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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.<sup>1</sup>

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, posing 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.<sup>2</sup>

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.<sup>3</sup> 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).<sup>4</sup> 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).<sup>5</sup>

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.<sup>6</sup> 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.<sup>7</sup> 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 dowry 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).<sup>8</sup> 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

- <sup>1</sup> 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).
- <sup>2</sup> 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).
- <sup>3</sup> The codification of family law proceeded at a different pace in other Muslim majority countries. In the Caucasus 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)
- <sup>4</sup> 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.
- <sup>5</sup> Also in matrilineal systems, there is a partial shift from large extended women-centered households to nuclear families (Osella 2014).
- <sup>6</sup> 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).
- <sup>7</sup> 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.
- <sup>8</sup> 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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