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FORUM: ARAB ENCOUNTERS

Convert Muslim women encountering Islamic marriage and making *hijra*

A reflection

Annelies Moors, *University of Amsterdam*

Arab encounters are often also Muslim encounters; in some cases, Islam is the primary arena for Arab encounters, as Martin Slama and Zoltan Pall's contributions to this forum show. While they focus on the broader political and cultural aspects of these encounters, I zone in on how a specific category of Muslim women, Dutch converts, engage with two particular Islamic institutions: entering into an Islamic marriage and making *hijra* (migration to a Muslim-majority environment). What happens when these women encounter Arabness through Islam?

When women in the Netherlands convert to Islam, they often feel the need to reposition themselves in relation to their existing social networks. Their relationships with their compatriots take on elements of engagement across difference. At the same time, they begin to develop relationships with Muslims, their new co-religionists, and have to engage with Islamic institutions with which they are unfamiliar. In this contribution, I reflect on how converts who consider themselves to be observant, committed, relatively conservative Muslims engage with two of these institutions: concluding an Islamic marriage and, more briefly, making *hijra*.[1] The vast majority of these women marry men who are either migrants themselves or whose parents have migrated to the Netherlands, often from the Arab world. Using a processual and relational perspective, I argue that these encounters are transformative, affecting social practices as well as their meanings and valuations in different ways.

Encounter approaches are helpful in understanding converts' interactions with these institutions. The term encounters refers to engagements across difference (Faier and Rofel 2014: 364; see also the introduction to this forum). Such engagements are multiple. They are embedded in particular spatio-temporal contexts, involve parties with different capacities to act, concern different levels of intentionality, and can produce a variety of relationships characterized by harmony or conflict, accommodation or disengagement, and everything in between. Encounters are always emergent and in process, both influenced by and affecting how differently, often unequally, positioned people self-identify, how they are seen by others, whether and how they are able to act, and how their actions affect institutional arrangements. Because engagements across difference are multiple and dynamic, the effects of such encounters are largely contingent and unpredictable, and often characterized by ambivalence and tension. So, what happens when convert women engage with Islamic marriage?

For the vast majority of women who convert to Islam and consider themselves observant Muslims, entering into an Islamic marriage and starting a family is an important step forward. These women, some of whom have disengaged from their previous social environment, are keen to enter into an Islamic marriage, both because marriage is highly valued in religious terms and because marriage enables them to become part of and build their own Muslim family. As they are generally aware that sexual relations outside marriage are considered sinful in Islam, they often want to marry quickly. However,

1. This text is a brief reflection on the results of research I conducted together with Vanessa Vroon-Najem with women converts to Islam in the Netherlands, here using the lens of encounters. More detailed information on convert women's engagement with the *wali* and the dower can be found in Moors and Vroon-Najem (2023), about making *hijra* in Vroon-Najem and Moors (2021), and on convert women in the Netherlands more generally in Vroon-Najem (2014).

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they usually have little knowledge of how to enter into a religiously valid Islamic marriage. In particular, they are unfamiliar with two conditions of an Islamic marriage: the marriage guardian (*wali*) and the dower (*mahr*).[2]

This unfamiliarity is understandable, as Islamic marriage originated in a very different spatio-temporal context, in the early days of Islam in Arabia, in a society where patrilineal kinship was an important social, economic, and political organizing principle. The *wali* is a woman's closest senior male relative, usually her father, who concludes the marriage contract on behalf of his daughter. The dower is a sum of money or goods included in the marriage contract that a husband must give to his wife on marriage. The *wali* and the dower can function to varying degrees both as a means of control by older men over the younger generation and as a means of protection for women when they enter into marriage.

What happens when Islamic marriage travels to contemporary Europe? Resignification occurs not only when institutions travel through space, but also when they travel through time. This means that with urbanization, the spread of education, and reforms in Muslim family law, there have also been changes in how people signify the *wali* and the dower in Muslim-majority environments. But when Islamic marriage comes to the Netherlands, the situation becomes even more differentiated. In the Netherlands, Islamic marriages are not legally recognized, and therefore the rights and obligations of the parties to an Islamic marriage are not legally enforceable. Entering into an Islamic marriage is then no longer both a legal and an ethical act, but becomes primarily an ethical practice of a religious minority.

Convert women, moreover, are not only unfamiliar with the *wali*, but face the additional problem that a Muslim woman's *wali* must be a Muslim man. This means that her father cannot act as such. In Muslim-majority countries, if no male relative is available, the judge of the Sharia court becomes the representative of the woman's interests and acts as her *wali*. In the Netherlands, this option is not available; there is no Islamic court. In practice, since most converted women marry men who are Muslim by birth, it is rather common for them to leave the choice of a *wali* to their future husbands, assuming that because of their background they are familiar with the institution and know best. These men may then ask a close male relative to act as *wali*. However, this is in tension with the function of the *wali*, as one of his main responsibilities is to protect a woman's interests vis-à-vis her husband. This responsibility includes negotiating the dower. Convert women often feel uncomfortable putting a sum of money in their marriage contract; for them, money and the affective side of marriage do not easily go together. As a result, and because there are no rules about the amount to be registered, they often opt for a very small sum or a very simple, symbolic gift. While some religious authority figures point out the value of a higher dower and the protection it can offer, others do not.

Temporality is important here. Convert women's encounters with unfamiliar elements of Islamic marriage are transformative, both individually (in the case of a subsequent marriage) and collectively (when knowledge is shared in Muslim women's groups). Building on their own experiences and those of others, these women become more aware over time of the function and potential benefits of the *wali*, and therefore more selective in their choice of *wali*. This often means that they no longer leave the choice of a *wali* to their husbands. Instead of accepting one of his relatives, they opt for someone they trust, such as the husband of a close girlfriend. Some have also come to realize that a more substantial dower can be beneficial, not so much because the dower can act as financial security, as converted women are often better educated and in a stronger financial and legal position than their (post-)migrant husbands. What matters is that these women have become increasingly aware, either through personal experience or through information circulating in Muslim women's groups, that they can easily be taken advantage of because of their naivety, lack of Islamic knowledge and lack of a supportive Muslim family. They have come to see a more substantial dower as a means of testing whether a suitor is genuinely committed to an Islamic marriage or merely pretending to be for the sake of a quick sexual relationship or easy material gain.

This coincides with changes in the way some religious authority figures have reassessed the *wali* and the dower. Previously, their main concern was often whether an Islamic marriage was being conducted in the correct way, with a *wali* present and a dower registered. Some paid

2. There is a diversity of view amongst Muslims about whether the presence of a *wali* and the inclusion of a dower are necessary for the validity of a marriage contract. Many of our interlocutors followed the opinion that both are obligatory.

little attention to the suitability of the *wali* or the nature of the dower. Through their encounters with converts, these religious authority figures began to approach Islamic marriages differently, as they witnessed the problems arising from women's desire to marry quickly to what they would call "irresponsible men." Moreover, in their encounters with converted women who have become more assertive, these religious authority figures realize that in the Dutch environment they have only the power of persuasion. After all, women can marry without a *wali*, or they can find and choose a *wali* whose advice is more to their liking (go "*wali*-shopping"). Therefore, even religious authorities with conservative beliefs tend to agree with the need for a pragmatic, flexible approach, aware that a strictly rule-based, legalistic perspective will not work in the Dutch environment.

Making *hijra* entails a different kind of encounter. Only a very small minority of converted women take the step to perform *hijra*, moving to a Muslim-majority environment, often the Arab world. Some would argue this in religious terms, as an obligatory or recommended religious act, while others simply express a desire to move to an environment where they expect Islam to be a matter of course in everyday life rather than a bone of contention. When these women perform *hijra*, and become migrants themselves, they encounter a new social environment. While they leave with the expectation that living a Muslim life in a Muslim-majority environment will be easier, sooner or later many of them become disillusioned, sometimes for pragmatic reasons, when things do not work out financially. But there are other considerations too. Through their encounters with the local population, including their in-laws, they begin to realize how, in their words, "culturally Dutch" they are, especially in those areas of everyday life that are not governed by Islamic rules but where habitual practices are important, such as children's bedtimes or food offered to guests. At the same time, they were often disappointed by the culturalized forms of Islam they encountered in their new social circles, such as dress that they find immodest or music that they consider inappropriate. Some were also dismayed that there was no real "Islamic rule" in the Muslim countries to which they made *hijra*, and some explicitly stated that they would be better able to practice Islam in the Netherlands because of the greater religious freedom there. As they were often unable to develop meaningful social relationships in their new environment, many eventually returned to the Netherlands.

In short, converts experience engagement across difference in a variety of ways. In the Netherlands, even after becoming part of an often criticized religious minority, they still share the advantages of everyday cultural knowledge and legal citizenship. After making *hijra*, as Muslim migrants, they become part of the Muslim majority, but at the same time they remain foreigners, lacking relevant cultural knowledge (including language), while in religious terms they may also find themselves holding convictions that differ from those of the local Muslim community.

Encounters as engagement across difference can be seen as a process of learning about ideas, practices, institutions, and phenomena with which one was previously unfamiliar. The acquisition of such experiential knowledge can lead to a range of responses, from rejection and disengagement to negotiation, adaptation, and accommodation. Even when there is an intention to adapt, such as when convert women engage with Islamic institutions, outcomes vary. In the case of Islamic marriage, we have seen that over time at least some convert women have become critical of existing practices and have learned how they can benefit from institutions such as the *wali* and the dower. In their negotiations with their husbands and religious authority figures, the latter then also have to re-engage with and resignify these institutions. In the case of *hijra*, in contrast, their attempts to adapt have forced them to reflect on how to live a Muslim life. However, as in this case their capacity to act is much more limited, their growing criticism of local religious and non-religious practices often leads to a disengagement from the country of settlement and a re-engagement with how to live a Muslim life in the Netherlands.

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