481).

MUI's position as the highest national '*ulamā'* (religious scholars) board is very strict. It diverges from the common position taken by other '*ulamā'* that acknowledges that Muslim men are permitted to marry *kitābī* women by referring to the verse in the Qur'an that states, "(Lawful unto you in marriage) are (not only) chaste women who are believers, but chaste women among the People of the Book, revealed before your time" (Al-Mā'idah 5:5).⁴ MUI, in contrast, prohibits such marriages altogether. MUI came to take up such a position based on what they believe to be *al-maṣālih al-mursala* (in the public interest or in the interest of the Indonesian Islamic community). Asrorun Ni'am Sholeh, a member of MUI Fatwa Committee, confirmed this and explained, "In terms of marriage, MUI prioritises the precautionary principles... One of the reasons for taking this position is based on the context behind the request of this *fatwa*."⁵ In his view the *mafsadat* (harm) is greater than the benefits of interfaith marriages.

MUI's position stands in strong contrast to and does not reflect Indonesia's well-known moderate position. Still, it has become the main reference for the state when dealing with interfaith marriages. '*Ulamā'* institutions in other predominantly Muslim countries, like Dār al-Iftā' al-Miṣriya (the official body for issuing *fatāwā* in Egypt), issued a *fatwa* stating that it is permissible for Muslim men to marry *kitābī* women, although it is not encouraged because of the belief that it will most likely lead to problems. It seems that for MUI religious competition has been a major argument, as it believes that interfaith marriage can harm the growth of the Muslim community in Indonesia (see also Mudzhar 1993, 103).

Progressive Muslims and interfaith marriage

In 1991 the Compilation of Islamic Law (CIL) was issued in order to uphold uniformity of decisions in cases handled by religious courts, including cases regarding Islamic marriages. Interfaith marriage in Indonesia became particularly controversial when Muslim progressives, women activists, and feminists became involved in raising awareness about the need to reform the contents of the Compilation of Islamic Law (which they considered as contributing to violence against women) and to uphold the principles of *musāwa* (equality), *'adāla* (justice), *maṣlaḥa* (public interest), *ta' addudiyya* (pluralism), and *dīmuqrāṭiyya* (democracy) (Tim Pengarusutamaan Gender 2004, 36). In 2001, this growing awareness had led to

the birth of the Working Group for Gender Mainstreaming, formed by the Minister of Religious Affairs (Leng, Jones, and Mohamad 2009, 9). Spearheaded by female Muslim scholar-cum-feminist Siti Musdah Mulia, in 2004 progressive Muslims who strived to counter the CIL issued the Counter-Legal Draft on the Compilation of Islamic Law.⁶ According to Mulia, the two issues in the Counter-Legal Draft that had generated extensive controversy were interfaith marriages and polygamy (Mulia 2009). In contrast to the Compilation of Islamic Law, the Counter-Legal Draft allows interfaith marriages based on the principle of respecting each other's beliefs and as long as these marriages can lead to happiness.

The debates between the proponents and the opponents of the Counter-Legal Draft and the discussion of interfaith marriage in particular, cannot be separated from the continuous struggle of progressive Muslims to preserve moderate Islam in Indonesia. To support interfaith marriages they often refer to modernist thinkers from other regions. Many Indonesian progressive exegetes and thinkers, like Nurcholish Madjid (1939–2005), Hussein Muhammad, Quraish Shihab, and other proponents of interfaith marriages refer to the work of Egyptian modernists such as Muḥammad 'Abduh (1849–1905) and his disciple Muḥammad Rashīd Riḍā (1865–1935).

In discussing interfaith marriages, important concepts are *kāfir* (unbeliever) and *kitābī* (the people of the book). Referring to the views of Rashīd Riḍā, Abdelnour states: “Rashīd Riḍā, projecting 'Abduh's ideas, argued that the word *kāfir* today applies exclusively to atheists and that Muslims cannot automatically name non-Muslim believers *kuffār*” (2020, 5). In discussions about the term *kitābī* (those whom a Muslim man is allowed to marry) Riḍā mentioned not only Jews and Christians but also included Sabaeans, Zoroastrians, Hindus, Buddhists and Confucianists (Riḍā 1973, 185–86). To do so, Riḍā explains that the Qur'an only mentions the four religions of Christianity, Judaism, Zoroastrianism, and Sabaeism not because they are the only ones with *kitāb* (a holy book) but because the Arabs to whom the Qur'an had been revealed had never traveled to India, Japan, and China and therefore were not familiar with the other religions. The Qur'an then only mentions Sabaeans and Zoroastrians (next to Jews and Christians) because they were familiar to the Arabs, due to their proximity to Iraq and Bahrain (Riḍā 1973, 188).

Riḍā's influence on interfaith marriage becomes visible in Nurcholish Madjid's understanding of the term “people of the book,” which also includes religious believers other than Jews and Christians (see Ropi 1998, 105; see also Ryad 2009, 318). This spirit of inclusivity has become the backbone of the establishment of Madjid's educational institution Paramadina, which also facilitated interfaith marriages (see Barton 1997, 334). Zainun Kamal, an intellectual from Paramadina was also inspired by 'Abduh in defining *kitābī* as including adherents of Buddhism, Shintoism, and Confucianism. Zainun carefully adds to this that “Islam allows interfaith marriage, but this should not be interpreted as propagating.”

The opinion of Mulia, as the leader of a team of Islamic legal scholars for the preparation of the Counter-Legal Draft, is important in this regard. Inspired by modernist thinkers, Mulia and the team went a step further and proposed that both Muslim men and women should be allowed to marry non-Muslims. They based their understanding that a Muslim woman can also marry a *kitābī* man on their gender-just rereading of religious texts and point out that those prohibiting this kind of marriage use patriarchal understandings and demonstrate gender bias in considering women as weak creatures, presumably easily influenced by their non-Muslim husbands.

In the view of Mulia and her team, the ruling in the Qur'anic verse Al-Mā'idah 5:5 should be understood as confirming not only that a Muslim man may marry a *kitābī* woman but also that a Muslim woman may marry a *kitābī* man. Mulia emphasizes that the Qur'an does not mention that it is prohibited for a Muslim woman to marry a *kitābī* man. Referring to the principle of Islamic jurisprudence that the absence of an argument is in itself an argument (*'adam al-dalīl huwa al-dalīl*) she states that this means that a Muslim woman may marry a *kitābī* man. Further explaining the position she has taken in the Counter Legal draft, she contends: "the draft is based on the framework of equality and justice, and it is also grounded in Al-Qur'an and Sunnah" (2009, 279). In this context, she also refers to the Hanbali jurist, Ibn al-Qayyim al-Jawziyya, who discussed the objectives of Shari'a teaching as emphasizing humanity, human interest (*al-maṣlaḥa*), justice (*'adl*), mercy (*raḥma*), and wisdom (*ḥikma*). Mulia believes that a prohibition would contradict these objectives (2015, 16).

The initiative of the Counter-Legal Draft team to legalize interfaith marriage is an essential step in the long debate of interfaith marriage. Whereas the 1991 Compilation of Islamic Law stipulates the unlawfulness of interfaith marriages between a Muslim woman and a non-Muslim man and between a Muslim man and a non-Muslim woman including a *kitābī* woman, the Counter-Legal Draft rejects this. Article 54 of the Counter-legal Draft states that "the marriage of Muslims and non-Muslims is permitted," and that such marriages are "based on the principles of mutual respect and esteem for the right of free exercise of religion and belief" (see also Mulia 2015, 16). However, when the Counter-Legal Draft was ready to be launched, the Minister for Religious Affairs did not approve its contents, and it was withdrawn in February 2005 (Leng, Jones, and Mohamad 2009, 9). The Minister's decision was made after considering the responses of conservative Muslims in Indonesia who had opposed the draft based on the assumption that it represented secularism and liberalism (Leng, Jones, and Mohamad 2009, 9) and was against Islamic teachings.

Still, the efforts to legalize interfaith marriages did not stop there. In August 2014 five university students submitted a request for a judicial review of the 1974 Marriage Law about interfaith unions to be permitted to Indonesia's Constitutional

Court. According to the plaintiffs this law is unconstitutional, as it violates the right to freedom of religion and may lead to forced conversions, which are against human rights (Gabrillin 2015). On June 18, 2015, the Constitutional Court rejected the petition, with the lead judge Arief Hidayat only responding that this article “isn’t a violation of the constitution” (quoted in Dagur and Lestari 2015). The then Minister of Religious Affairs, Lukman Hakim Saifuddin, supported the decision by emphasizing the country’s nature as “a religious society,” and that marriage is a sacred religious event, not only a legal procedure (*Kompas* 2015). It was clear that the opposition to the review had been fueled by the fear of a backlash from conservative groups. Machasin, an expert staff member of the Minister of Religious Affairs, for example, commented that if the Constitutional Court would approve the demand of the petitioners for the judicial review, it could “create social unrest and unrest in a predominantly Muslim society” (quoted in Rochman 2014).

Interfaith marriage in practice: a highly controversial case

In Indonesia, when celebrities conduct an interfaith marriage, it makes national headlines. This includes the interfaith marriages of Jamal Mirdad and Lydia Kandou in 1986, Jeremy Thomas and Ina Indayanti in 1994, Frans Mohede and Amara in 1999, Ari Sihasale and Nia Zulkarnaen in 2003, Marcell Siahaan and Rima Melati Adams in 2009, and Dimas Anggara and Nadine Chandrawinata in 2018. Most of these celebrity interfaith marriages are conducted overseas.

However, on June 8, 2003, it was the marriage of two activists, Ahmad Nurcholish (Muslim) and Ang Mei Yong (Confucian), that became one of the most discussed interfaith marriages in the 2000s. Nurcholish’s marriage was particularly controversial, because he is known as a young Muslim activist with a traditional *pesantren* (Islamic boarding school) background who served as a board member for the Youth Islamic Study Club (YISC) at al-Azhar Foundation (Indonesia). He comes from a family that is also religious, with a moderate understanding of Islam. His father is a public figure in his village and an Islamic primary school teacher, and his mother is a teacher at the Qur’anic early childhood education centre. Mei, in contrast, comes from a family that does not have much interest in religion. Some of her family members are Buddhists and others are Confucians. Mei became interested in Confucianism at school. Later, she became known as an activist of the Supreme Council of the Confucian Religion of Indonesia (Matakin). Nurcholish and Mei are both activists of an interfaith organization called *Generasi Muda Antar Iman* and it was there that they met for the first time. One year after their marriage, Nurcholish wrote *Memoar Cintaku: Pengalaman Empiris Pernikahan Beda Agama* (*My Love Memoir: An Empirical Experience of Interfaith Marriage*) (2004). This book

aimed to present the readers with the problems that he experienced when trying to have an interfaith marriage.

Nurcholish and Mei understood that their decision to get married might incite family conflict. Thus, during their dating period of more than two years, they both decided to conduct “diplomatic” family visits or “*silaturrahmi diplomatic*,” to borrow Nurcholish’s words, to understand the responses of their families to their relationship. Both Nurcholish’s and Mei’s families turned out to be supportive. Major opposition came from Nurcholish’s colleagues at the Youth Islamic Study Club (YISC). Before marrying Mei, he had already become known as a young Muslim activist who supported interfaith marriage, a point of view that the YISC considered controversial. His marriage with Mei then led to significant opposition from YISC and resulted in his resignation from YISC.

Nurcholish and Mei decided to keep their own faiths; neither of them converted. Before the marriage, Nurcholish had built relations with Muslim scholars and clerics who supported interfaith marriages, including Komaruddin Hidayat, the former rector of the State Islamic University Jakarta, and Zainun Kamal, an expert in interfaith theology (Nurcholish 2004, 65–66). The marriage took place in the Islamic Study Centre Paramadina. Prominent progressive Muslims were present during the solemnization, indicating Nurcholish and Mei’s important position and how their marriage was considered as a symbol of the victory of progressive Muslim voices. Among the attendees were Ulil Abshar-Abdalla, a young Muslim intellectual and the then coordinator of Jaringan Islam Liberal or JIL (Liberal Islamic Network) who functioned as a marriage witness; Kautsar Azhari Noor, a philosophy and theology professor at the State Islamic University Jakarta and Paramadina University; and Budi S Tanuwibowo, chairperson of Matakkin, who functioned as a Confucian marriage witness. Nurcholish and Mei had to solemnize their marriage twice, both in an Islamic and a Confucian manner. They faced difficulty finding a Confucian priest willing to solemnize the interfaith marriage. Eventually, a moderate Confucian religious leader whose son had married a Muslim woman agreed to conclude the marriage.

After the religious solemnization, they still had to face the long journey to obtain a marriage certificate. One year after their religious ceremony, they still only had two letters issued by Paramadina and Matakkin stating that they had entered into a valid marriage according to Islamic and Confucian teachings. Nurcholish did not visit either the Office of Religious Affairs or the Civil Registry Office to register the marriage, as he assumed that they would reject him.⁷ On April 14, 2004, however, he decided to face the challenge. He visited the Civil Registry Office and provided all of the administrative requirements. The staff then rejected his application not because of the interfaith marriage but because Confucianism was no longer officially recognized as a religion in Indonesia.⁸

Nurcholish desperately needed a marriage certificate because of the impending birth of his first child. Without a marriage certificate, his child would not have legal rights—including a birth certificate. In April 2005, the couple finally received the certificate by submitting a marriage letter from a Buddhist temple, because the religion written in Mei’s identity card was Buddhism. Like other Confucians, Mei could not have her religion written on her identity card, as at that time Confucianism was not a recognized religion in Indonesia. As Suryadinata explained, “Confucians instead had to be registered as Buddhists. When married, Confucians also had to be registered as a Buddhist couple in their marriage documents; otherwise, the marriage would not be recognised by the state” (2005, 81).

Nurcholish and Mei were not the first couple to face the problem of the lack of recognition of Confucianism as a religion. At the beginning of the democratization process, in 1995, there was a marriage between Budi Wijaya (alias Po Bing Bo) and Lany Guito (alias Gwie Ay Lan) in a Confucian temple, which the Civil Registry Office also refused to register.⁹ The office advised Budi and Lany to register their marriage as Buddhist instead (Suryadinata 2005, 81–82).¹⁰ Budi and Lany refused the recommendation and went to the Surabaya Court, finally appealing to the Supreme Court to legitimate their marriage. This case ended in 2000 with the official approval of their marriage by the Supreme Court.

The extensive experiences of Nurcholish and his willingness to share them with others have stimulated many couples who intend to, or have already, concluded an interfaith marriage to consult him about how to manage an interfaith household. Nurcholish’s willingness to help interfaith couples, however, also often led people to label him as “*penghulu liar*” (illegal Muslim wedding officiant) (Firmansyah 2020). The way Nurcholish and Mei have raised their children has also inspired many interfaith families. The couple’s first and second children are Catholics, and their third child is Muslim. As for their last child, a four-year-old, Nurcholish had not identified him. He recounted the story of his child refusing to read the Qur’an when asked. Nurcholish then asked him, “If you do not want to read the Qur’an and learn about Islam, I will bring you to Sunday school, okay?”¹¹ This is resonant to what Fabian (1985) and Kirsch (2004) mentioned above: religious pluralist people—like Nurcholish and Mei in this study—are open to crossing religious boundaries.

Nurcholish’s case points to the complexities of religious pluralism and multiculturalism in Indonesia. *Pancasila*, the state ideology, is often regarded as a beacon of multiculturalism that recognizes religious pluralism, while the constitution guarantees citizens the right to practice and freely choose their religion. Yet, it is complicated to bring this into practice. The 1945 Constitution of the Republic of Indonesia (Article 29 No. 2) states, “The State guarantees the freedom of each citizen to embrace their own religion and to worship according to their religion and belief.” Serving as the expert witness at the court during the trial of Budi

and Lany's Confucian marriage,¹² Gus Dur, one of Indonesia's former presidents, argued that it should be the believers who determine whether Confucianism is religion or not and the state must not interfere in matters of one's faith. In his view, "Confucianism is a religion, and to deny it the legal status of a religion was unfair and unjust to the Chinese minority" (quoted in Suryadinata 2005, 82). Moreover, in practice, Indonesia's constitution often collides with other rules and regulations. This is exacerbated by many conflicting interpretations and opinions of the country's bureaucrats who are only half-heartedly or even not at all willing to maintain Indonesia's multiculturalism and religious pluralism and respect the country's motto *Bhinneka Tunggal Ika*—"Unity in Diversity"—signifying multi-ethnic coexistence. Many interfaith couples complained that it took them a very long time to have their marriage registered with the state.

The many paths to interfaith marriage

When I visited Nurcholish's office for the first time, I did not know his exact role in the interfaith marriage service offered by his NGO, the Indonesian Conference on Religion and Peace, in which Mulia serves as the chairperson and Nurcholish as the deputy director. The first time I had a chance to visit his office, it was January 2022 when Omicron cases began to soar in Indonesia. I was surprised by the number of people in the waiting room. After waiting nineteen minutes, I heard some of them say "Ustadz ... Ustadz" (a respectful way to refer to a male Islamic scholar), so I made the assumption that they were waiting to meet Nurcholish. After chatting with them, I understood that they were there to see a pastor, but they also knew the role of Nurcholish as a Muslim scholar. Therefore, they addressed him as "Ustadz." When I asked two of those present who they were waiting for, one of them told me, "No, I'm here to see the *pendeta* [pastor] Frangky Tampubolon [the executive director of the Indonesian Conference on Religion and Peace]." A woman waiting with her husband and parents also said they were there to consult with Frangky about her interfaith marriage. Later, Nurcholish explained that many came to his NGO for counselling about their interfaith marriage plans and issues.

In addition to Nurcholish and the Indonesian Conference on Religion and Peace that has successfully solemnized 1,400 couples to date (January 22, 2022), there have been other institutions, activists, and intellectuals supporting and helping interfaith couples by providing advocacy, counselling, and services to solemnize their marriages. Some of the most popular institutions are Paramadina, Harmoni Mitra Madania—which is also affiliated with the Indonesian Conference on Religion and Peace, Yayasan Indonesia Bahagia, Yayasan Percik, and the Wahid Institute (see Nurcholish 2015, 124). Many of these institutions, and progressive Muslims supporting the initiatives, cooperate in multiple ways.

These organizations and counsellors offer a variety of services. The Indonesian Conference on Religion and Peace, for example, offers three main services: counselling before and during marriage, advocacy for those who want to register their marriage, and facilitation of the solemnization of interfaith marriages. Mostly, these organizations provide services to solemnize marriages based on the couple's religions, meaning there will be two solemnizations. The Indonesian Conference on Religion and Peace usually provides its own Jakarta-based religious clerics from various religious traditions to solemnize interfaith marriages across Indonesia. At this stage, Nurcholish himself serves as *penghulu*, a Muslim who is in charge of solemnizing a marriage involving a Muslim man or woman. After this solemnization, the marriage can be registered as a non-Muslim marriage at the Office of Population and Civil Registration (Dukcapil).¹³ That is, if one of the parties is a Muslim, they have to accept that their marriage can only be registered as a non-Muslim marriage. This, however, is merely a matter of registration. Most interfaith institutions strongly emphasize that registration will not change a person's religious identity.

The costs of interfaith marriage services by the Indonesian Conference on Religion and Peace are high, ranging from Rp 9 million (USD \$640) to Rp 12 million (USD \$850), depending on the complexity of the case. This signifies that those who choose this path for an interfaith marriage are mostly better-off people. Indeed, approximately 80 percent of the 1,400 couples that have successfully had their interfaith marriages administered by Nurcholish and the Indonesian Conference on Religion and Peace are urban, well-educated, middle-class, and upper-class Indonesians, who are familiar with the discourse of interfaith marriages from within their circles.

Organizing two solemnizations is usually more straightforward than getting the marriage legalized by the state. It is noteworthy that not all Dukcapil representatives have the same understanding of interfaith marriage. Some Dukcapil representatives have approved interfaith marriage registration, arguing that as stipulated by law, the office only deals with registration, not with solemnization. However, others will check the couples' identity cards carefully and will not register the marriage if they see that the couples have different religions and will recommend the couples to synchronize their religion on their identity cards first. Micah, a 36-year-old accountant who married in 2017, explained what happened when he tried to register his interfaith marriage: "When the staff of Dukcapil saw our KTP [identity cards], they rejected our application because it states that I am Protestant and she is Muslim. After being rejected, we were a bit naughty. We decided to change my wife's religion on her KTP. So, she is a Protestant only on her KTP, while in reality she is still Muslim."¹⁴ Micah and his wife Rina are not the only desperate couple who have had to take this path.

The easiest but most expensive solution is to conduct an interfaith marriage overseas. Article 56 No. 1 of the 1974 Marriage Law stipulates:

In the case of a marriage performed outside Indonesia, whether between two Indonesian citizens or between an Indonesia citizen and a foreign citizen, such marriage is legal when it is performed according to the laws of the place where the marriage took place, and the Indonesian citizen must comply with the requirements under the Marriage Law.

The most popular countries for Indonesians to enter into interfaith marriages are Singapore, Australia, and Hong Kong (Seo 2013, 76; Wargadiredja 2017). Amanda, a 34-year-old senior consultant in a multinational company in Jakarta, recounts her experience,

My husband and I married in Singapore. Why Singapore? It's just very close to Indonesia and relatively cheap too. But you know what? We just realised there were many Indonesians who legalised their marriage there [in Singapore].¹⁵

Those taking this path have to legalize their overseas Certificate of Marriage at the Indonesian Embassy or Consulate. The Indonesian Embassy or Consulate will then issue a Letter of Statement confirming that the couple have married based on the overseas Certificate of Marriage that they have received. Based on Law No. 23 2006 on Population Administration Article 37, they also need to officially register their marriage at Dukcapil within thirty days of returning to Indonesia by attaching the translated and legalized overseas Certificate of Marriage and the Letter of Statement issued by the Indonesian Embassy or Consulate.

Online affordances: a door to interfaith marriage

Nowadays, interfaith online encounters have become common. Discussing and even celebrating an interfaith marriage is facilitated in the virtual world due to the affordances of online communication. With the increasing popularity of social media platforms, interfaith marriage dialogues and discourses are present not only in the format of top-down online communication media that provide information with no interaction with audiences, but online religion also includes more “non-hierarchical interaction” (Helland 2000). Indeed, the division between the two has become increasingly blurry (Helland 2007; Nisa 2019).

Today's interfaith marriages are not only present on websites providing advocacy but also on more interactive social media platforms like Instagram. Two Instagram accounts that support interfaith marriages are @NikahBedaAgama

(InterfaithMarriage) and @KeluargaBhinneka (Mixed/Interfaith Family). Nurcholish has been a crucial figure in these two accounts serving as their counsellor. The @Nikah Beda Agama (NBA) account was created in 2016 as a door for those who want to have an interfaith marriage. This account is part of Yayasan Harmoni Mitra Madania. It also has an active website. The front page states:

Please ask about interfaith marriage through our WhatsApp number on ...¹⁶ Not only that, we also assist the marriage procedure, starting from preparing the Muslim wedding officiant and the priest, to taking care of it up to the civil registry office.

The admin recorded that they receive twenty direct messages monthly on their Instagram account asking about interfaith marriage. The @Keluarga Bhinneka account was created in March 2019 by an interfaith married couple, Johannes (Catholic) and Trully (Muslim), who also serve as the counsellors of interfaith families. Johannes and Trully decided to use Instagram because they believe “this is the era of Instagram.” This enables them to reach a broader audience and to easily communicate their visual branding. This includes sharing images, texts, and captions related to interfaith marriages and families.¹⁷ Johannes states:

How is it possible to prevent the occurrence of love relationships between people of different religions in multicultural Indonesia? ...We [Johannes and Trully] open the door through the Bhinneka Family IG [Instagram] for helping interfaith couples who are still having difficulties building an interfaith family.¹⁸

Next to their Instagram account, Johannes and Trully created a WhatsApp interfaith family group to provide a platform for interfaith couples to share their family problems and support each other in managing diversity.

The Internet and social media have provided a new venue for those interested in interfaith marriages to get information, to connect with like-minded people, and to receive various forms of support. In March 2021, an Instagram Live session titled “Interfaith Dating, Is It Difficult to Get Married?” organized by young people under @sadapindonesia featured Nurcholish, who expressed his opinion on how social media have enabled interfaith marriages. Nurcholish believes:

Social media accounts... [featuring information on interfaith marriages] indeed have become the key entrance door [for those interested in interfaith marriages]. ... Within the last five years, those who have tried to reach us [Nurcholish and his interfaith institutions] mostly receive the information from online avenues.

Webinars and Instagram Live sessions on interfaith marriages as well as interfaith dating have increased significantly since the beginning of the COVID-19 outbreak. The growing trend of interfaith dating in Indonesia occurred simultaneously with the rise of digital religion. The nature of online engagement has enabled its users not only to “shop” for their religious learning but has also opened the door to interfaith understandings.

Conclusion

Interfaith marriages are the consequence of a religiously pluralist and multicultural society like Indonesia. It is a real test of the state’s ability to accommodate religious pluralism. Whereas the Indonesian constitution and state philosophy (*Pancasila*) acknowledges religious pluralism, this type of marriage may, nonetheless, become problematic when the government fails to accommodate and defend it. A variety of actors hold widely divergent views on interfaith marriage. The wide gap between conservative and progressive views in the country is striking. The conservatives uphold the position that no form of interfaith marriage is allowed, not even for Muslim men wanting to marry *kitābī* women. In contrast, the progressives believe that interfaith marriage should be allowed for both men *and* women as they do not consider it as violating Islamic doctrines. This does not mean that Muslims in the country are split into only two camps, progressive and conservative, as there still is a large silent majority in the middle.

This contribution has shown that with the number of interfaith marriages growing, progressives from various religious traditions are active in navigating the strict state regulations. They frame this practice carefully to separate it from forced conversion issues, which have often accompanied the debate of interfaith marriage in the archipelago. The mediated and digitized era has provided an opportunity to introduce the discussions and practises of interfaith marriage into the Indonesian (online) public sphere. Progressive Muslims (and non-Muslims), including Islamic and Muslim feminists, their organizations, the Internet and social media platforms have played a significant role in providing a sanctuary and pathway to navigate existing policies on interfaith marriage. This signifies an important development in understanding religious pluralism. At the same time, however, the government has not shifted its attitude to accommodate the needs of its citizens who opt for interfaith marriage. Indeed, with the country witnessing the rise of conservatism, many proponents of interfaith marriages share the feeling that the journey to see the legalization of interfaith marriage remains long.

Notes

- ¹ Protestantism and Catholicism are not subsumed under the category of Christianity. The term Christianity usually refers to Protestantism.
- ² Suharto, the second President of Indonesia, held office from 1967 until 1998.
- ³ According to Bedner and van Huis (2010, 182) “the original objective of the law was to prevent European women from marrying Indonesian men.”
- ⁴ This Qur’anic translation is taken from Abdullah Yusuf Ali (2000).
- ⁵ WhatsApp interview with Asrorun Ni’am Sholeh, May 27, 2022.
- ⁶ The Counter-Legal Draft team is a manifestation of progressive Muslims, mainly with a Nahdlatul Ulama background and a few from a Muhammadiyah background (Wahid 2014, 231).
- ⁷ At the Office of Religious Affairs only Muslim marriages are registered. Non-Muslim marriages are registered at the Civil Registry Office.
- ⁸ This was due to former president Suharto’s decision in 1979. Confucianism was only re-recognised as such in 2006 (Chambert-Loir 2015, 80; Suryadinata 2005, 81).
- ⁹ On the interfaith marriage registration see also Nasir (2020, 135).
- ¹⁰ For a thorough discussion on Budi and Lany’s case, see Suryadinata (2005).
- ¹¹ Interview with Nurcholish, Central Jakarta, January 22, 2022.
- ¹² Their marriage was officially recognized in 2000.
- ¹³ This was previously the Civil Registration Office.
- ¹⁴ Interview with Micah and Rina, Pondok Indah Mall, South Jakarta, December 23, 2018.
- ¹⁵ Interview with Amanda, Rawamangun, East Jakarta, November 14, 2018.
- ¹⁶ <https://nikahbedaagama.org/>. Accessed January 26, 2020.
- ¹⁷ WhatsApp interview with Johannes, February 1, 2021.
- ¹⁸ WhatsApp interview with Johannes, February 1, 2021.

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Contracting Coptic-Muslim Marriage in Egypt: Class, Gender, and Clerical Mediation in the Administrative Management of Religious “Crossings”

Rahma Bavelaar

In 2011, amid the political upheavals that followed the January 25 uprising, Yara and Abir, both Coptic women in their twenties, married Muslim men.¹ Yara got to know Mustafa as they meandered through protests and sit-ins in Cairo’s squares, finding their political voice among the shifting activist alliances and repeated revolutionary mobilizations in the wake of Mubarak’s forced abdication. Both educated Cairenes from well-to-do suburbs, they connected through a shared commitment to left-leaning revolutionary politics and a passion for community service and the arts.²

Abir, whose marriage became subject to public controversy around the same time, met Yasin in late 2010, a few hundred kilometers to the south of Cairo, in a village near Asyut in Upper Egypt. Yasin drove a microbus that Abir regularly rode to the center of town. Abir had returned to her parental home with her young daughter, to escape her abusive husband. She started talking to Yasin because she wanted to convert to Islam, as she explained in an Egyptian talk show a year later, in early 2011. Yasin offered to travel with her to the Conversion Office for Copts at the al-Azhar mosque in Cairo. They eloped and contracted an informal (*urfī*) marriage because, as Abir put it in an interview, “Do you know any man or woman who would agree to rent a flat to an unmarried female convert from Asyut?”³

The families of both Abir and Yara opposed their marriages to Muslim men, but the public and private consequences of their defiance of social and familial expectations were very different, despite the fact that codified Egyptian personal status law (from now on: PSL) does not place restrictions on interfaith marriages⁴. Abir’s marriage and conversion became a national scandal after her family abducted her in March 2011. They brought her to a church in a Cairo suburb where she was pressured to return to Christianity and to report Yasin to the police for kidnapping her. Muslim activists surrounded the church to call for Abir’s release and clashed with local Coptic residents, resulting in death or injury of tens of people, primarily Copts. Abir and Yasin were both arrested for inciting sectarian strife. Abir was

also suspected of bigamy, because she had not yet applied to the Civil Registrar's office (*al-sijil al-madani*) to change the religious identity on her personal identity card.⁵ When Abir was released a few days later, she appeared on several national television shows. Flanked and frequently interrupted by her lawyer, she explained that she had consented to the marriage to Yasin and had converted out of personal conviction (*iqatina*). Her claims were met with suspicion in news reports and by interviewers, who continually challenged her motivations and accused her of complicity in the violent clashes.

Yara, on the other hand, used her family connections in the Church and her own and Mustafa's personal networks among human rights lawyers and activists to obtain the documents needed to register the marriage with the Marriage Notary in the Ministry of Justice. Yara's parents involved family, friends, and local clergy to try to break up the relationship, but the conflict never became public beyond their personal social network. In my conversations with them, Yara and Mustafa framed their encounters with state institutions, the Church, and Yara's family as an extension of their involvement in the revolutionary struggle to remake Egyptian society and politics. They considered freedom to marry across communal boundaries a personal right and an act of protest and rebellion against the Coptic clergy and state institutions that conflate marriage with communal identity. Recalling the moment she finally signed the marriage contract in the Public Notary Office (*maslahat al-shahr al-'aqari*), Yara pointed to what struck her as the symbolic resonances in the setting: a poster celebrating the January 25 uprising was pinned to the wall behind the notary's desk and chants of "Down, down with the military regime" crashed in through the window as the contract was signed.

I argue in this chapter that the contrasts between Yara and Abir's interfaith marital trajectories result from deeply gendered and classist administrative practices that are not codified in law. I analyze the contrasting self-narratives of Yara, Abir, and other women to trace how they and their partners negotiated their marriages across communal boundaries. I follow them through their encounters with marriage notaries, parents and extended family members, Church representatives, and human rights activists, in the run-up to the signing of a formal or informal marriage contract. In this analysis, I build on "bottom-up" ethnographic approaches to the everyday construction and reproduction of modern state power (Sharma and Gupta 2006) to "arrive at an understanding of state government from the perspective of its subjects ... and the practices of power that are deployed on the micro-level of everyday life" (Ismail, 2011, 846). I examine these dynamics in the broader context of the Egyptian state's management of communal boundaries, drawing inspiration from recent work that centers the importance of non-codified administrative practices in the modern state's regulation of religious difference (Oraby 2019; Guirguis 2017; Guirguis 2008a). My examination of moments of encounter between citizens and

institutions—with particular attention to the profound differences between these encounters—reveals the highly fluid and negotiated relationship between state institutions, security agencies, and the Coptic Church in the administrative management of interfaith marriages. It also shows how hierarchies and confluences of gender, class, and geographic origin profoundly inform how administrative directives are translated into bureaucratic practice, which interfaith marriages are authorized and under what conditions, and the discursive frames within which these relationships can be publicly narrated.

Muslim-Coptic marriage and the administrative management of religious difference

Theorists of secularism in postcolonial Egypt have argued on the basis of legal history and critical readings of jurisprudence that the Egyptian family and administrative courts function as key sites for modern state management of religious difference. Courts and the judiciary, they argue, express state sovereignty over when and how religious boundaries can be crossed. They have shown how the legal principle of Public Order (*al-nizam al-'amm*) has been routinely invoked by judges in various courts to delineate the boundaries of legitimate religious ‘crossings,’ resulting in the reproduction of majoritarian norms (Mahmood, 2016, 150; Oraby, 2019, 585; Agrama, 2010, 510; Tadros 2009). Other work in political science and anthropology has explored the intensified policing of communal boundaries by security agencies in the past two decades, as a result of shifts in the relationship between Church and state, the expanding powers of security agencies, and foreign pressure to improve “minority rights” (Tadros 2013; Guirguis 2020; Delhaye 2007; Oraby 2019; Mahmood 2012; Heo 2018). The Egyptian constitution formally protects freedom of religion, and codified law places no restrictions on interfaith marriage and conversion. However, communal belonging is formally established at birth, based on paternal religious identity, and automatically makes all citizens subject to the Personal Status code (from now on: PSC) that governs marriage and divorce in their rite or sect. In practice, the administrative agencies in charge of registering marriage and documenting changes in vital documents simply refuse to facilitate certain types of marriages and conversions, based on a number of factors I discuss in this chapter.⁶ Egyptian citizens cannot officially convert from Islam to a different religion, or register a marriage between a Muslim woman and a Christian man. When such a marriage is contracted informally (*‘urfi*), they have, since at least the early twentieth century, invariably been dissolved on the basis of Public Order provisions, both in Shari’a courts and after the unification of the court system (Berger, 2002, 573; Shaham, 1995 124). Other than for reasons justified through

Islamic legal norms (or indirectly through Public Order), I show that various privileges related to class, financial means, and social connections are equally essential to whether marital and religious ‘crossings’ are facilitated by notaries. Following Oraby (2018), I find it useful to think of interfaith marriages and conversions as crossings, because this challenges the assumption that the meanings and practices at stake are clearly defined or universal across space and time, or that conversions and interfaith marriages are necessarily characterized by religious or theological concerns. As I show, the way Egyptian administrative agencies, publics and couples construe the nature and significance of ‘interfaithness’ is far more complex than a transition from one ‘faith’ to another, or than a marriage primarily defined by religious difference.

In contrast with what recent scholarship has demonstrated about how courts and bureaucrats reproduce majoritarian dominance, the cases of Abir and Yara suggest that state management of communal boundaries is not limited to marriages and conversions that are undesirable from a majoritarian perspective (marriages between Muslim women and Christian men and conversions from Islam to Christianity). My ethnographic research shows that Coptic women who marry Muslim men or convert to Islam routinely encounter obstacles when they seek to obtain the required documents and to arrange for the signing of the marriage contract. These marriages underwrite majoritarian norms, yet they have become, since the early 2000s, increasingly subject to state interventions—often under the aegis of security imperatives and the protection of “national unity.” In this chapter, I draw on ethnographic accounts of three Coptic-Muslim marriages to support my argument that the administrative regulation of interfaith marriage, like courts and jurisprudence, should be considered a key site for state management of religious difference. The relevant administrative rules include the negotiation of Church influence on communal crossings and the involvement of security agencies. In the everyday authorization of interfaith marriage in Church buildings and notary offices—an authority uneasily shared between bureaucrats and priests—the powers of state and Church to manage religious crossings are continuously re-negotiated. I show that in these bureaucratic encounters uncodified ministerial instructions are translated into situated policies marked by gender, class, and religion. I show that the encounters of Yara and Abir with the bureaucratic apparatuses of Church and state were mediated at every stage by status, material resources, regional origins, and the ability to mobilize social networks. Through a “thick description” of how this mediation occurred in several cases, I seek to build on and complicate analyses of the delineation of religious boundaries through the interventions of state agencies (Tadros 2009; Mahmood 2012; Guirguis 2020)

Other than scholarship on Egypt, which tends to center the power of the state in its analyses of the social-legal production of religious difference and hierarchy,

recent work on interfaith marriage and conversion in Lebanon takes the experiences of interfaith couples as the basis for theorization about the intersections of sect with other categories of social identity in intimate partner choices. Building on this work, I take into account how social and material capital, education, nationality, and family dynamics impact and sometimes outweigh attributed sectarian identity in the outcome of interfaith relationships and marriages. For example, in her recent work on interfaith couples in Lebanon, Deeb deconstructs the sect-based argumentation of parents who object to the interfaith partner choice of their children. Reliance on the familiar register of sect, she shows, often sublimates other—non-theological and non-sectarian—concerns about social status, wealth, regional origin, nationality, and race (Deeb 2020). In other recent ethnographic work in Lebanon, queer theory is put to use to interpret the relationships of interfaith couples as aspirational, even utopic practices that point to alternative futures (Allouche 2019). Unlike Deeb and Allouche, I do not wish to side-step state-ascribed sectarian identities and policies, and the impact of legal limits on private choices, particularly because the Egyptian state offers less flexibility in crossing sectarian boundaries than Lebanon. Instead, I focus on how the complicated and overlapping identifications and social locations of couples and their families interface with top-down, Church- and state-ascribed sectarian categories in the management of interfaith marriage and conversion. My objective is to examine what Mikdashi describes as “the subject positions [that] are produced at the jagged intersections (and impasses) of the legal, social and ethical registers of recognition” (2014, 291). I’m interested in how the social subject-positions of couples mediate their encounters with the “multiple orders of the state [that constitute the interfaith marriage bureaucracy], according to which relations with the state must be negotiated”, a process in which “social hierarchies determine how one is likely to fare” (Ismail 2011, 855).

After a brief detour into the socio-political and legal context of late-Mubarak era Egypt to situate my case studies, I narrate the marital trajectories of three couples to trace the ambiguous regulatory outlines and everyday bureaucratic practices through which Coptic-Muslim marriage is managed. I first introduce Mariam (Coptic) and Tarek (Muslim) and their encounters with the (interfaith) marriage bureaucracy: the Public Notary Office (*maslahat al-shahr al-‘aqari*) and the Church. Then, I return to Yara (Coptic) and Mustafa (Muslim), who I have already introduced in the opening vignette of the chapter, to follow their somewhat different pathway through these institutions. I discuss their social and familial context and track their encounters with the Public Notary Office, the Coptic Orthodox Church, and the Ministry of Justice in their quest to contract and register their marriage. These two couples come from relatively privileged backgrounds, are highly educated, and have parents who eventually accepted their marital choices. I then further extend my analysis of how class privilege and international mobility can outweigh the

limitations of sect and gender through the story of Lina (Muslim) and Michael (Coptic Christian). Marriages between Muslim women and Coptic men cannot be registered in Egypt, so the practices of bureaucratic agencies are not relevant to this case, other than that they refuse to register these marriages. However, the fact that Lina and Michael's marriage cannot be officially recognized, yet is able to exist in Egypt, adds a further layer to my analysis of the importance of class and (dual) nationality to whether and how relationships and marriages across sectarian boundaries become possible. Finally, I analyze the experiences of these three couples in contrast with the story of Abir (the Coptic convert to Islam I discussed in the opening vignette), based on how she narrated her marriage and conversion in the media. Due to concerns about safety and privacy, I did not pursue a direct interview with her. Her social, regional, and economic background, and that of her partner Yasin (Muslim), is in many ways representative of that of other "renegade women" from the Egyptian provinces whose actions have become subject to violent security interventions, activist advocacy, and conflicting public narratives.⁷ The contrasts between Abir and Yasin's case and that of my interlocutors illustrates how the interlocking hierarchies of social and material resources, geographic origin, religion, and gender mediate the bureaucratic encounter and its outcomes at every step of the marriage trajectory.

Authoritarianism, gender, and the Church–state entente post-2000

Analyses of the relationship between state and Church under the late Mubarak administration have presented various arguments for how "renegade" Coptic women have become lightning rods for struggles over national identity and minority rights. Abir's encounter with the disciplining powers of Church and state echoes that of many other women whose elopements and conversions have set off cycles of public contention since the early 2000s.⁸ Families sometimes claim that their renegade daughters have been kidnapped, sparking Coptic protests to demand their "return" through state intervention. The activism of some diasporic Coptic groups, in alliance with US neoconservatives and evangelicals, exacerbated these tensions through the late 1990s and the first decade of the new millennium (Delhaye 2007; Mahmood 2012; Guirguis 2008b). State security agencies, which acquired a virtual monopoly over the management of intercommunal relations under Mubarak, intervened repeatedly to return women to their families, sparking counter-protests by Salafi activists (Tadros 2013). Paradigmatic cases are those of Wafaa Constantin, in 2004, and Kamilia Shehata, in 2010, both wives of priests who reneged on their conversion to Islam after the Church hierarchy directly appealed to the executive to have them 'returned'.

Scholars have analyzed these controversies over interfaith romance and conversion within the broader context of developments in Church-state politics since the early 2000s, which were marked by rising tensions between “experimental liberalization and fortified securitization” (Heo 2018, 11). Unprecedented freedom to discuss the “Coptic file” in the media converged with the diversification of independent Coptic civil organizing. New forms of activism created spaces for action and critique away from, and sometimes in opposition to, the decades-old “Church-state entente” (Tadros 2013, 81) or “millet partnership” (Sedra 2014), which has, since the 1950s, positioned the Coptic Patriarch as the sole political representative of the Coptic community.⁹ On the other hand, and partly in response to this increased public visibility of Copts, discriminatory practices and discourses persisted and incidents of sectarian violence increased, often grossly neglected or even facilitated by the powerful national security agency.

In 2008, Pope Shenouda III restricted the grounds for Coptic divorce through Papal decree, thereby insisting on clerical autonomy over Coptic personal status issues, and defying the national courts, which continued to apply the 1938 Coptic PSC with its more numerous grounds for divorce.¹⁰ The Coptic PSC was eventually reformed to conform to the Papal decree. As a result, conversion to Islam remained as one of the few legal escapes from an unhappy marriage.¹¹ In a recent monograph on minority politics in modern Egypt, Mahmood complicates perspectives that frame conflict over the bodies of Coptic women as a result of incomplete secularization and unchanging notions of cultural patriarchy. The centrality of PSL in debates over national identity and minority rights, she argues, results from the particular post-colonial Egyptian genealogy of secular power. The separation of public and private spheres under colonial rule, and the conflation of the nuclear family with religious family laws, vested the authority and autonomy of the Coptic clergy in control over the intimate life of the Coptic community (Mahmood 2012). Religious conversions and interfaith marriages, which often occur together, have become an increasingly sensitive point for Copts, because they highlight the privileged status of the majoritarian norms embodied in Muslim PSL. When Copts convert or when Coptic women marry Muslim men, they are no longer subject to either clerical guardianship (through Coptic PSL) or to parental guardianship, and their children will inherit the communal identity of the Muslim father. The fact that the reverse (conversion from Islam to Christianity, and the marriage of a Muslim woman with a Christian man) is practically impossible sharpens the blow of attrition from the community.

In this chapter I extend Mahmood’s anthropological investigation of the mechanisms through which ‘boundary crossings’ are policed and give rise to conflict. I argue that the (re)production of religious difference by the state, through the legal regulation of the family, goes beyond the machinations of courts, laws, and jurisprudence. As I already mentioned, the registration of interfaith marriage contracts

is not in fact governed by codified PSL, but is performed by marriage notaries in everyday administrative procedures. Conversion to Islam is documented by Islamic scholars in the Fatwa Council at al-Azhar Mosque and registered on vital documents by the Civil Registrar. Regulations for public notaries can be circulated and updated by the Ministry of Justice without parliamentary vetting. As Oraby has recently argued in relation to re-conversions to Christianity, the administrative bureaucracy deserves attention as a key site for modern state regulation of religious difference. I take up her invitation by examining how the administrative regulation of interfaith marriage and conversion to Islam are negotiated between the Coptic Church and the Ministry of Justice and its representatives. The Coptic Church has since the early 00's increasingly become a partner to the state, albeit an unequal one, in the vetting of interfaith marriages and conversions. Public "conversion scandals" such as that of Abir have tarnished the authority of the Coptic clergy, since it suggested that the Church "wielded minimal leverage in its dealings with the police and security forces" (Heo, 2018, 13). However, my data suggest that the partnership between Church authorities and the state is essential to the policing of religious boundaries in the 'intimate sphere' and the balancing of state-Church relations. I show that this co-management is essential to reproducing gendered and class-based inequality in the legal-bureaucratic encounter. I now turn to the case studies to show what that encounter can look like on the micro-level the meeting of the citizen and the administrators that manage different "levels" of the interfaith marriage bureaucracy.

Mariam and Tarek: a meeting in Tahrir

Mariam and Tarek met in the summer of 2012 in Tahrir Square, where they both attended the commemoration of the martyrdom of Mina Danyal. A beloved revolutionary icon and symbol of interfaith solidarity, Danyal had been killed by the military during the Maspero massacre, in October 2011. The sit-in brought together the families of political martyrs and their allies. Like others who had gathered for the commemoration that day, Mariam and Tarek believed the revolution remained unfinished.

Mariam was on a break from a graduate degree in Europe. Tarek worked as a journalist for a national newspaper. Both were involved in secular leftist political initiatives in the wake of the January 25 uprising, a fluid social network of students, artists, literati whom the couple described—with a chuckle—as "downtown kids" (*awlad wost al-balad*). These "kids" met, debated, and shared shishas in the sidewalk cafes of central Cairo, then a key site of both ongoing political protests and massive cinder block walls, installed by the government to contain popular claims to the streets. Soon after their first meeting, Mariam contacted Tarek to request a back

issue of the newspaper he worked for. Their relationship evolved quickly from there. When I was introduced to them in 2015, they were expecting their first child.

The couple repeatedly described the run-up to their marriage as unusually smooth-riding compared to the experience of other Coptic-Muslim couples, an ease they attributed to the liberal leftist politics and academic background of Mariam's parents. Mariam's mother had herself defied the objections of her wealthy and socially prominent Coptic Orthodox family when she married a professor of more modest means. Both parents had consciously distanced themselves from the Coptic Orthodox Church and drifted away from their extended families, who were mostly "Church-going Copts," as Mariam put it. Mariam and her sister grew up without any connection to the Coptic Orthodox Church, and very little religious education, other than the catechism classes in the Roman Catholic Church in which they were enrolled as children—a "more spiritual and liberal space" than "the very conservative Coptic church." As they grew up, Mariam and her older sister were permitted space to socialize with friends of various backgrounds. Marrying a Muslim partner had never been a closed-off avenue, as it was for many other Coptic families, even the equally privileged, among Mariam's friends¹².

Tarek comes from what he referred to as more markedly "middle class" (*al-tab-aqa al-wusta*) origins than Mariam. He attended a public university in Egypt, but nonetheless moved in social circles that overlapped with those of Mariam and her parents due to his politics and professional connections to the Cairo cultural scene. He was born in the Gulf after his parents moved there in the wake of the oil boom to find white collar jobs. He moved back to Egypt in his teenage years with his mother and siblings, while his father continued working in the Gulf and traveled back and forth. His mother passed away when he was still young, and his financial independence and physical distance from his father, who remarried and retired in Egypt, left him relatively free to chart his own path. When Tarek first informed his father about his intention to marry Mariam, he expected surprise and worry, but never anticipated any real resistance. Tarek related to me gleefully that he misjudged the nature of his father's initial objections, and preemptively brought up the story of "Maria al-Qibtiyya," the Coptic wife of the Prophet Muhammad, in an attempt to counter any religious objections.¹³ His father was unmoved by the story, and Tarek realized his father's concerns were unrelated to Islamic law or theology. The opinions of extended family were no issue for his father, because he lived an isolated life with his second wife. His only worry focused on the bigotry the couple might face from the outside world. "What if your son is called Murqus?" he asked.¹⁴ Tarek assured him they would give their children "neutral names" that are not recognizably Muslim or Christian—"and that pretty much settled it."

Once marriage was on the horizon, Mariam and Tarek started gathering information on how to sign and register the marriage contract. Mariam was already

somewhat aware of the obstacles they might encounter, because her older sister was engaged to a Muslim and had been unable to obtain the “absence of impediments” (*khuluww al-mawani*). This document is issued by the Patriarchal seat in Abbasiyya and cannot be obtained from a government agency. Before returning to how Mariam and Tarek made their way through the interfaith marriage bureaucracy, I briefly discuss how mixed marriages are formally regulated in Egypt.

The administration of interfaith marriage

In Egypt’s plural family law system, the official procedure to register a marriage depends on the communal identity and nationality of the spouses. Religion and citizenship determine which PSC is applied and which agency is authorized to celebrate and register the marriage. Partners who belong to the same religion (*diyana*), sect (*milla*), and rite (*ta’ifa*) must celebrate their marriage with the relevant clerical authority, in accordance with the appropriate religious rites.¹⁵ A representative of the Church who has been charged with marriage registration by the Ministry of Justice must then register the marriage contract at the notary office of the Ministry of Justice (*maslaha shahr al-‘aqari wa al-tawthiq*). Marriages between two Egyptian Muslim partners must be celebrated by a state-licensed Muslim marriage registrar (*ma’dhun*). The procedure for mixed-nationality and mixed-religion marriages differs from the aforementioned trajectories in that they can only be notarized in one of the two marriage registration offices of the Ministry of Justice (in Cairo or Alexandria). Marriages that are considered “mixed” (*mukhtalifi al-ta’ifa wa-l-milla*) by the Egyptian state can only be contracted according to Muslim PSL, with a “muslim” marriage contract.¹⁶

As mentioned before, statutory law does not proscribe any type of mixed-religion marriage, but notaries do not register marriages between Muslim women and non-Muslim men, or between Egyptian men and foreign women who cannot prove their belonging to one of the “heavenly religions” recognized in the Egyptian constitution.¹⁷ The formal documentary requirements and conditions of marriage registration at the marriage notary office are governed by administrative regulations that are periodically issued by the Ministry of Justice for use by registrars. These instructions can be amended by the Ministry without recourse to parliamentary vetting.

Spouses who belong to different religions, rites, or sects—as well as foreign spouses—must submit evidence of their personal status before they can sign a marriage contract. Egyptian Muslims can obtain a document confirming their marital status from the Civil Registration Office (*al-sijil al-madani*). Foreigners can obtain the equivalent form from their embassy or a representative of “the authorized party” (*al-jiha al-mukhtassa*). For Christian Egyptians the “authorized party” is their

Church, which keeps records of the marital status of all its members. Pursuant to the civil law of 1955, and confirmed in the constitutions of 2012 and 2014, the Church holds jurisdiction over Christian marriage and divorce. This authority extends over a number of administrative procedures, including issuing the Absence of Impediments (AOI) form and (re-)marriage licenses (which is only issued after the AOI form has been obtained). Despite the fact that all interfaith marriages are governed by Muslim PSL, Christians who marry someone from a different religion, rite, or sect must nonetheless obtain the AOI document from the Church. As I show in what follows, this means in practice that the Church has a critical role in authorizing interfaith marriages between Coptic women and Muslim men, and between Coptic Orthodox men and Christian women who are not.

The everyday tasks of marriage notaries in the Ministry of Justice are regulated by notarial instructions periodically issued by the Ministry. These instructions are issued directly by the Ministry and are not vetted by parliament. These instructions include a number of conditions and instructions for the registration of interfaith marriages. Notaries must verify that the marriage does not violate impediments to marriage in the communal PSL of either of the spouses. Only two possible examples of such impediments are specified: forms of filiation that prevent marriage, and minority. The clause continues, “The refusal of the relevant authority to issue the AOI form *because of opposition to interfaith marriage* does not invalidate the marriage contract, because the reference in this case is not the religion of the applicants but national institutions and laws, which permit civil marriage” (Abid, 2011, 303; emphasis mine).¹⁸ This formulation produces significant ambiguity about the precise circumstances under which Christian personal status norms can be considered an impediment to an interfaith marriage. How can notaries verify whether Church representatives have denied someone the AOI form because of their opposition to the “interfaithness” of the marriage or for other reasons? And how do these notarial instructions relate to the Documentation Law of 1947, which stipulates that the Church authorizes the conclusion of marriages, because it is considered a religious ritual, but that it cannot authorize its registration?¹⁹

The ambiguity of the notarial instructions is further exacerbated by the distinction made between Egyptian and foreign Christian spouses. Foreign Christian spouses are, like Egyptian Christians, required to submit documentation to the Public Notary that proves the absence of impediments to marriage. The ministerial instructions for notaries state that they can obtain this document from their embassy, or from “their Church.” This clause, unlike the requirements for Egyptian Christians, specifies an alternative procedure in case the form cannot be obtained through these channels, or is denied. The Notary Office can first forward a written information request to the issuing authority. If a response is not forthcoming, the marriage contract can be concluded with the inclusion of a sworn statement by

the applicant that they were not previously married, that they are not aware of an impediment to their marriage, and that they will take full responsibility when facts to the contrary emerge in the future (Abid, 2011, 309). It is not clear whether this dispensation is also available to Egyptian citizens. The ambiguity that results from these regulations is reflected in accounts about the conditions for marriage in the media, where it is often stated that submitting the AOI to the marriage notary is mandatory for Christian Egyptians.²⁰

My ethnographic data show that this ambiguity at the heart of the regulation of Christian– Muslim marriage between Egyptian citizens has produced significant scope for ad-hoc or case-by-case decisions and interventions from both Coptic clergy and public notaries. In practice, as I show, the Church and marriage notaries collude in placing limits and conditions on certain marriages between Coptic women and Muslim men, while notaries permit other couples to marry without the AOI form from the Church. As a result, the outcome of marriage applications depends on the notaries' interpretation of the notarial instructions, in response to the individual circumstances of couples, particularly, as I show, the legal, social, and material resources they can mobilize.

Mariam and Tarek: obtaining the AOI from the Church

Like all Copts who want to get married, Mariam needed to obtain the AOI from her local Coptic Orthodox parish. This requirement was introduced through a decision from the Holy Synod in 1986 (Ibrahim 2020). The document must be signed by a priest and then stamped at the Patriarchal Office in Abbasiyya. Church representatives explain the increasingly elaborate vetting of marriage applicants with reference to the growing Coptic diaspora. Marriage applicants can come from anywhere in the world, so their identity and personal status must be rigorously verified before the AOI is issued. The AOI is also intended to prevent marriage fraud. Other than data on migration history and personal status, however, the Coptic AOI document includes a raft of additional personal data, including evidence of baptism, travel history, the name of the applicant's confession priest, and the frequency of confession and church attendance. In recent years, some Copts have resorted to the media to challenge what they consider to be excessive control exercised by the clergy over their marital lives, particularly over the issuance of the AOI form. They argue that the requirements placed on applicants make it difficult for "un-churched" Copts to get married without proving their piety.²¹

The extension of clerical control over the marital lives of Copts progressed in step with the rapid growth of the Coptic community since the 1970s and efforts by the clergy to integrate them into the life of the Church. El-Khawaga aptly introduced the

concept of “clericalization” to characterize the unprecedented expansion of Church activities into all realms of Coptic social life, including school tuition, sports, the arts, and a wide range of charitable activities. Involvement of the laity in Church-based “service” (*khidma*) and the introduction of new junior clerical functions played a key role in these developments (El-Khawaga, 1997, 145). This transformation of Coptic communities under the aegis of the Church occurred alongside the public flourishing of the Islamic piety movement. Clericalization was a two-way process; as the Coptic clerical hierarchy expanded its influence over Coptic social and religious life, a growing number of the Coptic laity sought out the Church as a safe space away from an unwelcoming and sometimes openly hostile public space that offered few avenues for Coptic cultural and religious expression. Many of today’s Coptic critics of the clerical hierarchy first came of political age in the course of their involvement in Church activities (Heo, 2018, 12). At the time of my first acquaintance with Mariam and Tarek, a new media storm was brewing over the introduction of marriage preparation courses as a condition for obtaining the AOI.²²

Mariam had not seen her local parish church since she was baptized and did not have a confession priest. Since the church had refused to issue the AOI form to her sister, she did not expect to fare any better. Wary of the existence of alternative options, she decided to try her luck. In her own narration of events, her chances were lost the moment she mentioned the Muslim name of the man she intended to marry. She made another attempt to obtain the document through her maternal aunt, a more loyal congregant at the church, who tried to mobilize her connections and social clout, to no avail. The priest at the church could not be persuaded or bribed. At a loss, Mariam’s sister sought the advice of a prominent human rights lawyer, a friend of her mother, with extensive connections in government and civil society. The lawyer informed her about a dispensation to marry without the AOI form: a signature from the Minister of Justice, which required the written permission of her father. Muslim PSL, which relies on the Hanafi school of Islamic jurisprudence on matters that are not codified, does not formally require the permission or presence of a guardian at the signing of the marriage contract of a woman more than twenty-one years of age. The dispensation Mariam was told about creates a *de facto* requirement of paternal consent for Coptic women who marry according to Muslim PSL and do not manage to obtain the AOI form from the Church.²³

Mariam initially tried and failed to obtain information through the Ministry of Justice about how to apply for a dispensation to marry without the AOI. Her mother then appealed to a family friend with connections in the Ministry’s top tiers. This contact succeeded in putting Mariam’s father in touch with an official inside the Ministry. After four visits to the Ministry to identify the employees best placed to facilitate access to the Minister—which would have taken much longer without strategic bribing—Mariam’s father found someone who could arrange an audience.

Mariam was planning to finish her studies in Europe before getting married, but when her father finally gained access to the Minister, her mother urged both of her daughters to marry right away, so they would not need to call upon their contact (*wasta*) in the Ministry twice. Mariam agreed, and headed with Tarek to the Public Notary that same day.

The apparent arbitrariness of bureaucratic procedure in Mariam and Tarek's experience is echoed in all the accounts of Coptic-Muslim marriage I recorded during my fieldwork, including that of an interlocutor who married in the 1970s. She was told by civil servants at the Public Notary Office that she needed evidence of her personal status from the Church, before the Holy Synod officially introduced the AOI form. The experiences of my interlocutors with individual Church representatives and with notaries at the Ministry of Justice varied so much that questions arise about the extent to which Ministerial regulations function as a primary guideline in everyday interfaith marriage registration practices. I illustrate this point with a few examples from my interviews with Coptic wives who got married to Muslim men in the 1980s, as well as with women who married more recently:

When Dimyana eloped with her Muslim suitor in the mid-1980s, she applied for the AOI document from the Church under the pretext that she needed it to complete her employment papers for a job in Saudi Arabia. She obtained the document without parental involvement and then got married to her Muslim lover at the Public Notary Office without any problem. Marina, a Coptic woman who was in her sixties at the time of our interview, also eloped with her Muslim suitor in the 1980s. However, she was told by friends that she would not be able to obtain the AOI from her local church in Shubra, because the priest would immediately inform her family. Instead, a relative of her suitor, a legal adviser in the Constitutional Court, managed to obtain the document from a priest at a Coptic church on the other side of the city. It appears that the conditions under which an AOI form is or is not dispensed are highly circumstantial.

Returning to Yara and Mustafa, Mariam and Tarek: navigating the Church and the Public Notary

Yara, whose marriage to Mustafa in the context of the 2011 uprising I described in the opening vignette, was initially unaware that she needed the AOI form to be able to sign the marriage contract. When the couple tried to make an appointment for the marriage at the Public Notary, they were told that the marriage could not be registered without the document from the Church. Since Yara personally did not have contacts inside the Church, she was forced to resort to her mother's advice. The latter, devastated by Yara's impending marriage to a Muslim and determined to prevent it, made an appointment for her with a prominent priest, whom I call

Father B, in the large suburban Coptic Church near their home. Since this clergyman was a highly influential public figure with several books about Coptic marriage to his name, she hoped that he would prevail upon the couple to change their minds about the marriage. The priest, however, turned out to be more sympathetic to the couple's predicament than Yara's mother had expected. Although he did not immediately agree to issue the AOI, he appeared open to the possibility. As Yara put it:

People love him, they listen—even young people love him, because he's well educated and he's not very traditionalist in his ideas ... he really understands ... Like, I told him, listen I'm not religious and, ehm, I think that Mustafa's ... mind is much closer to me than a Copt, because we derive our ethics from outside religion and, ehm ... At some point he figured out, I mean ... what is he going to convince me to do? He gave me a book that he wrote about Christian marriage.

Yara's mother, upset at Father B's forbearance, urged the couple to meet with another prominent priest in the same church. Eager to show concern for her mother's feelings, Yara and Mustafa agreed to meet with the priest, an encounter they related to me with a mixture of indignation and amusement:

Yara: This guy, Father A ... He wants to push it ... He wanted to baptize Mustafa, even if he's not convinced. As if he wants to score or something if he baptizes a Muslim ... He doesn't want to be baptized, "Why don't we give him the communion?" ... He said, "I feel you could be the obstacle between Mustafa and Jesus" [laughs]! It was in the same church as Father B, but he's more like my mom, like, "whatever, baptize him, anything" [laughs] ... He was also talking to me about politics because it was 2011...

Mustafa: Who are you going to vote for? Shafik [the old-regime candidate in the first presidential elections after Mubarak's forced abdication] or whoever?

Yara: And also like telling me that the country needs stability. All these things that they say. Maybe ... I came at a time when I felt more revolutionary and the church was feeling more threatened. And I think he wanted to sense where Mustafa stood. If he had said [I voted for] "Shafik", maybe he [Father A] would have felt he [Mustafa] was on the right path.

Father A was not impressed with the interview and refused to give them the AOI—a decision Yara believes her mother had negotiated with the priest.

Contemplating their rapidly narrowing options, Mustafa researched if it would be possible to marry abroad in the UK (where he was employed at that moment) and to subsequently register the marriage at the Egyptian embassy.²⁴ He quickly discovered that they would not be able to register the foreign contract at

the embassy without submitting the AOI form from the Church. Afraid they were running out of options, they consulted a personal status lawyer employed at a prominent civil rights organization about the possibility of legal action against the Church for refusing to issue the document. The lawyer told them they would first need to document the refusal of the Church to issue the AOI, before they could litigate in an administrative court.²⁵ They contacted Father B again to request the AOI. To their surprise, the priest told them to pick up the signed AOI in a few days. Litigation turned out to be too complicated and Yara said wistfully that they had not been able to use their situation to improve things for other interfaith couples.

The experiences and practices described so far demonstrate that there is no standardized approach to mixed marriages in the Coptic church, and that the responses of priests can vary wildly depending on the religious, financial, and social considerations of individual clergymen, paternal support for the marriage, the couple's ability to mobilize influential (lawyerly) contacts and financial resources, and their ability to argue persuasively and bribe strategically. Non-cooperation by the Church can only be overcome with paternal support and the time, contacts, and financial resources to obtain a dispensation directly from the Minister of Justice, an extra-legal requirement that is imposed exclusively on Coptic women.²⁶ Once the AOI document from the Church has been obtained, smooth sailing through the marriage registration process is not guaranteed, however. The diverse experiences and encounters with Church representatives and public notaries related by my interlocutors suggest that neither priests nor civil servants at the notary office are eager to facilitate interfaith marriages.

When Yara and Mustafa first went to the Public Notary Office, they were informed by several employees that only foreigners could get married there. The employees offered them no information about the required documents, and they had to insist several times on a consultation with the head of the marriage registration department. This official admitted that they could indeed get married there, but not without first obtaining the AOI document from the Church. Most of my interlocutors who married in recent years encountered the same demand in the Notary Office. None of them were ever informed by Ministry employees that the AOI is *not* a legal condition for the validity of the marriage contract, or that a dispensation can be obtained from the Minister. The very few, like Mariam and her sister, who managed to obtain the dispensation, were able to do so only as a result of expert legal advice, contacts inside the Ministry, and active parental support.

The consequence of this bureaucratic maze is that access to official marriage registration, and the rights and legal security it confers, are only available to the most savvy, persistent, and resourceful of Coptic-Muslim couples. Those with the influential contacts, financial resources, access to legal experts and, ideally, support from parents that may prize open the black box of administrative procedure just

enough to obtain the required documentation to sign a contract, or to obtain a dispensation from the Minister. An officially authorized and registered interfaith marriage contract is thus a luxury available only to a very particular type of couple: those who are least likely to cause security concerns and tensions between the Church and the government, by virtue of their wealth and their connections to well-informed and progressive lawyers and activists; their families' support and desire for privacy; and the social skills and time to navigate Church and state bureaucracies. The security calculations that have informed most government policy vis-à-vis intercommunal relations for the past decade extend to the "private" sphere of marriage; every Coptic-Muslim marriage is a potential security concern, requiring vetting by the Church, state bureaucrats, and male kin. The majority of couples, like Abir and Yasin from Asyut, do not have access to the required resources and support, and so they elope and enter into legally precarious and socially stigmatized informal (*'urfi*) marriages; arrangements that can, as I show, rapidly spiral into cycles of Coptic protest, media attention, security interventions, and dependency on assistance that comes with its own ideological strings attached.

Even for persistent and privileged Coptic-Muslim couples who make it to the Public Notary office to register a marriage contract, further ambiguities over the legal status of Coptic wives to Muslim husbands may come up in the drafting process. The continuation of Mariam and Tarek's story once they arrived at the Public Notary Office illustrates how the administrative ambiguity around Coptic-Muslim marriage extends to the rights of a Coptic wife who contracts a 'Muslim' marriage.

Mariam and Tarek researched the standard Muslim marriage contract and prepared to include "delegated divorce" (*tafwid al-talaq*) as a condition in the space reserved on the contract for stipulations that are agreed upon by the spouses. When a delegated divorce is stipulated, the husband grants his wife the right to irrevocably divorce herself in the future, on condition that she gives up her right to alimony and the deferred dower (similar to a no-fault divorce that women can initiate through the courts). The provision is based on the Hanafi school of Islamic law that is predominant in Egyptian PSL and was frequently included in the marriage contracts of Muslim women during the Ottoman era, before the homogenization of the marriage contract narrowed down women's options from the late nineteenth century (Sonbol 2005). With the codification of Egyptian personal status laws and the transfer of marriage registration from the Shari'a courts to state licensed marriage officers (*ma'zun*), the space in the contract for conditions was removed. After persistent advocacy by women's rights activists (Zulficar 2008), the space in the contract for conditions was reintroduced in the new standard-format marriage contract in 2000 (Al-Sharmani 2008, 9; Shaham 1999). Widespread anecdotal accounts suggest that registrars frequently disagree with delegated divorce and withhold it as an option.²⁷ When included, however, it is uncertain if family court

judges would enforce them in court. The regulations for registrars at the Public Notary Office issued in 2000 include a clause that the stipulations agreed upon by the spouses should not contradict their religion (Abid 2011, 302). This clause raises questions about the rights of Christian women in interfaith marriages, because they marry Muslim men under Muslim PSL, which permits the right to stipulate delegated divorce. The question of which practices could potentially ‘contradict’ Christianity is also moot, because Egyptian family courts have repeatedly ruled in favor of the right of Christian women in interfaith marriages to obtain a divorce through *khul'*, even if the sect they were born into does not permit no-fault divorce.

Mariam and Tarek were not aware of these ambiguities in the notarial instructions. They insisted on Mariam’s rights in the marriage as a matter of personal principle. The notary wrote down the right to work and travel without objection, but stopped at delegated divorce.

Mariam: I told them ok I want to put conditions ... [But] for them ... as a Christian ... I shouldn't ask for something like this. The civil servants, they're very conservative ... They don't like Muslim women to put conditions, so if you're Christian then ... for them it was like I had the privilege to marry a Muslim so I should be happy ... If you're Christian it's even more difficult [and] unacceptable in their eyes. He [the notary] used a legal argument actually: “You are Christian and in your personal status law you have no right of divorce..., if you had married a Christian guy it would have been very difficult to get divorced” ... I told him, but when I marry a Muslim guy I follow the Muslim family law, even if I don't convert.

When the notary continued to refuse, Tarek asked him to pull up the contract of his friends (also a Coptic-Muslim couple) who had signed their marriage contract in 2011 and had included the condition of delegated divorce.

Mariam: She was able to put these conditions, so why not me? ... He [the notary] couldn't refuse once it was proven. But he told me “we made a mistake when we let her put this condition.” In the end, he brought up another argument: that, unlike me, she got married with the paper from the church [Mariam only had the Ministerial dispensation]. The message is that ... we're already doing you a favor by marrying you without this paper so don't push it too far ... I was not in a position to impose and decide ... I didn't convert to Islam and [for Coptic Christians] the right to divorce is not allowed.²⁸

The objections of the notary to Mariam stipulating delegated divorce have no basis in statutory law²⁹. It appears to be situational and informed by the registrar’s personal reading of the notarial instructions—or possibly internal and unpublished instructions from the Ministry.³⁰ Notably, one of my Coptic interlocutors who married a Muslim at the same Public Notary office reported that she was actively encouraged

by a female employee to include the delegated divorce condition. Yara's friends, whose contract was pulled up, also managed to include the condition without objections. As in the case of the AOI, how and if notarial instructions are applied appears to be situational and dependent on both the couple and the civil servants involved.

Yara and Mariam both considered the various obstacles placed in their way by notaries at the Public Notary office to be reflective of the personal bigotry and Islamist leanings of the registrars. Leaving aside the merit of these assessments, which are impossible to verify, the range of notarial interpretations are in fact inherent to the regulatory frame itself. Everyday notarial practice is as likely to contradict Islamic norms, by making it hard for a Muslim man to marry a Christian woman by insisting on the AOI, or by denying delegated divorce, as it is to affirm them. The shared authorization of marriage between the Church and state notaries, by means of the AOI, is similar to the everyday administrative management of conversion to Islam through notarial regulations.³¹ When Copts, and particularly Coptic women, contact a police station or al-Azhar with the wish to convert, notarial instructions stipulate that they should first participate in an "advice and guidance" session (*jalsa nush wa-irshad*) with a clergyman from their church before their conversion can be authorized (Guirguis 2017, 34). In times of heightened sectarian conflict, the conversions of Coptic women have been denied through the direct intervention of the National Security Agency and al-Azhar.³² By approaching Coptic-Muslim marriage as a site for security surveillance and the balancing of state-Church relations, notarial practices around interfaith marriage and conversion have become subject to continuous changes and interventions. Mariam and other interlocutors see the obstruction of their marriage and marital rights by the Public Notary and Church as an expression of majoritarian bigotry, yet legal representatives of the Church have leveled the same accusations at the registrar for the doing precisely the opposite: permitting Coptic-Muslim marriages without the administrative stamp of approval of the Church.³³ The state is the final arbiter in regulating boundary-crossing marriages and conversions, but the everyday negotiations inherent in notarial practices and their legal indeterminacy may either affirm or undermine majoritarian norms and state sovereignty, depending on the nature of the encounter with citizens. The enmeshment of state and non-state actors in the administration of interfaith marriage mirrors the clientelism that characterizes other realms of authoritarian governance, its "rules and laws perpetually crisscrossing, contingent and situational" (Ismail, 2011, 855). Navigating these "levels of state" requires an aptitude with its "codes of praxis". In this case, effective navigation requires various types of social privilege, such as access to mediators to avoid various hurdles along the way. As I have shown, Yara and Mariam were able to mobilize these privileges to varying degrees.

The case of Lina (Muslim) and Michael (Copt), to which I now turn, extends my argument about privilege, privacy, and interfaith marriage opportunities to marriages that are de facto illegal. Lina's story, as she narrated it to me, shows that even Muslim women who marry Coptic men can, with the right means and support, carve out a place for themselves in urban Egypt.

Lina and Michael: nationality and urban “bubble” as way out

I have argued that, as a result of the manner in which the administrative management of Coptic-Muslim marriage has been negotiated between the Church and the state, various forms of material and social privilege, as well as paternal support, mediate the possibility of potentially controversial communal ‘crossings’ in everyday bureaucratic encounters. As a result, couples with social, educational, and financial capital are much less likely to become the object of hard bureaucratic ceilings, physical harassment, security surveillance, and communal identitarian claim-making than couples like Abir and Yasin.

Lina and Michael's story shows that even the administrative impossibility of marriage between Muslim women and Coptic men can be overcome, within limitations dependent on a range of circumstances, such as emotional and material support from family, access to foreign travel—particular to (Northwestern) Europe and the US—and privately owned homes in wealthy urban neighborhoods, where privacy is bolstered by one's position in social hierarchies that divide “the street” from private homes.

Lina and Michael started a relationship in the summer of 2013, when they were thrown together by the nighttime curfew imposed by the military. Large crowds had poured into Cairo from across the country to join sit-ins in the Rabaa and Nahda squares to protest President Morsi's removal from office by the military. Bored and worried about what would become of the revolution they had both participated and believed in, Lina and Michael spent the long evenings between their comfortable apartments, talking and watching movies. Lina initially felt hesitant about “getting serious.” Her parents generally did not intervene in her relationships with men, but they had strongly opposed a previous relationship with a Coptic man. Looking back, Lina reflected that their objections probably had as much to do with the previous boyfriend's artistic vocation as with his religious identity. Michael, on the other hand, had a stable personality and a well-paid job, preferred quiet evenings to going out to party, and was eager to start a family. Lina felt attracted to the stability Michael could offer, but it also scared her after spending many years travelling around to pursue her passions.

Two years into the relationship the couple started making plans to get married. Her sister, who had married a Muslim, was very much against the marriage and

predicted that their father would never accept a Coptic partner. Lina says she eventually got him on her side by “using his own claims about being open and tolerant against him,” and by persuading him that it would be embarrassing and inconsistent if he rejected Michael because of his Coptic background. Her father was not a practicing Muslim and had raised her to make her own choices with regard to religious practice. The discomfort of Lina’s maternal aunts was overcome by stressing Michael’s dual British-Egyptian nationality and his clearly Christian, but possibly ‘Western’ name, before introducing him into the extended family circle. Lina chuckled when recalling a phone call between her mom and aunt, in which her mother said, “His name is Michael and he was born in Europe and he works in the UK.” A Christian from “abroad” (*barra*), Lina surmised, was expected to cause a lot less trouble and to come with less political baggage than a Copt. Casting him as a privileged British national with few ties to the Coptic community in Egypt helped her mom put the case to her potentially recalcitrant siblings that Michael should not be associated with inter-communal tensions in Egypt. In the end, Lina’s biggest supporter was her maternal grandmother, who insisted that choosing a partner should be a private choice, regardless of religion.

Michael’s own “mixed” family background made it easier for his parents to accept Lina and facilitated the relationship between the two families. His mother had been raised in a Muslim family and eloped with Michael’s father, a Coptic Christian from a wealthy family, after they fell in love at university in Alexandria. Her family severed all ties with her and reported her to the police. She never saw them again and informally converted to Coptic Christianity after she eloped and got married. This was one of several cases of “informal conversion” from Islam to Christianity I came across that “succeeded,” (in the sense that Michael’s mother managed to change her religion on her vital records and continue to live in Egypt) probably because it occurred before the digitization of national identification cards and other personal documents.

In the months leading up to the marriage, Lina—like Yara and Mariam—drew on her personal network to seek the counsel of a prominent human rights lawyer and women’s rights activist known for her interest in helping Muslim-Coptic couples. Lina’s primary concerns were the legal status the children she might have and the possibility of registering her marriage in Egypt. The ambiguity of the advice she received reflects the blurry boundaries of what “the right connections” can achieve, even in the case of a marriage that cannot be formally authorized or registered. The lawyer told her that marriages between Muslim women and Christian men “had happened before and may be possible again,” that she may or may not be able to register the marriage with the help of the State Mufti, and that she may or may not be able to obtain a national identification card for her children. These answers suggest that the administrative practices that manage birth registration

and obtaining identification cards for children born out of an ‘illegitimate’ marriage may be as much subject situational outcomes as Coptic-Muslim marriage. In the end, the lawyer nonetheless urged Michael to convert to Islam to safeguard the legal status of the marriage and avoid difficulties.

Conversion was not an option for either Lina or Michael. For Lina, it was a matter of principle that had little to do with religious conviction; she felt she was already sacrificing a lot for her partner by risking an “illegal” marriage. She felt that, as a woman, she would bear the brunt of social censure and would lose out by not being able to pass on her official religious identity to her kids—if they could find a way to have their paternity recognized in Egypt at all. Michael’s parents at one point suggested that she convert to Christianity. They thought this might allow their future grandchildren to inherit from them.³⁴ This suggestion was based on the assumption that Lina would find a way to have her conversion recognized—the way Michael’s mother had somehow managed to do before the digitization of national identification cards, an extremely risky proposition under current administrative regulations.

Eventually, both families came around to a marriage without conversions and attended the civil marriage ceremony in the UK. In keeping with Lina’s wishes, the celebration did not include any elements of a “traditional” Islamic or Christian marriage. She wore a red dress and placed the chairs for the guests in a circle around the space in front of where the civil marriage officiant stood, so that associations with the pews in a church would be avoided. After the celebration and journey back to Egypt, they returned to Michael’s apartment in an upmarket part of central Cairo where they had already been living together before the ceremony. When I met her right after the marriage, Lina told me that they were considering moving to England in case they would have kids. She considered applying for British nationality so her legal position would be less precarious in case of a divorce. Until then, few people in their prosperous neighborhood in Cairo will ask about the nature of their relationship. Their financially comfortable parents support them, and their neighborhood “bubble,” as Lina calls it, insulates them (to a degree that is never fully guaranteed) from unwelcome meddlers in their affairs. Most of the cases of court-enforced divorce of Muslim women and Christian men have been instigated by family members or neighbors, who brought the marriage to the attention of the authorities (as in the case of Michael’s mother). Family approval, the location of a couple’s domicile, and sufficient wealth and status to keep watchful doormen silent go a long way in averting unwanted attention from the authorities. When I asked Mariam, who lives in the same neighborhood as Lina, what the Coptic doorman of her upmarket apartment building may think of her marriage to a Muslim, she said without hesitation: “They wouldn’t dare to say anything.”

Abir: kidnapped girl, Muslim sister, renegade woman

The privilege of privacy was not an advantage Abir and Yasin enjoyed. In this final section I look more closely at their marital trajectory and the ways in which it contrasts with those of my other interlocutors. Like most Coptic women whose intimate lives have blown up into public scandals and intercommunal violence and who have garnered uninvited attention from the Church, minority advocacy groups, Salafi activists, and national security agencies in the past few decades, Abir came from a village in Upper Egypt and was trapped in an unhappy marriage with no way out. Having no resources of her own, she befriended a man who she, perhaps, believed could offer her a different life. Whether she was motivated by religious conviction, love, or something more complicated makes little difference in terms of the options that were available to her, as well as their potential outcomes. The distinction made in Egyptian popular debate—and in new administrative conditions for conversion—between “sincere belief” (*‘iqtina’*) and marriage for opportunistic reasons (including ‘for the sake of marriage’) have very little relevance for a woman in Abir’s circumstances. To elope with a Muslim man she had to get divorced; to get divorced she had to convert. To convert she needed to travel to Cairo; to travel to Cairo she needed, in her own words, “a man to take care of me and protect me.” To do any of these things she had to escape interlocking spousal, parental, and clerical guardianship. When a glamorous television hostess in a Cairo studio harangued her with suspicious questions about why she got married to Yasin if she had been motivated purely by religious piety, Abir looked at her in utter bewilderment. How did the hostess not understand that, as a solitary young mother from Asyut without a male guardian, she would never find a place to live? Everyone she encountered would have feared for their safety.³⁵ The hostess’ next accusation focused on her contracting an informal marriage. Of course, a formal marriage had been out of the question; even if Abir had been divorced when she met Yasin (which would have required her to find her way through the complicated court system on her own), she would never have obtained the AOI from the confession priest in her local parish, and it is unlikely that the Public Notary would have allowed her to marry without it. Unlike wealthy families, who often have little to gain from police intervention in family affairs and draw on their own resources and networks to settle disputes, Abir’s parents had no means to find their missing daughter and resolve her problems, so they resorted to the police and Church to “return” her—since communal and parental guardianship are both removed automatically when a Coptic daughter converts to Islam.

Every step of her marriage trajectory and interaction with state agencies and the Church was mediated by Abir’s provincial origins and lack of resources, and every interaction was violent (abduction by her family and the Church, her arrest

by the police, harassment by the media). Of course not every Coptic woman from an Upper Egyptian village will share all of Abir's circumstances. What I want to underline with Abir's account is that the inherent indeterminacy, security calculus, and enmeshment of Church and state interests in the interfaith marriage bureaucracy functions in a way that necessarily disadvantages women like her—while those same qualities facilitate various strategies of evasion, negotiation, and dispensation for women with the financial, educational and familial privileges of Mariam and Yara. Of course, the absence of any one of these privileges, including parental consent, will make things difficult for more privileged Coptic women too.

Conclusion

In *Religious Difference in a Secular Age*, Saba Mahmood remarks that, from a feminist perspective, the story of the Coptic runaway perfectly fits the archetypal narrative of abductor and abductee, of “women as placeholders” in disputes over borders and identities, in which they are “always objects, never subjects” (Mahmood, 2016, 112). However, rather than examining the subjecthood or agency of Coptic women who “run away,” Mahmood's chapter problematizes feminist claims that an unchanging religious patriarchy is to blame for conflict over Coptic women's bodies. She argues that at the root of anxiety over conversions and interfaith marriages lies the “pernicious symbiosis between religion and sexuality under modern secularism” (Mahmood, 2016, 113). In Egypt, she argues, legal secularization has forged an indelible link between religion and the family, and placed women at the heart of this nexus. In this concluding section of the chapter, I want to reflect on the contrasting self-narratives of Mariam, Yara, and Lina, on the one hand, and Abir on the other, to complicate both the feminist centering of patriarchal control, and Mahmood's disembodied “secular power.” Mahmood's account of the “privatization” of religion and the family reveals much about how Coptic women became central to minority advocacy and the exercise of clerical authority, but also reproduces the erasure of the voices and experiences of Coptic women featured in this chapter.³⁶

I have argued that interfaith marriage—and the administration of conversion to Islam that often follows or succeeds it—should be considered key sites for the regulation of religious difference in modern Egypt, alongside the court practices and jurisprudence that have been more extensively studied as sites of state sovereignty over the definition of religious boundaries. I have shown that the “bottom-up” study of bureaucratic encounters between couples and the interfaith marriage bureaucracy (notaries, Church, and the Ministry of Justice) reveals that the implementation of non-statutory notarial instructions is constantly (re)negotiated between Church and state administrators. This openness and ambiguity in

the performance of notarial norms results in highly situational outcomes that are always mediated by the social and material capital that couples and their families bring to the encounter. What I have not yet remarked on is the remarkably different ways in which my interlocutors, on the one hand, and women like Abir, whose stories become subject to public contention, on the other, narrate their motivations and experiences. If encounters between citizens and state agencies “constantly give rise to particular modes of action, norms of interaction and socio-political dispositions” (Ismail, 2011, 857), then my data show that these interactions also delineate the conditions for the stories that can be told about interfaith marriage, and whether and to whom these narratives are legible.

All my interlocutors met each other and got married in a period of heady political expectations during and immediately after the January 25 revolution. For the three couples I discussed at length, the uprising opened up new avenues to politicize their private concerns. Their leftist and socially liberal orientations, engagement with human rights discourses, and “un-churched” family lives—which preceded the revolution—naturally predisposed them to support personal rights in marriage over communitarian norms and theological objections to interfaith marriage. These dispositions are echoed in some popular cultural representations of Muslim-Coptic marriage that have become popular tropes in recent years. My interlocutors would probably scoff at the top-down and boorish didacticism that informs representations of interfaith marriage in movies and drama series. They would agree that the trope of the Coptic wife of a Muslim husband who dutifully raises her children as Muslims is used to propagate a romanticized notion of national unity: a “civil religion” that flattens and homogenizes meaningful religious difference and insinuates itself as a nationalist alternative to the supposed religious sectarianism of Islamists and “extremist” Copts, while maintaining the majoritarian hierarchies on which state power depends.³⁷

Yet, the narratives of my interlocutors express a similar privileging of personal values and affections over communitarian norms and affects, though not, significantly, with the intention to promote subservience to the intercommunal mediation of an authoritarian state. The state nonetheless offers spaces for my relatively privileged interlocutors to maneuver in. The stories of love and marriage they narrated to me, carried a heightened sense of possibility and liberal sensibility that they brought to their encounters with the state and the Church. They framed their stories in revolutionary terms: as part of their rebellion against the paternalism of the clergy, the communitarian basis of family law, and the objections of “conservative” family members. Sparing no effort to push back against bureaucratic arbitrariness and the discouragements of clergy and notaries, they perfectly fit Allouche’s characterization of interfaith couples in Lebanon as utopic dreamers passionately performing impossible love—a “counter-discourse that threatens

the masculinist foundations of the state.” They “queer” a future that has not yet arrived (Allouche, 2019, 547). The recalcitrance of administrators only strengthened their conviction that things must change and that their marriages were more than a private affair—even if individual calls for civil marriage (other than a unified Christian personal status code) has thus far not been translated into a collective political project in Egypt, for many reasons I have no space to elaborate on here. Despite their revolutionary aspirations, the state ultimately “worked” for my interlocutors, and when it did not, they could evade it. Their private struggle for personal freedom did not change the “masculinist state”, even if it shifted the grounds for negotiation within their families.

In all my interlocutors’ stories, not converting is a deliberate choice, informed by an understanding of religion as private conviction. When faced with pressure to convert for the sake of family, community, or material reasons, they recoil (recall Lina’s response to her in-laws and Mustafa’s response to Father A). This conflation of authenticity with interiorized conviction aligns with representations of “good” religion in popular culture, and with administrative norms that require converts to Islam to provide evidence of their sincerity. The security rationale and selective application of these norms to some conversions and marriages, but not others, do not align with the liberal aspirations of my interlocutors. The privileges enjoyed by these couples (supportive parents, access to open-minded priests, limited surveillance and interventions by extended family and neighbors, an exit plan to move abroad, etc.) permitted them to embrace interfaith marriage and non-conversion as principled choices.

In contrast, Abir and other Coptic women from impoverished rural backgrounds are much more dependent on the state and their Muslim spouses for legal and material security. Their ties with family are often irreparably damaged, and they can no longer rely on the Church for social and material support. In such circumstances, conversion and informal marriage can be necessary first steps toward a measure of legal protection, respectability within a new community and family, and access to basic needs, like housing and financial support. The combined pressures of public and administrative scrutiny entangle Abir and others in mutually incommensurate narrative demands that sharply delineate the subject positions that are available to them, and those that are not. In the early 2011, pressure from the Church and Coptic activists, and anxiety about sectarian tensions, prompted the introduction of new, ad-hoc, administrative conditions for conversion (not included in formal notarial guidelines) by the Shaykh al-Azhar, Ahmed al-Tayyib: the minimum age for conversion would henceforth be 18, instead of the minimum age of 16 that was stipulated in notarial instructions, and Copts would not be permitted to convert for “personal objectives” or “out of desire for marriage” (an unprecedented vetting of the interior states of converts).³⁸ This placed Abir and many other vulnerable women in a position where they had to publicly defend the theological soundness

of their ‘interior conviction’ (*‘iqatina’*) to obtain documentation of conversion.³⁹ This theological frame runs through numerous conversion narratives by Coptic women that have appeared on the internet in the past decade. The subject position of pious believer adopted in these narratives, including polemical disavowals of Christian theology, stands in deep tension with the anti-theological ethic of “national unity” discourse. This contradiction is painfully evident in the televised interviews with Abir I have referred to several times. In these interviews, which feel more like an inquisition, the interviewers strain to put across that theological differences between Christianity and Islam are insignificant to public life. The interviewers promote a kind of civic religion (both religions are equally true and woven into “the fabric of the nation”), but do not advocate for legal or administrative changes, nor do they critique state policies relating to religious discrimination or sectarian tension. Abir is called upon to simultaneously prove that she has converted out of conviction and not for marriage (to fulfill the administrative requirements for conversion), and to underwrite the broadcaster’s aim to appease sectarian tensions by piling on the anti-theological national unity-speak. This tightrope dance provokes only further suspicion of the authenticity of Abir’s marriage, because if she foregrounds her relationship with Yasin, she casts more doubt on the authenticity of her conversion. Interfaith couples who elope and women who convert to Islam sometimes receive assistance from Muslim individuals, lawyers, or activists with an interest in proselytization. The lawyer who represented Abir in the first interview cited in this chapter is a case in point. In his public defense of Abir as a liberated “Muslim sister,” he is interested in using her case to make a larger argument, frequently repeated in anti-Christian polemics, about the Church as “a state within a state.” The recruitment of Coptic converts, willingly or not, into pitched battles between interest groups—that either frame them as helpless captives of Muslim extremists, as emancipated Muslim sisters, or as apologists for national unity—leaves little space for the ethic of authentic individuality and unconstrained religious freedom expressed by my more privileged interlocutors. My interlocutors could afford to be defiant in their interactions with the priests and bureaucrats, often with at least some success.

The contrasting subject positions taken up by my interlocutors, on the one hand, and Abir, on the other, in their self-narratives are, like their strategies in negotiating the marriage bureaucracy, deeply mediated by the broader social hierarchies that inform their everyday lives and that shape every aspect of their bureaucratic encounters. In contrast with Mahmood’s interest in the forms of subjectivation that attend secular power, as well as with scholarship that emphasizes the strictures placed on Coptic women by patriarchal families and clergy, some analyses of conflict over Coptic “renegade women” (Delhaye 2007; Guirguis 2008b; Hulsman 1999) have been keen to identify an autonomous and rebellious agency in the way Coptic renegade women defy their families, Church, and community. These closing

reflections on the narrative subject-positions that emerge from the self-narratives of my interlocutors are meant to complicate such binary conclusions. The social ties and hierarchies that renegade women (re)negotiate or sever by contracting an interfaith marriage and/or converting, inevitably subject them to a new personal status framework, new dependencies on the state, and new chosen or self-appointed guardians of their safety and well-being with their own narratives about the social and political significance of their protégée's actions. As a consequence, Abir and other Coptic women of modest means are embroiled in a range of conflicting discursive frames about the meaning, political and social implications of their new identities and marital status. These interpellations offer both new possibilities for subjecthood and self-cultivation, and subject them to new social, discursive and legal constraints, expectations and ideological projects (Abu-Lughod 1990). The divergent outcomes of intermarriage and conversion I have discussed, and the narratives my interlocutors offered to frame them, depend first and foremost, I have set out to show, on the social location from which couples enter into contact with the agents of Church and state.

Notes

- ¹ In this chapter, I use the term “Coptic” to refer to Coptic Orthodox identity as a category of social and legal recognition that does not necessarily coincide with personal religious identification. This also applies where I refer to someone as Muslim. Egypt is home to many Christian sects and denominations, of which the Coptic Orthodox Church is the largest. The numerical size of the Coptic population is a sensitive topic due to the quantitative logics informing discourses on national belonging. Estimates range from 5 to 15 percent of the total population.
- ² Due to the sensitivity of interfaith marriages and to ensure the privacy of my interlocutors, I chose to do most of my interviews in the urban centers of Cairo, Alexandria and Ismailia. My account of Abir's story is based on news reports about her conversion and marriage, and interviews she gave on national television in May 2011. See, for example, Sky of Egypt, “Abir fakhry masihiyya ‘aslamat,” YouTube, accessed August 2, 2022, https://www.youtube.com/watch?time_continue=2&v=WYrbzliIzEEQ&feature=emb_title&ab_channel=SkyofEgypt and EgyUpFans5, “Halaqa ma’a al-fataa allaty ‘aslamat...wa sabbabat ahdath imbaba,” YouTube, accessed August 2, 2022, https://www.youtube.com/watch?v=5wWOVvN38LU&ab_channel=EgyUpFans5. My accounts of all the other couples mentioned in the text are based on interviews recorded in Cairo from 2016 to 2018. To protect the privacy of my interlocutors, all their names have been changed, except those of Abir and Yasin, which appear in public media sources.
- ³ EgyUp5, YouTube, accessed April 23, 2023
- ⁴ I use the term “interfaith” marriage because it echoes the terminology used in Egyptian administrative regulations to describe marriages between spouses who do not share the same religion (*milla*) or sect (*ta’ifa*). Oraby uses the term “border crossings” to refer to religious conversions, to invite the historicization of the kinds of differences at stake in particular cases. Even if Abir's marriage was not technically “interfaith”, because she converted to Islam, public discourse around the marriage, and securitized responses to it construed it as such.

- ⁵ According to the Coptic Personal Status code, conversion of one of the spouses to Islam, or any rite or sect other than Orthodox Coptic Christianity, automatically results in divorce. Since she did not carry documented evidence of her conversion at the moment of her arrest, the police assumed that Abir was still Christian and thus still married to her Coptic husband in Asyut.
- ⁶ Administrative courts have invoked Public Order to rule against Muslim converts to Christianity who litigated to change the religious status on their national ID cards. Since 2004, however, several State Council rulings have permitted “returnees” to Christianity to change their religious status on vital documents if they can supply documentation from the Coptic Patriarchate (Guirguis, 2017, 40).
- ⁷ I borrowed the term “renegade women” from Dursteler’s work (2011) on women who strategically navigated the porous borders between Christian and Ottoman worlds in the early modern Mediterranean through the strategic practices of marriage, conversion and mobility. With its use, I do not imply historical continuity in the circumstances in which women ‘fled’. I do see a useful parallel in the implied combination of agency, the violation of social norms and mobility, as well as echoes of the strategic use of the plural family law system Egypt inherited from the Ottoman Empire.
- ⁸ After restrictions on church-building and repairs, romantic interfaith relations have been the second most frequently documented cause of sectarian violence since the early 2000s. For geographical distributions and statistics see Ibrahim (2015) and Tadros (2013). Copts are disproportionately targeted when these conflicts extend beyond the family. Customary mediation by state and non-state actors has resulted in an absence of accountability for discriminatory practices.
- ⁹ This proliferation of independent Coptic civil initiatives has its roots in the democratization of the laity since the 1980s, a development that grew out of the rapid expansion of Church activities into all realms of Coptic social life, paralleling the Islamic revival. See Guirguis (2019) and Lukasik (2016) for an overview of initiatives that emerged before and after the January 25 uprising to agitate for Coptic rights and religious freedoms, demand the liberalization of Coptic family law, and challenge communitarian political representation. Lukasik notes that these initiatives often transgress a rigid secular–religious binary.
- ¹⁰ See Bernard-Maugiron (2011) and Elsässer (2019) for a full account of recent developments in Coptic debates over divorce and remarriage. The constitutions of 2012 and 2014 solidified clerical authority over Coptic personal status in article 3, which states that “the principles of the laws of Egyptian Christians and Jews are the main source of laws regulating their personal status, religious affairs, and selection of spiritual leaders.”
- ¹¹ According to the Egyptian civil code, marriages between Egyptians who belong to different religions or sects fall under the jurisdiction of the “default” Muslim PSL. This means that Coptic men who convert to Islam can divorce a Christian spouse without recourse to court. Since Muslim women cannot marry Christian men, Coptic women who convert to Islam are automatically divorced, if the Coptic spouse refuses an invitation to convert. Conversion to a different Christian sect or rite (and thus making the marriage ‘mixed’ for legal purposes) also makes divorce initiated by the wife (*khula*) available to women. However, obtaining the required documents for a formal conversion to a different Christian sect has become very difficult in recent years, since churches seek to prevent “instrumental” conversions.
- ¹² Scholarship on modern Coptic family life and gender relations frequently refers to anxieties about the interaction of young Coptic women and Muslim men, and the pressure this places on girls to self-segregate. These studies are usually based on research in working class and lower middle class communities. For a recent ethnographic study, see Thorbjørnsrud (2012).
- ¹³ Maria al-Qibtiyya, an enslaved Coptic woman, was sent to the Prophet Muhammad by al-Muqawqis, the Christian governor of Alexandria. The Islamic tradition honors her as one of the wives of

the Prophet, but in Egyptian popular memory the significance of her story is disputed due to the religious and gendered inequalities expressed in it. See Hidayatullah (2020).

- ¹⁴ Islamic and Coptic religious revivals since the 1970s have resulted in a notable shift in naming practices. Both Copts and Muslims more frequently give their children recognizably Muslim or Christian names. Tarek's father identified Murqus as quintessentially Coptic, expressing worry about a possibly troubling mix-up of his grandson's sectarian identity. Asking someone for their full name, which includes the names of father and grandfather, is often an indirect way to identify a person's sectarian identity in everyday interactions.
- ¹⁵ For example, partners who are both Coptic Catholics can marry in the Coptic Catholic Church according to the Coptic Catholic PSC; a Coptic Catholic and Roman Catholic marriage is considered "mixed" and must take place in the marriage registration office of the Ministry of Justice in accordance with Muslim PSL.
- ¹⁶ Because "Muslim" PSL is the default law for all couples who are not of the same religion, sect or rite, it is sometimes referred to by Egyptians as "civil marriage." This is true in the sense that it is the dominant legal framework administered by the state, and does not conform to Christian ritual conditions. It is not civil marriage in so far that the 'standard' PSL is explicitly derived from the Islamic legal norms.
- ¹⁷ Since the nationalization of the family court system and the rapid expansion of the administrative bureaucracy in the 1950s (Oraby, 2019, 580) the registration of interfaith marriage contracts has been centralized in the Ministry of Justice (rather than in Sharia or millet courts), resulting in unprecedented control of state agencies over (mixed) marriage. The chance that a mixed marriage "slips through the cracks" of government oversight has been further minimized by the digitization of marriage contracts in the twenty-first century. Memoirs, anecdotes related by my interlocutors, and court jurisprudence from the first half of the twentieth century, tell of marriages between Muslim women and Christian men, marriages between Muslim men and Christian women celebrated in church, and conversions to Christianity that somehow went undetected and unsanctioned by the state. "Off the record" conversions have likewise become impossible, since documentation of religious identity has become mandatory in many administrative and everyday contexts (for example, school registration, burial, military service). Elsässer (2019, 339) makes a similar observation regarding the facility of (re)conversion before the Ministry of Interior introduced digitized national identification cards in the early 2000s.
- ¹⁸ Here, "civil marriage" signifies a marriage authorized by the notaries at the Public Notary Office, rather than by religious authorities.
- ¹⁹ See Ibrahim (2020) for a discussion of the administration of Coptic marriage (between Copts) and the Documentation Law.
- ²⁰ See, for example, these news articles, which feature the widespread perception that the AIO is a "permission" for the interfaith marriage granted by the church: <https://www.albawabhnews.com/3591403> and <http://www.soutalomma.com/Article/864905/-توثيق-الزواج-يكون-دائما-عن>. The author of the second article states that the Christian wife must provide evidence that "the religious authority she is subject to considers there to be no impediments to the marriage; something the Patriarchate will never admit to, of course."
- ²¹ Ibrahim (2020) has authored numerous critical reports on Coptic personal status issues for the Egyptian Initiative for Personal Rights, using a personal rights frame. See Kamal (2008) for an argument for introducing civil marriage for Copts. See Elsässer (2019) for an account of Coptic activism around personal status issues since the January 25 revolution, and Sedra (2012) for a historian's perspective on the introduction of Article 3 into Egypt's constitution. The AOI even figured as a central theme in the 2013 novel *Ways of the Lord (Turūq al-Rabb)* by Shady Lewis Boutros.

This often satirical literary exploration of contemporary Coptic identity, in the shadow of Church and state authoritarianism and a Kafkaesque bureaucracy, is critical of clerical power over Coptic intimate lives. The plot is constructed around a series of meetings between an “un-churched” young Coptic man and a priest, who is authorized to issue the AOI so the former can marry his German girlfriend. The fact that the good man eventually issues the document despite the young man’s questionable piety illustrates the sense of arbitrariness that surrounds Church authorization for interfaith marriage, and marriage in general.

- ²² For an account of critical Coptic opinions on the marriage courses see Fatima Khamis, “Ba’d ‘iqrar shurut jadida li-l-jawaz ... ta’raf ‘ala al-mahrumin min baraka al-kanisa”, *Elmogaz*, <https://www.elmogaz.com/425781>, accessed September 11, 2022.
- ²³ In practice, many Muslim marriage registrars deny Muslim women who marry Muslim men the same right (to marry without a male guardian). Women’s rights organizations have repeatedly addressed this violation of a Hanafi dispensation; see Musawah, *Egypt: Overview of Muslim Family Laws & Practices*, May 31, 2017, <https://www.musawah.org/wp-content/uploads/2019/03/Egypt-Overview-Table.pdf>. Anecdotal accounts in the media and accounts related to me by interlocutors confirm that some women find registrars who accept a double fee to write the contract without a male guardian. In one account shared on social media, the registrar relented when the husband made a fuss. It appears that in this case, too, the social and material capital of the spouses are decisive.
- ²⁴ Yara called this the “Lebanese way,” referring to the common strategy of Lebanese interfaith couples to buy a “flight + marriage deal” and fly to Cyprus to contract a civil marriage, which can then be registered formally with state authorities in Lebanon. Due to the costs, this is not a realistic option for the vast majority of Egyptians. For Yara and Mustafa, trying to register a marriage contracted abroad would have involved the same obstacles they already faced, because they would eventually have to register the contract with Egyptian authorities.
- ²⁵ The same lawyer told me in an interview that litigating against the Public Notary for refusing to marry a couple without the AOI form from the Church would require building a case with extensive documentary evidence, which requires cooperation from couples. In his experience, this is difficult to achieve, because most families fear publicity. As far as he knew, no such case had yet been attempted.
- ²⁶ Even when Muslim women encounter objections from a registrar to marrying without a male guardian, it is usually permissible to ask a male relative, or even a neighbor, to perform the role in place of the father. Coptic women do not have this option.
- ²⁷ In my conversations with Muslim and Coptic women about delegated divorce, feelings of embarrassment often came up. Some women told me that they would not or did not include this condition because they trust their spouse, or that including it would suggest they don’t trust him. This corresponds to Sonbol’s claim that “modern social discourse belittled a husband who allowed his wife to include such a condition of delegated divorce and frames it as a loss of manhood” (2005, 184).
- ²⁸ The Coptic PSC only permits annulment in the case of conversion or adultery.
- ²⁹ Berger (2002, 562) discusses several rulings by the Court of Cassation in the 1950s that denied divorce to Egyptian or Greek Catholics married to Christians of a different rite, even when one of the two had converted to Islam. In those cases, however, both spouses were Christians when the marriage was contracted.
- ³⁰ The objections of the notary are reminiscent of the texts of standardized interfaith marriage contracts used in the family court of Alexandria in the early twentieth century. Historian Hanan Kholoussy (2003) argues that these warnings have been used as a deterrent, or to preemptively discipline non-Muslim wives. These contracts, in contrast to the contracts used for two Muslim

- wives, included lengthy explanations about the rights and responsibilities of non-Muslim wives (both Egyptian and foreign citizens), and emphasized rights of the husband that a foreign or Christian wife may not be accustomed to. The contract omitted information about the right to include stipulations.
- ³¹ Al-Azhar University has separate offices, and separate protocols, for the conversion of foreigners and the conversion of Copts. Foreigners are not required to report at a police station and participate in “advice and guidance” sessions.
- ³² During the period of radically increased press freedom that followed the January 25 uprising, Shaykh Salim Muhammad Salim, then the head of al-Azhar’s Fatwa Council, discussed in a televised interview how the National Security Agency directly and systematically intervened in the conversion applications of “undesirable” female converts. DrKh33333, “Fi al-midan ma’a Ibrahim ‘Isa”, YouTube, May 11, 2011, https://www.youtube.com/watch?v=i3zf6EeptJU&ab_channel=DrKh33333, accessed March 25, 2022.
- ³³ Sidhum, Y. 2006. *Coincidence of Coordination*. Watani International. November 5. Accessed through the Arab West Report online newspaper archive: <https://www.dialogueacrossborders.com/en/year-2006/week-45/50-coincidence-or-coordination>, accessed on December 12, 2022.
- ³⁴ Egyptian inheritance law prohibits intestate succession between Muslims and Christians. Only a small percentage of an estate can be recorded in a will.
- ³⁵ EgyUpFans5, “Halaqa ma’a al-fataa ‘allaty ‘asalamat”, 34.26.
- ³⁶ See Guirguis (2017), Delhaye (2007), Hulsman (1999), and Armanios (2002) for arguments about the dual pressure on young Coptic women from interlocking religious and familial patriarchal control and expectations. Guirguis, Delhaye, and Hulsman pose a causal relationship between these pressures and the choice to run away from a marriage or parental home.
- ³⁷ Samia Mehrez (2008) writes perceptively about these representations.
- ³⁸ For the Shaykh al-Azhar’s statements, see Ali, Lou’ay. 2011, June 27. “Al-Tayyib: Al-Azhar lan Yaqbal Tasjil ‘Ishhar al-Islam li-man Yuqill ‘Umrih ‘an 18 ‘Am”. *Youm7*. <https://www.youm7.com/story/2011/6/27/%D8%A7%D9%84%D8%B7%D9%8A%D8%A8-%D8%A7%D9%84%D8%A3%D8%B2%D9%87%D8%B1-%D9%84%D9%86-%D9%8A%D9%82%D8%A8%D9%84-%D8%AA%D8%B3%D8%AC%D9%8A%D9%84-%D8%A5%D8%B4%D9%87%D8%A7%D8%B1-%D8%A7%D9%84%D8%A5%D8%B3%D9%84%D8%A7%D9%85-%D9%84%D9%85%D9%86-%D9%8A%D9%82%D9%84-%D8%B9%D9%85%D8%B1%D9%87/443579>, accessed August 2, 2023.
- ³⁹ See, for example, the series of videotaped confessional narratives by Coptic women converts recorded by the Union for the Support of New Muslims, a predominantly Salafi activist group that actively advocated for Coptic converts from 2010 to 2013, after Camillia Shehata, the wife of a priest, and later Abir Fahmy were ‘returned’ to their families by security forces. Many examples can be found on the group’s YouTube channel: NewMuslimRightsTV, <https://www.youtube.com/@NewMuslimsRightsTV/videos>, accessed August 8, 2023.

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