The Islamic Juridical Vacuum

An Ethnographic Study of How Parallel Legal Institutions Emerged in Denmark

Jesper Petersen

BRILL

The Islamic Juridical Vacuum

Muslim Minorities

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Jesper Petersen

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To Lasse Petersen

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Introduction

In March 2016, a national Danish television station (TV2) aired a documentary titled *The Mosques behind the Veil*. Presented in three episodes, viewers follow two undercover moles, Mohammad and Fatma, who live in a *nikah* (Islamic marriage). In episode two, Fatma explores the option of getting Islamically divorced without her husband's consent – something with which the Danish legal system cannot assist her – and she is referred to an Islamic divorce council in Aarhus. However, Fatma struggles to achieve her goal:[1]

> **TV speaker:** The three panel members are all affiliated with the Mosque of Peace. On the left sits Radwan Mansour, in the middle sits Nasir Qasimi. According to our sources he is one of the most respected imams in Aarhus. The last is Khaled Mansour … The three of them will now determine whether Fatma and Mohammad can obtain [an Islamic] divorce. Fatma is permitted to present her case.
> **Fatma:** He takes a standpoint and then discussions become so intense that he hits me.
> **Qasimi:** No! Anything other than that. That is way out of line. No matter who does the hitting. It would be way out of line, even if it were my own father who had done it.
> **Fatma:** After that we started to disagree even more. I became fed up with him and no longer desired him.
> **Qasimi:** So, you do not do it?
> **Fatma:** We began sleeping apart. Then he became more irritated and started to say that sex is his right according to sharia law, even if there is a conflict between us. Then the conflict became worse, and now he wants an additional wife. His family says that there is a wife for him in Germany.
> **Qasimi:** You love each other, and you are sympathetic. I see it as a secondary thing.
> **Fatma:** He wants an additional wife. I will not accept that.
> **R. Mansour:** It is our duty to tell you that this is permitted. It is a man's right to take a second, a third, and a fourth wife. It is completely natural.
> **Fatma:** Then I want a divorce. If he marries an additional wife, I want a divorce.

1 The dialogue is in Arabic, but quotations are translated in accordance with the subtitles on which the majority of viewers have most likely relied.

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> **Qasimi:** You cannot demand a divorce on that basis. It is not allowed in relation to sharia.
> **TV speaker:** The sharia council panel members advise Mohammad against marrying an additional wife in the current situation.

Segments of the Muslim population in Denmark understand civil marriage and nikah as being of different orders – two parallel phenomena. While civil marriage is regulated by Danish law and enforced by the Danish legal system, nikah is neither regulated nor enforced by a centralized Islamic institution in Denmark. Therefore, when women want to divorce according to Islamic law, they must turn to whoever poses as an Islamic divorce institution, such as the Islamic divorce council in Aarhus, which we are told consists of five members who meet once a week, indicating that this is a somewhat stable institution. This stability is further evidenced by Fatma's case being the third heard by the council on the day of her visit.

Although this was not the first report of an Islamic divorce council in Danish media, *The Mosques behind the Veil* provided viewers with a glimpse into the operations of a conservative Islamic divorce council. It illustrated how some Muslim women experience what Anika Liversage and I call nikah captivity (Liversage & Petersen, 2020). We use this term to be as specific as possible, but this does not imply that captivity in unregistered religious marriage is exclusively a Muslim phenomenon. Nor is the situation described in the scene above an exclusively Muslim phenomenon, as pointed out by Natasha Mulvihill et al., who have investigated marital captivity in unregistered religious marriages among Muslims, Christians, Buddhists, and Jews:

> The 'sanctity of marriage' across faith groups can be used to exhort victims of religious coercive control and spiritual abuse to forgive and reconcile with their abusers. Participants talked of being told by elders and faith leaders that divorce was sinful and that it was the victim's duty to stay and make the relationship work. (Mulvihill, Aghtaie, Matolcsi, & Hester, 2022, p. 10)

The enforcement of the "sanctity of marriage" discourse is also evident in Fatma's dialogue with the members of the Islamic divorce council in Aarhus:

> **Fatma:** But I do not want to continue. I am suffocating. With my own family I felt more dignified. I do not want to. I do not want it. Whether he marries again or not, I do not want to continue.
> **Qasimi:** Maybe you should give him a chance.

> **R. Mansour:** After all, we do not want to make Satan happy. Will you give him a chance?
> **Fatma:** No. I want to divorce.

Fatma is very clear in her request for an Islamic divorce, but the members of the Islamic divorce council refuse to issue it without an attempt at reconciliation. The scene is familiar to me because it is not uncommon for a controlling Muslim husband to threaten his wife with entering nikah with an additional woman as a way of disciplining her – and some do follow through – nor is it uncommon for women to request Islamic divorce from Muslim leaders who refuse to issue such documents without attempts at reconciliation. However, the scene is also truncated, because it does not adequately reflect the power dynamics of a typical situation in which a woman turns to an Islamic divorce council. A richer description of the situation would fundamentally alter the impression one gets as a viewer (Suhr, 2021). For example, if Fatma – a fictional character played by a mole – were like most Muslim women, she would not accept an answer from the Islamic divorce council that was counterproductive to her aims; rather, she would turn to other Muslim leaders for a different answer. Further, if Muhammad was like most abusive husbands, he would ignore the Islamic divorce council's decision if it issued an Islamic divorce, possibly even threatening the council members with violence. In other words, although the Islamic divorce council is significant – otherwise the people Fatma and Mohammad are supposed to represent would not attend – it is seldom able to rule in any meaningful judicial sense.

The Mosques behind the Veil described an interesting phenomenon that had been missed by researchers at the time: namely, that Islamic divorce councils operate outside Britain. To take an example, the first large study of Islamic parallel legal practices in Denmark, published on 1 November 2011, had not found any Islamic divorce councils (Liversage & Jensen, 2011); however, approximately a month prior to its publication, on 5 October 2011, three Danish imams spoke about their Islamic divorce council on the front page of the newspaper *Kristeligt Dagblad* under the heading "Danish imams establish their own divorce court" (Søndergaard, 2011a). In the article, one of the Muslim leaders involved presented the Islamic divorce council as already operational, having issued a total of ten divorces.

So far, researchers in mainland Europe have only identified Islamic divorce councils in Germany and Finland, although they call them committees rather than councils. In his study of Islamic divorce in Germany, Mahmoud Jaraba, for example, identified "family dispute committees, comprised of an imam and two to four eminent members of the mosque community" (Jaraba, 2019,

pp. 92–93). He points out the emerging institutionalization of this proto-council phenomenon when he describes how Muslim leaders based in Berlin considered founding "a family counseling and arbitration service … along the lines of the *sharīʿa* council in Britain" (Jaraba, 2019, p. 102). However, it is not clear what the differences between these institutions are, nor what kind of institution the first is. Similarly, in their study of Islamic divorce in Finland, Mulki Al-Sharmani, Sanna Mustasaari, and Abdirashid A. Ismail (2017, pp. 276–280) describe two five-male-member committees situated in mosques that issue Islamic divorce as rulings without the husbands' consent (*faskh*).

The situation in Germany and Finland differs from that in other countries in which researchers have documented parallel Islamic legal practices, such as Sweden (Roald, 2009), Norway (Brekke, Hadi, & Kozaric, 2022), the Netherlands (Muradin, 2022), and Italy (Alqawasami, 2021). In these countries researchers have not identified institutions that issue Islamic divorce documents without a husband's consent, but they have demonstrated that Islamic legal documents are in circulation. Even recent studies often stress the lack of empirically grounded knowledge on parallel Islamic legal practices. To take two examples from the four abovementioned studies: Torkel Brekke, Fazal Hadi, and Edin Kazaric (2022, p. 181), in their study of Norway, state that "next to nothing is known about the actual practice of imams in family counselling", while Arshad Muradin (2022, p. 53), studying the Netherlands, states that "sound empirical knowledge and understanding about the ideas and normative practices of Muslims within immigrant communities are still remarkably scant, particularly concerning informal processes of family dispute resolution". In countries where no empirical research has yet been done, researchers often merely say, as in Susan Leahy and Kathryn O'Sullivan's legal study of the situation in Ireland, "no empirical research on this topic has been conducted to date" (Leahy & O'Sullivan, 2019, p. 534).

The shortage of empirical studies means that it is too early to rush to conclusions such as "there are no *sharīʿa* councils in the Netherlands" (Eijk, 2019, p. 37). Rather, as I suggest in this book, Islamic divorce councils most likely exist across mainland Europe in some form – just as they do in other Muslim minority countries such as Britain (Bowen, 2016), India (Jones, 2020), Australia (F. Ahmed & Krayem, 2021), the United States of America (Macfarlane, 2012), and Canada (ibid.) – but they have not yet been identified due to the lack of empirical studies and for methodological reasons to which I return in Chapters 1 and 2.

In this book, I argue that the situation in mainland Europe is similar to that in Britain in the second half of the twentieth century, which Justin Jones

describes as a development from ad hoc practices that over time became institutionalized:

> While informal arbitration and mediation services have been provided by individual imams or community leaders since the early waves of Muslim immigration to the UK in the 1950s–60s, these quasi-legal practices have, in later generations, increasingly been embodied in the institutional forms of dedicated community organisations. (Jones, 2020, p. 50)[2]

The first official British Islamic divorce council – indeed, the first official Islamic divorce council in Europe – emerged in 1982, and since then, they have appeared all over Britain (S. Bano, 2012; Bowen, 2016). As this process has only been studied in retrospect, approximately twenty years after it happened, in research based mainly on interviews with the Muslim leader, we know little about the actual dynamics of how they emerged (Bowen, 2016, p. 54ff.; Shah-Kazemi, 2001).

Since the establishment of the first official sharia council, the growth rate in both the number of cases and the number of councils has been steep. The Islamic Divorce Council, established in 1982 and still Britain's largest council, "adjudicated over 400 cases on matrimonial dispute" between 1982–1991 (Surty, 1991, p. 60), which equates to approximately 44 cases a year on average. Between 1991 and 1995, the council dealt with another 1,100 cases (Pearl & Menski, 1998, p. 79), which equates to 275 cases a year. Further, in a national survery in 2012, Samia Bano (2012, p. 7) identified 30 sharia councils in Britain, 22 of which responded to her inquiries and reported that they saw between 80 and 200 cases a year.

As the subtitle of this book indicates, this is an ethnographic study of how Islamic parallel legal institutions emerged in Denmark. In my fieldwork I have observed how Denmark's first two Islamic divorce councils stabilized as institutions, one issuing 206 Islamic divorces in 2023 and the other 60. However, the main focus of the book is on the situation that precedes such institutions, a situation I call *the Islamic juridical vacuum*.

2 For an example of such an ad hoc institution, see Zaki Badawi's (1995, pp. 77–79) account of how, along with other imams in the Islamic Centre in Regent's Park, London, he established an institution to deal with Islamic divorce in 1977.

1 The Aim of This Book

With inspiration from grounded theory methodology (Glaser & Strauss, 2017) this ethnographic study, undertaken in Denmark between 2017–2024, presents the theory of the Islamic juridical vacuum, which explains the Islamic legal situation in mainland Europe.

The fundamental dynamic in the Islamic juridical vacuum is a demand for Islamic juridical services that is not catered for, because when there is no Islamic legal institution in a field, plaintiffs project their need for Islamic legal verdicts onto Muslim leaders and Islamic institutions. Women may, for example, request an Islamic divorce from a Muslim leader or a mosque, and if an individual or an institution successfully delivers on this – issuing an Islamic divorce without the consent of the husband – they are transformed into a *qadi* (Islamic judge) or an Islamic divorce council. Once their Islamic legal performance becomes known, the demand of the field is projected onto them, thereby sucking them into the vacuum. This puts the qadi or Islamic divorce council on a trajectory towards institutionalization, but such trajectories are typically interrupted by depletion of resources or security risks, meaning that divorce institutions such as qadis and Islamic divorce councils continuously emerge and collapse. This also happened to the Islamic divorce council in Aarhus mentioned in *The Mosques behind the Veil*, which has emerged and collapsed in various forms since then.

I use the word "theory" advisedly, because the theory of an Islamic juridical vacuum not only explains the Islamic legal situation of Muslims in mainland Europe, but it can also be utilized to make accurate (and testable) predictions. As explained above, it predicts, for example, that in a field with a significant demand that is not catered for, Islamic legal institutions will continuously emerge and collapse due to a cascade effect and security issues. The theory also predicts that there are qadis and Islamic divorce councils in other European countries, and it predicts where they can be found, how they operate, and what kind of Islamic legal processes they are likely to be involved in. However, it is important to underline that it does not predict that Islamic divorce councils will necessarily emerge and stabilize as institutions, although this is a possible outcome (and the theory explains the process).

The book is structured so that Part 1 explains the theory of the vacuum, first by addressing epistemological and methodological issues in the anthropological study of sharia in Chapter 1, and then in Chapters 2 and 3 by presenting the theory, grounded empirically. Part 2 of the book presents an ethnographic study of the Islamic juridical vacuum from three perspectives: male Muslim leaders (Chapter 4), female Muslim leaders (Chapter 5), and the central

administration of the welfare state (Chapter 6). The voices of women experiencing nikah captivity are present throughout the book and, therefore, do not have a standalone chapter. Part 3 investigates the institutionalization of Islamic divorce councils in Denmark. This part of the book documents the transition from the vacuum situation to one similar to that of Britain, although at a much earlier stage of institutionalization.

Both in my methodological approach and in the presentation of research results, I emphasize sensitization to data. This means that at times I diverge slightly from the main argument of the book to describe phenomena such as forced marriage and Islamic polygamy. I believe that this – if not done to excess – provides a richer description of my data, but I also recognize that I must save the detailed descriptions for research articles. However, now readers expecting a straightforward presentation of the Islamic juridical vacuum and nothing else have been warned.

Although this book is about the emergence and institutionalization of Islamic legal institutions, it is not aimed exclusively at Islamic studies researchers. It investigates how parallel legal institutions emerge and become institutionalized, and the conclusions may be applicable to similar types of institutions such as Beth Din, Krisi-Romani, and Jehovah's Witnesses committees (cf. Jacobsen et al., 2024; Pearl & Menski, 1998, p. 78; Rohe & Jaraba, 2015, pp. 10 and 18). It may also be contrasted with other types of parallel justice in which agents have the resources to enforce their decisions, such as in organized crime (e.g. Cosa Nostra or Hells Angels).

Finally, I would like to clarify what this book does not aim to achieve. I do not attempt to solve any problems, nor do I venture into discussions of the ideal relationship between religion and state. The book comprises basic research that may inform such discussions and problem solving, but it does not take part in it. This means that I do not suggest the founding of Islamic divorce councils as a solution, nor do I suggest mobilizing the power of the welfare state to end parallel legal practices, although both could be solutions (with different pros and cons), as could a middle road between the two.

2 Denmark as a Single Case Study of a European Phenomenon

This is a single case study of a European phenomenon (Flyvbjerg, 2006). To demonstrate this, throughout the book I continuously make comparisons with empirically grounded research in other European countries, North America, and Australia, thus highlighting that what I have observed in Denmark is a shared pattern. This means that to the extent that it is possible, given that

empirically grounded studies are still scarce, this study constitutes a single case comparative study (Glaser & Strauss, 2017, pp. 25–26).

Although there is variation in migration patterns and in how European states have accommodated Muslim migrants, western European populations have undergone similar demographic changes during the 20th century as Muslim minority populations have settled (Fetzer & Soper, 2006; Nielsen & Otterbeck, 2016). Likewise, although individual countries have distinct histories, the emergence of Muslims as a hot political topic and the securitization of Islam is also a shared feature of western European countries (Cesari, 2013, 2015). Even in some eastern European countries to which Muslim migration has been minor, the effect within politics has been significant (Górak-Sosnowska, 2016).

Denmark follows the abovementioned pattern. The first Muslim migrants arrived when "Denmark joined the Europe-wide search for migrant labour in the late 1960s with an initially almost unrestricted labour immigration policy" (Nielsen & Otterbeck, 2016, p. 84). Approximately 2,000 Muslim migrants had arrived by 1968 (Nielsen & Otterbeck, 2016, p. 84), a number that rose to approximately 29,500 by 1980 (Jacobsen, 2011, p. 47), and approximately 256,000 in 2020, thus making up 4.4 percent of the population (Jacobsen & Vinding, 2020). The demographic composition of the Muslim population in Denmark is very diverse with no national minority making up more than 15 percent with the exception of Turks, who make up 20.9 percent. It should be noted that because the early migration of Muslims to Denmark primarily consisted of unskilled male workers, the vacuum-generating activity of women wanting divorce is a later development that could not have emerged prior to the demographic changes in the 1970s when family reunifications changed the demography of the Danish Muslim population.

I pursue the argument of Denmark as a case study of a European phenomenon further in subsequent chapters, but for now, it is sufficient for my argument to note the demographic changes of the Danish population in the second half of the 20th century.

3 An Initially Unplanned Study

The study that I present here was not initially planned. In fact, parts of the fieldwork could not have been planned, because I could not have predicted that two Islamic divorce councils would emerge during my fieldwork, one of them in the institution in which I was doing ethnographic fieldwork at the time. However, it was also unplanned in the sense that I did not plan to study

sharia practices; rather, serendipitous events led me down a path of carrying out a series of studies of sharia practices in Denmark.

In 2014, when I began to build the trust relations with Muslim leaders that would later enable me to do research on Islamic marriage and divorce practices, I had no idea that this study was going to be the product. As I had a very text-oriented education within Islamic studies, I was merely driven by curiosity as to what Islam looked like in Muslim everyday practices, and, therefore, taking every opportunity to learn more. I took notes on my observations, but these were not aimed at anything in particular, although they did include some observations relating to sharia practices.

When I embarked on the fieldwork for my PhD dissertation in August 2016, I got first-hand experience with nikah captivity and Islamic divorce through the Copenhagen-based Mariam Mosque, operating with female imams. Women contacted the mosque to get an Islamic divorce and, in the process, they provided a great deal of valuable information on male Muslim leaders' Islamic divorce practices. Women would complain about how an imam had issued an Islamic divorce to one of their friends but refused to help them, or they would explain how they had gone through reconciliation or mediation which led nowhere, or at least not to divorce. At the time, the state of the art in Denmark consisted of a report titled *Parallel Legal Orders* (Liversage & Jensen, 2011) and studies by Rubya Mehdi of mainly Pakistani nikah and Islamic divorce practices. Both constituted empirically grounded pilot research that could be built on and expanded (e.g. Mehdi 2005, 2008, 2012). However, I did not discover this literature until 2019.

In spring 2017, I discussed my initial observations of Islamic divorce practices with Niels Valdemar Vinding, and we agreed to collaborate part-time on sharia research. This meant that, parallel to my PhD studies, I began part-time fieldwork, started a field diary, began strategically expanding my network beyond Copenhagen, and set up semi-structured interviews in spring 2018. Based on our pilot work, Vinding and I won the Danish textbook award in 2018 for our book proposal *Sharia and Society: Islamic Law, Ethics, and Practice in Denmark* (Petersen & Vinding, 2020). At the time, Anika Liversage had recently been commissioned to update the abovementioned report on parallel legal orders, and at the award ceremony she approached us and asked whether we would like to discuss sharia practices in Denmark over a cup of coffee. Long story short, I dedicated 11 months full time work in 2019 to producing ethnographic data[3]

3 It is generally accepted within both sociology and anthropology that researchers generate or produce data rather than collect data in a raw form.

and writing my part of *Sharia and Society*, and simultaneously I conducted semi-structured interviews with 21 Muslim leaders and co-authored the report *Ethnic Minority Women and Divorce – With a Focus on Muslim Practices*, which I reference in subsequent chapters as the VIVE report (Liversage & Petersen, 2020). It was based on this research that I first formulated the theory of the Islamic juridical vacuum (Petersen, 2020), so a brief detour to provide some methodological details of this study is called for.

The VIVE report did not comprise ethnographic fieldwork, nor was it planned as a grounded theory study; rather, it was a carefully planned interview study. While Liversage and a team of assistants interviewed 37 ethnic minority women (32 Muslims, 3 Catholics, and 2 Hindus) and 27 social workers, I interviewed 21 Muslim leaders (19 male and 2 female). All samples were high diversity samples, designed to produce a rich qualitative description of religious legal practices in Denmark (Gerring, 2007). I strategically chose the two female Muslim leaders based on my knowledge of their involvement in Islamic divorce cases (Bernard, 2011, p. 145). Both are anonymized, but neither is the female imam in Copenhagen, Sherin Khankan, nor affiliated with the Islamic divorce practice of the Mariam Mosque, which I describe in Chapter 7. Both informants provided me with names of additional women I could interview, but time constraints hindered me from adding additional interviews.

Based on my knowledge of their Islamic divorce practice, I strategically chose nine of the 19 male informants and the rest were selected based on snowballing – the first nine informants recommended another seven, who recommended another three (Bernard, 2011, pp. 147–155). Six informants lived in minor cities in Denmark and 13 in major cities such as Copenhagen, Aarhus, and Odense. Seven were born and raised in Denmark and 12 had migrated to the country. Their ethnic/national backgrounds were Levantine Arabic, Moroccan, Somali, Turkish, Bosnian, and Danish and they were oriented towards the following schools of thought (*madhab*) or similar: 9 Hanafi, 3 Shafiʿi, 2 Salafi, 2 indifferent to schools of thought but not Salafi, 1 Maliki, 1 Jafari, and a former Islamist who had not yet decided on a school of thought. The youngest informant was in his late twenties and the oldest around seventy years of age. Merely 10 of the 19 informants were imams, and of these, three were reluctant to use the title as they seldom delivered the Friday sermon. The majority of the informants were teachers, titled *ustadh* by their peers. Seven of the interviews were audio recorded and 14 were recorded by extensive note taking during the interview, which I developed into longer texts in my field diary immediately after the interviews concluded (for additional information on sampling and methodology see Liversage & Petersen, 2020, pp. 41–48).

This was a sample well-suited for grounded theory, even if that was not what I had originally planned. In practice I realized early on that my textbook ideas about Danish sharia practices were dubious at best. This meant that I had to alter my interview guide significantly between early interviews to produce meaningful data, and ultimately I had to go back and re-interview six informants because the interview guide had changed so much that it became a problem in relation to the research design. In other words, even in the process of generating data I was implementing grounded theory – a methodology that I had discussed extensively with other PhD students but had not planned to employ for this study. However, the grounded theory approach was forced upon me by the incongruence between my theoretical ideas and my empirical observations, and as I became aware of this early on, I adapted to the situation and decided to embrace it.

Before embarking on analysis of my interview data, I refreshed my knowledge of grounded theory by reading a short handbook text (Engler, 2014), and I subsequently isolated in Ørslev Monastery to harness my memory in the analytical process – something that is generally advised in grounded theory methodology (Glaser & Strauss, 2017, p. 6). I analyzed the data in open coding cycles (Saldana, 2016), strategically avoiding coding similar interviews consecutively (Bazeley & Jackson, 2013, pp. 69–70), writing memos on theoretical ideas that emerged, and starting over when necessary (Glaser & Strauss, 2017, pp. 101–115). The result was an empirically grounded description of Islamic legal practices. Meanwhile Liversage had finished her study of women in nikah captivity and social workers who face this issue.[4] Until this point, we had abstained from discussing our observations and conclusions, but when I submitted my results to Liversage they matched her observations and conclusions. This gave me confidence in my observation, when entering the field, that theories are incongruous with empirical observation.

At the time, I did not write on the Islamic juridical vacuum as a theory – not even in my article where I coined the vacuum as a concept (Petersen, 2020). Rather, I employed a strategy of providing a rich description of the vacuum as a pattern that I had observed. I later realized that this was too simplistic.

4 Liversage's sampling of women who were in nikah captivity is interesting because it is atypical within the anthropological study of Islamic divorce practices. Whereas female informants are typically recruited in situations where they are in the process of Islamically divorcing their husband (e.g. S. Bano, 2013; Bowen, 2016; Walker, 2016), Liversage primarily sampled women who were unable to identify institutions that could provide such Islamic juridical services. Therefore, Liversage's informants are describing women's situation in the Islamic juridical vacuum.

The Islamic juridical vacuum is not just a concept, it is a theory that contains a number of concepts such as the epistemic ceiling, the social workers dilemma, Islamized coercive control, and deferral of verdicts, among other elements (see later chapters).

Approximately a week before my PhD defense in November 2020, Vinding received funding for the "Producing Sharia in Context" project at University of Copenhagen and hired me as a postdoc. Starting in February 2021, I began full time ethnographic fieldwork aimed at generating the theory of an Islamic juridical vacuum. However, I was aware of not becoming too zealous in my application of grounded theory methodology because I believed that this would impede my ethnographic fieldwork. Rather, as previously – working with Vinding and Liversage simultaneously on two separate projects with different approaches – I continued the ethnographic fieldwork, but also planned it in a way that would generate theory. For example, I expanded the scope to include the welfare state and women in (or who had been in) nikah captivity, produced data for comparison, continuously revised my ideas until they eventually became saturated, integrated relevant existing theories, and, as I explain in Chapter 1, took extensive measures to sensitize my data production methodology (Glaser & Strauss, 2017). However, while doing all of this and more, I did not refrain from getting sidetracked by the opportunities that sometimes present themselves during fieldwork.

I have generated most of my data by being present in situations in which Islamic parallel legal activities take place, or by speaking with people involved in ongoing parallel legal processes. These types of ethnographic data are notoriously difficult to quantify, other than by specifying how long one has been in the field and whether part-time or full-time.[5] I have conducted formal interviews with a total of 70 informants (some of them more than once), but because I did not always find the formalized interview situation conducive to producing high quality data, I have mainly pursued other strategies. Most of my data have been produced by being present in situations and talking to people – sometimes at length (for hours) – but without an interview guide. This differs from the interview situation in which one can impose a topic, set the stage, and often more or less control the conversation (Brinkman & Kvale, 2015), but it also offers a form of data production that is better sensitized to the phenomena under study.

5 In November 2022, I went back to part-time research as I transitioned into a position as a senior lecturer at Lund University (2022–2023) and then associate professor at Stavanger University (2023–2024). I ended fieldwork in June 2024, four months after having submitted my book manuscript for peer review at Brill.

When embarking on full-time fieldwork in February 2021, I chose to continue my work with the six[6] most promising informants from the VIVE study and, based on my knowledge of the field, I recruited an additional six[7] Muslim leaders. I met regularly with these informants, sometimes just chatting, sometimes observing Islamic legal procedures, and at other times interviewing them. As I was simultaneously engaged in fieldwork I have regularly spoken to many more Muslim leaders without working systematically with these informants to generate theory. Additionally, I collected 552 Islamic divorce documents and 69 nikah contracts, but I stopped collecting such documents once I realized what little value they contributed compared to the resources required to collect them.[8]

When embarking on fieldwork it is difficult to determine whether data are significant or insignificant. This means that I generated a considerable body of data that later turned out to be irrelevant to this book; on the other hand, these data led me to a better understanding of the object of study, which meant that I could ask better research questions, thus producing new data that would otherwise not have been possible. This is the way of grounded theory. However, I have also had to make difficult choices as ethnographic research constitutes a major investment of resources. In the spring 2021, for example, I did some exploratory work on how parallel legal institutions make rulings on penal law cases. However, the discrepancy between the resources available and such an endeavor was too great, and therefore, in consultation with Vinding, I chose to not pursue this any further, although I would occasionally make observations on the topic due to overlaps with my research object.

4 On Triangulation

Even the most conservative Muslim leaders in my study have welcomed my interest in what they do, and many seem to have understood it as an opportunity to be understood on their own terms. To supply me with the data I requested, one Muslim leader, who did not archive his Islamic divorce cases

6 Abdallah (M10), Hakeem (M19), Haitham (M1), Musa (M17), Hassan (M8), and Kamal (M3). The numbers in parenthesis are the identification markers these informants had in the VIVE study. Furthermore, in this book I make references to Muhammad (M18), Idris (M16), Yusuf (M6), Tarek (M5), Abdel (M7), Zaynab (K1), and Aisha (K2). The latter seven were also informants in the VIVE study, but I have not conducted additional interviews with them.

7 Yunus, Yasir, Abdi, Abdi, Nabila, and Amina.

8 Compliance with the European Union's General Data Protection Regulation (GDPR), for example, means that such data must be anonymized on site, a labor-intensive process.

because he was afraid that his Islamic legal practice was illegal, even drove to the houses of women whose divorces he had facilitated to photograph their Islamic divorce documents. Furthermore, I have again and again been surprised by how straightforward most Muslim leaders have been when describing weaponized talaq, spousal violence, social security fraud, and so on. Nevertheless, because Muslim leaders may have a vested interest in presenting themselves and their practices in a specific way, I have triangulated parts of my data to check whether informants were being honest with me, and to correct for their inherent biases.

Fortunately, sociologists and anthropologists working with religion have extensively discussed how to evaluate information received by members of sects, cults, and extremist organizations, among others. Relevant to this, Meredith McGuire states that "it is an honorable sociological tradition to point out the facades behind which people mask their activities" (McGuire, 2002, p. 13). For this study, I have on some occasions been able to triangulate because of serendipitous events, whereas in other situations I have purposely triangulated to make sure that I was not being led by informants.

Serendipitous triangulation happened in an interview with Musa, who is a prominent Muslim leader. During a four-hour visit to his home, he delved into a case that haunted him because he was not sure whether he had dealt with it in a proper manner, or whether the female plaintiff had been unreasonable. I listened to Musa's concerns and within minutes I realized that this was a case in my material on which I had collected the paper trail of documents from authorities and another mosque. This type of triangulation constitutes pure luck, but it happens from time to time in extended ethnographic fieldwork, and Musa's presentation of the case corresponded to the woman's account. This case illustrates how a longer period in the field reduces the risk of being led by informants.

Planned triangulation takes a different form. In the case of the Islamic divorce council (IDC), which claims that they will always provide a woman with Islamic divorce if she insists, I used my network among social workers to track the cases of five women from an NGO and a women's shelter through the IDC without the knowledge of the *qadis* (Islamic judges). All the women received their divorce, following the procedure that the IDC had laid out in my conversations with them.

However, with all of this being said, some informants may not like the rich description of their practices as this includes the consequences of their actions, of which they might be unaware. For example, some Muslim leaders are convinced that they excel at getting marriages back on track, when what

they are actually doing is pressuring women to return to an abusive partner. They may be unaware of this because the only feedback they have is that they never see these women again, yet the real reason is that the women know that there is no help available with these Muslim leaders, so they take their problems elsewhere the next time they have the courage and energy to try to leave their abusive husband.

In addition to triangulation, on a few occasions I had to reject data in order not to create expectations of loyalty among my informants. Yasir, for example, who is a prominent imam, offered to call a meeting of imams, introduce me to them, vouch for me, and then ask the imams to provide me with their Islamic divorce archives. At the time when Yasir made this offer, I was still collecting material on Islamic divorce cases, and these data seemed valuable to my research. However, as it could have compromised my independence as a researcher by generating expectations among informants, I refused this offer.

5 Ethical Considerations

This study complies with the Code of Conduct for Responsible Research at University of Copenhagen. However, I find it insufficient to merely follow guidelines because writing a book on social problems among minority citizens who are already experiencing stigmatization in society poses important ethical questions. Therefore, I would like to stress that the women who have participated in this study have done so in the hope that it will make a difference to other women in the future. A core finding in the study is that politicians, journalists, and debaters are discussing a simulacrum that is far removed from the actual situation of these women (Baudrillard, 1994/2020); indeed, most political initiatives are irrelevant to them, and some may even have worsened their situation. Furthermore, making an accurate description of problems among minority citizens is a corrective to pulp nonfiction (Abu-Lughod, 2013) and de-exoticizes IslamLand (Ahmad, 2009).

I see my interaction with informants as entering into a contract. There is no getting away from the fact that the informants contribute to my research career, but that is not unethical. However, it would be unethical if that were the only outcome of their interaction with me. In other words, interacting with informants produces an ethical obligation for me to deliver something in return – something that matters to them. My informants in nikah captivity want their problems to be properly understood, and they want them addressed in a well-informed manner. This goes for all three main groups of informants

(women in nikah captivity, Muslim leaders, and representatives of the welfare state), even if the problems they face in relation to nikah captivity are different.

Delivering on the above means that I must describe intimate details of some women's lives, describe problematic practices among Muslim leaders, and demonstrate how representatives of the welfare state engage in unauthorized activity. The women whose narratives I reproduce at length have all read and commented on the texts. This is also the case with some of the Muslim leaders and representatives of the welfare state. I should note that parts of my descriptions of unauthorized practices may be read as an exposé, but this was not the intention; on the contrary, representatives of the welfare state have reached out to me because they were frustrated with being put in a situation where they cannot help their clients. I am not exposing unauthorized practices among representatives of the welfare state; rather, I provide social workers with an opportunity to talk anonymously about a taboo topic.

Although I do not discuss solutions to problems in the book, the knowledge I produce influences my informants' lives, which is an important outcome of my research. During the ethnographic study, I worked with the Danish police, the Agency of Family Law, and Odense Municipality to change work routines (Petersen, 2021a, 2022d, 2023), and since 2019 I have trained a broad range of welfare professionals in how to handle problems related to the topic of this book. In other words, I have continuously disseminated research results in the hope that women in the future are met by welfare professionals who understand them and their situation. Furthermore, I have entered into collaboration with relevant ministers, members of parliament, and politicians in Danish municipalities to ensure that the problems I describe will be addressed in a well-informed manner on the political level in the future. On September 20, 2024, Vinding and I presented 14 recommendations to the Danish government regarding regulation of Islamic parallel legal practices. Further, I have disseminated my research results among a select group of civil servants to enable them to assist their ministers with formulating well-informed solutions.

Finally, I have strategically planned the dissemination of my research results by entering into collaboration with the online media company Zetland, thus securing impact on public perceptions of parallel legal practices, especially in terms of providing counter narratives to the kind of Muslim leaders presented in *Mosques behind the Veil*. This is not to say that Qasimi and Mansour are not representative – I present Muslim leaders who resemble them in this book – but they are merely a type among others. My research also highlights these women's marked degree of agency, which is absent from common narratives about Muslim women, who are mostly presented as passively accepting their oppression by husbands, families, and imams.

6 Primer on Islamic Legal Terminology

Danish Muslims may enter into one or a combination of three types of marriage, referred to throughout the book as: 1) *civil marriage* under Danish law; 2) *Islamic marriage* under the law of a foreign nation; 3) unregistered *nikah*.[9] While the first two types are regulated by state legal systems, the latter is regulated by social dynamics. There is no single agreement about the rules of nikah and Islamic divorce among Danish Muslims. This is also the case internationally where one only has to take a brief glance at Islamic family law codes from different Muslim majority countries to observe the differences.

Until the 19th century Islamic law was uncodified, but with the emergence of nation states Islamic family law was codified with inspiration from European legal traditions (Zubaida, 2003). These are the law codes that today regulate Islamic marriage in many Muslim majority countries. However, prior to the 19th century, there was no such thing as an Islamic law code where one could look up nikah and Islamic divorce; rather, Islamic legal scholars (*fuqaha*) discussed the rules that ought to regulate nikah and Islamic divorce within a discipline called *fiqh* (Islamic jurisprudence). Today, one can look up the laws governing Islamic marriage for individual Muslim majority countries that use religious family law, but nikah is not regulated by such legal codes.

The discussions within fiqh are still ongoing, and the closest one can get to a clear answer on the rules of nikah and Islamic divorce within fiqh is to refer to an Islamic legal encyclopedia such as *Islamic Fiqh and Its Proofs* or *Encyclopedia of Islamic Law* (Bkhtiar, 1996; Zuhayli, 2001). Here the reader will not be presented with a clear answer, but rather an introduction to Islamic legal scholars' deliberations on the topic, in addition to the positions taken by influential Islamic legal scholars. Entries will typically discuss the subject by presenting the majority opinion in different schools of thought, but sometimes also significant dissenting views within each school.

Since Danish Muslims do not agree on the rules regulating nikah and Islamic divorce, I do not see the point of providing an Islamic legal primer. Such an endeavor may even be misleading, as I would, thereby, be declaring a single law of nikah, when no such single law exists in practice. Instead, I provide an introduction to important terms and normative practices.

If one looks up nikah in an encyclopedia of fiqh, one is presented with a unilateral consensus among Islamic legal scholars (and schools of thought)

9 Nikah merely means marriage in Arabic, but I have chosen this terminology because it is conventional within the study of sharia and because it makes it easier to distinguish it from civil marriage.

that nikah constitutes a civil contract between a bride and a groom, or their respective guardians. I cannot stress this enough, because one of the most persistent misunderstandings in Danish law, politics, and the media is that imams solemnize nikah in the same way as a priest, but this Christian concept is historically foreign to fiqh. Nevertheless, even Muslims may understand an imam's performance during a nikah ceremony to constitute a solemnization. As I argue in Chapter 1, this is an important point, because it is not at all clear why the view of the imam should supersede that of ordinary Danish Muslims among whom it is normal to say that an imam has wed a couple. Imams, on the other hand, often say, "we have read a nikah" or "we have said a nikah", indicating that the imam has merely helped the couple to do something. Couples enter a nikah when one party proposes nikah and the other accepts, in front of two witnesses. Some imams have a marriage license issued by the Danish state, which means that they may also solemnize a civil marriage, but this is separate from nikah.

When entering a nikah, the groom typically pays a dower to the woman – often referred to as an advance dower. Among some Muslims, this comprises a romantic gesture in the form of a rose, a ring, or something similar, but in other groups the dower may include large sums of money or gold. Some couples also negotiate a deferred dower, which in theory – and in rare cases also in practice – becomes relevant in the case of divorce (see below). Although in some families husbands are expected to be the breadwinners, it is also common for women to contribute from their income to the household. Even women who are not in the job market will often pay some or the whole of their social security into the household. Nevertheless, the ideal of men as the breadwinners who pay maintenance to their wives is widespread, even among people who do not observe it in practice.

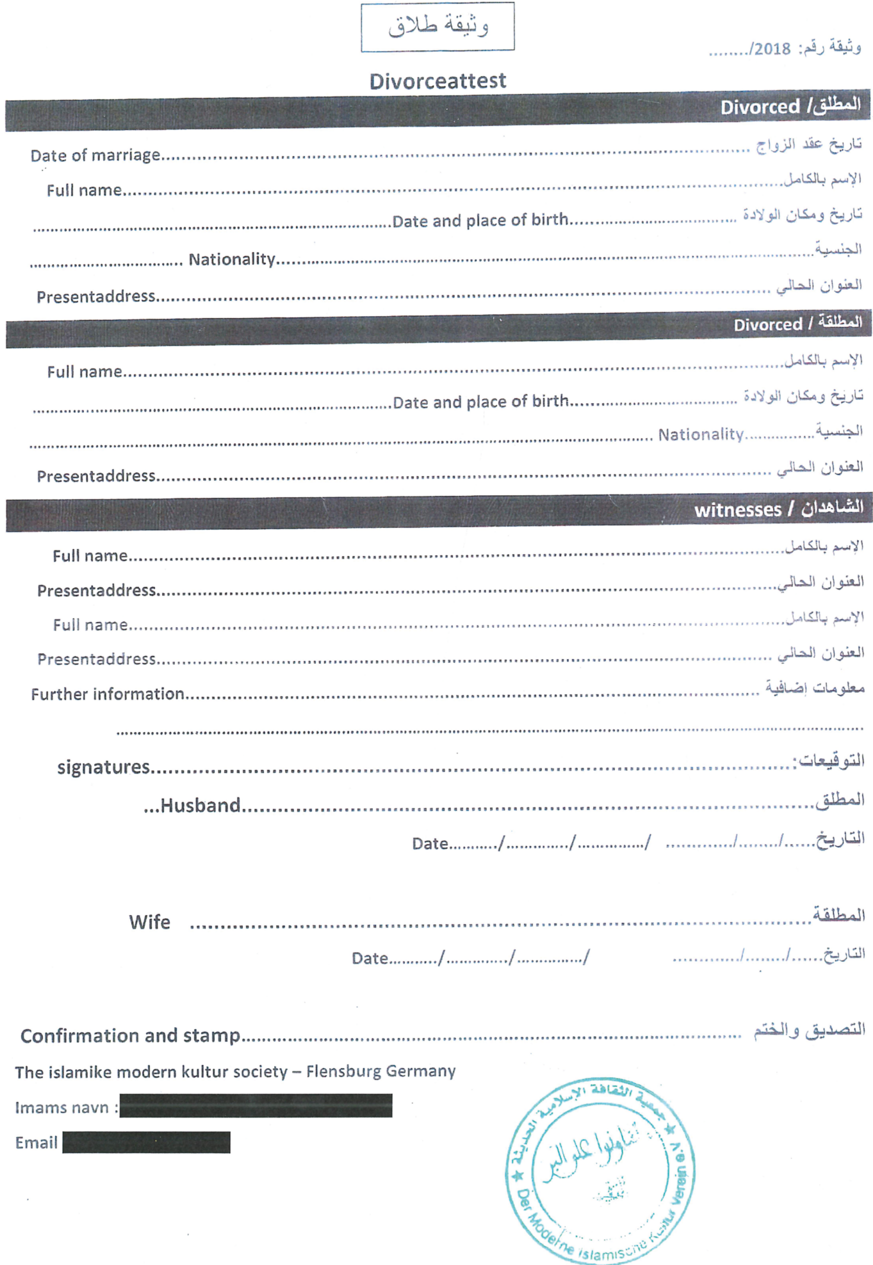
There are three main types of Islamic divorce practiced in Denmark: *talaq*, *khula*, and *faskh/tafriq*. Some researchers may object to my lumping faskh and tafriq together, but these terms are used interchangeably in the fiqh practices that I have observed empirically.

In a talaq divorce the husband utters the phrase "I divorce you" to the woman, thereby triggering a waiting period (*idda*) of approximately three months. Islamic legal scholars generally agree that the husband is supposed to pay maintenance during the waiting period but, as explained above, this is seldom relevant in the Danish situation. If the husband regrets his divorce enunciation, he can take his wife back before the waiting period is over. Otherwise, the nikah is terminated at the end of the waiting period. If the nikah contract stipulates a deferred dower the husband must then pay it to his ex-wife, but this rarely happens. If the couple at a later point want to live as husband and wife again, they must enter into a new nikah.

If a man takes his wife back during the waiting period, and later utters the talaq divorce again, another waiting period commences, but when he does this the third time, the nikah is immediately terminated, and the couple cannot, in theory, enter another nikah; however, they sometimes do anyway. The same rules of maintenance apply during the waiting period and payment of deferred dower at the second and third talaq enunciation. However, as stated, these rules are seldom observed, and dower agreements made in nikah contracts are not enforced by Danish courts. A husband can also utter three talaq divorce statements at once, but there is some disagreement among Danish (and foreign) Muslim leaders as to whether this counts as one or three divorce enunciations. In practice, a husband will typically decide that his three enunciations count as one if he regrets having uttered all three at once, but if his wife wants to divorce she may insist that they count as three and try to mobilize her family and Muslim leaders to make her view heard. In a Danish context, talaq divorce is sometimes formalized by having an imam write up a document, but it may also be done by the husband's texting "I divorce you" three times or similar. However, if a husband actually pays a deferred dower and maintenance during the waiting period, he will typically ask for this to be written down and witnessed.

In a classical khula divorce the wife offers compensation to her husband in exchange for his consent to divorce. This compensation typically consists of her paying back the dower and waiving the deferred dower. If a man consents to khula divorce this is often documented by having a Muslim leader write up a khula document. In khula divorces where the power asymmetry is significant, women may agree to what is called weaponized talaq. This is an etic term, not found in fiqh. It describes a khula divorce in which a husband weaponizes his option of keeping his wife in nikah captivity. As she may depend on his consent to divorce Islamically, he may, for example, demand that she pays large sums of money or property that far exceeds the dower or he may demand that she gives him custody of the children (cf. Jaraba, 2019, pp. 83–86; 2020, p. 37; 2022, p. 308). Agreements on child custody and similar are then registered in the Danish Agency of Family Law so that they take effect under Danish law. Such divorces may be written down in khula divorce documents, but most often they merely constitute an oral agreement, and the woman will receive a standard Islamic divorce document without any mention of this. See Figure 1 for an example of such a standard Islamic divorce document.

Recently, a new practice of khula has emerged in which a qadi (Islamic judge) – that is, a Muslim leader posing as a qadi – issues an Islamic divorce without a husband's consent. This is the norm in British Islamic divorce councils (Bowen, 2016), but it has also been written into some Islamic legal codes abroad (Sonneveld, 2012). In such khula divorces, women pay back their dower


وثيقة طلاق

وثيقة رقم: 2018/........

Divorceattest

Divorced /المطلق

Date of marriage.. تاريخ عقد الزواج

Full name..الإسم بالكامل

....Date and place of birth.. تاريخ ومكان الولادة

.... Nationality..الجنسية

Presentaddress.. العنوان الحالي

Divorced / المطلقة

Full name..الإسم بالكامل

....Date and place of birth.. تاريخ ومكان الولادة

.... Nationality..الجنسية

Presentaddress.. العنوان الحالي

witnesses / الشاهدان

Full name..الإسم بالكامل

Presentaddress..العنوان الحالي

Full name..الإسم بالكامل

Presentaddress.. العنوان الحالي

Further information.. معلومات إضافية

....

signatures..:التوقيعات

...Husband..المطلق

Date........../............./............../ ..../......../......التاريخ

Wife ....المطلقة

Date........../............./............../ ..../......../......التاريخ

Confirmation and stamp.. التصديق والختم

The islamike modern kultur society – Flensburg Germany

Imams navn :

Email

FIGURE 1 Standard divorce document. Although these documents come in many different layouts they tend to contain the same basic information.

and waive any deferred dower, and the qadi thereafter issues a khula divorce without the husband's consent. Such divorces are typically recorded in a khula document. Whether a khula is classical, weaponized, or new is not evident from the terminology applied in Islamic legal practices – all three types of divorce document merely say khula – but it can easily be inferred from the content or context of the documents.

The final category of divorce, faskh/tafriq, is characterized by Muslim leaders' posing as qadis who issue the Islamic divorce without the husband's consent. While there are nuanced differences between faskh, tafriq, and the abovementioned new khula practice, these are of minor relevance in contemporary Danish practices. Some Muslim leaders may insist that men pay the deferred dower when issuing a tafriq divorce, but this rarely happens. Other Muslim leaders will write in tafriq divorce documents that women waive their deferred dower (as in the new khula practice). Similarly, some Muslim leaders may insist that women return the dower as part of a new khula divorce, while others will ask women to waive the deferred dower and keep the already paid dower. I return to this in Chapter 5. At this stage, it is sufficient to say that fiqh terminology is seldom applied rigorously, and Islamic divorce practices are not always firmly grounded in fiqh. The content of Table 1 comprises

TABLE 1 Most common fiqh terminology applied in Islamic divorce practices in Denmark

Talaq	A man declares the divorce. If a deferred dower has been agreed he is supposed to give this to his wife in addition to maintenance during the waiting period, but this seldom happens
Khula – classical	A woman compensates her husband to get his consent to divorce.
Khula – weaponized talaq	A man refuses to divorce Islamically in order to extort his wife by demanding large sums of money or concessions that are registered with the Agency of Family Law.
Khula – new practice	A person posing as a qadi issues this Islamic divorce, sometimes asking the woman to pay back the dower and sometimes not.
Faskh/tafriq	A person posing as a qadi issues this Islamic divorce, sometimes requiring the husband to pay the deferred dower and maintenance during the waiting period. However, I have not collected a single case in which such payments have happened.

a mere approximation of the normative meanings these terms take in a Danish context.

Some practices do not fall into any of these categories. In some Somalian communities, for example, a woman may divorce by having a locksmith change the lock while her husband is out; she will then pack his belongings, put them outside the door, and let him know via a text or a call that he is divorced. Then he can come and pick up his things. Similarly, when Turks and Bosnians divorce, they typically do so in the Agency of Family Law, and this is generally accepted as a full divorce. Such divorce practices fall outside Figure 1, but I describe them in the book to the extent that they are relevant.

7 Remarks on Language

A significant number of the sources for this project are in Danish, and I have consistently translated these into English, with original titles to be found in the bibliography. Likewise, most quotations are translated from Danish and Arabic into English without providing the original. The most significant challenge in terms of language has been to translate Danish administrative terms without ending up in long explanations of how Danish municipalities, regions, and state work. I see no benefit in providing such information to non-Danish readers, who will most likely become irritated with digressions of little relevance to the main topic of the book, and in many places I have therefore lumped municipalities, regions, and state into one entity, the welfare state. Nevertheless, Danes with a specialized interest will easily decipher what is what.

Similarly, I use the concept "social worker" as shorthand for employees in the state, regions, and municipalities who have direct contact with clients, such as police officers, nurses, social workers, security advisors, case officers, and so on. Whenever I discuss civil servants and others who do not have such contact with clients, I use the term "representatives of the welfare state". Furthermore, I use the term client even if this is slightly misleading as the Danish term *borger* signals independence whereas client signals dependance.

Sometimes men insist that they are Islamically married to a woman, thus calling for the term "husband", while their (former) spouse insist that she is divorced, thus calling for the term "ex-husband". I use the term "(ex)husband" to reflect ambiguous marital status in such disputes (nikah captivity).

Some terms used by Muslims are so integrated into English that they have a vernacular spelling, even if they are still considered loan words. Whenever this is the case, I use the English simplified version of the word such as the Quran rather than al-Qurʾan and sharia rather shariʿa. I use ten Arabic terms that are

important throughout the book: *fiqh* (Islamic jurisprudence), *nikah* (Islamic marriage), *qadi* (Islamic judge), *haqq* (divine justice), *ijaza* (traditional authorization to transmit Islamic knowledge), *fatwa* (legal opinion), and the terms for types of divorces (*talaq*, *khula*, *tafriq*, and *faskh*). Further, I use English plural forms, such as qadis and fatwas. I have translated other Arabic terms into English: for example, *mahr* is a dower, *madhab* is a school of thought, *faqih* is an Islamic legal scholar, *ustadh* is a teacher, and so on.

For all terms that have a simplified spelling in English, which is commonly used within Islamic studies, I use this (e.g. *tajwid*, *taqia, nushuz*, *sharaf*, *izzat*, *marja al-taqlid*, *shabab*, *tafwid*, *tawkil*, *sheikh*, *akhi*, *namus*, etc.), and I always explain the meaning of such specialized terminology. However, I see no reason to use transliteration of these terms because no specialist will be in doubt about the meaning, and non-specialists will appreciate the simplified English spelling.

In a few places in the book where I presume fiqh specialists will want to know, I have provided the exact wording of the original Arabic, using Brill's simple Arabic transliteration system. I do not explain the potential significance of these bracketed transliterations to non-specialists. It is a compromise that I have arrived at to appeal to as wide a range of readers as possible.

All informants and institutions (including women's shelters) are anonymized with the exception of Sherin Khankan, imam in the Mariam Mosque, and Mohammad Khani, imam in the Imam Ali Mosque. Informants who only appear once in the book and only briefly are not given pseudonyms, whereas individuals I mention multiple times, or whose stories take up more space are given a pseudonym. Due to anonymization, I do not name the cities in which my clients live – or even assign them fictive names. Instead, I have divided them into major (more than 100,000 inhabitants) and minor cities (less than 100,000 inhabitants). Finally, I should note that because I sometimes quote Danish media and public figures, there are a few overlaps between non-anonymized and anonymized individuals and institutions. A women's shelter may, for example, be described by name in a story quoted from Danish media and also be given a pseudonym in another part of the book.

PART 1

The Theory of the Islamic Juridical Vacuum

CHAPTER 1

Epistemology and Methodology in the Study of Sharia

> The main challenge of understanding Sharia in the West is its undefined nature. This contradicts the ease with which the term is used in public and political discourse, but also in the legal domain, which prides itself on its precision in terminology. (Berger, 2018, p. 236)

In his article "Understanding Sharia in the West", Maurits Berger proclaims the state of the art in European sharia studies, answering the question, "What are we talking about?" and then asking, "What should we be talking about?" (Berger, 2018, p. 240). These two questions point to an epistemological impasse in the study of sharia in Europe: no theory that adequately explains the phenomenon of sharia in a minority context has yet been formulated.

Currently, legal theories dominate the study of sharia in Europe, but for decades it has been recognized that these theories do not offer an adequate explanation of sharia as a phenomenon, mainly due to incongruences between legal theory and empirical observations (although such observations are still limited). In response, David Pearl and Werner Menski (1998) have adopted the emic phrasing *angrezi sharia* – an Urdu term that means English sharia – to conceptualize a hybridized form of sharia that is applied within the perimeters of British law. However, with reference to Jørgen S. Nielsen (1992), they also emphasize that to new generations of British Muslims, Muslim laws have become "a matter of social practice rather than legal fact" (Pearl & Menski, 1998, p. 74). This state of the art is very close to Berger's assessment – "issues of Sharia are usually discussed in legal terms, while most controversies are not legal but cultural in nature" (Berger, 2018, p. 236) – which underlines the persistence of the impasse. Pearl and Menski suggest that we study how angrezi sharia – or what they call Muslim law – operates in practice, and this is a cue that has been followed by pioneers within the empirical study of sharia, such as Samia Bano, who uses the terms Muslim law and Muslim family law "to illustrate the laws and practices of Muslims" (S. Bano, 2013, p. 67). This empirical

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turn has provided good pioneer studies, but the epistemological impasse persists, as the logico-deductive theoretical approach of law is often retained, typically supplemented with historical and technical accounts of fiqh.

Historically, one of the most common epistemologies of sharia (ways of knowing sharia) within Euro-American research has been developed by studying Islamic legal texts to produce rich descriptions of their content, context, and evolution, and to investigate the practice of Islamic legal institutions in the past and their transformation in the 19th and 20th centuries (Hallaq, 1997, 2005, 2009a, 2009b; Vikør, 2005; Zubaida, 2003). Such studies provide detailed descriptions of the methodological tools used by Islamic legal scholars to derive rulings (*ahkam*), and the dominant views within individual schools of thought.

Anthropological studies of sharia often take inspiration from historical studies; however, this introduces an epistemological pitfall that must be avoided. While it is necessary to become "fluent" in sharia discourse – and the abovementioned books are excellent guides – this must not lead researchers to make declarative statements on sharia based on texts. Rather, sharia must be studied in the field, and if texts are important to what goes on in the field, this will emerge from the data that are produced. Unfortunately, it is not uncommon in anthropological studies to make declarative statements on sharia based on texts. Sometimes, researchers even derive Muslim beliefs from fiqh, a practice apparent in sentences such as, "all Muslims understand *shariʿa* to describe their personal responsibilities as a Muslim" and "all Muslims formally recognize all five schools of law" (Macfarlane, 2012, pp. xv and 22). This is an epistemology that partially dispenses with field observations and instead makes claims about the field based on fiqh. Not only is this a departure from anthropological epistemology; it is also an epistemological departure from the abovementioned books, which do not declare the law but rather explain what the law may be and what it has been in various contexts.

Declaring and anthropologically studying sharia runs parallel in most anthropological studies of sharia. Even in excellent research that is well-sensitized to empirical observations, fiqh emerges in generalized description of Muslim practices. Mahmood Jaraba, for example, writes:

> When a *nikah* breaks down in Germany, the relationship can be terminated through one of two processes – *talaq*, in which the husband divorces the wife and pays the deferred dower (*mahr*) and maintenance (*nafaqa*), or *khulʿ*, in which the wife renounces her financial rights and pays compensation. (Jaraba, 2019, p. 87)

While Jaraba may present an opinion common among Islamic legal scholars, he does not demonstrate that this reflects German Muslim practices. Rather, he suggests the opposite when he points out that Muslim leaders in Germany have no way of enforcing sharia, and nor do the women to whom dower and maintenance is owed. That is, Jaraba's empirical observations demonstrate that Muslim men are not subject to the rules that are described in fiqh, and if German Islamic divorce practices mirror practices in other European countries, it is normative for husbands to pronounce the talaq divorce and ignore dower and maintenance – or if the couple is Turkish or Bosnian they will in most cases just accept civil divorce as also constituting Islamic divorce. This is a typical example of how an oversaturation in fiqh can overshadow empirical observations, even in otherwise excellent studies. It also demonstrates how empirically well-grounded studies silently switch between epistemologies.

The main problem with logico-deductive theoretical approaches is that their predictions are often wrong, as is evident in the quotation above. Similarly, scholars applying legal theories tend to assume that qadis engage in legal performances and then account for the incongruence with empirical observations by pointing out that this legal performance is unstable (e.g. Bowen, 2016, p. 88ff.), while other scholars import theories from other fields in their attempts to break the impasse. Noting the incongruence between theory and empirical observations, Mikele Schultz-Knudsen (2021) has analyzed relations between the Danish state and Muslim sharia practices using complexity theory; however, this approach constructs Danish Islam as a system, which is incongruent with empirical observations that for decades have demonstrated a high diversity of practices. The data in all of these logico-deductive approaches are made to fit existing theoretical models rather than utilized to generate a new theory that may better explain the phenomenon of sharia in a Muslim minority context (Glaser & Strauss, 2017).

Most of the studies which I have used to illustrate my point on the impasse and epistemology have a common characteristic: the authors are pioneers in the anthropological study of sharia in Europe and North America. They are scholars that identified the poor empirical grounding of sharia research as a serious problem and gave us the first glimpses into how Muslims practice sharia in Euro-American societies. However, as I have indicated, I believe that some epistemological and methodological reflections are needed to break the impasse and generate an empirically grounded theory of sharia practice in Muslim minority contexts.

First, studies must exclusively be based on anthropological epistemology, that is, on empirical observations in the field. This does not mean that fiqh is

irrelevant; however, its relevance must be documented rather than assumed. Otherwise, studies run the risk of inserting untested theoretical claims into descriptions of Muslim practices. Second, a methodology of sensitization is needed. Sharia practices are not as saturated in fiqh meaning as is sometimes assumed. Therefore, methodologies applied within anthropological studies must be sensitized to make observations beyond the legal and fiqh framework.

In this chapter, I begin by discussing how to find the object of study, and then introduce a sensitized methodology designed to generate theory rather than make logical deductions from law and fiqh. Further sensitization such as a focus on gender will be introduced in subsequent chapters.

1 Finding the Object of Study and Asking a Research Question

To get out of the epistemological impasse, Berger expounds on "a legal-anthropological model that can be used to reach an integrated understanding of this complex notion [of sharia]", thus underlining the need for a strong empirical program for its study in Europe (Berger, 2018, p. 240). While I agree with Berger on this, I will argue that the impasse is also caused by the absence of a clear and well-formulated primary research question.

As Martin Heidegger explains, "Every questioning is a seeking. Every seeking takes its lead beforehand from what is sought" (Heidegger, 1953/2010, p. 4). In other words, part of the answer to any question is embedded in the question itself, because there is no place outside of a discourse from where a question can be asked (Derrida, 1967/1997).[1] In other words, research questions on sharia are informed by knowledge that warps phenomena into what one would expect to find based on the pre-defined answer embedded in the research question, or, as Heidegger formulates it: "As a seeking, questioning needs prior guidance from what it seeks" (Heidegger, 1953/2010, p. 4). Research questions within the study of sharia, for example, seldom allow for a falsification of the proposition that sharia constitutes a form of law.

The fundamental problem is that the concepts of law, religion, ritual, culture, ethics, and others, do not fully exhaust or describe the phenomenon of

1 Asking whether Muslim divorce practices constitute religion is, for example, an unproductive research question. Not only is it binary – only producing one of two answers, thereby erasing significant aspects of the phenomenon – but, more importantly, the answer is not likely to provide much of an explanation as it ultimately depends on how we define religion, thus leading to one of two new questions: 1) In the case of an affirmative answer: What does it mean that it is a religious practice? 2) In the case of a negative answer: If it is not religious, then what is it? I do not believe much progress can be made by following this approach.

sharia. When sharia is conceptualized with one of these concepts it may bring clarity and structure, but at the cost of warping and erasing other aspects (i.e. theories warp empirical observations into concepts that exist within theories, but these concepts may be incongruent with the phenomena that have been observed). In other words, the clarity is deceptive because reducing sharia to law, religion, ritual, culture, ethics, or something else obscures it. To avoid such warping and to maximize the fieldworker's ability to make rich observations, it is necessary to integrate a kaleidoscope of theories so that all aspects of the phenomena observed become visible simultaneously. Theories may be integrated as tools for making observations in fieldwork by finding intersections between them.

To take an example, institutions constitute "stable designs for chronically repeated activity", and, as such, they bear close resemblance to rituals which denote "the performance of more or less invariant sequences of formal acts and utterances not entirely encoded by the performers" (Jepperson, 1991, p. 145; Rappaport, 1999, p. 24). The Islamic juridical vacuum is chaotic: a place with a high degree of social entropy. Rituals create order out of chaos, while "institutional formation is an exit from social entropy" (Jepperson, 1991, p. 152). In other words, both institutions and rituals constitute ways of doing things, such as divorcing Islamically, that introduce order in one way or another. However, a reduction of social entropy can also be expressed within a legal theoretical framework. In his book *The Concept of Law*, H.L.A. Hart (2012/1961) describes the importance of what he calls secondary rules – an example being that there must be trust in judges and recognition of their legitimate authority – otherwise people may find other ways of solving their problems. The secondary rules all come down to strong institutions, and this is where Hart's concept of law intersects with the neo-institutionalist theory and ritual theory perspectives of Jepperson and Rappaport. Sociology may also be included, because secondary rules are, at their core, what Pierre Bourdieu (2005) calls doxological rules (cf. Vinding, 2013, p. 31), that is, rules that define what people take for granted in society or what Jepperson calls "the rules of the game" (Jepperson, 1991, p. 143). Each of these four theories highlight aspects of Islamic divorce practices, and applying them simultaneously as tools for observation produces richer data and deeper analysis. This is a use of theory that sensitizes data production rather than explaining data.

The kaleidoscopic approach also addresses the problem of finding a language adequate to describing the phenomenon under study. Scholars such as Wael B. Hallaq (2009b), John L. Comaroff, and Simon Roberts (1981, p. 4) have questioned whether European languages can adequately do this for sharia, or other non-Western legal traditions. Hallaq (2009b, p. 1), for example, states

that the inadequacy of concepts available in the English language causes misrepresentation of the phenomena researchers attempt to describe; however, I contend that this merely comes down to warping, which can be counteracted with a kaleidoscopic approach.

In Heideggerian terms one may say that we should strive to meet research pre-conceptually so that sharia becomes "a category we arrive at, rather than a point we depart from" (Stenberg & Wood, 2022, p. 19). In other words, what is needed is a research question that is as devoid of a conceptualization of sharia as possible. I suggest the following question: where is sharia produced? Inspired by Jonas Otterbeck's (2021) approach of finding the object of study, this encourages a methodology in which sharia is observed as it emerges in human interaction and communication. One may object and state that to find sharia, researchers must know what they are looking for; yet this defining is not done by researchers, but by informants. Inspired by social semiotics (Leeuwen, 2005; Vannini, 2007), I suggest the following strategy for identifying sharia in the field: any communication that Muslims intend to encode as sharia produces sharia, and anything that Muslims decode as sharia produces sharia, irrespective of the intentions of the encoder. In the latter case, the decoder becomes the producer of sharia (cf. Petersen & Ackfeldt, 2023, p. 250). Following this strategy will produce rich and empirically grounded research on sharia.

It should be noted that some Muslims may insist that they do not practice sharia at all when they pray, enter nikah, or follow religious guidance; they may even express an aversion to sharia while doing so. Therefore, it is important to underline that I use the word as a nebulous signifier for phenomena that Muslims may themselves identify as Muslim rules, religious rules, ritual practices, ways of doing things, and so on; that is, part of the sensitization of methodology is to include all possible synonyms and euphemisms for sharia. In this book I primarily direct my attention toward the formalizing and terminating of spousal relationships in whatever forms these processes may take; this is a heuristic tactic that – while it may not solve fundamental epistemological challenges within the humanities – will produce rich data.

I use the word sharia in a slightly unconventional way to denote the nebula of sharia productions that can be observed empirically. This means that both educated and ordinary Muslims' productions of sharia discourse are included when I use this term. Thus, it includes fiqh, but only as one production of sharia among others.

Below, I present two cases that de-center fiqh, thereby opening a much wider discussion of what sharia may be at the outset. I then operationalize the epistemology of this study methodologically.

2 Non-Muslims' Experiencing Nikah Captivity

The notion that sharia constitutes a law or Islamic rules may sometimes be sufficient to describe empirical observations, but often these concepts are much too narrow. Even assuming that Islamic divorce is about religion may sometimes be at variance with empirical observations. The following is a dialogue between the female imam Sherin Khankan and a non-Muslim woman who had sought out the Mariam Mosque to obtain an Islamic divorce:

> **Khankan:** Is he religious?
> **Amanda:** No.
> **Khankan:** What about you? Does it [religion] mean anything to you?
> **Amanda:** No.

Amanda is a non-Muslim woman who has come to the Mariam Mosque to get divorced by Khankan: a non-Muslim woman who wants to obtain an Islamic divorce from a man who is not religious. She was not married under Danish law, but a little more than twenty years earlier she had entered into a nikah in Denmark before travelling to her husband's country of origin. Most of the nikah had been happy, but over the past decade her husband had become violent, both to Amanda and their children. Furthermore, he wanted to enter into a nikah with a second woman and this was unacceptable to Amanda.

Amanda had received help from an NGO, filed a lawsuit against her husband, strategically planned leaving the nikah in terms of separating their finances, and now she was here in the Mariam Mosque. As the conversation between Amanda and Khankan progressed, it appeared that Amanda's husband thought that the unregistered nikah constituted a valid marriage under Danish law, and he could not be persuaded to think otherwise. This may seem irrelevant from a legal perspective because the husband is wrong in his claim but, nevertheless, his perception had consequences for Amanda because she experienced nikah captivity, which manifested in the form of stalking. Toward the end of their conversation, before moving on to printing and signing the Islamic divorce documents, the following exchange took place:

> **Khankan:** Does it mean anything to you to get this divorce?
> **Amanda:** I think it will.
> **Khankan:** And you say that you are not religious?
> **Amanda:** Not at the moment.
> **Khankan:** How do you feel?

> **Amanda:** I feel like we are a step further in the process – a step closer to freedom.

Amanda's last remark, that she feels a step closer to freedom (but not free), captures an important characteristic of the Islamic legal performance of Khankan and her male colleagues: at this moment, the divorce has not yet happened on the social level, even if it has been performed in the mosque. Neither Khankan nor any of her male colleagues have the judicial power to enforce an Islamic divorce. Time will tell whether it will meet social approval; if not, the divorce did not happen.

In another case, Emma, also a non-Muslim woman, requested a divorce, stating, "I feel mentally trapped in a marriage I do not want to be in." Emma had, like Amanda, entered into a nikah without registering a civil marriage but after a few years she had "broken up" with her husband. They later Islamically divorced by way of a video call with an imam, at which time her husband also signed a divorce document. However, probably due to the lack of aesthetic appeal of the handwritten divorce document and the online nature of the oral performance, Emma did not feel that the nikah was properly dissolved, and she wanted certainty. She wanted to feel divorced and, therefore, she contacted Khankan. Emma's case is the opposite of Amanda's case: the divorce had already happened socially – the husband had performed the Islamic divorce – but for her personally, the ritualized process of divorcing had failed, and therefore, she wanted to do it again.

These two cases demonstrate that sharia sometimes matters to non-Muslims, even if, according to the logic of fiqh, there is no reason for it to do so. One may ask: why did Amanda feel bound by sharia? The answer is that she does not, but neither do many Muslim women who approach imams to obtain an Islamic divorce. Even women who consider themselves divorced may contact a Muslim leader because their divorced status is not socially recognized and they believe that an Islamic legal performance can rectify this position (Walker, 2016). This was the situation for Amanda; she was, most of all, concerned with the potential effect of an Islamic divorce: that of her husband leaving her alone. Likewise, one may ask why Emma felt bound by sharia. After all, her (ex)husband believed that they had divorced. The likeliest answer is that she merely needed closure, and the ritual of breaking up was inadequate due to the symbolic frame of a nikah; she needed to follow the ritualized break-up procedure of an Islamic divorce (Bell, 2009). However, even the ritual performance of the imam online failed to produce the psychological effect in Emma; therefore, she wanted to go through it again.

Although Amanda and Emma may be extreme cases, they demonstrate the inadequacy of logico-deductive theoretical approaches based on law and fiqh. Furthermore, Amanda's uncertainty about whether her divorce had actually taken place highlights Islamic legal performance as a less significant event than it is often considered to be and accentuates the deferred nature of Islamic divorce.

3 The Deferred Nature of an Islamic Juridical Performance

In his book *On British Islam*, John R. Bowen (2016) describes the unstable performativity of the Islamic Sharia Council in Leyton (London) and interrogates John L. Austin's (1962/2009) idea of performative speech acts: enunciations that change something in the world, such as "I pronounce you husband and wife" or "I hereby name the ship MS Queen Elizabeth". Austin believed that, if the felicity conditions[2] of a performance are met, speech acts produce changes in the world. However, if the conditions are not met, performances fail. Therefore, a rogue priest cannot marry random people at will in the high-street, nor will a random person's breaking a bottle of champagne on the bow of a vessel name a ship.

With reference to Jacque Derrida (1977), Bowen points out that felicity conditions "are not prelinguistic features of the world but a matter of the shared intentions of those concerned by the act in question" and that "they can always be challenged" (Bowen, 2016, pp. 88, 102). In other words, felicity conditions are not inherent to speech acts; rather, they depend on social agreement. Therefore, such performances are always deferred. They are too late: a couple standing in front of the priest in church have already decided that they will live together as married, and the name of the ship has already been decided in prior meetings. They are also too early: marriage as a social practice has not yet begun, neither has the ship yet started to perform the function that makes it a ship (cf. Caputo, 1997, p. 6).

The deferred nature of speech acts invites a perspective on Islamic divorce that decenters the Islamic juridical performance. This is important because, as I demonstrate in subsequent chapters, Islamic divorce often happens before or after the performance, a deferral that may appear in Islamic divorce

2 J.L. Austin (1962/2009) argued in order for a speech act to be successful its felicity conditions had to be fulfilled such as following convention, adhering to procedure, the performer being authorized to perform the speech act, etc.

documents; for example, Haitham, an imam who is more fully introduced in Chapter 2, writes in an Islamic divorce document, "Based on this problem with [addiction], the divorce of the two parties is hereby confirmed. [Woman] has through her *wakil* (guardian), [name], asked for divorce. [Man] has accepted the divorce, and the two parties are no longer wife and husband." This short statement refers to the man's addiction, the breakdown of the nikah, a social process between the families, the husband's acceptance (or performance) of the divorce, and Haitham's speech performance, which merely confirms what has already happened. All five events, and many more, may be said to constitute the end point of this nikah. Furthermore, later events may erase the Islamic legal performance if, for example, the husband successfully convinces people that he made his divorce utterance under duress (for an example of such a case, see Liversage & Petersen, 2020, pp. 219–220).

Studies of Islamic divorce practices typically focus on the Islamic legal performance, even if this only makes up a miniscule part of some cases. This methodological focus introduces a bias towards law in the data that are produced. I avoid this bias by decentering the Muslim leaders' performance in my production of data, thus widening the scope of data production by emphasizing the longitudinal aspect of cases.

To sum up, although the juridical performance by an Islamic authority may be a noteworthy symbolic moment, other significant events happen before and/or after it. The effect of an Islamic juridical performance is co-produced by these events, and, therefore, it is important to collect data longitudinally, including the processes that lead to agreements and those that determine whether a divorce without the consent of the husband will eventually meet with social approval and thus become a social fact. Such data production will provide the Islamic juridical performance with important context, which may fundamentally change the way such performances are understood among researchers.

4 Levels and Locations of Sharia Production

With the advent of the lived religion perspective in the 1990s (Hall, 1997), and its wide dissemination in the early 21st century (Ammerman, 2007; Heelas & Woodhead, 2005; McGuire, 2008), sociologists of religion have, in addition to their study of religious institutions, also addressed the everyday lived experience of religious people. A similar development has taken place within the anthropology of Islam where researchers have begun studying Muslims who do not invest significant amounts of energy or time in being as Islamic as possible. These researchers argue that not being overly pious is normative and that

Islamic studies have made unusually devout Muslims hypervisible in research (Jeldtoft, 2011, 2016; Otterbeck, 2010, 2014, 2016). Discussing these recent developments, Bowen writes:

> This new anthropology of Islam has placed an increased emphasis on religious texts and ideas, but only as they are understood and transmitted in particular times and places. Far from ignoring scripture, anthropology increasingly seeks to understand how particular Muslims come to understand and use particular passages. What distinguishes anthropologists from an older generation of textual scholars is that we are as interested in how a Pakistani farmer, an Egyptian engineer, or a French Muslim theologian sees the Quran as we are in the knowledge held by a traditional Muslim scholar. (Bowen, 2012, p. 4)

Bowen is describing something that has already happened in anthropological research: the turn towards religion in everyday lived experience; however, he still assumes that texts are of major importance in Muslim lives. I argue that this is too narrow a perspective and an untenable assumption if generalized. Furthermore, the quotation illustrates a tendency to make religion hypervisible within the anthropology of Islam. This problem led Samuli Schielke to declare that "there is too much Islam in the anthropology of Islam" (Schielke, 2010, p. 2); similarly, I suggest that there is too much fiqh in the study of sharia practices.

Following Schielke, I argue that Muslims' preoccupation with texts must be demonstrated rather than assumed. To take an example, a prominent imam in Denmark, Mostafa Chendid, has written a book titled *Discord between Spouses Abroad: The Scandinavian Model* in which he argues that a civil divorce under Danish law constitutes a valid Islamic divorce (Chendid, 2015). The Sheikh of al-Azhar, Mohammad Hussein Tantawi, and the European Council for Fatwa and Research have issued fatwas with similar consequences, but argued in different ways (ECFR, 2017; Sonneveld, 2012, pp. 41–44). However, in the absence of Islamic juridical institutions enforcing such fatwas, these ongoing theoretical discussions among Islamic legal scholars have little impact on Muslim lives in Denmark.

Similarly, the European Council for Fatwa and Research has stated that "a legal marriage conducted in Western countries is a valid marriage in the eyes of the Shariah and can be accepted by Shariah courts in Muslim countries".[3] However, as Islam Uddin states in relation to this fatwa, none of the participants

3 This is Uddin's (2020, p. 10) translation from Arabic.

in his study of nikah in Britain "accepted a civil ceremony alone as establishing their marriage, rather they all had a *nikāḥ* ceremony" (Uddin, 2020, p. 10). In other words, texts are only relevant in a study of sharia practices to the extent that their effect can be demonstrated.

If fiqh is decentered, areas of sharia production emerge in other social fields at the levels of the individual, personal relationships, intrafamily, and interfamily. The methodologies with which they are produced varies, and therefore, their epistemological qualifications are different. In many cases, Islamic authorities are at the periphery of these productions, but their role as potential epistemic authorities requires them to engage with – and make sense of – alternative productions. Muslim leaders dealing with nikah and divorce are often frustrated with common Muslim conceptions of sharia because they make their job difficult. Abdallah complained to me that people do more research before buying a car than before entering into a nikah – which they make no effort to understand in advance – adding the common mantra that many problems could be avoided if people just followed Islam. In other words, Abdallah is fully aware that his conception of nikah differs from ordinary Muslim conceptions, which he finds shallow and uneducated, and he is frustrated that Muslims who come to him are not interested in his thoughts.

The different levels of sharia production are also evident from Islamic divorce cases, exemplified in a recent event which Abdallah recounted. He had assisted a woman in obtaining an Islamic divorce which was final (*al-baynuna al-kubrā*), meaning that the couple was forbidden from entering another nikah according to fiqh. Nevertheless, they had gotten back together after the divorce and now the woman again wanted Abdallah's assistance in obtaining an Islamic divorce. Abdallah explained to the woman that she did not need an Islamic divorce as she could not possibly, qua the previous final divorce, be in a nikah with her "husband"; that is, she could not divorce him as she was not in a nikah. However, the woman could not accept this as it would mean that she had lived in sin with her (ex)husband, and she again insisted that Abdallah should help her to obtain an Islamic divorce. He refused. This case demonstrates the discrepancy between sharia understood from Abdallah's perspective and sharia as a Muslim practice outside the mosque. The woman in question had entered into a nikah in the eyes of her family and her community.

Based on the observation that sharia is produced on multiple levels and in multiple locations, I argue that researchers must decenter sharia produced by Muslim leaders to observe other sharia productions as well. This is not to say that sharia produced by Muslim leaders is irrelevant, but too narrow a focus on it erases everyday productions of sharia in other loci. Research must "attribute meaning to power instead of merely attributing power to meaning" (Vannini,

2007, p. 115). In other words, researchers must be careful not to disproportionally empower "authorized" productions of sharia just because they originate with Islamic legal scholars. Rather, researchers must investigate these as one source of meaning-making processes among others, and examine the degree to which these "authorized" meanings have significance for ordinary Muslims' conceptions and practices.

Furthermore, as demonstrated by Tanya Walker (2016), too narrow a perspective may fail to grasp how people perceive Muslim leaders and their Islamic legal opinions and performances. In her study of how women relate to British Islamic divorce councils, Walker concludes that "the women were willing to obey and be submissive on a broad range of issues, as long as they felt that their actions on this front would eventually lead to divorce"; that is, the women "seemed to view the councils much more pragmatically as an administrative means to their desired ends". The Islamic divorce councils "presented the women with an opportunity for action – using something that they felt would be recognized by their communities against those very communities themselves, in the furtherance of the women's own desire in the context of conflict" (Walker, 2016, pp. 72, 93, 94). Walker concludes that her informants do not consider Islamic divorce councils authoritative, and the best illustration of this is that they do not simply accept answers that conflict with their own interests. Instead, they ask other Islamic "authorities" the same question until they get the answer they want, and then they bestow authority upon whoever gives this answer. Thus, two levels of sharia production are visible here: that of the women and that of Muslim leaders. The women's activity can be described as consisting of pursuit of a Muslim leader who delivers answers that complement their own construction of a woman's rights under sharia. To make Walker's point clear: women do not necessarily use Islamic divorce councils because they consider them to be authoritative or representative of their religious belief; they primarily use them because of the social effect they believe the councils can produce (Walker, 2016, p. 96 ff.).

On a sidenote, it is with inspiration from Walker that I distinguish between the terms Muslim leader and Islamic authority. A Muslim leader is a person who has a prominent role but is not necessarily in a position of authority; however, authority may be bestowed upon him in specific situations. This means that a Muslim leader has the potential to become an Islamic authority in individual cases, but this must be demonstrated rather than assumed. Therefore, I only describe Muslim leaders as Islamic authorities when they are in a position to assert authority.

To sum up, as a strategy to produce data that adequately represent sharia practices, I have in the above argued for methodologically decentering Islamic

juridical performance, Muslim leaders' sharia production, and religious institutions as the locus of sharia production. Doing this widens the empirical scope and leads to richer data production.

In the following section, I introduce three theoretical perspectives that have the function of sensitizing data collection and making the corpus as rich as possible.

5 Islamic Semiotic Resources

To capture the wide-ranging nature of sharia production one "must locate the origin of meaning within the field of semiosis, or in other words, within the process of context-bound and conflict-laden interpersonal interaction" (Vannini, 2007, p. 115).[4] Therefore, I analyze signs, not as part of a system external to situations (e.g. fiqh), but as resources for making meaning in situations (Halliday, 1978). From a social semiotics perspective, which does not accept an "impenetrable wall cutting off semiosis from society, and semiotics from social and political thought", signs are semiotic resources, available to people who want to express themselves and do things in the world (Hodge & Kress, 1988, p. 2).

To take an example, in her study of *mutʿa* (temporary nikah practice in Shia Muslim groups) among Danish Shia Muslim women, Tessie Bundgaard Jorgensen demonstrates that it is a tool used by her informants to "navigate complex social relations" (Jorgensen, 2023, p. 24). They enter into mutʿa to facilitate a wide variety of social practices, such as long- and short-term relationships, engagements, sexting, dating, hooking up with visiting Islamic scholars, and one-night stands. One of Jorgensen's informants explained that she met a man who "liked the idea of a contract so he gave me a kebab one night after going out … we were both really drunk[5] … so I think it was 100 years, yes, 100 years, although it only lasted six" (Jorgensen, 2023, p. 8). This mutʿa is saturated with meanings derived from contemporary youth culture and contemporary concepts of relationships (Foucault, 1988; Giddens, 1992), but it is expressed using Islamic semiotic resources. The man in the example appropriates the meaning potential of mutʿa but retrofits its content to fit the kind of

4 To the best of my knowledge, Anders Ackfeldt (2019) was the first to use social semiotics as the main theoretical framework for an Islamic studies PhD dissertation. I take considerable inspiration from this source while also following some paths not pursued by Ackfeldt.

5 While Muslims have historically disagreed on whether alcohol consumption is Islamic or un-Islamic (S. Ahmed, 2016, pp. 3, 57–71; Cederroth, 1994; Hallaq, 2005, pp. 40–41; Zubaida, 2003, pp. 49–50), it is definitely a Muslim practice.

social interaction that is relevant to him. Similarly, "the women who practiced *mutʿa* as one-night stands articulated it as a sign of sexual liberation, as well as a sign of the divine awareness of the sexual and emotional needs of women" (Jorgensen, 2023, p. 14).

This kind of retrofitting is not unique to Shia Muslims. I have encountered a case in which a male Sunni informant entered into a nikah via a video call before meeting his wife-for-the-evening and her friends for a night out, drinking, and dancing. Here the nikah was a form of sexual foreplay, or at least a symbolic action that created expectations as to how the night would end. In a similar case, a married Sunni Islamic scholar entered into a nikah with two additional women on a visit to Denmark. The phenomenon has also been reported in Danish media, with Mohamad al-Khaled Samha (aka Abu Bashar) stating on one occasion,

> I often hear rumors that some person has started to marry Muslim men and Danish girls who actually come directly from the disco – maybe with two friends as the only witnesses. It can also be done in a car, a basement or wherever, and it is over in just a few minutes. (Füchsel, 2001a)

Jorgensen's study demonstrates that signs function as semiotic resources that her informants use in meaning-making processes, highlighting how these resources have what Halliday calls "meaning potential":

> When we focus attention on the processes of human interaction, we are seeing this meaning potential at work. In the microsemiotic encounters of daily life, we find people making creative use of their resources of meaning, and continuously modifying these resources in the process. (Halliday, 1978, p. 192)

The meanings Muslims attribute to fiqh terms and concepts in everyday life are often erased by researchers prioritizing the meanings attributed to the same terms by Islamic authorities, or, as also often happens, researchers read "authorized" fiqh meanings into situations where they are not present. This means that methodologies become less sensitized to making accurate observations of sharia in everyday life. Theo van Leeuwen warns that "dictionaries cannot predict the meaning which a word will have in a specific context", and, similarly, I argue that the meanings presented in encyclopedias such as *Islamic Fiqh and Its Proofs* cannot predict everyday understandings of fiqh terminology (Zuhayli, 2001). Rather, they explain authorized past usage without

commenting on semiotic potential and unauthorized usage such as that to which nikah is put in Copenhagen nightlife.

Just to be clear, I am not arguing that fiqh is irrelevant in the everyday lives of all Muslims. Anabel Inge (2017, pp. 179–220) has demonstrated that rules on match-making within a Salafi community in London produce cognitive dissonance in young women who, on the one hand, want to practice Salafi doctrines on strict gender segregation but, on the other, also want to have a degree of control over whom they enter into nikah with, leading some to practice dating. Such cognitive dissonance would not arise if fiqh did not matter to these women. Consequently, I merely argue that the relevance of fiqh must be demonstrated, as Inge does in her study, rather than assumed, and that research methodologies must be open to different processes of semiosis.

To sum up, any person can produce sharia, but not all productions are equal; rather, power dynamics create hierarchies between them in individual cases. As I demonstrate in subsequent chapters, Muslim leaders are seldom in a position to assert their authority in divorce conflicts where nikah captivity is based on husbands' and/or families' enforcing their sharia.

6 Discursivity

Under Danish law, imams from acknowledged faith communities can be issued with a marriage license in accordance with the *Law on Religious Communities outside the State-church* § 15 (Vinding, 2020, pp. 13–29). This means that imams with a marriage license can, after performing a marriage ceremony, register this as a civil marriage under Danish law. It is important to underline that, although a nikah is typically contracted in parallel with the civil marriage, only the latter can be registered. This system of issuing marriage licenses to "priests" belonging to acknowledged faith communities outside the state church is conceptualized within a Christian discursivity that evolved from the introduction of marriage as a sacrament in the 16th century, that is, the invention of Christian marriage (McGuire, 2002, p. 30).

The fact that imams with a marriage license can register a civil marriage in parallel with a couple's entering into a nikah is one among several variables that has led to the common notion among both Muslims and non-Muslims in Denmark that in order to contract an Islamically valid marriage, one must involve an imam. However, such a performance is impossible within fiqh, as no school of thought has conceptualized nikah as something solemnized by an imam. Rather, spouses (or their guardians on their behalf) enter into a civil contract of nikah with each other.

The discourse of the "priest" that solemnizes marriages is so common today that it may even be hard to conceptualize marriage without such a ceremonial figure, whether a "priest", a mayor, an Elvis impersonator, or similar. It is therefore no surprise that many Muslims conceptualize the imam as a "priest" in nikah ceremonies. Or, to be exact, they use Islamic semiotic resources to construct nikah within their own discursivity, which typically does not include a concept of nikah similar to the one found in fiqh, but, rather, concepts taken from popular culture such as Hollywood productions in which couples are married by a ceremonial figure. The conceptualization of the imam as a "priest" is especially evident in discussions of whether imams ought to marry LGBTQ people. From a fiqh perspective this is an absurd discussion because imams do not solemnize nikah; nevertheless, it is a meaningful discussion to many Muslims and non-Muslims (Petersen, 2022b, pp. 250–251).

The tension between fiqh and dominant Muslim beliefs was also present in my interviews with Muslim leaders. Kamal explained that nikah

> is a contract between two partners. That is, the state is not involved, the imam is not involved. The imam merely facilitates the conclusion of the marriage contract. He explains that you should say this, you say that, you say this, and there you go, you are married in front of two witnesses et cetera. It is not the imam who performs the marriage ceremony; he is in principle superfluous in the solemnization of a marriage.

This demonstrates that even when people are in the same room during a nikah ceremony, there can be markedly different perceptions about what is happening. The imam may believe that the couple in front of him is entering into a nikah with each other while the couple believes it is the imam who is Islamically marrying them. Imams are well aware of this, but they typically navigate nikah ceremonies in a way that avoids conflict between the two perspectives. To do otherwise would be seen as improper.

Furthermore, while couples may expand their discursivity, thereby enabling them to produce a discourse whereby they enter into a nikah with each other, it would require a significant amount of academic study for them to expand their discursivity to produce a discourse similar to that of Mecca and Medina in the 7th century (Petersen, 2022b, pp. 11–12). Even if they were to engage in such academic study, they are not socialized into the emotional regimes that were dominant in tribal societies of the past; nor does the world of yesterday, which would support such discursive productions, exist anymore. Modernity is inescapable, even to Salafis (Berman 1982). In other words, discursivities and discourses live and die with the people who produce them, and while it

may be possible to mimic a few characteristics of previous generations' nikah practices, it is impossible to reproduce them fully in all their conceptuality, let alone those of tribal societies in the 7th century.

Muslims of any generation produce a notion of nikah within their own discursivity and project this onto the past. Using Islamic semiotic resources, they Islamize common discourses on love, romance, partnership, the nuclear family, and so on that are widespread in contemporary society. Or, as Slavoj Žižek (2012, p. 66) puts it in his discussion of *ijtihad* (independent reasoning by Islamic scholars, i.e. re-interpretation), thus stressing that Islamic scholars are also engaged in such Islamizing: "*Ijtihad* is … neither a spontaneous immersion in old traditions nor the need to 'adapt to new conditions' and compromise, but the urge to *reinvent eternity itself* in new historical conditions."[6] Islamic legal scholars may argue that ijtihad merely comprises contemporary responses to changes in the context within which Islam is practiced. However, as there is no continuous discursivity within which Islam has been produced over time, Žižek's description draws attention to a characteristic that must also be present in ijtihad: a creative production of Islam, utilizing Islamic semiotic resources but confined by contemporary ideas about what tradition may look like.

This is an important point because it blurs the line between *following* and *producing* the Islamic legal tradition, and it highlights that tradition is not stable, even if such stability is a central claim of the people who produce tradition. Michael Gilsenan remarks that producing tradition as unchanging is merely a core characteristic of emic productions of tradition,

> Tradition … is put together in all manner of different ways in contemporary conditions of crisis; it is a term that is in fact highly variable and shifting in content. It changes, though all who use it do so to mark out truths and principles they regard as essentially unchaining. In the name of tradition many traditions are born and come into opposition with each other. (Gilsenan, 1982, p. 15)

Going back to Heidegger, one may say that every new generation is thrown (*geworfen*) into the world and uses the semiotic resources available to it without necessarily staying true to the meanings these had in previous discourses. People may genuinely believe that they are following tradition but this is merely part of their producing tradition. This means that as a construction, the

6 Žižek's emphasis.

discourse of imams' solemnizing nikah is just as eternal as that of imams' overseeing the signing of a nikah contract. Ultimately, nikah practices date back further than Mohammad (L. Ahmed, 1993), so when Mohammad "introduced" nikah as Islamic marriage he was also "following" tradition.

I do not intend to present this as an argument against the existence of social institutions, nor a naïve conception of people as free agents, nor a claim that anything may pass as tradition. To make such assertions would be to ignore dominant power dynamics. My point is merely to underline that any production of sharia is always new, but a key characteristic of such production is the inclusion of a claim about tradition, and therefore we must observe the function of claims about tradition rather than accepting them as accurate descriptions of history. After all "an adequate sense of tradition manifests itself in a grasp of those future possibilities which the past has made available to the present" (MacIntyre, 1981/2014, p. 258), and there is significant variation in the traditions produced among different Muslim minorities in Denmark, although all of them are constructed as eternal.

To sum up, people produce discourse within the discursivities into which they are socialized. This means that there are limitations on the discourses individuals can produce. Sharia is likewise discursive and ordinary Muslims do not have the ability to produce the fiqh of Islamic legal scholars; however, this does not inhibit them from producing sharia discourse and engaging in Islamic legal performances.

7 Emotions

Above I have discussed how Muslims' use of Islamic semiotic resources has the function of Islamizing discourses, including those of dating and one-night stands by young people. Furthermore, I have discussed how Muslim sharia productions are constrained by discursivity. In this section, I discuss emotions as one among many sources of sharia.

While growing up, children are socialized into complex emotions, such as shame, sin, and a sense of justice (Barrett, 2017), which cannot be produced in people if they do not possess the necessary discursivity (Lazarus, 1994). To take an example, a person cannot feel sinful if they have no concept of sin. However, emotions are also performative, and social networks may require individuals to feel in certain ways that are socially defined (Hochschild, 1983/2012). Through socialization people become capable of producing the emotions that are socially expected of them, thereby synching individual emotional regimes with social expectations. Yet synchronization sometimes

fails, and some emotions – especially injustice – may become a primary source of sharia.

Before presenting a case to illustrate my point, I briefly highlight Roy A. Rappaport's (1999) distinction between meaning and meaningful. Rappaport defines meaning as discourse that individuals are able to produce but to which they have no emotional attachment, whereas meaningful applies to one with which an individual's emotional regime is in sync. This distinction neatly captures how many women feel about Islamic divorce processes. To Amanda (see the beginning of the chapter), Islamic divorce constituted mere meaning – she had no emotional attachment to it – but to Emma, Islamic divorce was meaningful. Similarly, Muslim women may request an Islamic divorce because they want to produce a social effect, but this does not mean that the Islamic divorce is meaningful to them in the sense that they personally care; or, as Anne Saris (2016, p. 258) puts it, "most of the Canadian women we interviewed were motivated by the results they wanted to achieve" (cf. Walker, 2016).

Elham[7] grew up in Denmark but entered into a forced nikah while in her parents' country of origin. She is able to understand and reproduce her husband's and father's sense of justice as meaning but, while she may relate to them with some degree of empathy, their discourse is not meaningful to her personally. She is able to understand and analyze their discourse, but this does not mean that she feels that their discourse constitutes justice. Rather, the Islam of her husband and father, and the social constructions of Islam in her parents' country of origin, are mere discourse (meaning) to her. I spoke with Elham after she had escaped her captivity abroad, and she talked about how her family and (ex)husband insisted that she must return to her husband with whom they say she is still in a nikah:

> **Elham:** .... If I can marry in accordance with it [Islam], then dammit, it must also give me the right to get out of marriage again, and it is very simple; it must just give me this right in one way or another.
> **Petersen:** Could you just repeat that once more – the last part with Islam?
> **Elham:** Yes ... it was an Islamic marriage that I entered. It was a nikah, right. ... It is simply not OK that I as a woman should not be allowed to get out of it again, or that I am told that I cannot free myself of it, or that a man can sit there and say "but I do not want to divorce" and then I cannot get divorced, or that I cannot pull out of it. ... I thought it was suppressive. ... I could also have said, "You know what, to hell with that.

7 Elham has read and approved my presentation of her story without suggestions for revisions.

> Maybe I have been married to you in another country, and it was Islamic, but I do not give a shit. I will just get married again here in Denmark." I could choose to do that but .... I could not get myself to do that, because I felt this [thing]. ... You know, I must have the right [to divorce]. If I have signed it [the nikah contract] then I must also have the right to get out of it again ...
> **Petersen:** It does not sound particularly religious. It sounds like something to do with justice.
> **Elham:** Yes, but that is also what it is.

Elham, like so many other Muslims, produces Islam in congruence with her emotional regime. In the extract above she presents her Islam as being in congruence with her own sense of justice and pits this against the Islam of her family and (ex)husband, an Islam that she finds unjust and, thus, illegitimate. As the conversation moves on, Elham takes this argument further in her explanation of the mediation practice that is part of this other Islam:

> In fact, I do not have the impression that originally – you know the way it was done – you know, the purpose of those conversations one has to take part in when one wants to get divorced et cetera; they are not designed to force you into the marriage [again]. That is a practice imams have introduced later or something like that, you know. The purpose of those conversations is, you know, to say, "Ok, could we just talk about it?" And if a couple cannot, then there is nothing that should retain or force [her back] into that marriage.

One may understand this as Elham's interpretation of the Quran 4:35, but this is not her reference point. Rather, Elham is circumventing a social practice by making a common Muslim/Islamic practice compliant with her sense of justice. Likewise, she has taken advantage of the historically recent ease of access to information provided by the internet to do some research on Islamic jurisprudence. Based on this, she concludes, "Even if I am not an Islamic legal scholar or something like that, I know that here [in my case] it is enough for me to just get out of it [the nikah]." That is, Elham perceives her right to divorce as divinely ordained, and concludes that some Muslim leaders have not lived up to her Islamic ideal of justice. As I demonstrate in subsequent chapters, ordinary Muslims often expect Muslim leaders to produce sharia in compliance with their own sense of justice.

Although some Islamic legal scholars may align their concept of justice with key principles of fiqh – even if they struggle to stomach some of them – it

is important to stress that the scholars may also be significantly influenced by emotions and cognitive biases. John R. Bowen (2012, pp. 138–155) has demonstrated how some qadis arrive at verdicts that comply with their sense of justice by bending fiqh principles – to such a degree in some cases that one may even describe their engagement as expressing their sense of justice with Islamic semiotic resources in a sort of talking fiqh (expressing a personal sense of justice in Islamic jurisprudential terms). Likewise, John Burton (1994) has demonstrated that hadith scholars have historically tended to categorize hadiths that comply with the values of their own era as more true than others, and in consequence, that such evaluations have varied over time with the fluctuations of values in societies. In other words, confirmation bias (Kahneman, 2011) and avoidance of cognitive dissonance (Festinger, 1957) are important sources of sharia production.

By combining the perspective of emotion with discursivity, it becomes evident that in everyday lived life, the master signifier of sharia discourse is often justice, not *haqq* (divine justice) as defined by Islamic legal scholars. However, social rules – or strategic power (Certeau, 2011) – dictate that conversations on justice are expressed using Islamic semiotic resources.

8 The Operationalization of the Epistemological and Methodological Standpoint

Contemporary Muslims are socialized into the role of Muslim with an expectation that they will practice Islam to some degree, in one way or another. Yet for many individuals Islam is largely undefined beyond rituals, personal beliefs, and some basic religious education, which may vary significantly across geography, class, ethnicity, and so on. While numerous Muslims conceptualize legal aspects of Islam to be morally good and superior to other ways of practicing law, they may have little knowledge of fiqh. They will also typically be expected to engage in what Mikele Schultz-Knudsen (2021, pp. 93–97) calls interrelationally practiced Islam; that is, they will be expected to practice Islam towards others, and they can expect others to practice Islam towards them in return. Such expectations are externalized by individuals, and this is where the everyday production and negotiation of sharia takes place. Islamic authorities may play a role in such negotiation, but their influence should not be overstated. After all, many contemporary Muslims derive their moral norms from parents, peers, social media, TV, music, and influencers, all of which shape the conditions of what they can accept as sharia, even in the possible meeting with Islamic authorities. This is neither a contemporary nor a diaspora

phenomenon. Jacques Waardenburg (1978) and Richard W. Bulliet (1994) have pointed out that the Islam of the educated elite is historically merely a veneer that covers a broad range of common Muslim practices, and Ziba Mir-Hosseini Mir-Hosseini (1993/2000) has demonstrated that even in meeting with Islamic judges in Iran there are limits to what plaintiffs will accept as sharia (cf. Walker, 2016; Saris, 2016). That is, generally Muslims – and other religious people – expect divine justice to correspond with their own sense of justice.

In this chapter I have discussed the epistemological importance of a more open approach to the study of sharia, one that involves asking the question: where is sharia produced? This approach significantly widens the empirical scope of data production. Furthermore, I have argued that methodologies must be sensitized to make observations. My aim is to generate a grounded theory that explains how sharia is produced in a context where there are no Islamic legal institutions with jurisdiction. This theory of the Islamic juridical vacuum is the focus of the next chapter.

CHAPTER 2

The Islamic Juridical Vacuum and the Welfare State

> Dear Hakeem
> I am writing to you with a request on behalf of a woman who lives here at our women's shelter and who needs help to obtain an Islamic divorce. I have asked around in Women's Refuge Denmark and had you recommended. I hope you can help, or alternatively, know some good people who can.
> [description of the case in question]
> Is this something you can help with, and in case it is, what is the next step then? Please write/call if you need further information in order to help. We can also arrange a meeting.
> Best regards, Camilla

Camilla, an employee at Women's Refuge Denmark, is facing a common dilemma: Muslim women request her assistance with obtaining Islamic divorce, but the women's shelter neither offers instructions nor guidelines to its employees on how to proceed. Therefore, she turns to Muslim leaders for assistance. Hakeem, on the other hand, is one among many Muslim leaders who frequently receive this kind of request from employees in the Danish welfare state. He estimates that approximately the same proportion come from employees in the welfare state as from Muslim women.

Camilla's situation is common in Denmark, where there is no Islamic divorce council to which she can send her client. Rather, she must identify a Muslim leader who is willing to take on the role of *qadi* (Islamic judge). Muslim leaders in Denmark are acutely aware of women's difficulties in relation to getting a husband's consent to divorce and there have been several attempts at founding Islamic divorce councils as an organized way of catering to this demand – some have even been successful for short periods of time. However, all initiatives have so far collapsed due to two main variables: insufficient resources and security issues.

This chapter investigates the structure of a field in which there is a demand for Islamic legal institutions but in which no stable Islamic divorce councils or

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their equivalents have emerged. It is divided into three parts: the first describes the Islamic juridical vacuum from the perspectives of a Muslim leader and a woman trying to obtain an Islamic divorce, both illustrated with exemplary cases from the VIVE report (Liversage & Petersen, 2020). The purpose is merely to provide an insight into the structure and fundamental dynamics of the vacuum, which are analyzed in greater depth in subsequent chapters.

The second part of the chapter investigates the role of the Danish welfare state in the formation of Islamic divorce practices and their institutionalization. This points to a shortcoming in existing studies which, although they typically mention the welfare state in passing, do not investigate this variable in depth. My study demonstrates that the welfare state plays an important role in putting pressure on Islamic authorities to adopt the role of qadi and establish Islamic divorce councils.

The third part of the chapter consists of two analyses. First, I demonstrate that there is an epistemic ceiling in the administration of the welfare state below which Islamic legal practices are known and above which they are not, and, second, that the political discussion typically takes place above the epistemic ceiling.

1 Absence and Presence

If the current state of affairs in Britain and Denmark is compared using abstract terminology that conceptualizes and simplifies matters, one may say that there is a presence of Islamic juridical institutions in Britain in the form of Islamic divorce councils, and an absence in Denmark. The structure of presence and absence influences women's course of action when they want an Islamic divorce without their husband's consent. In Britain, women go to an Islamic divorce council (S. Bano, 2013; Bowen, 2016; Walker, 2016),[1] but in Denmark they seek out individuals and institutions that they hope will adopt the role of qadi or ad hoc Islamic divorce council (Liversage & Jensen, 2011; Liversage & Petersen, 2020; Petersen & Vinding, 2020). In other words, in Denmark the demand for Islamic divorce is projected on to individuals and institutions that generally do not offer this Islamic juridical service, although they may be willing to make exceptions to help women in individual cases. If

1 There is a similar presence of Islamic divorce councils in Australia (F. Ahmed & Krayem, 2021), the USA, and Canada (Macfarlane, 2012). It is notable that these three countries and Britain are all common law countries, which may or may not be a contributing factor to institutionalization.

a woman convinces an Islamic authority or an institution to issue an Islamic divorce, thereby adopting the role of qadi or ad hoc Islamic divorce council, a temporary presence emerges. When this is rumored, the demand in the field is directed towards it and suddenly the individual or ad hoc Islamic divorce council receives many more requests of a similar nature. I call this phenomenon the *cascade effect*, and while it sometimes leads to a temporary presence, making Islamic divorce available to women, this typically collapses under the pressure of the cascade effect or due to security issues (see below). In short, the Islamic juridical vacuum constitutes a field that is structured by absence in which temporary presences continuously emerge and collapse.

This vacuum is not just a Danish phenomenon. The demand and absence of institutions that cater to it has been identified – but conceptualized in different ways by scholars – in other European countries: Sweden (Roald, 2009), Norway (Brekke et al., 2022), the Netherlands (Muradin, 2022), and Italy (Alqawasami, 2021). Interestingly, these studies have demonstrated that Islamic divorce documents are in circulation in all the respective countries but, so far, no researchers other than Mahmoud Jaraba (2019, pp. 92–93) and Mulki al-Sharmani, Sanna Mustasaari, and Abdirashid A. Ismail (2017, pp. 276–277) have identified institutions with a resemblance to Islamic divorce councils in mainland Europe. I suggest that there are two main reasons for this.

First, Islamic juridical activity in a field structured by absence is not found in the places predicted by theories based on presence, i.e. logico-deductive theories, mainly inspired by legal studies (see Chapter 1). Scholars tend to sample among highly educated Islamic scholars, but the results are almost consistently that while they offer theoretical perspectives on Islamic divorce in Europe, they seldom issue divorces themselves. In 2019, I instead sampled people who actually perform divorces – irrespective of educational level – and I found that many of the people involved in Islamic divorce processes had no formal religious education (Liversage & Petersen, 2020). This indicates that formal religious education is not the only variable – maybe not even an important one – in a field structured by absence, because qadis are not selected by Islamic institutions based on their educational merits. Rather, they are selected by women due to their assumptions about these men's power, and only the ones who respond by helping become qadis (for a short while). Roald has made a similar observation in a case where "none of the Islamic learned in Scandinavia would issue an Islamic divorce document" but "a male Muslim leader who did not have a formal religious education" secured her informant an Islamic divorce (Roald, 2009, p. 106). Similarly, Jaraba notes,

> Imams are not the only religious leaders who play a crucial role in settling family disputes. A second group of religious leaders includes

> independent mediators and arbitrators who are self-appointed and, in most cases, operate independently of mosques or prayer rooms. They are not imams in the traditional sense of the word because they do not study *sharīʿa* at university level and do not lead prayers in mosques. Rather, they are individuals who sometimes take on the role of a "Muslim judge" (*qāḍī*) to solve a family conflict or decide on issues related to *nikāḥ*, *ṭalāq*, and *khulʿ*. It is difficult to estimate their numbers, but it is safe to say that they are present in several German cities, including Berlin, Nuremberg, Hamburg and Frankfurt. (Jaraba, 2019, p. 93)

Second, the expectation of stability associated with presence does not take the fragility and short existence of institutions in the Islamic juridical vacuum into account. Qadis and ad hoc Islamic divorce councils only exist for short bursts of time and, in retrospect, informants often understand their previous actions as exceptions to the general rule that they do not get involved in divorces. This means that semi-structured interviews are unlikely to identify the practices that ethnographic studies may uncover. The VIVE report, based on an interview study of 21 Islamic authorities, was informed by an ongoing ethnographic study and a previous study of Islamic feminist activism (Petersen, 2022b; Petersen & Vinding, 2020).

2 Emergence and Collapse of Presences in the Vacuum

The Islamic juridical vacuum also works as a metaphor. While women who want an Islamic divorce find themselves in a vacuum with nowhere to go for help, Islamic authorities are acutely aware of the danger of being sucked into this vacuum by issuing Islamic divorces. Thus, women and Islamic authorities relate to the vacuum in different ways, but it is the women's activity – their agency – in seeking out individuals and institutions that structures the field as a vacuum. That is, without such seeking out, Islamic authorities would not be cast in the role of qadi. This is an important point as it contradicts a dominant narrative in Danish media and politics about how imams invest time, energy, and resources in maintaining their jurisdictions (Petersen & Vinding, 2020, pp. 189–209). The dominant narrative frames imams as the prime movers, attributing significant power to them, which means that – according to the narrative – they are impossible to circumvent due to their having jurisdiction. However, this narrative misunderstands the fundamental dynamics of the Islamic juridical vacuum.

Presences may emerge in the Islamic juridical vacuum when individuals and institutions respond to demand. This means that Islamic authorities

are not selected by Islamic institutions and presented to the community as qadis. Rather, women intuitively try to identify individuals they believe may hold such power. This was the case with Haitham,[2] an imam who has facilitated divorces for more than 20 years. He received his first case years before he became an imam. As Haitham explains:

> They [the women] knew me as a religious person who may have empathy [for them] and [a person who] may be able to mediate or help them, you know. When you are in a society such as the Danish [society] as an ordinary Muslim and you have some sort of problem and there is no place you can go, then you go to the person who is the nearest to you – a person who in some ways seems to know a thing or two.

Although very knowledgeable and well-read, Haitham has no formal religious education, which is not uncommon in Denmark where only around half Danish-born imams have some sort of formal religious training (Kühle & Larsen, 2017, p. 54). That is, women did not approach Haitham because he was a trained Islamic legal scholar – he is not – but because they believed he had the power to help them.

Haitham explains that women often contact him with unrealistic expectations such as the "idea that if I just get a divorce in Denmark or in another place, which has been issued by an Islamic institution, then it will automatically be recognized in the Pakistani justice system". However, as Haitham emphasizes, he has no such power. He further explains that women "come with an expectation that they can just write to me and then I will straighten their husband out, kick him out, and take her under my protection". In other words, the women who come to Haitham believe that he has the power to help them, but he repeats again and again in the interview that this is not the case,

> And then, of course, there is this misunderstanding, and that is also present among ordinary people – I mean Muslim ones – that we have some form of magic wand, which we can just wave, and thereby solve all problems. And many politicians also subscribe to this this idea. What will the imams do? What are the imams going to do? [Laughs]. We hear this time and again, but we do not have a magic wand.

2 I have known Haitham since 2014, but this description is based upon a recorded interview with him in April 2019 and five additional conversations between 2017 and 2021. All quotes are from the recorded interview. Haitham has read and commented upon on this chapter, which only led to a minor revision in relation to his motivation for rejecting cases.

This notion of the imam's power is a common theme in studies. For example, in Torkel Brekke, Faza Hadi, and Edin Kozaric's survey of 35 imams and in-depth interviews with 10 imams they found that "a consistent theme in the data collected is that there is often a significant tension between the power and the opportunities that imams have in practice and the expectations that others have of them" (Brekke et al., 2022, p. 186).

Although Haitham's power to help women is limited, he does what he can with the resources he has available. For the last 20 years he has facilitated one to two Islamic divorces a month. Some of these are cases in which the husband initially refused to give consent:

> Sometimes it is necessary to write to the husband and say, "Listen up my friend, I have received this request from your wife, she says this and that, and what do you say to that?" And then many of them say, "Well, that is alright, just write up the divorce." Then there are also some who say, "No, under no circumstances, no way." And then I must try in some way to get them to understand [that they must consent to the divorce].

Haitham sometimes manages to convince a reluctant husband to divorce his wife. However, he adds that doing so "is a bad habit because then it is rumored that [Haitham] can solve this kind of issue", which causes a cascade of hard cases with men who refuse to consent to divorce. These cases are time consuming, they pose security risks, and many are not resolved, so he tends to stay away from them because he knows that he will not be able resolve them:

> Well, it is because there is so much trouble and problems [associated with Islamic divorce] and it is extremely time consuming. Typically, the only thing one achieves is ingratitude. People get angry and tired of you, and you get threats and all sorts of things. I do not want to spend my time on all that. … So, the only thing one gets out of it is that you spend a lot of time on it. It can be 10 to 15 hours you spend on such a case, calling back and forth, emailing and one thing and another, back and forth, and in the end, you just get a finger, you know when they [Haitham gesticulates and makes an angry noise].

In three of the six meetings I arranged with Haitham to discuss Islamic divorce he mentioned a recent threat. On 10 February 2021, he mentioned that he had been threatened the previous week, and on 15 September 2021 he had just received a phone call from a Danish-speaking man living abroad who stated that he would travel to Denmark and kill him. Although Haitham receives

threats regularly he has never been assaulted. I return to this subject in later chapters, but security is a serious concern for all Islamic authorities who involve themselves in Islamic divorce cases (cf. Rohe & Jaraba, 2015, p. 18), and it is one of the main reasons why some young imams refuse all cases. It is noteworthy that even some Islamic divorce councils in Britain face serious security risks despite their high level of institutionalization (Bowen, 2016, p. 63).

Most of the couples who receive their Islamic divorce from Haitham have agreed on their divorce before approaching him, but this does not produce him as a presence because in such cases Haitham does not undertake Islamic legal performances that challenge the husband. His role is that of an unimpeachable witness to a couple's divorce agreement, who also guarantees that Islamic rules have been followed, thereby adopting the role of a notary, not a qadi. Only divorce without the consent of the husband or in which a Muslim leader secures the consent of a reluctant husband by putting him under pressure produces a presence. In other words, presence is produced when a Muslim leader tries to assert authority by posing as a qadi. Whether he is successful depends on how people respond to his pose.

Whenever Haitham produces a presence by issuing an Islamic divorce, he experiences the cascade effect, which threatens to deplete the resources he has available and inflict significant security risks upon him. Cascades often consist of many hard cases in which husbands are prone to violence and almost impossible to negotiate with. Haitham is aware that he is unable to help these women and he therefore refers them to institutions such as British Islamic divorce councils or to foreign courts if they have married under foreign law.

Haitham also applies unwritten rules accepted by Islamic authorities that aim to distribute the workload so that no one person ends up with all the divorce cases (Liversage & Petersen, 2020, pp. 182–183). He might request that women "first try the imam who married you" and explains that "we [imams] have an unwritten rule that the person who has performed the marriage ceremony is also the person who should help when a divorce is needed". However, Haitham laughs and adds, "That is my first [course of action], but it is not always successful, and sometimes the cases end up on my desk anyway."

Neither Haitham nor his colleagues compete to be recognized as qadis, quite the contrary. No one wants to deal with Islamic divorce cases. When I inquired of Haitham whether it would annoy other imams if he accepted divorce pleas from women whose nikah they had facilitated, he started laughing and said, "No, he will just be glad if I take it, because then he will not get that headache." Just to be sure, I inquired again: "So they do not mind that you infringe upon their territory?" to which Haitham answered, "No, you know, none of us like divorce cases." This indicates that the phenomenon known as imam shopping

(or forum shopping among legal scholars)[3] is not only a matter of a woman's asking around until she gets the answer she wants, but also a matter of identifying a Muslim leader who is willing to get involved.

Haitham remarks that when others have said no, this puts pressure on him, but these are some of the worst cases. He outlines what he believes to be the women's thought process: "I have been to this imam, and he says this. Then I went to this other imam, and he says that. I have also been to a third imam, and now I am approaching Haitham." However, the women do not disclose this to Haitham, although he adds, "Sometimes during a conversation they accidentally mention that I have also spoken with this and that imam, and then I think to myself, 'Oh no, not one of those [cases], again'."

When I asked him why he continues to take on Islamic divorce cases when he knows the problems associated with them, he said, "That is because someone has to do it. I mean, we cannot just let these people, who have these sorts of problems, stagnate and leave them to their own devices. That is not OK." For the same reasons he has argued that Islamic authorities must establish an Islamic divorce council: "It is simply a wish many of us have so that we can come a step closer to helping people out of these difficult situations without its being a single person putting his head on the block; instead there would be an institution that takes care of it." While the size of the demand for Islamic divorce is unknown, it is indicative that imams are under such pressure that they want to invest resources in founding an Islamic divorce council. This strategy was presented to me as solving problems related to security, mobilizing power to provide justice, and channeling scarce resources into one institution. In other words, women's demand for Islamic divorce projected on to Muslim leaders creates a demand among Muslim leaders for an Islamic divorce council.

The Islamic juridical vacuum as described by Haitham is also reflected in interviews with women. Samira, who is a Lebanese Palestinian immigrant to Denmark, wants a divorce from her husband with whom she has three children. However, he refuses to consent, and Samira's family is also against it. She has secured a civil divorce through the Danish legal system, but she still wants an Islamic divorce to get her family's and (ex)husband's acceptance. As she explains:

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3 It is a bit of a misnomer to call this "forum shopping" as forums are characterized by their presence. A more correct, but less immediately intuitive term would be "attempts at forum creation", because the women project a demand onto absences that they expect to become presences.

> I contacted many faith communities [i.e. mosques]. I brought my Danish documents which documented my Danish divorce. I spoke with a lot of imams and asked them all to provide me with documentation that I was divorced Islamically, but they all said that they could not. I was told, "You have married in [country] so you must get that document there. We do not have the authority to issue such a paper." They said, "We cannot do anything. If he does not come here and give you a divorce in front of us, we cannot help you. Therefore, you must contact the court in [country]." There was an imam who called [(ex)husband] a few times, but as soon as he found out that [the calls] were about a divorce he stopped answering the phone. I did this for four years to begin with and then I got exhausted. Every time someone told me about a place or an imam I would rush [there] because I was told, "That person can probably help you", "This place issues divorces". I always went to new places that other people told me about, but I was told [the same thing] every time in [every] place. So, the first four years where I rushed back and forth have just been a waste of time. (Liversage & Petersen, 2020, pp. 183–84)

Samira describes the same pattern as Haitham, but from a plaintiff's perspective. She finds herself in a vacuum, identifies individuals and institutions that she imagines can exert power as a qadi or ad hoc Islamic divorce council, is rejected, is told that imams have no judicial power, experiences an imam who unsuccessfully tries to convince her husband to divorce, and finally, she describes the cascade effect when stating that she would always try the places other people reported as offering the presence of help. Samira is just one among 32 Muslim women Anika Liversage, or one of her assistants, interviewed in 2019, and as with Haitham, the interviews reflect the pattern of an Islamic juridical vacuum (for additional examples see Liversage & Petersen, 2020, pp. 183–185).

Women's need for an Islamic divorce is a quest for freedom from their current situation, but it is important to underline that this is typically not "freedom in terms of liberal ideals of autonomy" (Walker, 2016, p. 198). Rather, the fear of being ostracized in their social fields is often the primary reason for women to turn to Muslim leaders for help. They want to change their situation within their social field, not cut their ties to it. This is also the main reason why a divorce in the Danish judicial system is insufficient, because it does not necessarily bring about the desired changes in the women's social field. In other words, the women's problem is that civil law and sharia belong to separate power structures (Walker, 2016, pp. 137–138). To understand the women who

approach Islamic authorities to obtain an Islamic divorce we must, as Tanya Walker (2016, pp. 98–138) suggests, inspired by Michel Foucault (1994), look at the women's field of possible action. Women who turn to Islamic divorce councils typically want to manipulate the dynamics in their social field to create freedom within, not from, their social fields. Their approaching Islamic authorities is one tactic among others to achieve this goal (Certeau, 2011).

While Walker's analysis highlights important aspects of women's navigation in relation to other Muslims, it excludes navigation in relation to the welfare state. That is, women also explore the possibilities of mobilizing the resources available in the welfare state and, therefore, Islamic divorce cases are often projected onto Islamic authorities by social workers. This was exemplified at the beginning of the chapter by Camilla who requested assistance from Hakeem on behalf of a client at a women's shelter. However, researchers are also approached.

3 Demand Projected on to Researchers

As a way to expand their field of possible action, women sometimes approach researchers with expectations that they must know how to obtain an Islamic divorce in Denmark. These requests are received by both specialists in sharia and sometimes also by researchers working on related topics. To take an example, in 2020 I received an email from a colleague who had read one of my early publications on Islamic divorce. The colleague in question had received a request from a Muslim woman who was pursuing an Islamic divorce. In the email (s)he explains that the woman

> has contacted a lot of imams (sounds familiar?) – and she has, for example, an appointment with yet another one tomorrow. She has … spoken with [Haitham], who both seven years ago and today has assured her that she is divorced because the Danish divorce is [Islamically] valid. But she cannot get an "Islamic" document from him. And she would like to have one.

In this case the woman does not seem to need an Islamic divorce to satisfy a religious or psychological need. She may even rest in the certainty that she is divorced in the eyes of Allah, which Haitham has confirmed (for an almost identical case see Jaraba, 2019, pp. 83–86). Rather, as is often the case, she is looking for a qadi with the ability to affirm her divorce officially so that this

becomes an accepted fact in her social field. This was the reason for her turning to my colleague; she wanted help to identify an Islamic authority who could produce such an effect.

Interestingly, my colleague experienced the situation in much the same way as the Islamic authorities. (S)he knew about the cascade effect, but at the same time (s)he also felt empathy with the woman and wanted to help her. In the email (s)he explains that,

> I immediately felt that impulse to "send her away" …… (and think about the consequences, if she actually thinks I could do something and then all her friends started to call ….). But if you have an idea, please send it to me :) Otherwise, the answer is "we really do not know …. So, you must sort it yourself ….." (that is after all how it is).[4]

In the email my colleague explores some options whose viability (s)he wants me to comment on but, as the quotation indicates, (s)he is somewhat aware that (s)he must turn the woman away due to the danger of the cascade effect; however, this is difficult emotionally as the woman is pleading for help. My advice was to reject the case politely, and I legitimized this course of action in the same way I legitimize it when I also reject these pleas for help: it is better to spend time producing knowledge about this problem than depleting all available resources in the pursuit of solutions to individual cases – a pursuit that would not produce adequate results anyway.

I receive few requests, but probably above average due to my field of research. They come from colleagues, priests, the police, security advisors, case officers, women's shelters, and Muslim women themselves. This is because the demand for Islamic divorce is also projected onto social workers, and some act by either entering informal collaborations with Islamic authorities or put significant pressure on them to take the role of qadi upon themselves.

4 Responding to Demand as a Representative of the Welfare State

Haitham frequently receives calls from social workers, but he is unsure how many. As he explains, "They typically call me on the phone. I answer that I cannot help, and I tend to forget these calls as soon as I have said goodbye."

4 I have not made any cuts in this quotation. The "…", "….", and "……" are quoted ad verbatim.

When social workers ask for assistance, it is always in relation to cases in which the husband is refusing to divorce, and Haitham does not want to get involved in this type of case, at least not anymore. His experience is that he is unable to help, although he has in a few cases adopted the qadi role under pressure and issued an Islamic divorce without the consent of the husband. One of these was a case referred by the Danish police, who, he explains, put him under significant pressure to issue an Islamic divorce without the consent of the husband. Although reluctant to get involved due to the security risk, he ultimately gave in to the pressure. When I inquired about their experiences with Islamic divorce, the police not only confirmed that they have assisted women in obtaining Islamic divorce by contacting imams, they also mentioned Haitham as an Islamic authority among others with whom they had sometimes collaborated.

As explained above and elaborated on in Chapter 5 and Part 3 of the book, it only takes a single case to establish the temporary presence followed by a cascade effect and, therefore, pressure placed on Islamic authorities to adopt the role of qadi by the Danish authorities can have a significant effect within the Islamic juridical vacuum. In the following case, a woman had turned to a social worker to get help to obtain an Islamic divorce and provided a phone number to an imam. As the social worker explains,

> I had the social worker interns calling him until he picked up the phone. Then we had him called in for a meeting. He was reluctant, but we were pretty persistent. Then we are at this meeting … and he deflects everything [we say]. He will not take a position in relation to it [the divorce]. … However, I knew that he had not done his job properly because [the woman] had told me how this is done according to Islam. So, our tactic was to get him talking and then say, "Stop, but are you not supposed to …?" And, "in accordance with this and that". This is where you must latch on and say, "Here we have a problem because you have not done what you are obligated to do in accordance with Islam". … But despite this he would not sign [a specific document]. He did not dare. He was afraid of reprisals. Not just gossipmonger reprisals, but also physical [reprisals]. He was afraid that these men in this subsociety would assault him, he told us. … I could also sense this from his body language and so on and so forth.
>
> I was surprised by this. I mean, the way we understand imams is that they have power. They are the ones at the top, right? But he was completely controlled by the congregation [*menigheden*], as we would say in Danish – by these men. I thought [to myself], "You are a man, God damn

> it.[5] Man up!" I felt like saying to him, "Take some responsibility – you have the conductor's stick. Everyone does as you say." But he refused. He did not dare. … This was the biggest frustration for me. God damn, then we have gotten nowhere. "If you do not take responsibility, who will?" (Liversage & Petersen, 2020, pp. 178–179)

The social worker assumes a presence: that the imam has a conductor's stick – or magic wand, as Haitham put it – and that he is the qadi of a sharia jurisdiction. Faced with the situation of absence, (s)he tries to push the imam to adopt the role of qadi, and thus, produce the presence (s)he needs to help the client. By asking, "If you do not take responsibility, who will?" (s)he points to the welfare state's role in the Islamic juridical vacuum: neither Muslim leaders nor the welfare state adequately address nikah captivity. The answer to the question is "no one", and that is how the vacuum is generated.

Some municipalities have an informal zero-collaboration policy which means that social workers are aware that they are not supposed to collaborate with Muslim leaders but they are not formally prohibited from doing so. These policies are not written down but administered by leaders in the municipalities based on the atmosphere at the political level, and they are explicitly referred to by social workers as zero-collaboration policies. It is important to note that such policies do not point to solutions; they merely prohibit a course of action. As a social worker in a municipality with such a policy explained to me,

> We have a zero-collaboration policy, but then what are we supposed to do? They [the women] want my assistance to convince the imam, but obviously I cannot tell an imam what to do. I cannot, as a municipal employee, dictate what an imam should do.

When this social worker refused to call a local imam upon a client's request, the client called the imam on her own cellphone and handed it to the social worker, who persisted in the refusal by rejecting the phone. This situation demonstrates the pressure clients sometimes bring to bear on social workers.

Zero-collaboration policies demonstrate political awareness of nikah captivity without addressing the problem in a way that is meaningful to the women who experience it, and this creates what I call the *social workers' dilemma*. That is, the social workers face the problem of nikah captivity without guidelines other than maybe a zero-collaboration policy, giving them two choices: either they ignore the problem or they engage in unauthorized practices. The

5 Swearing like this is a common way of adding emphasis in Danish, and thus, there is nothing unusual about using swear words in this context.

dilemma is evident in the abovementioned social worker's asking, "Then what are we supposed to do?" This is a question that is often asked by social workers, but never answered politically, and therefore social workers may feel obligated to act in unauthorized ways to help their clients.

The social workers' dilemma is the outcome of negative policies, that is, policies that solely restrict what kind of solution-oriented action social workers may take. This is different from what may be called positive policies, which clearly state what social workers may do to solve problems, e.g. policies that provide them with courses of action that are relevant to nikah captivity. However, as I demonstrate below, there are plenty of political initiatives, but they seldom, if ever, contain positive policies.

In 2018, the Ministry of Immigration and Integration launched an initiative in which they educated five security advisors as experts in honor-motivated conflicts. Although this project was not planned to address nikah captivity, security advisors were soon contacted by women in nikah captivity and social workers who had clients experiencing nikah captivity. The Ministry of Immigration and Integration has a zero-collaboration policy in the sense that ministers over the years have been very clear about their ambition to put an end to parallel legal orders. In December 2012 the ministry even published *The Government's Strategy against Parallel Legal Orders – An End to Coercion and Suppression in Relation to Religious Marriages* (Regeringen, 2012). However, there is no written rule that forbids security advisors from collaborating with Muslim leaders.

The security advisor initiative was a success and soon expanded. Although I know most of the security advisors fairly well, I conducted formal interviews with seven former and current security advisors in 2021 and 2022 to investigate what may be called a vacuum in the welfare state. Security advisors – and other employees in similar specialized functions – end up in a situation similar to Muslim leaders: social workers call them with problems concerning nikah captivity and, although they have no instructions on how to proceed with these, the demand is nevertheless projected onto them as specialists within the field.

One of the most experienced security advisors effectively captured a dominant pattern in the interviews: "We are just as bewildered as the people calling us, because we do not have an Islamic authority at hand who can solve these issues." This resembles the situation of both Camilla – whose email to Hakeem I quoted at the beginning of the chapter – and the social worker quoted at length above. The security advisor then narrated how (s)he inquired with civil servants in the Ministry of Immigration and Integration about Islamic divorce in a specific case. They responded by providing the names and contact information of two imams who had previously assisted social workers with Islamic divorce.

The answer provided by the Ministry of Immigration and Integration was not an authorized one; rather, it was well-meaning advice from the ministry's civil servants who had previous experience with this type of case in which these two imams had helped. Civil servants in the ministry have often told me of their frustration with questions from social workers about which imams the ministry recommends, followed up by questions on how to solve nikah captivity problems if the ministry will not do so. Yet the ministry does not provide such recommendations, with the above example being an exception. Rather, this sort of question is typically referred to the security advisors, and then circulates on in the social system from there. I highlight the security advisors because they have posed the questions on nikah captivity again and again, and some have also solved individual cases by collaborating with Muslim leaders. As one security advisor put it, "I did not ask for permission, but I asked for forgiveness for having already done it [received assistance from an imam]."

Social workers circumvent zero-collaboration policies because these policies do not offer a solution to the problem of nikah captivity. They do so either by secretly collaborating with Muslim leaders or by using their spare time to help their clients. I can see from the data that I have collected from Muslim leaders that social workers often send requests from their private email addresses, phone numbers, or social media accounts, and sometimes they even explicitly request discretion from the Muslim leader.

While it is unusual for top management to be aware of the breaching of the zero-collaboration policies, it is sometimes rumored or known at mid-management level. To take an example, in 2022 I received an email from a civil servant in a municipality who wanted to know whether I was going to disclose that social workers in the municipality were collaborating with imams. This was important information for the civil servant as they were gauging whether it was time to raise a discussion in the city council regarding the municipality's informal zero-collaboration policy – a policy that was not written down but well-known because of the express wishes of the city council. As (s)he wrote,

> In connection with this we are – internally and at leadership level – gauging whether it is relevant to raise a discussion concerning [city] municipality's position on, and its practice of using imams. As part of this gauging, we are curious as to whether there will be any publications from you in the nearest future which indicate that municipal workers (in [city]) use imams in cases concerning Islamic divorce.

Upon receiving this email, I called the civil servant, who explained that (s)he was well aware that social workers in the municipality were collaborating with imams, even if (s)he had no knowledge of specific cases. I would like to stress

that I am not trying to expose social workers, nor civil servants. Rather, I am giving voice to their frustrations over being put in a situation that has no right course of action, only wrong ones. Neither am I advocating collaboration with Muslim leaders nor the founding of Islamic divorce councils. My aim is merely to document that as long as zero-collaboration policies do not address the demand for Islamic divorce, they generate serious dilemmas for social workers. The informants I have interviewed for this section are requesting positive rather than negative policy, that is, a policy that contains clear instructions on how to handle nikah captivity rather than a policy that merely states how not to handle it.

Social workers collaborate with imams in different ways. I have on multiple occasions either met social workers in mosques or spoken with social workers who have gone to mosques to support women in their attempts to obtain a divorce, and sometimes also to translate for them. This often takes place in the social workers' spare time. Other social workers take a more active role in the divorce process. In the following case, a social worker at Domestic Abuse Women's Refuge contacted an imam to obtain an Islamic divorce for a client. The imam explained that he needed a letter from the husband in which he consented to divorce, and the social worker secured this letter through mediation. This document, which is addressed to "whom it may concern" merely states that "On request from [woman] the undersigned [man], born [date], give my written consent to voluntarily divorcing [woman]" (see Figure 2). The imam then issued the following Islamic divorce document:

> [Man] (b. [date]) has consented to voluntarily divorce (letter dated [date]) on the request of [woman] (b. [date]). I therefore consider [man] and [woman] Islamically divorced (*talaq al-ba'in/non-revocable divorce*).
> The divorce is valid from the day the letter was signed by [man], [date].
> This document has no legal validity under Danish law.
> [signature by imam]
> A copy of this document will be sent to [man] and to [woman] through Domestic Abuse Women's Refuge.
> A copy of the letter from [man] dated [date], will be sent to [woman] through Domestic Abuse Women's Refuge.
> (see Figure 3)

This collaboration meant that the imam avoided both the cascade effect and the security issue as everything was handled by the social worker at the women's shelter, that is, presence was produced by proxy. It is interesting to note that although the imam frames the husband's Islamic juridical performance as the one that produced the Islamic divorce, the very existence of the imam's confirmation points to a second performance by the imam, which also matters.

Til rette vedkommende

På anmodning fra kvinde giver undertegnede mand, født d. dato [redacted], hermed mit skriftlige samtykke til frivillig indgåelse af skilsmisse med kvinde

[redacted] Mands underskrift .... DK-nummer ....

Dato og underskrift telefonnummer

FIGURE 2 Document secured by social worker at Domestic Abuse Women's Refuge and sent to the imam. In the document the husband consents to Islamic divorce.

بسم الله الرحمن الرحيم

Mand (f. [redacted]) har givet samtykke til frivillig indgåelse af skilsmisse (fra brev dateret [redacted]) på anmodning fra kvinde (f. dato [redacted]). Derfor betragter jeg mand og kvinde for at være islamisk skilt (*Talaq al-ba'in / uigenkaldelig skilsmisse*).

Skilsmissen trædes i kraft fra den dag hvor brevet blev skrevet under af mand, d. [redacted]

Dette dokument har ingen juridisk værdi iht. dansk lov.

[redacted]
Imam

Kopi af dette dokument tilsendes mand og til kvinde via [redacted]

Kopi af brevet fra mand fra [redacted] tilsendes kvinde via [redacted]

FIGURE 3 The Islamic divorce document issued by the imam with reference to the document in Figure 2 in which the husband consents to Islamic divorce

The documents are two months apart, and although the imam's document dates the divorce back to the first document, its performance of confirmation also points to a divorce on the day that it was issued.

The most frequently occurring requests to imams from the Danish welfare state come from women's shelters, and leaders of women's shelter organizations have publicly confirmed this practice of collaborating with imams, while also addressing the shortcomings of this solution in its current form (Birk, 2021).

In some cases, women merely ask for assistance in their pursuit of an Islamic divorce, which they themselves have negotiated or are negotiating. I have collected a few cases in which Danish police have provided a woman with security when finalizing an Islamic divorce by, for example, parking a police car outside an imam's office when the couple met for the final negotiation and signing of divorce documents. However, the imam may also be circumvented completely if the police write up the Islamic divorce papers themselves and have both parties (including the man's family) sign them. I collected the papers in one such case, which contained a triple talaq proclamation laid out by the police and signed by both parties, including the husband's family. The documents also contained a pledge from the husband and his family to leave the woman in peace, explicitly stating that they are not to pressure her to return to her husband. Interestingly, the police were able to produce the social effect in this case while completely circumventing the imam. Some police officers will go out of their way to assist women, while others will not get involved at all. However, in general – with a few exceptions – social workers describe the police as flexible, solution-oriented, and less restricted than they are.

Although the role of the state in the emergence and institutionalization of parallel legal institutions has not been investigated in other countries, a few observations from existing studies suggests that my observations within the Danish state are not unique. Anika Liversage describes a specific case in which Norwegian police arranged a divorce in a police station (for the detail on this rather elaborate setup, see Liversage, 2018, pp. 85–87). She also describes how Dutch police use prominent members of communities, including imams, to mediate in conflicts, and she even has an informant who tells a story about how the police tried to convince a non-Muslim man to convert to Islam to end a conflict over his relationship with a Muslim woman (Liversage, 2018, pp. 89–90). Similarly, Mathias Rohe and Mahmoud Jaraba describe how German police sometimes use prominent clan members to mediate in conflicts. As one such prominent clan member states,

> Sometimes the police call me at 9 o'clock in the evening about a problem related to marriage or divorce. Just last week, the police called me because a conflict had broken out between a husband and a wife. The

> woman's family beat the husband and sprayed him with pepper spray. After the police called me, I gathered the two families and made them promise to resolve the conflict, but law enforcement remains active. I just narrowed down the problem, and it was the state that took [i.e. selected] me. Why did the state take me? Because they were informed by the Federal Police (*Landeskriminalamt*) that he [i.e. the husband] receives death threats and the police cannot protect him 24 hours a day and put someone in front of his house. That is why they turn to migrants and me in particular. I have been working with the police for many years, take no money, and my word is heard. I neither work in a state capacity nor can the state fulfill my role. We complement each other. (Rohe & Jaraba, 2015, pp. 74–75)

While the above may suggest that police forces in general have more room to maneuver, they are not immune to an effect that is similar to non-collaboration policies. A police officer told me that *Mosques behind the Veil* had severely limited the maneuverability of police officers working in troubled neighborhoods. (S)he states that, "whereas one would previously go to the edge to solve problems, one now keeps far away from the edge, thereby doing poor police work".

Islamic legal practices which are commonly understood as parallel to Danish law, are in many ways an integrated part of the welfare state. When women approach social workers with their request for Islamic divorce, they are referred to Muslim leaders and, as I have demonstrated above, it is not uncommon for social workers to put pressure on Muslim leaders to adopt the role of qadi. A report prepared in the Odense Municipality after a series of news articles on parallel legal practices in *Berlingske* newspaper arrives at a conclusion that is similar to mine. It concludes that there is parallel legal practice in Odense Municipality of a more or less institutionalized character, although this is not a parallel legal system, which is an important distinction. The report also states,

> The investigation demonstrates that some Islamic authorities receive divorce cases (religious divorce) from Danish authorities and institutions such as women's shelters and municipalities. … The investigations show that the professionals also use the infrastructure of parallel court-like practice. In the same way as with the women's advocates, it suggests that municipally employees succeed in helping Muslim women who are trapped in their religious marriages by using parallel legal-like practice

> as a facilitator for their case. The study shows that this also occurs in the Odense context.[6]

Finally, the report concludes, "On this basis, we can conclude that the issue of women in the Muslim communities, both nationally and in the Odense context, will be set back if one sets out in too one-sided a way to eliminate the parallel legal-like practice."[7]

My collection of calls from social workers to Muslim leaders for assistance in relation to divorce demonstrates that requests come from a broad variety of institutions including social workers in municipalities, NGOs, subcontracted support officers (*støttepersoner*), service providers, job consultant offices, social psychiatry, women's shelters, security officers (*tryghedsmedarbejdere*) in cooperative housing societies (*almennyttige boligselskaber*), security advisors, and the police. Interestingly, the structural limitations within which social workers act are evident in some of the requests to Muslim leaders. For example, a social worker writing from a service provider for a municipality suggests that the imam take over because "in the order from the municipality there are not enough hours available". That is, the municipality has paid for a specific number of consultations with their client, but there are no more consultation hours left and, therefore, the case is passed on to an imam.

Social workers may also be sucked into the Islamic juridical vacuum, much like Muslim leaders, and they are, therefore – although to a lesser degree – subject to the security implications of getting involved in Islamic divorce cases. One social worker, Stephanie, expressed her own and her colleagues concerns with an angry husband. As she explains, "Everyone has been scared to death at the department (*forvaltningen*). The case officer got off the case immediately, all names in the case were removed from documents and so on and so forth … and [from then on] it was only leaders who talked with him." Unfortunately, the papers in the case were handed over to the husband with Stephanie's name in them by another department that was unaware of the security issue. These kinds of administrative mistakes are shockingly frequent, but they primarily

6 Notat på baggrund af den indledende undersøgelse af religiøse råd i Odense Kommune: Opgør med negativ social kontrol Odense (2021): https://dagsordener.odense.dk/vis/pdf/bilag/3826f261-d1d4-4a5e-9c95-036cd5b3d5c8/?redirectDirectlyToPdf=false (accessed 1 September 2024). I should note that I briefed one of the employees who was involved in the investigation on the content of the VIVE report before they began their investigation. However, I was not involved in the investigation.

7 Ibid.

take the form of accidentally disclosing the address of a woman on the run to her (ex)husband. Some women experience their security being repeatedly jeopardized like this, the consequence being that they must continually relocate (cf. Baltsen, Ørregaard, & Mortensen, 2024; Jepsen & Baltsen, 2023). This is especially damaging if the women have children, and they can build up significant debt due to the expenses involved; however, as demonstrated here, it may also affect social workers (for more such cases, see Petersen, 2025).

5 The Epistemic Ceiling

In my interviews with representatives of the welfare state I have observed an epistemic ceiling above which there is no awareness of collaboration between social workers and Muslim leaders. This is the level at which zero-collaboration policies are formulated. However, below the epistemic ceiling it is well-known that zero-collaboration is seldom fully implemented because it does not solve the problem of nikah captivity. In the following I demonstrate such a ceiling and how knowledge circulating below it is suppressed, ignored, or misunderstood above it. As an initial step, it is necessary to establish that a phenomenon called weaponized talaq is well-known below the epistemic ceiling, and then I analyze a case in which this information is presented to people above the ceiling without any knowledge actually being communicated (Derrida, 1977, pp. 1–3).

The demand for Islamic divorce and the absence of institutions that can provide it means that in some cases men weaponize their refusal to accept Islamic divorce, that is, they refuse to consent to Islamic divorce if their spouses do not meet their demands on how the civil divorce should be settled. This is a well-known phenomenon, which Jørgen S. Nielsen has dubbed *weaponized talaq*.[8] Mahmoud Jaraba (2019, pp. 83–85) has demonstrated how men may refuse to consent to Islamic divorce if their wife does not consent to giving them full custody of any children of the marriage under German law (cf. Rohe & Jaraba, 2015, p. 23); Ihsan Yilmaz (2003) has documented this in Britain, Anne Saris (2016, pp. 264–266) in Canada, and Liversage and I in the Danish context (Liversage & Petersen, 2020, p. 176; Petersen, 2021b, pp. 373–374). It should be noted in passing that weaponized religious divorce is not just a Muslim phenomenon. Jewish women also experience an equivalent that may be dubbed

8 Jørgen S. Nielsen coined this term, which he has often used at conferences and seminars but not in writing. Therefore, I cannot provide a reference.

weaponized get (Fournier & McDougall, 2013; Gueta & Levy Ladell, 2024; Klapper, 2016, p. 203), and women of other religions have similar experiences.

Weaponized talaq stipulations are sometimes written into khula divorce documents, as exemplified by a khula contract written by an imam called Yasir, whom I introduce more fully in Chapter 5:

> About the [husband]'s receiving a document waiving child support. He has stated to his wife (*waqāla muḫatbān zawǧatuhu*): "You are divorced on the condition that (*inta ṭāliq min ʿaṣmatī bišarṭ*) I receive a document from the Agency of Family Law about child support in accordance with Danish law, and I consider my [Islamic] divorce statement legally in force from the moment I receive the document from the Agency of Family Law (*waʿatabir ṭalāqī šarʿān min laḥẓa astilāmī waṯīqa al-tanāzil*)."[9]

The above is at the mild end of the scale and is the outcome of a minor power asymmetry between the parties. The husband consents to Islamic divorce on the condition that his wife abstains from requesting child support from him. It is noteworthy that the husband's Islamic legal performance is explicit in the Islamic divorce document.

Yasir is opposed to weaponized talaq in principle, but he sees a practical need for such divorces, which are a direct consequence of the vacuum situation in which there is no legal institution that may rule against the husband. When Yasir is approached by women in coercive control relationships, he is unable to assert religious authority. The husband will typically not listen to him and may even pose a security risk. Therefore, Yasir only sees two options: either the woman stays with her controlling husband or they make a deal that reflects the power asymmetry between them but at least allows her to escape her abusive husband. From Yasir's perspective, he helps women out of difficult situations even though weaponized talaq is not optimal. He adds that women in such situations are desperate and will often accept any deal to escape. However, many women who agree to weaponized talaq – including women who have come to Yasir – explain that Muslim leaders do not live up to their responsibility. They typically expect Muslim leaders like Yasir to issue an Islamic divorce without the husband's consent rather than negotiate a weaponized talaq. In other words, they see Yasir as an unfair qadi.

9 It should be noted that the statement does not accurately describe how child support works, and no such document may be produced; rather, the woman can abstain from requesting child support, but her doing so does not produce any paperwork.

Coercion is often mistaken for consensual actions in weaponized talaq cases, and this often becomes a problem in relation to Danish law. For example, after having gotten full custody of her children, Sara handed over a significant number of valuables to her husband and gave him full custody of their children to get out of her nikah. She later regretted the weaponized talaq and reported it to the police, but the case was dropped as there was no evidence of her being forced. Sara states that "the only thing they [the police] could arrive at was that it was my signature on the paper and therefore I must have given full custody away". Without evidence to the contrary, the police had to understand Sara's giving away full custody of her children as an action taken by a person who was free of duress.

To sum up, Islamic divorce has no legal validity under Danish law. However, in weaponized divorce cases, women accept an agreement made in a parallel legal process, which is presented to the Agency of Family Law as a mutual agreement between the parties. Once approved by the Agency of Family Law, the mutual agreement – the conditions agreed in the weaponized talaq – takes effect under Danish law and will be enforced (e.g. Sara's giving away full custody). In return, the husband consents to Islamic divorce outside the Agency of Family Law.

Weaponized talaq is sometimes mentioned in the Danish media when women tell their stories about their experiences of it (e.g. Krog, 2004; Mouazan, 2016). Anita Johnson, who is the leader of Denmark's largest women's shelter organization, RED, addresses it in the following quotation:

> I am not surprised to hear that women do whatever [is necessary] to get away from a violent husband. We also know examples of women who waive their rights to custody, money; anything really, to get away from a violent husband. It is so ingrained in the women that they think they must give away their rights. (Birk, 2020d)

Parallel legal processes are also well known among case officers and family councilors in the Agency of Family Law. When I asked case officers at a training seminar in 2023 with approximately 50–60 attendees to raise their hand if they had dealt with cases where one or both of the parties had brought up Islamic divorce, almost everyone did so. Much the same happened when I taught a session on Islamic parallel legal practices to case officers in the Agency of Family Law in October 2021. After it I wrote in my field diary:

> At the beginning of the session, everyone presents themselves. The first two employees state that they come into contact with nikah

> captivity – they know the problems from their daily work with divorce under Danish law. … It is specifically in relation to which parent the child will reside with and child custody that they experience that something is going on in parallel with the process in the Agency of Family Law. … Several of the employees seem deeply frustrated due to their being unable to act on the problems that they observe.

In other words, case officers in the Agency of Family Law are either aware of or suspect parallel legal processes, including weaponized talaq, but these phenomena are not familiar to those above the organization's epistemic ceiling, and, therefore, no instructions on how to handle such cases have been formulated. My later conversations with case officers have demonstrated that female clients expect case officers to include discussions of dower and Islamic divorce in the process of civil divorce because, from some women's perspective, civil and religious divorce cannot be separated; both are needed to produce a complete and socially valid divorce. In other cases, the opposite applied: women did not want to discuss Islamic divorce. One officer told me about a case in which the husband had requested the dower back, and when this was presented to the woman, she responded by saying, "I will give him back the dower when he gives me back my virginity." In other words, some case officers enter negotiations with the intention of producing a complete divorce while others refer the women to mosques or ignore Islamic divorce as irrelevant to or outside the scope of the Agency of Family Law.[10]

Bearing in mind this description of the knowledge of weaponized talaq below the ceiling, in the following I demonstrate the absence of this knowledge above the ceiling, and how it was suppressed, ignored, or misunderstood in a specific case (as an example of a common dynamic).

On 29 September 2020, a member of parliament raised the issue of weaponized talaq with the Minister of Social Affairs and the Interior, Astrid Krag, due to a news story about it, reported as the Agency of Family Law's ratifying sharia contracts (Birk, 2020b). The news story was based on the content of a book that Niels Valdemar Vinding and I had recently published (Petersen & Vinding, 2020) and, despite a somewhat inflated headline, it provided an adequate description of weaponized talaq as a phenomenon. However, in the article the vice-director of the Agency of Family Law rejected the suggestion that weaponized talaq was a problem, and explained that "if the Agency of

10 The information on the Agency of Family Law is based on conversations with five case officers between 2021 and 2023.

Family Law notice terms that are beyond Danish legal practices the parties are contacted in order to provide guidance".

This statement from above the ceiling is almost the opposite of the statements by case officers below the ceiling, and it ignores how women who agree to weaponized talaq try to hide this from the authorities. Women typically do not want to get caught when registering a weaponized talaq as this would jeopardize their obtaining an Islamic divorce. Furthermore, it is not uncommon for men to use their wife's digital signature (*NemID* or *MitID*) to register a mutual agreement.

Based on the question from the member of parliament, Krag inquired with the Agency of Family Law about ratification of Islamic divorces. The answer came in writing a few days later, on 2 October, and begins with a statement saying, "According to Danish law, spouses always have the right to divorce. Therefore, a divorce can be issued, even if the other spouse disagrees."[11] The answer takes Danish law as its point of departure, not the actual situation of the women in nikah captivity. The rest of the answer constitutes an evaluation of the content of some divorce contracts that had been in the news in the preceding days, and which had been mentioned in the story about weaponized talaq. At no point in the answer from the Agency of Family law is weaponized talaq addressed; however, in an odd way the answer does describe the parts of Danish law that are exploited in weaponized talaq practices. The Agency of Family Law states, for example: "Parents can make agreements with each other about who will have custody over children at a termination of cohabitation. The agreement must be registered with the Agency of Family Law or the courts to have [legal] validity." This is exactly what Sara and other women do; they give away custody or accept other "mutual" agreements to terminate a nikah. However, the top management in the Agency of Family law is unable to see this because they assume that there is no relevant legal practice outside Danish law.

With inspiration from Niklas Luhmann (2012), I do not understand this problem as an incongruence or competition between two parallel legal systems. Rather, the problem is that the Danish legal system has not developed its own internal description of parallel legal practices, and, therefore, such practices are invisible to the system, even when its top management is presented with clear cases. In other words, the Danish legal system cannot see itself from

11 Social og Indenrigsministeriet (2020): "Notat om Religiøse Skilsmissekontrakter". Social- og Indenrigsudvalget 2019–20 almindelig del – endeligt svar på spørgsmål 780: https://www.ft.dk/samling/20191/almdel/sou/spm/780/svar/1705030/2268789.pdf (accessed 19 January 2024).

the perspective of a parallel legal practice, and consequently does not understand its role in such practices.

Based on the same news story about weaponized talaq, another member of parliament raised the issue with the Minister of Immigration and Integration, Mattias Tesfaye, on 27 October 2020 during a consultation session. Tesfaye stated that,

> I have not dealt with it with the [question regarding] the Agency of Family Law because I do not know if that accusation is true. I would be very surprised if it was. But I would like to start by investigating whether it is. I simply do not know, but I would be very surprised if there was a public authority that directly supported these parallel legal systems. We need the opposite. We need the Agency of Family Law to be the authority that makes decisions about whether you are divorced or not.[12]

Tesfaye seems to have misunderstood the concept of weaponized talaq and taken it to mean a collaboration in which the Agency of Family Law knowingly ratifies weaponized talaq. Tesfaye promised to investigate the matter, but never did so.[13] This is most likely because Krag, on 28 October, provided a formal answer to the first inquiry in which she re-states the answer from the Agency of Family Law in her own words, beginning with "In Denmark, divorce is solely heard by the Agency of Family Law and the courts, and cases are solely determined according to Danish law."[14] That is, based on the notion of validity as defined within Danish law, parallel legal practices – and the validity these have to the people involved – are erased. Krag ends her answer by stating that "based on this, I find no grounds for further investigation of the Agency of Family Law's ratification or 'recognition' ('*blåstempling*') of divorce contracts such as the ones mentioned".[15] In other words, the knowledge about weaponized talaq from below the ceiling did not penetrate it to reach those above.

12 Udlændinge- og Integrationsudvalget (2020) "Åbent Samråd om parallelsamfund". https://www.ft.dk/udvalg/udvalgene/UUI/kalender/51293/samraad.htm (accessed 1 September 2024).

13 I have made a formal inquiry to the Ministry of Immigration and Integration, which has confirmed this.

14 Social- og Indenrigsministeriet (2020): "Spørgsmål nr. 780" https://www.ft.dk/samling/20191/almdel/sou/spm/780/svar/1705030/2268788.pdf (accessed 1 September 2024).

15 Social- og Indenrigsministeriet (2020): "Notat om Religiøse Skilsmissekontrakter". Social- og Indenrigsudvalget 2019–20 almindelig del – endeligt svar på spørgsmål 780: https://www.ft.dk/samling/20191/almdel/sou/spm/780/svar/1705030/2268789.pdf (accessed 19 January 2024).

I have stated that knowledge below the epistemic ceiling is often suppressed, ignored, or misunderstood; any one of these, or a combination, may be the case. Neither of the ministries involved nor the Agency of Family Law seem to have done much to investigate weaponized talaq. Not only was the knowledge about it, which was readily available within the Agency of Family Law's own organization, not utilized, but neither Vinding nor I was consulted on the topic. That the concept of weaponized talaq was misunderstood may seem like the obvious answer based on my analysis above, but the simplicity of the concept, and the absence of any serious effort to collect knowledge about the phenomenon, makes it hard to determine. To underline this point, I briefly present a second case to demonstrate the systematicity of the epistemic ceiling.

On 7 September 2016, a member of parliament raised the issue of virginity tests with the Minister of Health and Senior Citizens, Sophie Løhde: "Will the minister explain whether there are examples of so-called virginity tests being carried out in the Danish healthcare system and, if so, what the scope is?" The question was raised with reference to a number of stories in Danish media. Løhde's answer, on 4 October 2016, is here quoted in toto:

> For my answer to the question, the ministry has obtained information from the Patient Safety Authority. Among other things, the Patient Safety Authority informs [me of] the following:
>
> "The [Patient Safety] Authority has carried out a search in the authority's ESDH systems, including the authority's supervisory cases and complaints. The search did not turn up any information indicating that virginity tests are carried out in the Danish Healthcare System. The Danish Patient Safety Authority is also not aware that virginity tests are carried out in the Danish Healthcare System."
>
> Finally, the agency can state that there are no codes in the [Danish Healthcare System's] national registry of virginity tests (as it is not on offer from the health service), which is why there are no figures on this.
>
> I refer to the information from the Patient Safety Authority.[16]

This is a remarkable answer as it has been common public knowledge for years that Danish doctors perform virginity tests, to the extent that the parliament had previously considered a ban on virginity tests due to reports of Danish doctors performing them – a suggestion that was not passed into law (DR, 2009;

16 Sundheds- og Ældreministeriet (2016): "spørgsmål nr. 926". https://www.ft.dk/samling/20151/almdel/suu/spm/926/svar/1347217/1670841/index.htm (accessed 1 September 2024).

Dreyer-Kramshøj, 2009). Furthermore, there have been several public debates on the ethical dilemmas involved in either issuing or abstaining from issuing virginity tests, and doctors have on multiple occasions come forward to say that they perform such tests and have explained why. To take an example, on the front page of the newspaper, *Kristeligt Dagblad*, under the heading "Young women are forced to undergo virginity tests", a consultant in gynecology (the highest-ranking doctor) at Hvidovre Hospital stated,

> I meet such women a couple of times a year. And every time I perform a gynecological examination and sign a document stating that she is a virgin. Of course, I do not think that it is fantastic to fake that I am performing an examination that is not medically possible.[17] However, I believe that consideration for the woman must weigh more heavily than consideration for my professionalism. I know that the vast majority of my colleagues make the same choice. Only a few refuse to make such examinations. (Bech-Jessen, 2015)

In other words, as with weaponized talaq, the documentation was overwhelming, and there cannot have been any doubt in the minds of employees of the Patient Safety Authority that Danish doctors perform virginity tests. It may be – as the Patient Safety Authority explains in its answer – that virginity tests cannot be registered in the health service's system, and therefore, no such registrations exist, but that does not mean that Danish doctors do not perform them. A Danish doctor undertook a gynecological examination of Salma, whom I introduce more fully in Chapter 3, and issued a document that stated that she was a virgin. This was registered as a sexually transmitted disease test. Salma explains that this was the first time she was naked in front of a stranger, and "it could almost not become more shameful".

Weaponized talaq and virginity tests are merely examples of the workings of the structural phenomenon that I call the epistemic ceiling, and although top management often finds itself above the ceiling, it is important underline that social workers may also be above it. The social worker whom I describe on page 61 demanding that an imam issue an Islamic divorce to a client was

17 The consultant in gynecology, Charlotte Wilken-Jensen, here refers to there being no hymen to investigate. On that topic, another doctor, Flemming Skovsgaard, explained that "I have helped a young couple that was getting married but who previously had sex. I took a blood sample from her that she could put on the sheets afterwards. Then the mother-in-law could see that the woman was a virgin" (Krigslund, 2009).

also above the ceiling, but maybe the experience brought the realization that imams are not qadis, which may mean that (s)he is today below the ceiling.

It is also important to note that the ceiling is not just a phenomenon in the central administration of ministries. In the previous section, I mentioned an email from a municipal civil servant who wanted to take the episteme from below the ceiling to high-ranking civil servants and politicians above it (see page 64). Approximately a year later, I learned that there had been several discussions of this in the administration and that it had eventually been decided not to try to penetrate the ceiling. This decision was mainly based on the fear that knowledge from below would create moral panic above it, and thereby lead to uninformed and counterproductive decisions. I should note that this is a pattern that I have also encountered in other municipalities.

6 The Epistemic Community of Presence

The episteme of absence (awareness of the vacuum), dominant below the epistemic ceiling, stands in sharp contrast to the episteme of presence, dominant above the epistemic ceiling. The latter is produced and sustained by an interpretive community (Fish, 1976) of primarily politicians, debaters, and journalists, which I refer to as *the epistemic community of presence*. A few researchers also belong to this community and contribute to its maintenance by publishing, giving expert advice, and participating in public debate. The continuous confirmation of the episteme of presence by such prominent members of society produces a simulacrum in which knowledge about presence is continuously circulated and confirmed by agents in the field to the extent that the discourse becomes self-sustaining (Baudrillard, 1994/2020). Information that may contradict the episteme of presence is merely retrofitted to support the episteme of presence before circulation (Jenkins, Ford, & Green, 2013, p. 27). I briefly provide an example of this before moving on.

The episteme of absence and presence often collide, as was the case when the chairwoman of the Social Democratic party and leader of the opposition, Mette Frederiksen (later to become Prime Minister), claimed that sharia courts operated in Denmark (Lind & Frøkjær, 2017). When asked about the basis for this claim, members of the Social Democratic party defended their chairwoman by referring to a report that had found no sharia courts in the country (Liversage & Jensen, 2011). Even when the researcher in question, Anika Liversage, underlined in Danish media that there were no sharia courts in Denmark, the Social Democratic Party insisted there were (Lind & Frøkjær, 2017). The story repeated itself when Liversage and I published the VIVE report in 2020 in

which we describe the Islamic juridical vacuum (Liversage & Petersen, 2020): that is, no sharia courts. Nevertheless, shortly after publication, the newspaper *Berlingske* published a front page story titled, “Copenhagen-based mosque acts as an Islamic court”. Inside the newspaper, one could read that,

> “I always went to new places that other people told me about, but I was told the same every time in every place” Samira, who is anonymous, recently said in a comprehensive report on the problems associated with obtaining a religious divorce as a Muslim: “I contacted many faith communities [i.e. mosques]. I brought my Danish documents which documented my Danish divorce. I spoke with a lot of imams and asked them all to provide me with documentation that I was divorced Islamically, but they all said that they could not”, said Samira. … Samira’s story is a phenomenon in Muslim circles, which the Prime Minister, Mette Frederiksen, has previously warned against: sharia courts and sharia councils. (Birk, 2020a)

If the story seems familiar that is because this is the informant from the VIVE report, whom I quoted at length on page 58 to demonstrate the Islamic juridical vacuum. Samira’s story is one of a woman’s unsuccessfully trying to identify a parallel Islamic legal institution that can hear her case on Islamic divorce. However, in *Berlingske* the story has been retrofitted to support Frederiksen’s notion that there are sharia courts or sharia councils in Denmark – the very institution that Samira is unable to identify. Such retrofitting is common in Danish media and politics (for a deeper analysis of the pattern, see Petersen & Vinding, 2020, pp. 189–209).

As the epistemic community of presence conceptualizes nikah captivity as a situation caused by imams who hold jurisdiction in parallel societies, it is often the alleged judicial power of imams that is problematized. For example, reacting to a news story about an Islamic divorce contract the Minister of the Interior and Housing, Kaare Dybvad Bek, stated on 24 September 2020 that “Religious councils should in no way control whole neighborhoods nor act as judges in people’s private lives.”[18]

It is important to underline that I am not arguing that politicians, journalists, and a segment of researchers are incompetent nor acting out of ill intent, nor do I suggest that people in this epistemic community of presence identify with one another, nor that they collaborate. I only state that they contribute to and maintain a simulacrum. As I see it, most people belonging to the epistemic

18 Kaare Dybvad Bek on *Facebook*, 24 September 2020: https://www.facebook.com/search/top?q=kaare%20dybvad%20bek (accessed 19 January 2024).

community of presence are merely listening to the voices of Muslim women who have experienced suppression, and it is common for these women to describe imams as judges with jurisdiction in a parallel legal system, even if this is far from an accurate representation. In other words, they will typically say that Muslim leaders have refused to issue an Islamic divorce, and this may very well be true qua my description of how Muslim leaders act in the vacuum.

By analyzing a consultation session with the Minister of Immigration and Integration, Mattias Tesfaye, I will elaborate on the content of the episteme of presence and demonstrate how it may influence political decision making.[19] In this session, members of parliament discussed a series of news stories about Islamic divorce that had appeared in the Danish media. Tesfaye begins the session by stating,

> I think it is easiest to solve these problems … if we begin by having an approximate discussion and common understand of what the fundamental roots of the problem are. Because it is all about the same thing: a very fundamentalistic version of Islam that has arrived in Denmark, and which works in Denmark to spread its views.

The minister then explains that this fundamentalistic Islam is a local manifestation of a geopolitical movement, before moving on to read a statement prepared for him by civil servants that explains the research results of the VIVE report. In this resume, he mentions that "among other things, the report from VIVE points out that it is often the women themselves who seek out the imams and Islamic authorities because the husband or [her] social network does not recognize the woman's right to divorce" and that "it is therefore important that the woman can get the right guidance and support when they turn to the authorities. The relevant social workers must be trained to help these women when they turn to them." Thus, the resume presents parts of the Islamic juridical vacuum, and it addresses the social workers' dilemma, and their demand for positive policies. However, it also states that there have been stories in the media about "how religious councils and imams control whole neighborhoods and act as judges", thereby including the episteme of presence as part of the resume. Halima Oguz (MP for the Socialist People's Party) pushes the episteme of presence to the limit in her question, thus providing Tesfaye with an opportunity to elaborate:

19 Åbent samråd I Udlændinge- og Integrationsudvalget, 27 October 2020. https://www.ft.dk/udvalg/udvalgene/uui/kalender/51293/samraad.htm (accessed 19 January 2024).

> **Oguz:** [It is said] that we have a parallel judicial system. This is a serious matter. It makes me wonder whether we must realize that we have a state within a state? Is that what we are talking about, and in that case, what do we do about it?
> **Tesfaye:** I think I will start from the end. Is there a state within a state? At least there are people who are trying to maintain and expand a society within a society. But a society and a state are not quite the same. But it is clear that an essential element of having a state is to have a legal society that people navigate by, and to have executive authorities that can enforce the rules that are in a society. I do not think that we are quite there yet, but it is clear, and I think that we – and that goes for all on this committee – who follow, for example, the discussions that are taking place in Sweden about gang crime, where you see some gang criminals in control who get access to large residential areas.
>
> I do not know if you have been following what is going on in France and Paris for the last few weeks, which is also quite violent, and those are, after all, states that fight back and insist that there is only one state. … And this indicates to me that if we do not take this very seriously and keep up the fight with the parallel societies, then we could end up in a situation that some other European countries are already in, where it is more serious, and where you can also hear a minister in France say, "It is a territorial war that the republic is in the middle of." In other words, I do not think it is a language that suits Danish conditions, but I have to admit that I prick up my ears when I hear a French government, which stands in the middle of the political spectrum in France, suddenly use these kinds of words about the situation in the suburbs of Paris.

Tesfaye's elaboration demonstrates the trajectory he imagines: Islamic fundamentalists in Denmark aim to build parallel states, but so far, they have only managed to build parallel societies. That is, he – and other politicians participating in the session – conflate a range of different phenomena into a single concept of fundamentalist Islam. The consultation session is profoundly focused on curbing the development of parallel societies and reversing the process, and there is unanimous agreement that the Danish state must respond by cracking down on imams. This is expressed clearly by Morten Dahlin (MP for Venstre, centrist-right liberal party):

> It is clear that we have a problem here, a problem with these fundamentalist Islamists who oppress women, invalidate Danish law, and smash equality back to a place in the dark ages, and we must not accept that.

> We have to crack down on that. We must hunt down these imams and we must help these poor women.

In the discussion Pia Kjærsgaard and Peter Skaarup (both Danish People's Party, nationalist right-wing)[20] suggested leaving the Human Right's Convention to enable Denmark to deport imams who are involved in such practices;[21] Pernille Vermund (chairwoman, New Right Party, conservative-liberalistic-nationalistic)[22] suggested that imams may be punished by having their marriage license and the state recognition of their faith community withdrawn; and Dahlin himself proposed – with inspiration from the concept of bankruptcy quarantine under which people may be banned from running a business – that imams should be banned from being religious leaders if they are convicted of misbehavior in relation to their divorce practice. None of these ideas were adopted, but they give an insight into how policies are made, and why the Islamic juridical vacuum and women's problem with nikah captivity are not addressed.

Just to make the contrast clear, above the ceiling, sharia practices are seen as parallel to the extent of constituting parallel societies or a state within the state, but as I demonstrated in the first part of this chapter, sharia is an integrated part of how the welfare state operates. This is well-known below the epistemic ceiling where social workers collaborate with Muslim leaders to help clients out of nikah captivity. Likewise, it is well-known below the epistemic ceiling that Muslim leaders are often unable to help because they are not in positions of power. However, above the epistemic ceiling it is well-known that imams are so powerful that they may control whole neighborhoods, and curbing this power is seen as crucial to combating parallel legal practices. I return to this discrepancy between the episteme above and below the ceiling in Chapter 6.

Before moving on to the conclusion, I want to make it clear that I am not saying that youth crime and gang crime are nothing to be worried about. Researchers have demonstrated that they clearly are (Kalkan, 2021; Soei, 2018). However, cracking down on imams neither solves the problems with youth crime, gang crime, nor nikah captivity.

20 The label is based on Karina Kosiara-Pedersen's (2020) study of the Danish People's Party.

21 This suggestion is not just inspired by this single case. Kjærsgaard and Skaarup have made such suggestions multiple times before to solve a range of issues.

22 This label is based on Andreas Karker's (2018) portrayal of Pernille Vermund as the "value warrior" (*værdikrigeren*).

7 A Field Structured by Demand

In the first part of this chapter, I demonstrated that there is an Islamic juridical vacuum in which women in nikah captivity put pressure on Muslim leaders and institutions to act as qadis and Islamic divorce councils. In the next chapter, I investigate the substructures of this demand, that is, how the desperate situation in which these women find themselves is produced. However, before getting to this I would like to expand on four conclusions related to the Islamic juridical vacuum.

First, the emergence and institutionalization of Islamic divorce councils is demand driven. It is not caused by multiculturalist politics, as some researchers have suggested (Manea, 2016; Zee, 2016), although such politics may further the process. As I demonstrate in Chapter 6, policies formulated above the epistemic ceiling to end parallel legal practices are often conducive to the emergence of parallel legal institutions, that is, they have the opposite outcome of what is intended. This indicates that the difference between mono- and multiculturalist politics is minor.

Second, because the Islamic juridical vacuum is demand driven, a wide range of sharia practices emerge in minority populations of different national origin/descent and ethnicity. This differs significantly from a field of presence in which Islamic legal institutions impose norms. There may even be significant variation in the vacuum from case to case within the same social group, as rules and processes often depend on the constellation of power dynamics in individual cases and situations.

Third, many of the pioneer studies of Islamic parallel legal practices in diaspora have focused on Britain. However, the first study was published in 2001, almost twenty years after the emergence of a stable presence in the form of well-organized Islamic divorce councils (Shah-Kazemi, 2001). A number of high-quality studies have since then been produced, but they do not contain a concept of absence as this is not relevant to the contemporary situation in Britain, neither is this absence empirically observable anymore. Nevertheless, the literature that emerges from Britain – grounded in a situation of presence – has had a significant impact on how researchers understand sharia practices in mainland Europe where the fields are structured as Islamic juridical vacuums. This is problematic because the assumptions (of presence) being made, based on British research results, cause fundamental misunderstandings of how parallel legal practices work in such countries (of absence).

Fourth, a small minority of very devout Muslims may "choose to turn their backs to the national legal system … and instead look to more or less unofficial Muslim systems for legal advice, which they themselves feel bound by"

(Christoffersen, 2016, p. 63). Such cult-like groups do exist in Denmark, and Bowen (2016) has described the Muslim Law (Shariʿa) Council in a similar way. However, this is not the dominant pattern, and the Islamic legal institutions in such groups have limited reach. Women in nikah captivity seek out Muslim leaders because sharia and civil law belong to separate power structures, and the latter cannot help them (cf. Walker, 2016, pp. 137–138). Such seeking out does not imply turning one's back on Danish law; it merely constitutes tactical navigation in a field structured by sharia discourse (Certeau, 2011). Meanwhile, men and families may utilize sharia discourse in patterns of control, but they will typically not be significantly restricted (or bound) by legal advice from Muslim leaders.

CHAPTER 3

Substructures of the Demand

As described in Chapter 2, the Islamic juridical vacuum is not a jurisdiction controlled by Muslim leaders; rather, it is generated by the women who respond to suffering by leaving their husbands in the context of social structures where the concept of Islamic divorce matters. This high degree of agency observed in these situations – also demonstrated and underlined by other researchers (Liversage, forthcoming) – stand in stark contrast to typical descriptions of Muslim minority women as helpless and passive (Petersen, 2018). Just to be clear, I do not intend to suggest that only women may be in vulnerable positions. This is clearly not the case, as demonstrated by Katharine Charsley and Anika Liversage (2015). However, as my focus is on how the Islamic juridical vacuum is generated, I do not delve more deeply into men's vulnerabilities, although I agree with Charsley and Liversage that this is an area of study that needs more attention.

In this chapter, I investigate where the vacuum emerges, the kinds of situations that generate it, and the contours of how Islamic legal rules are negotiated within it. The focus of the chapter is on the three types of situations that generate the vacuum: Islamized coercive control, honor-motivated control, and the need for closure. My data demonstrates that in these three situations, some women are willing to invest significant resources in their pursuit of Islamic divorce, even if they are not Muslims. There are other contexts in which women may want an Islamic divorce, but their experiences are not severe enough for them to invest significant resources, and therefore, the vacuum generated is insignificant. Such cases play a minor role in the emergence and institutionalization of qadis and Islamic divorce councils.

To avoid misunderstandings, I note that it is impossible to identify the "event" that generates the vacuum. As this chapter demonstrates, the vacuum is generated by women's agency, but it is agency that is confined by the social structures that the women navigate. I describe the dynamics of agency and structure without making claims about any single one being an original, primary, or something akin to root cause. The root cause is deferred, always directing attention to other phenomena that constitute root causes (Derrida, 1973).[1]

1 Readers of Derrida will notice that I have taken liberties in my reading of his work. Maybe I have even read something into Derrida's text which he did not mean to say (Derrida, 1977). However, considering Derrida's way of reading texts, I am sure he would not have minded.

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1 Historical Roots of the Vacuum

While women's agency – their responding to suffering – is what generates the Islamic juridical vacuum, their actions are performed within a discursivity that has historical roots. Using de Certeau's (2011) terminology, this may be expressed as women's tactical maneuvering within a field that is structured by a strategic power. Stated in plainer English, Islamic divorce rules are ways of doing things inherited from the countries from which Muslims have migrated, but in the absence of the legal institutions that structure such practices in the country of origin, new practices emerge in the Islamic juridical vacuum in Denmark.

Interestingly, school of thought is an insignificant variable in the diaspora practices that emerge. To take an example, both Turks and Pakistanis follow the Hanafi school of thought, but while Pakistanis tend to demand an Islamic divorce in addition to a civil divorce, Turks typically regard a civil divorce as a full divorce. These two practices constitute ways of doing things that have a history in their respective countries of origin. In Turkey, a modified version of the Swiss civil code concerning family law was promulgated in 1926, abolishing Islamic law, and with time, civil divorce became the norm for the vast majority of Turks (Koçak, 2010, p. 262). By the late 1980s and early 1990s, religious-only marriages in Turkey had plummeted to just 4.89 percent, although distributed unequally across the country, with 22.4 percent in eastern Anatolia and only 2.2 percent in western Anatolia (Yilmaz, 2015, p. 55). This indicates both that strong state institutions matter (cf. Clarke, 2018; Jones, 2020), and that using secular legal institutions is normative in Turkey, even if some parallel legal practices may still exist. In Pakistan, on the other hand, Islamic divorce is regulated by the Muslim Family Law Ordinance of 1961, which demands Islamic divorce procedures (Lau, 2010, pp. 415–417). This legal code is part of a tradition that goes back to the British Raj, which promulgated the Anglo-Muhammadan Law in 1858 – a codified body of remodeled Islamic laws covering family affairs. As the state courts, staffed by both British and Indian judges, were seen by many as illegitimate in their supplanting of muftis and qadis (Islamic legal personnel), parallel legal institutions emerged and were institutionalized in the late 19th century. Thus, a legal tradition emerged in parallel with the state institutions, and this is still operational today. John R. Bowen (2016) and Justin Jones (2020) have demonstrated that the parallel legal institutions that have emerged in the United Kingdom after mass migration from India and Pakistan in the 1960s comprise adaptions of these already existing parallel legal practices in India and Pakistan.

Other histories produce different diaspora situations. Arshad Muradin, for example, describes how the role of the imam as a mediator in family dispute resolution was taken over by professionally trained mediators with the modernization of the Moroccan state. However, in the Netherlands the old institution of the imam has been revived. As Muradin explains:

> Historically, Moroccan traditional society had its own informal dispute resolution processes based on tribal (*qabaliyya*) and customary (*ʿurf*) laws to resolve interpersonal disputes. Although the chief of the tribe or the eldest member of the family typically acted as mediator, conciliator or arbitrator, the imam of the mosque was also among the actors who, in addition to his religious duties and responsibilities, had a social role to assist and advise people living in the neighbourhood surrounding the mosque. Imams were considered wise and respected persons, both for their religious knowledge and for the example they set in their society. … The position of the imam sometimes allowed him to become a spokesperson for a child, especially in times of family crisis, which gave him permission actively to reason with arguing spouses in the private setting of the mosque or home. This mode of intervention by imams is still present today in small remote villages; however, with the modernisation of Moroccan cities and the arrival of new actors in the field of family counselling, such as professionally trained mediators, their role is now predominantly confined to the religious domain. In the absence of the authority and control of the extended family and tribe in the Netherlands, the first generation of Moroccan migrants has naturally fallen back on the traditional role of the Moroccan imam as mediator and dispute resolver. (Muradin, 2022, p. 56)

The patterns found in Turkish (Liversage & Petersen, 2020), Bosnian (Karčić, 2015), Pakistani (Jones, 2020), and Moroccan (Muradin, 2022) ways of doing things are also present in my data, but extending beyond these nationalities. For example, when I asked Abdi, a Lebanese Muslim leader introduced in Chapter 5, why people in his community often say *kitab kitābi*[2] rather than nikah, he explained that this was because in their country of origin, the *maḏūn*, a kind of village mayor, would register a nikah by writing it in his book. Abdi added that couples may also just get engaged, which is called *ḫuṭūba* in his

2 As the Arabic words are important in this analysis I have transliterated them all.

community. When entering an engagement, al-Fatiha (the first chapter of the Quran) is recited, rings are exchanged, and going forward the couple is allowed more privacy to get to know each other before entering into a nikah. However, Adbi and other elders in his community also complained that the new generation, born and raised in Denmark, misunderstand how things ought to be done. They regard kitab kitābi as engagement, thereby, in Abdi's eyes, conflating engagement and nikah. In fact, this is how I first came across the phenomenon. Young people explained to me that they had done kitab kitābi, which was written as a nikah contract (*'aqd al-nikāh*), but they added that they were free to end the engagement (kitab kitābi) by merely informing their fiancé and throwing the document in the trash can. Or they could enter into a full nikah with their fiancé, which would require an additional ritual.

It is important to note that in fieldwork Islamic legal practices are not as neat as they appear in the Lebanese example; rather, there is a lot of discussion and confusion over what the rules are, and people are generally aware of differences between theory and practice. Moreover, local dynamics in Denmark may influence the actual rules. As explained in the introduction, Somalian women tend to be able to end a nikah by merely declaring themselves Islamically divorced, thus living out the Somalian proverb "rather divorced 30 times than live in an unhappy marriage" (Jesuloganathan, 2010). However, Somalians who have become Salafis can experience nikah captivity, and conflicts between clans in individual cases can also cause nikah captivity.

To sum up, Islamic divorce practices are inherited ways of doing things that are adapted to a diaspora situation in which there are no legal institutions that structure or enforce Islamic rules. Further, these ways of doing things can vary considerably between ethnicities/nationalities as can attitudes towards Islamic divorce processes and gender equality. Pew Research's global survey demonstrates that only 8 percent of Muslims in Malaysia believe that a woman should have the right to divorce her husband, but this figure is 94 percent in Bosnia-Herzegovina. Similarly, 96 percent of Muslims in Malaysia believe that a wife must always obey her husband, but this figure is 34 percent in Kosovo (Pew Research Center, 2013, pp. 93–94).

Table 2 gives an estimation of the size of the vacuum in Denmark. It demonstrates that the number of Muslims who demand religious approval of divorce is significantly higher among Muslims than in the population at large. Individual women may disagree on the question of whether a religious divorce needs approval from a religious authority, but they are nevertheless partially bound by such rules if their (ex)husband or family endorse them.

It should be noted that Table 2 is not an accurate estimate of the vacuum. Rather, the numbers here are too low, as it is not generally agreed that a religious authority must be involved in Islamic divorce processes. In other words,

Table 2 does not count other ways of ending a nikah apart from approaching a religious authority – hence the probability that the figures are skewed.

TABLE 2 Estimation of the size of the Islamic juridical vacuum

Answers to the question: "How much do you agree or disagree [with the statement] that a religious marriage should only be dissolved if a priest, an imam, or other religious authority accepts the divorce?"[a]

	The whole population			Muslims		
	Men	**Women**	**Total**	**Men**	**Women**	**Total**
Completely agrees	3%	1%	2%	10%	10%	10%
Partially agrees	3%	2%	2%	8%	10%	9%
Neither agrees nor disagrees	5%	3%	4%	8%	17%	12%
Partially disagrees	3%	3%	3%	9%	6%	8%
Completely disagrees	79%	84%	82%	52%	46%	49%
Do not know	5%	5%	5%	11%	11%	11%
Do not want to answer	3%	2%	2%	2%	1%	1%
Total	101%	100%	100%	100%	100%	100%

a Weighted responses from 2,658 respondents, all of whom have lived three years or more in Denmark. The chart is based on a representative, stratified random sample, where respondents have been selected from the Danish Civil Registration System. Numbers are rounded to whole percentages, which is why some columns do not add up to 100 percent. The table is based on a calculation that the Ministry of Immigration and Integration has made for me based on the data from Medborgerskabsundersøgelsen 2019 (Udlændinge- og Integrationsministeriet 2019).

2 Making Islamic Divorce Rules in Diaspora

The rules of Islamic divorce are continually negotiated in the Islamic juridical vacuum between individuals, families, extended families (also abroad), communities, Danish authorities, Muslim leaders, and Islamic institutions. This means that Muslim leaders and Islamic institutions may, to the extent that they engage with Islamic divorce cases, take part in the negotiation of Islamic divorce rules, but they are seldom able to dictate the rules, especially not in hard cases.

Some male Muslim leaders from countries with religious family law either insist that one must divorce Islamically in addition to civil divorce, or that the Islamic validity of civil divorce is dependent upon the husband's signing the divorce papers in the Agency of Family Law. The first view is evident from my interview with Hassan, who is an imam in a minor city in Denmark:

> **Petersen:** If the man says "I want to divorce" at the Danish Agency of Family Law, and thereby divorces there, is such a divorce valid as an Islamic divorce?
> **Hassan:** No.
> **Petersen:** What if the man requested the divorce [in the Agency of Family Law]?
> **Hassan:** No, we must do an Islamic divorce.
> **Petersen:** OK, so if the husband has signed the divorce in the Agency of Family Law, then?
> **Hassan:** That is invalid. One must do it Islamically.

Hassan sees civil and Islamic divorce as two unrelated phenomena: "because you were married Islamically, you must also divorce Islamically". He is also fully aware of the hardship this may cause women, but if women ask him, he feels obliged to answer in accordance with his beliefs. Other Muslim leaders believe that the consequences of a civil divorce are more ambiguous, as Kamal explains,

> **Petersen:** But is it then correctly understood that the Islamic divorce they get [from the Agency of Family Law] is Islamically valid?
> **Kamal:** Yes.
> **Petersen:** And if the husband does not sign it and it is without his consent?
> **Kamal:** Well, that is a bit more disputed.

When Kamal states that the Islamic validity of civil divorce is disputed, he refers to ongoing discussions among Danish Muslim leaders. While some agree with Hassan, others, such as Idris – an imam in the al-Hikma Mosque which is presented in Chapter 8 – believe that if an Islamic authority has followed Islamic reconciliation procedures without success, he can then pass the case onto the Agency of Family Law, whose decision thereby becomes Islamically valid. A former imam in one of Denmark's most popular and influential mosques, Mostafa Chendid, goes even further. In 2015 he published a book in which he argued for the Islamic validity of civil divorce (Chendid, 2015); however, the

effect of this argument, if any, is minor. This is demonstrated both by the fact that most of Chendid's colleagues have not read the book,[3] and by Chendid's inability to enforce his view.

By stating that Islamic divorce is necessary either in some or all cases, Hassan, Kamal, Idris, and others indirectly generate the demand for it. This may affect women because it lends legitimacy to the Islamic legal claims made by the husband and/or family holding them in nikah captivity. Here it is noteworthy that neither Hassan, Kamal, nor Idris are able to offer Islamic divorce with a stable social effect. They merely make these statements because that is what they believe, and they begrudge the fact that Muslims have been unable to found a national Islamic divorce council that can deliver *haqq* (divine justice) to women. Some Muslim leaders – including Idris – blame the Danish state, which he says has provided imams with marriage licenses but no divorce licenses. This view may seem odd, but from Idris' perspective so does the notion of imams performing civil marriages, as there is no Islamic legal precedence for such an act within fiqh. In his view, imams have taken over part of the registrar's role – registering marriage – but have had their hands tied by not also being delegated the power (*sulṭa*) to divorce people.

The effect of the opinions of Hassan, Kamal, Idris, and other Muslims that Islamic divorce is a requirement in addition to civil divorce must not be overstated. The power to determine sharia rules in individual cases primarily lies with the (ex)husband or family, while Muslim leaders generally play a secondary role, although the parties in a case may mobilize Muslim leaders' opinions in a conflict. In 2021, for example, a woman publicly proclaimed that she was now Islamically divorced based on a divorce issued by an imam without the consent of her husband. However, her husband took the Islamic divorce document to Haitham, who believed it to be void because the Muslim leader who issued the divorce had not sent three notifications about it to the husband before issuing it. Concerns surrounding annulment of an Islamic legal performance are well-documented in other studies too, illustrating – as argued in Chapter 1 – that divorces in the Islamic juridical vacuum that require an act of presence are deferred, not final (cf. Eijk, 2019, pp. 52–53; Jaraba, 2019, p. 85; Liversage & Petersen, 2020, pp. 218–221). With Haitham's evaluation in hand,

3 When I became aware of this book in 2019, I began asking my informants about it, but I did not encounter a single Muslim leader who had read it, although many were aware of its existence.

the husband could now counter his (ex)wife's claim. In short, Muslim leaders are often played in Islamic divorce conflicts.

Muslim leaders do not proactively police women; husbands and families do. Rather, Muslim leaders are reactive in the sense that people may mobilize their standpoints in conflict, but Muslim leaders will not enter into such conflict of their own volition. When I inquired of Haitham about his declaring Islamic divorces void he referred to the British procedure of sending three letters as correct, and because the correct procedures had not been followed the Islamic divorce was void. He then added that he does not make evaluations of specific cases, but he is always willing to explain the rules as he understands them, and then people can make up their own minds.

The position of Muslim leaders in the Islamic juridical vacuum demonstrates why studies that only sample trained Islamic authorities produce biased results that sometimes vary significantly from the majority of Muslim opinions. For example, there is an almost unanimous agreement among Islamic legal scholars that Muslim women may not marry non-Muslim men, but in a poll conducted in Denmark in 2024, 54 percent of Muslims answered yes to the question "If you have/had a daughter, would you accept that your daughter married a person who was not Muslim?" (Bigum, Vibjerg & Momme, 2024). This demonstrates a discrepancy between ordinary Muslims and Muslim leaders, and the latter group to some extent adapts to the views of the former. This is also evident in discussions among Muslim leaders about the process of mock conversions in relation to Muslim women who enter into a nikah with non-Muslim men.

Muslim leaders are part of the ongoing negotiations of sharia practices in Denmark, but their influence should neither be under- nor overstated, although there is a tendency to do the latter. In what follows – as per the program laid out in Chapter 1 – I study sharia in the locations where I have observed it being produced, beginning with women in relationships dominated by what I call *Islamized coercive control*.

3 Islamized Coercive Control

In 2007, Evan Stark (2007) coined the term "coercive control" to denote a behavioral pattern whereby men entrap women in their lives. Further investigation, especially by psychologists and criminologists, has demonstrated that it has a common format (Crossman & Hardesty, 2018; Smith, 2021). Coercive control relationships typically begin with the experience of falling in love,

followed by a high degree of commitment within a short time; however, this commitment is unidirectional:

> For them [controlling men] a commitment is like getting their partner to sign an airtight contract that gives them rights and their partner responsibilities. Most people are completely unaware of the significance and consequences of giving commitment to someone with control issues; it is risky because in the controlling person's head the commitment can never be withdrawn. Only they can end the contract, and in a way that suits them. (Smith, 2021, p. 69)

Smith underlines that controlling men expect commitment "*to them* rather than *from them*, and for life" (Smith, 2021, p. 65). While women may not feel that they have committed, controlling men typically insist at an early stage that they have made a commitment for life. That is, the airtight contract often only exists in the man's head. This is the beginning of the coercive control pattern:

> Once controlling people feel they have a commitment, and the rights they feel that bestows, they will seek to get compliance from their partner to things they see as proving and establishing that commitment. This will be an ongoing process throughout the relationship, and that is the heart of the process of coercive control in an intimate relationship. (Smith, 2021, p. 71)

Coercive control is a behavioral pattern that is mainly studied among majority women in North America and Great Britain, and, therefore, knowledge about coercive control in minority populations is limited. However, studies demonstrate that marginalized people such as migrants are particularly vulnerable to coercive control (Smith, 2021, pp. 109–110; Uddin, 2023, pp. 12–13).

In what follows I demonstrate a sub pattern of coercive control, which I call *Islamized coercive control*, or religious coercive control expressed with Islamic semiotic resources (cf. Sharp, 2014). The aim is to demonstrate how the Islamic juridical vacuum is generated by a behavioral pattern that is well-studied in majority populations, but takes a slightly different form when it is expressed within an Islamized framework. To be exact, the application of Islamic semiotic resources in coercive control patterns is the cause of nikah captivity, and when women try to escape such relationships, they often use Islamic divorce as an escape strategy, believing that if they just obtain an Islamic divorce the control will end; however, this is seldom the outcome. Rather, the violence is

merely projected onto the person who interferes with the man's coercive control: the Muslim leader, who issues the divorce.

Before embarking on this analysis, it is important to underline that religious coercive control is a behavioral pattern that has been identified across religions (Mulvihill et al., 2022), but below I focus on Islam.

Even during the commitment phase Islamized coercive control deviates from normative coercive control. This is evident in my informants' entering into a nikah, which means that the otherwise non-articulated commitment becomes explicit. Some take the form of arranged or forced nikah, and others of boyfriends with whom women have entered into a nikah. Amira, a descendant of Arab immigrants, entered into a nikah in her late teens:

> **Petersen:** Did you choose him yourself?
> **Amira:** It was a person that I chose myself. … I was in love with him. That was it. That was just how it was. It was actually the first person I fell in love with.
> **Petersen:** That was it?
> **Amira:** Bam, then we got married [entered into a nikah], because I also wanted to move out, because I wanted to get away from all the stuff going on at home.

It is common in segments of the Muslim minority to Islamize both dating practices and relationships by expressing them as forms of nikah (Bøe, 2018; Jorgensen, 2023). In Amira's case this meant that her first boyfriend became her husband rather than the first in a series of youth relationships, as is the typical pattern in the majority population. Thus, expectations at the inter- and intra-family level meant that Amira could not choose whether to enter into a nikah or merely have a relationship, but she could choose her own partner.

Nikah introduces the notion that the spouses will practice Islam to one another, whatever that means in the given context (Schultz-Knudsen, 2021, pp. 93–97), and it often creates the expectation at the inter- and intra-family level that the couple will move in with each other and have children. This is also reflected in Amira's nikah. Not only did she enter into a nikah with her first boyfriend, she also soon moved in with him and felt the pressure to have children with him. In other words, she felt that she had to live up to the expectations that a nikah produced in her social context. Yet Amira explains that she was not ready to have children, even if, according to her friends,

> [Having children] is the right thing to do. That means that you have no right to ask questions. Actually there was a person who … told me, "You have no right to be egoistic." … My network consisted only of women

> who were also married, but they all had a child or two, and we were just around 20 to 21 years old back then. And I was the only one who did not want to have children. … And then there was one of my friends, in quotation marks, she said to me, "Why do you not want to have children?" I told her, "I don't know; I would like to wait until I am done with my education." I used that as an excuse. But then she told me, "I think that is very selfish, because how can you just think about yourself." … And of course, because it was my friends, I started to think, "OK, yes, I am being a bit selfish", and then I began to think like this about myself.

Amira never had children. Her nikah was deteriorating fast and, although the process was turbulent and put Amira under significant pressure to accept her role as a wife, her husband ultimately consented to Islamic divorce after a period of nikah captivity. This demonstrates a clear difference between having a boyfriend and entering into a nikah; what could have been a flirt, a kiss, and a break-up, became a husband, a home, and a divorce.

Amira's experience that nikah leads to children is echoed by many other women. As Jasmin,[4] who converted to Islam in her youth and entered into a nikah with her Muslim boyfriend, explains:

> **Jasmin:** You know, it is like this idea that now that we are married, then we must have children. And I was not interested in children.
> **Petersen:** Where does this idea come from? Was it his parents or him who wanted children?
> **Jasmin:** It is like, the community. It is like, once you are married then you must also have children … you know, it was his parents, the neighbors, and everyone.

Voluntarily childless people are stigmatized in many cultures as childlike, irresponsible, and selfish (Ermers, 2018, p. 56). There is nothing inherently Islamic or un-Islamic about this; Muslims may produce sharia and Islam as either encouraging having children or emphasizing individual choice. However, the vast majority of my informants experienced pressure to have children.

Coercive control is enforced with reference to jealousy and loyalty codes (Smith, 2021). The jealousy code manifests itself in the controlling man's insistence that it is the responsibility of the woman to handle his jealousy, and he expects her to do this by limiting her contact with others that may provoke these emotions in him. With time, women in coercive control relationships

4 Jasmin has read and approved my presentation of her story without suggestions for revisions.

begin governing their own behavior to avoid quarrels triggered by their partner's jealousy, gradually leading to social isolation (Smith, 2021, pp. 78–80). In Jasmin's nikah the jealousy code was not initially expressed with Islamic semiotic resources, but over time, as her husband became more religious, he began to use Islamic concepts to legitimize his enforcement of the jealousy code:

> **Petersen:** Is there a difference in your experience of control between the time when he was not religious and his becoming religious?
> **Jasmin:** Yes, because he uses Islam against me, you know. For example, when I want to visit my family, he says that you are not allowed to travel more than so and so far away without a guardian, and I have not given you permission. And like, for example, sometimes he also said, "Remember that you have no reason to; you should not even leave the house. Ask [son] to take out the trash. You have no reason to leave the house." So I was not even allowed to take out the trash.
> **Petersen:** ... to what extent were you yourself convinced of the legitimacy of these claims?
> **Jasmin:** I knew that it was correct. I cannot remember whether it is 50 or 70 kilometers that a woman is allowed to travel without her husband – the claim is not incorrect. That is what is written. Also, the part about her not being able to leave, because a woman's responsibility is at home, you know. Everything outside is the responsibility of the husband.

Her husband's method of producing Islam is not based on textual study. Rather, his upbringing has provided him with a repertoire of Islamic semiotic resources with a meaning potential that he utilizes to construct a discourse with which he can dominate Jasmin (cf. Ackfeldt, 2024). However, it should be noted that, as with so many other Islams, each of her husband's arguments "can easily be expanded so as to be made" (MacIntyre, 1981/2014, p. 9), that is, the claims could be derived from the sources; one can use Islamic semiotic resources in everyday life without knowing the background, or having read any texts. Likewise, Jasmin also used Islamic arguments (or mobilized Islamic semiotic resources) in her attempts to create a bit of freedom for herself in the relationship:

> I was not allowed to do anything, and I was not doing anything. After we moved to [location], I became totally isolated. The only people I saw were his sisters and I could feel that I was starting to go nuts. And then I wanted to study, and I was not allowed to, and then it was like, but would it then be possible for me to begin studying Islam? Again, I

> could use Islam because then it was like, "It is a duty within Islam to seek knowledge." But then there were no [Islam classes in the area]. So I had to travel to [location], but then he ultimately thought that it was too expensive, considering that I would only be there for a couple of hours, and what about the children, and that sort of thing.

Other studies have demonstrated how women mobilize religion to counter religious coercive control and that the confidence provided by religious literacy can significantly empower women (F. Ahmed & Krayem, 2021, p. 38; Al-Sharmani & Mustasaari, 2020). Jasmin explains that Islam evoked pleasant emotions in her. To her, Islam constituted a discursive space in which she felt a degree of control. Moreover, her husband paid her respect and recognition for her Islamic practice. Performing piety was of importance in the family and enforced with violence if necessary: "My children did not fast because they wanted to; they fasted because they were afraid of getting beaten." Like his mother, Jasmin's oldest son found Islam offered a good coping strategy and also noted that Islam could shield him from some of the violence:

> You know, my children were also hit, because they did not pray. And my son … found out that the more religious he was, the more he could use religion as a screen – not as a screen but as a shield. So, if he was very religious and really stuck to the doctrine within Islam – you know like praying and all these basic things – then he was sort of protected. And he got status through it.

Enhancing one's status through acquiring religious knowledge or through religious practice is a common phenomenon (Ermers, 2018, p. 52), but in this context it is practiced as a survival and coping tactic, while also being a way of expressing loyalty to a husband's or father's principles and values. Thus, Jasmin's and her son's piety may simultaneously constitute a genuine private religious practice on a personal level, a display of loyalty within the coercive control pattern on the relationship level, and an enhancer of Jasmin's social status on the intra- and inter-family levels.

While the jealousy code isolates women and cuts them off from social support, the loyalty code is a way for controlling men to ensure and maintain the compliance of their partner. As Smith defines it,

> The loyalty code is imposed through a series of hidden tests designed to make someone choose between two sides and prove their devotion to the controlling person. It is an effective method to remove or control the

> influence others may have over the victim. Very often friends and family will be the focus. Friends may be considered "a bad influence" and family may be described as "trying to split up" the relationship. The victim may be manipulated to see less of their friends or family, or be responsible for making sure they "like" the controlling person or at least act as if they do. It is a very common part of coercive control that victims are required to present a happy face to others; it is a loyalty test. If outsiders become suspicious, or the controlling person is criticized, there will be consequences for the victim. A happy front can be a protective factor, but it increases the control and the things that support that control. (Smith, 2021, p. 81)

Everyday control in accordance with the loyalty code may take many forms of minute regulation from cooking and cleaning to demanding full custody of children, or men may demand that their partner, as a sign of obedience and loyalty to them, beat the children when they misbehave. All of these methods of control and more were present in Jasmin's nikah, and some were expressed with Islamic semiotic resources. Coercive control, irrespective of who practices it, "often focuses on stereotypically female roles and expectations, like domestic work, childcare and sexual reputation and behavior" (Smith, 2021, p. 210). Traditional gender roles may be legitimized, as well as objected to, using Islamic semiotic resources, but in Islamized coercive control relationships it is the former.

While beatings in coercive control relationships are typically blamed on the women in the form of "look what you made me do" (cf. Smith, 2021; Walmsley-Johnson, 2018), Jasmin's husband added a religious frame of reference in the form of his interpretation of the Quran 4:34, which he said allowed him to physically discipline Jasmin. But even everyday things like food waste could be inserted into an Islamic frame: "One thing that he would go crazy over was if there was food waste, because you know it is haram to throw anything away." Other areas of control were expressed as loyalty – without Islamic semiotic resources – but this may be because these events took place before Jasmin's husband became more religious:

> He made me give up custody of our children. … And he always turned it around to, [if I did not give up custody] I would use it against him. … He called the Agency of Family Law and said that he wanted full custody of our children, and that I would like to give this to him. Then we were called for a meeting. … We went to the meeting, and they asked me, "Do you want to give full custody to him?" and [I answered], "Yes, I do."

Jasmin's husband got full custody. However, it should be remembered that Jasmin was not married under Danish law, so to the Agency of Family Law Jasmin and her husband were girlfriend and boyfriend. The consequences of giving custody of children to a controlling man is that if she flees to a women's shelter with the children, it could be considered kidnapping. This is one tactic among several that controlling men use to cut off their wives from support by the authorities. Another tactic is to insist that their partner demonstrate their loyalty by beating their children when they misbehave, and then recording this on their cell phone. Should their partner report them to the police, or they have to negotiate custody in the Agency of Family Law, the husband can use his recordings to make a strong argument against his former partner. Similarly, such recordings make it hard for the police to raise a case against the controlling man in court, even if the beating is part of a coercive control pattern. However, few cases get that far because men use this type of recording to blackmail their former partners and thereby control their interaction with the authorities.

"Sexual abuse is nearly always present in coercive control" and this is also the case in Jasmin's nikah (Smith, 2021, p. 123). This is one of the areas where men's repertoire of Islamic semiotic resources consistently play an important role in almost all the cases I have documented. That is, men – often supported by religious leaders and families – understand being sexually available as the duty of a good Muslim wife.

Jasmin regarded the religious grounding of her husband's sexual demands as more than just claims about what Islam is; they were grounded in narratives about Mohammad: "you can justify these things with reference to religion and say, 'The Prophet did this and that, and he also beat his wife and this and that.'" This is also something Jasmin was taught in the Islam classes she attended in the mosque. She remembers her teacher repeatedly stating, "You are not allowed to say no [to sex], you may not reject him." This was also the dominant view in her husband's family and in the social networks her husband allowed her to be part of. In other words, the idea of sexual availability as the duty of a wife was produced at all levels in Jasmin's life, but as she explained with reference to many such Islam productions, she did not herself know the textual grounding: "The crazy thing is that I do not even know where [it comes from]; whether it is written in the Quran or hadiths. I have just heard these things repeated so many times that, you know, when they are repeated enough times then it just sticks." When Jasmin specified the mosque she had attended and gave me the name of the female teacher, I was not surprised, because I have heard other women talk about the content of this teacher's Islam classes, and Jasmin is not the only person who has been affected by it. It may be that

this teacher would be appalled to hear how controlling men act, but the effect of her teachings on women like Jasmin remains the same, nevertheless.

There can be situations in which it is contradictory to insist that sex must be both voluntary and a duty, but Muslim leaders typically circumvent this problem by presenting an ideal nikah in which the spouses' sexual drives are synchronized so that they satisfy each other's sexual needs when they arise. Hassan – the imam presented in the previous section – states that "the wife has the right to have sex and the husband has the right to have sex, you know, with each other", but then he goes on to explain that there must not be any compulsion:

> *You are not allowed to have sex under compulsion* [stated with emphasis], not at all – even if you have been married for 50 years. Yes, this must be very clear. In Islam sex is an interplay between husband and wife. Within Islam it is said that there is a special language for sex. One can read each other's eyes, one can read each other's emotions, and that is how it must be. Because I will never in my life accept someone who wants his wife [i.e., to have sex with his wife] if she says "no". I will never accept it; that is rape. Even if they are married. Because as Muslims we must not be like animals. Because I think, if you force your wife, that is inhumane. You cannot do that, because she is a human being and has feelings, and that is how it must be.

All Muslim leaders I have interviewed strongly resented the idea of physical compulsion, but many also seemed unaware of psychological compulsion. Some even idealized nikah as a relationship in which the wife merely does not (or must not) feel resentment, restraint, or reservations in relation to having sex with her husband – a relationship in which sex is merely a wife's chore among others, as it is her husband's chore to be the bread winner. However, such pressure may legitimize abusive behavior. As Sara describes her nikah to an imam in a Danish mosque:

> There is also rape – that is, many rapes – and I have been frozen due to fear [during these rapes]. And there he has used quotes from the Quran, which he has turned to his own advantage – that I will be damned if I do not have intercourse with him. … He has used Islamic literature very crudely; it required me to read it up on it to find out that it was not true the way he presented it – the way [in which] he turned it to his own advantage.

As previously mentioned, religious coercive control is similar across religions and the use of scripture is well known. In a British study a female Christian informant stated, "[My husband] would tell me … that the Bible said that my body belonged to him. So, he could do with it as he pleased" (Mulvihill et al., 2022, p. 9). Making oneself sexually available without feeling lust is also routine in non-religious coercive control relationships, and refusing a partner may result in physical compulsion that takes the form of rape.

While men may use religious discourse to control their partner, women may simultaneously use religious discourse to cope with their husband's controlling behavior. As Jasmin explains,

> The religion means that you can live with it [rape]. For example, the sexual violence – you can justify it, because if you tuck it away under religion, like: but do this, because then it is for the sake of God, then you are a good wife, you are a good Muslim according to Islam, because you put up with being raped. Then you are a good Muslim. This means that you can leave [the rape] with dignity. Then there is dignity in being raped. Because then you are a good Muslim.

Jasmin had involuntary sex and had been maritally raped for years, but by framing this as her fulfilling the duty of a Muslim wife she was able to preserve her dignity. Rather than being a rape victim she was an obedient Muslim wife, and she could live with the latter symbolic framework. The quotation is one among many instances in my interviews with Jasmin that demonstrate that she produced an Islam that made her able to cope with the coercive control, while also internalizing bits and pieces of her husband's Islam. While involuntary sex is common in coercive control relationships, the coping ability provided by religion leads to a higher bar of tolerance, as Jasmin explains: "With religion I could survive in it, which you cannot when it is for the sake of house peace [only]. At least not for that long." This higher bar of tolerance has also been observed in other studies in which women fear ostracism and stigmatization if they leave their husbands (Liversage & Petersen, 2020).

The role religion played in Jasmin's feelings of self-worth played into a vicious circle where she was dependent on religion to cope, but this made her even more vulnerable to her husband's weaponizing Islamic semiotic resources against her. As Jasmin explains,

> But this thing that, when Islam is utilized then it is like – or religion – then it is a little like you become a bad person if you do not do it. It is

> like. It is a very powerful weapon, which does not really have anything to do with the fear of being hit, because it is not nice to be hit, but to be perceived as a bad Muslim or a bad person is even worse.

This illustrates the element religion can contribute to coercive control relationships: Jasmin is dependent upon her identity as a good and obedient Muslim wife in order to cope with being raped while preserving her dignity, but this also makes her vulnerable to her husband's using religion to control her. In other words, Jasmin's striving towards being recognized as a good Muslim by her husband makes her vulnerable to his use of religious discourse as a tool of control. Yet it is also important to observe how Jasmin used Islamic semiotic resources to cope, to find peace, and to negotiate a bit of freedom, exemplified by her unsuccessful attempt to register for Islam courses; similarly, her son used Islamic semiotic resources to protect himself. Thus, it is important to observe the many different motivations for producing Islam, and their function.

A controlling husband continuously charges a symbolic tax when he insists that his wife obeys the jealousy and loyalty codes. "What all these actors offer is a show of *discursive affirmation from below*, which is all the more valuable since it contributes to the impression that the symbolic order is willingly accepted" (Scott, 1990, p. 58). The flow of symbolic tax is of vital importance, because if the flow stops – if the wife rebels, for example – the man's identity is transformed into that of a tyrant. In other words, once the woman stops affirming her husband's norm, his identity is affected. Therefore, rebellion triggers a violent response from controlling men and conflicts can escalate rapidly if women do not re-submit and re-affirm their husband's norm. Smith explains that "hitting the brake is a high-risk strategy" and that "friends and children can get hurt or killed if they challenge the controlling person" (Smith, 2021, p. 67). This is echoed by Jasmin: "In the very moment I said stop, I ended up in a women's shelter. My daughter was kidnapped, and I ended up in a women's shelter." When she eventually returned home, her husband warned her against ever leaving him again:

> "If you ever go to a women's shelter again or contact the authorities, then I will send some Polish people to rape your mother and father." That really stuck with me. Later, some people told me, "But that was just empty words", right? The problem is that with all the sick things he did in addition to this, you know. Consider if he actually did it. You know, I do not think he would, but on the other hand, neither did I want to test him. It is like when we went to a women's shelter … I did not contact my mother

> until 14 days later because I was afraid that something had happened to her or my grandmother.

Like so many other women living with controlling husbands, Jasmin was under continuous surveillance, most of which she only realized years later. Her husband had installed a GPS tracker in her car, surveillance software on her phone, and microphones and cameras in their home. This also limited her access to help from the authorities. Jasmin tells of how her husband texted her the first time she fled to a women's shelter. He wrote, "I know other people who are at that women's shelter you are at, so you might as well come home. Otherwise, I will come and get you as soon as the staff has gone home. Then I will be given access [by someone else]." This is what happened. When the staff had gone home, Jasmin's husband arrived to collect Jasmin and the alarm button did not work, so she ultimately returned home with her husband.

Jasmin's description of how women's shelters struggle to provide women with security from men and families has also been demonstrated by researchers (Danneskiold-Samsøe, Mørck, & Sørensen, 2011), and Jasmin experienced time and again that the authorities failed to keep her safe. This is an important point as minority women's mistrust of the police is often explained as cultural, and while there may be some truth to this, it should also be noted that it is common for women in coercive control relationships to have little faith in the authorities' ability to protect them, based on experience. This is one of the reasons why battered women return to their violent husbands, which often baffles outsiders; however, these women are doing so to manage their own safety. One of Smith's informants captures this well: "They knew he was capable of it [murder], but they kind of looked at me like I couldn't be that scared if I kept going back. But I was too scared not to go back, if you know what I mean" (Smith, 2021, pp. 41–42). This is what is known as security behavior, which is present in all coercive control relationships. The women's behavior becomes oriented towards managing their own safety, typically through compliance with their partners' controlling behavior. This is echoed by Jasmin who explains, "It was like life or death; it sounds extreme, but I knew what he was capable of", adding that her husband had a criminal record and possessed a gun.

About four years after having fled to the women's shelter, the violence escalated again, and this is when Jasmin saw Islamic divorce as a way out:

> **Jasmin:** You know, it was so bad. You know, it was like, I was afraid that he would kill us – especially the oldest of the boys. He thoroughly beat him, and I did not know what to do. I could not. He [the oldest boy] ran away and came back again. He was so afraid, and he was [pause].

> **Petersen:** And then you sought out an imam, or someone with knowledge of Islam.
> **Jasmin:** Yes, it was [Muslim leader] I spoke with, and I also talked with [imam] before I [pause]. It was those two I contacted.

Jasmin moves on to explain that the Muslim leader and the imam from whom she requested an Islamic divorce, asked her whether she fulfilled her wifely obligations. According to both of them, her husband was not allowed to force her to have sex, but then again, she was not allowed to refuse him. They suggested that Jasmin should do her utmost to perform her role as a good and obedient wife, and then they promised the relationship would improve. This kind of advice not only resembles the advice Fatma was given in *The Mosques behind the Veil* (see Introduction), it is widespread among religious leaders across religions (Mulvihill et al., 2022; Sharp, 2014).

This is a decisive moment in the analysis because it demonstrates that Jasmin imagined that obtaining an Islamic divorce would end her husband's coercive control. This is what Haitham referred to when he stated that women come to him "with an expectation that they can just write to me and then I will straighten their husband out, kick him out, and take her under my protection" (quoted in the previous chapter). However, this is a wild overestimation of a Muslim leader's power, and the most likely outcome of his issuing an Islamic divorce document is that the husband's violent behavior will also target the Muslim leader himself. This is what I referred to in the previous chapter as the security risks of getting involved in Islamic divorce cases.

To identify Islamic divorce as the solution is to follow the logic of the Islamic semiotic resources with which Islamized coercive control is expressed, and this is the main reason why some social workers also understand such cases as being about Islamic law (see Chapter 1), thereby erasing the power dynamics and behavioral pattern of coercive control. Controlling men – Muslim or non-Muslim – will typically resist any attempt by outsiders to separate them from what in their mind is their property (Smith, 2021, pp. 117, 131). Refusing to accept an Islamic divorce is the religious equivalent of insisting on the validity of the airtight contract of commitment (see p. 93).

4 Islamized Post-separation Violence

Coercive control can last a lifetime (Smith, 2021, p. 127), and even if a woman manages to separate herself physically from her partner, the coercive control often continues in the form of what I call *Islamized post-separation violence*

(Ornstein & Rickne, 2013). As explained by Khulud, an immigrant to Denmark from Iraq who has divorced under Danish law and moved out of the marital home, but not Islamically divorced:

> Islamically, I was still his wife, so whenever he wanted, he would call me and say that he wanted [to have sex with] me. He said that it was his right as my husband. I was honestly in shock when he said it. I said to him, "How can you possibly want me to come home to you, just so you can have sex with me? Yes, it is your right, but you know that I do not want to." He just said that he did not care – it was his right, and he wanted to uphold it. I said, "Fine." I would come over to him, knock on the door and come in, and then I would undress. … I cannot explain the mental state I was in when he forced me to come over to him. It was [pause] like I was not in my own body. It is unlike anything else I have ever experienced. (Liversage & Petersen, 2020, p. 172)

When Khulud talks about being forced to comply, she is referring to security behavior. That is, she is managing her own security by complying with her (ex)husband's demands. This case is very similar to one of Smith's (non-Muslim) informants, Lara:

> Very quickly she learned that if *she allowed Chris to rape her* (and those are her own words) then she would buy herself around three weeks' peace. This was not a man who was under any illusion that Lara wanted his attention. He was a man who was enjoying his power over her. (Smith, 2021, p. 98)[5]

Similarly, Khulud's (ex)husband would sometimes ask her to come to his place just to humiliate her. When she had undressed, and was standing naked in front of him, he would "look at me and say that he had changed his mind. He did not want to have sex after all" (Liversage & Petersen, 2020, p. 173). The difference between Lara and Khulud is the semiotic resources used to express the control, and the consequences of these resources having a religious frame of reference. The pattern of Islamized post-separation violence has also been identified by Farrah Ahmed and Ghena Krayem (2021, pp. 39–40) who call it emotional exploitation.

5 Smith's emphasis.

Danish police officers who come in contact with this kind of case are often frustrated with Islamized post-separation violence because women resign themselves to the pattern of having sex with their (ex)husbands rather than mobilizing the penal law against them. One police officer narrated a case in which a woman was repeatedly visited by her (ex)husband who lived in the Middle East, and just when the woman was ready to report her (ex)husband, she became pregnant to him and changed her mind; she no longer had the energy to go through the legal process. The police officer ended the story by stating that the woman will probably never have the energy to do something about this, adding that it is not the first time she has become pregnant in this way. Similarly, police officers who come in contact with Islamized post-separation violence cases are frustrated that the men in question enter into new nikah relationships while keeping their (ex)wife in nikah captivity.

Although Islamic polygamy is not illegal in Denmark, there is a widespread notion that it is; indeed, the belief was continuously repeated in the documentary *Mosques behind the Veil*, and to the best of my knowledge, this inaccuracy was not addressed during the intense debates that followed its airing. Interestingly, this widespread notion sometimes influences cases, because men and imams become afraid of getting a prison term for facilitating or practicing Islamic polygamy. In the following case, the social worker talks about a woman who experienced Islamized post-separation violence and was therefore trying to obtain an Islamic divorce, and the notion that Islamic polygamy is illegal played an important role in her success:

> We had a case, ongoing for more than a year, where we – where it was a huge [problem] – because he kept turning up in her home. You know, a very violent man whom she was married to when she was 14 years old. … In the end she found some pictures in a way that is better not disclosed – I think this was on his telephone – that documented that he had married again, and then she calls the imam [who had facilitated the second nikah] and says, "What the hell do you think you are doing? I will report you to the police." Then she got her [Islamic] divorce and he stopped turning up at her home.

The imam got frightened and managed to secure the woman an Islamic divorce, but the social worker added that the ex-husband "has since then sent his brother with one of his friends to thoroughly beat her boyfriend".

Jasmin's attempt to get away from her husband was the main motivation for her requesting an Islamic divorce, but it was just one tactic among many. At one point her husband actually divorced her, but as Jasmin says, "Actually, it

did not matter much. I was a bit like – the religion, I was just so sick and tired of it, so whether we had become divorced or not, that did not matter to me." Neither did this Islamic divorce matter practically, as her ex-husband raped Jasmin twice after his divorce statement anyway. Jasmin explains the rape by saying, "In the end I could not continue to refuse him, so in the end it was just a way of avoiding conflict." This follows the same pattern as for Lara, Khulud, the cases that frustrate my informants in Danish police, and other cases that I have observed: Jasmin managed her safety by having sex with her ex-husband.

Thus, Islamic divorce may also lead to Islamized post-separation violence. In weaponized divorces women may, for example, make an agreement with their husbands that their children must not grow up with a stepdad. Such agreements come in many variations, but what they all have in common is that the woman is not allowed to enter into a nikah with another man until her children are adults. Accepting such a weaponized talaq does, however, spare the woman from getting raped in a pattern of post-separation violence. Furthermore, it should be noted that even if it is not a weaponized talaq, the former husband may police the woman and keep other men at bay.

To sum the up, Islamized coercive control creates a demand for the presence of official sources of Islamic divorce; women contact Muslim leaders in the hope that their issuing an Islamic divorce will get them out of the coercive control relationship. This means that the demand in this type of cases is generated by an Islamized pattern of a commonly known phenomenon, coercive control.

5 Honor

Muslim migrants to Denmark mainly arrive from countries that in the World Value Survey score high in traditional as opposed to secular values and high in survival as opposed to self-expression values. That is, Muslim migrants to Denmark mainly come from countries in which religion is important, large families are idealized, social conformity rather than individualistic self-realization is striven for, traditional gender roles are normative, and divorce is stigmatized (Inglehart & Welzel, 2005). As can be seen in Figure 4, Denmark is at the diametrically opposite end of both these scales, to the degree that all Muslim majority countries in the survey have two negative scores while Denmark has two positive scores that are second only to Norway and Sweden. Migration from the African-Islamic group to the Protestant Europe group is the furthest one can travel on the World Value Survey.

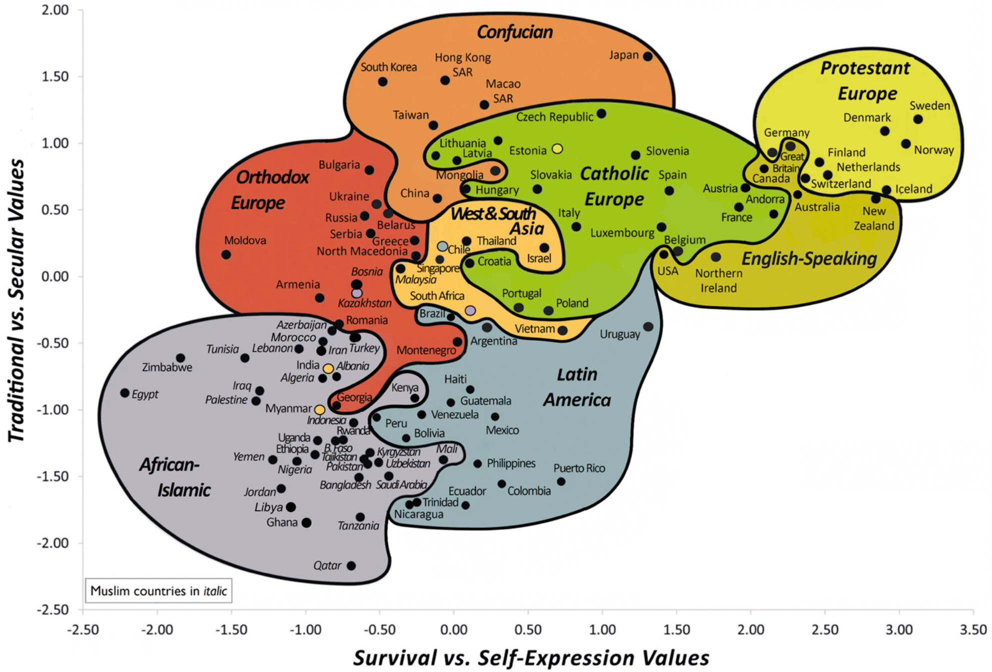

FIGURE 4 The Inglehart-Welzel World Cultural Map – World Values Survey 7 (2023)
SOURCE: HTTP://WWW.WORLDVALUESSURVEY.ORG (ACCESSED 25 SEPTEMBER 2023)

The effect of migration between two geographical regions that are dominated by such different values has been repeatedly documented in surveys that display significant differences in values between minority and majority populations in Denmark (e.g. Bonnerup, Christensen, Kærgård, Matthiessen, & Torpegaard, 2007; Udlændinge- og Integrationsministeriet, 2017, 2018, 2019, 2020, 2021, 2022, 2023; Research, 2011, 2014, 2018, 2019a, 2019b).

Honor is a contested term (Abu-Lughod, 2013), and it is, therefore, important for me to underline that I understand honor as a universal phenomenon – present in all cultures – but Western and non-Western honor has typically been described in different terms, thus indicating that there are honor cultures and non-honor cultures (sometimes also called dignity cultures). While descriptions of honor cultures will use the word honor, descriptions of non-honor cultures will typically use the word morals to describe the same phenomenon. I do not support this view of distinguishing between honor and dignity cultures because it essentializes a universal phenomenon and ascribes it to just a segment of cultures; rather, following Robert Ermers (2018), I understand

honor to be about morals, and then investigate moral norms in the social field. However, I continue to use the word honor as this is closer to how my informants conceptualized the moral norms (e.g. *izzat*, *sharaf*, and *namuz*) that regulate the focus of this analysis.

People have honor if they follow moral norms but lose their honor if they break with them. However, such norms vary significantly between groups depending on values, and the disciplining of individuals varies with the degree of entitativity (Ermers, 2018, pp. 68–136). In groups that belong to the African-Islamic group in the World Value Survey, sex outside marriage, for example, is typically seen as highly immoral (Ermers, 2018, p. 56), whereas being sexually inexperienced at the time of marriage constitutes deviant behavior in Danish majority culture. Further, groups characterized by a high degree of entitativity will tend to discipline members of their group whereas groups with low degrees of entitativity will tend to see members as individuals with a right to self-realization.

When descendants of migrants grow up in Denmark, they must simultaneously navigate the value systems at either end of the World Value Survey, each with their methods of socialization and discipline. Their loyalty to either value system will continuously be tested because they may be suspected of being deviant in both groups. This may cause considerable oscillation or lead descendants to live double lives: one in accordance with their family's values and one in accordance with the majority society's values (Hviid, 2014; Otterbeck, 2010; Petersen, 2022c). Simultaneously, minority parents, irrespective of religious beliefs, may fear that their children are engaging in immoral behavior – in this case, that they are becoming too Danish (cf. Van Kerckem, Van de Putte, & Stevens, 2013). Such suspicion sometimes leads to honor-motivated control as a response to existential fear caused by the potential for stigmatization, ostracism, and rejection which are typical outcomes of the immoral behavior associated with their children's immersion in Danish youth culture (Ermers, 2018, p. 10).

Women who experience honor-motivated control at the social level often also experience coercive control at the partnership level (Ridley, Almond, Bafouni, & Qassim, 2023). However, unlike in Jasmin's case, selected because it contained no honor-motivated conflict – thus making it possible to isolate the coercive control pattern in the analysis – in the following I isolate the honor-motivated control pattern by focusing on two cases in which there is no coercive control at the partnership level. As with Jasmin's case, I have de-centered Islamic divorce so that its importance is more proportional to its role in my informants' life stories.

6 Arranged and Forced Nikah

There are two concepts available in Danish to describe significant family involvement in choosing a partner with whom one enters into a nikah: arranged marriage and forced marriage. I call these phenomena arranged nikah and forced nikah to be as specific as possible and to avoid confusing civil marriage with nikah. Arranged and forced civil marriages are possible, but it is a fair assumption that these are relatively rare compared to arranged and forced nikah. I have only collected a single case in which a woman (Julie) was forced into a civil marriage, but this was done in a mosque without her knowing that she had entered the marriage. If women in forced nikah are also in a forced civil marriage it is typically because their nikah from abroad has been registered in Denmark as a civil marriage.

Salma[6] was born in Denmark to two migrant parents. Because they believed that she was becoming too Danish and her interest in boys and youth life was jeopardizing family honor (sharaf), Salma was sent her to her parents' country of origin to live with the extended family and become socialized into her parents' culture. When Salma came back to Denmark – while still in school and under legal age – her parents arranged a nikah between her and a man twice her age. As Salma explains,

> So, when I was XX and a half [years old] I became engaged [entered into a nikah] and, what is it called, and actually I see, I mean, I have nothing in common with him and he seems much older and not at all my type. You know, he was not at all the type of man I would have chosen myself, but I actually see him as my springboard to get away from home, to be allowed to live my own life and be allowed to decide what I want and what I don't want, and to decide to finish my time in school, and all these things. So, it was not a forced marriage, but it was very arranged by older men who forced [me], because I was told that this [marriage] was my [only] option. Of course, I had the opportunity to say "no", but it was kind of in the atmosphere that there was no alternative. I had to get married.

Salma initially objected to the notion that she was forced to enter into a nikah, because she consented to it and, therefore, she was not forced. This reflects the discursivity found in the Danish language, Danish media, and Danish law, which is centered on consent as the key variable that determines whether one

6 Salma has read and approved my presentation of her story, only suggesting the revision of a sentence related to her brother.

has been forced or not, but I argue that this is too constrained an interpretation to reproduce Salma's experience discursively (Anitha & Gill, 2009). Salma entered into a nikah, but she only did so because it let her escape an even worse situation and because more subtle power dynamics coerced her to do so. She has partially picked up on these power dynamics, which is evident in her statement that "it was kind of in the atmosphere that there was no alternative".

Consent is a characteristic of Salma's – and many other women's – forced nikah. Therefore, the part that provides the impetus – the coercion – must be identified in how consent is secured (cf. Chantler & McCarry, 2020). It is evident in Salma's case that the knowledge of her impending nikah was disseminated through most of her family, but Salma had not been informed. This is a strong indication of the collective planning of Salma's consent. When I pointed this and similar variables out to Salma three years later, she changed her mind and stated confidently that this was a forced nikah. Unfortunately, consent is the most common variable used in legal codes – including Danish law – and that means that only a narrow segment of forced nikahs are covered by the law (Julios, 2023). In Denmark a mere four forced nikah cases can be found between 2004–2023 in the legal database Karnov,[7] and of these only two were convicted.

The nikah failed to live up to Salma's ideal of romance, partnership love, and falling in love, idealized in the contemporary Danish youth culture into which she was socialized (Foucault, 1988; Giddens, 1992):

> **Salma:** We got **XX** child(ren) but there has never been any love. We have never fallen in love. … I learned to respect him because he was the father of my child(ren). We lived parallel lives … because it was not an alternative to get divorced.
> **Petersen:** Why not?
> **Salma:** Because that was something my parents emphasized, that I had to make it work. I soon found out that he had a problem with alcohol. I spoke with my parents about it, but they refused to listen. Regardless, I was not getting a divorce, because what would people say?

Salma's story is echoed by Elham,[8] whose parents also thought that she was becoming too Danish and therefore sent her to live with extended family in their country of origin. While abroad, Elham was coerced into entering into a

7 Karnov is not a complete database of all legal cases in Denmark, but cases that are as rare as forced marriage are likely to be included.
8 Elham has read and approved my presentation of her story without suggestions for revisions.

nikah with a man, but because she spent more time abroad, she internalized much more discourse than Salma, even to the degree of her becoming able to produce emotions that were partially sympathetic to the discourse in her extended family (Barrett, 2017; Lazarus, 1994).

Because Elham tells her story within two incommensurable discursivities simultaneously, she often struggles to find the right words, frequently changes directions, and continuously re-evaluates events. Indeed, Elham's very wide discursivity enables her to produce a narrative that is so rich in its inclusion of perspectives that it becomes incoherent. She tells it from her own perspective, that of being coerced into a forced nikah, simultaneously with a narrative from her husband's and father's perspective to the effect that she entered into an arranged nikah. Elham explains that,

> Coercion, that is when you say "no" [to becoming married]. You know, I said that I did not want to marry anyone in [country], but then it was like, "But you have to", because that is the only option. So, it is probably there that I think, coercion; but I would probably to some extent say that my conception of reality was also a bit twisted. … If I lived in [country] and understood it from their context and understanding, it would not seem like a forced marriage. Then it would maybe just be like an arranged marriage where someone had exerted a bit of pressure, and people have maybe thought that it was for your own good.

Elham's nikah was a forced nikah; she is very clear about that. However, like Salma, she emphasizes the agency involved in her entering into the nikah. Both Elham and Salma experienced being held captive by their families in harsh conditions, so the nikah also offered them a way out of a situation they regarded as even worse. As Elham explains,

> The conditions I lived under before I got married were quite violent. You know, there was a lot of violence, and I was literally held in a room, and [sometimes] I got nothing to eat for days. You know, it was like really slave-like conditions until I got married. And then that with – after having been held captive … – experiencing that thing with a man who actually likes you. You know, like getting that satisfaction that there is someone who thinks that I am, you know like, that satisfaction of knowing that there is actually someone who thinks that I am, like, worth something, right. So, there was of course that thing, right. You know, like, right. And this is somewhat oddly complex. Like that with, and it was also. But it also, became, you know, like, very complex. Like that with, like, and

> maybe it was also. But it also became like – how should I explain it? You know, it became like a forced dream in which I now had to feel how fantastic this is.

I have included a passage in the above quotation where Elham speaks in broken and incomplete sentences, which is something that occurred multiple times during the interview when the two incommensurable discursivities came into conflict and she struggled to produce coherence. In this instance, Elham arrives at a description of incommensurable emotional discursivities, which she expresses in the paradox of a dream in which she is coerced into feeling that her nightmare is fantastic (or motivated to adopt this as a coping strategy).

Once Elham and Salma had entered into a nikah, they had no other choice than to remain there and perform the role of a wife according to the norms of the family. Salma actively tried to make the nikah work for years, mainly by trying to help her husband become a better man, by helping him reduce his alcohol consumption, for example, and find a job. Salma worked hard to find happiness for herself and her husband in the nikah for more than ten years whereas Elham was focused on escaping the nikah and maintaining her perception of reality prior to her being sent to her parents' country of origin. However, as a coping strategy she seems to have partially synched her emotions to the situation, and therefore, she was not unaffected by the discursivity of her social context abroad. As she explains,

> You know, it [the nikah] was not violent [at all]. In fact, here was a man who actually thought I was amazing. Meanwhile, I knew that it was a completely twisted world that I was part of right there, because it is like, I should never have been there. I should never have been married to this man. You know, he was not the kind of man I would normally have gotten together with. … Sometimes one's perception of reality can become quite twisted, and for some reason it cannot always be translated nor be explained.

Elham points to a discursive no man's land where the incommensurability of discursivities means that no discourse can be produced, or once a discursive enunciation is produced it is immediately deconstructed by the production of another discursive enunciation that is incommensurable with the former. It is a state of internal chaos and turmoil. This is also expressed linguistically when Elham changes course again and again, sometimes mid-sentence. For example: "regardless of whether it was a forced marriage, or what it was, or how we

should define it, I have as a person chosen to sign it [the nikah contract] – or, chosen and chosen. [short pause] I have signed it." Here Elham goes back and forth between discursivities and then ultimately merely states what is a fact: she signed the document. Being able to reflect in this way within such a wide discursive space can be a disadvantage, as Elham explains:

> Sometimes it is also a bit of a curse that, you know – and it is a bit of a tendency for me in some way – that I in some way understand the enemy's standpoint, or something like that. It is the same thing with my father, that I chose to forgive him, and, you know, all those things.

Both Elham and Salma are able to feel empathy for their former husbands and they also understand their parents' actions; however, this does not mean that they sympathize with them. Their emotional connections to their own story go far beyond common Danish discourses on forced nikah, and, interestingly, neither Elham nor Salma are in sync with expectations that they should only feel hatred, disgust, and horror when reflecting on their experience. To them, it is much more complicated.

7 Honor-Motivated Control

Salma could not see any way out of her nikah, so her efforts focused on making her husband a better partner and a better father to their child(ren). However, this was not without its ups and downs. As Salma explains, "We actually had a lot of situations where I had left him and had moved to a women's shelter or to my parents' house. I told them that I wanted to divorce, but nothing ever came of it." Salma's parents showed care for their daughter by taking her side in these conflicts and putting pressure on their son-in-law to become a better husband; however, divorce was out of the question, because of her parents' fear of stigma and being socially ostracized.

Salma ultimately decided to leave her husband and move to her own apartment with the child(ren), and this became the beginning of an honor-motivated conflict involving significant parts of her ethnic community. As Salma explains,

> Almost all of the XX community knew that I had been divorced [i.e., had moved out of the marital home]. You know, imagine a neighbor who lived three flights further down the block, whom I did not know beyond greeting her with hello and goodbye, she actually knocked on my door one day. … She thought it was a pity [the breakdown of the nikah], and a pity

> for the child(ren), and she thought we should give it another chance. … I am a decent person, so I do not tell [strangers] what the actual reason is, and I do not want to expose him … also because of the child(ren). You know, he was deeply alcoholic and had given up on life, and just sat there on the sofa [every day]. That is not the kind of man I want to be married to.

It is common for people who in some way belong to the same social entity to get involved, "not as malicious interference on the part of the community, but as doing the family concerned a service" (Ermers, 2018, p. 82). Salma is unable to give her reasons for leaving her husband because the disclosure of this information would reflect badly upon her character and would dishonor her (ex)husband. However, it was soon rumored that Salma had abandoned her husband because she was having an affair, as Salma later realized:

> It turns out that it was my ex-husband who had started those rumors. He felt belittled and he felt that he was a failure because I had left him. So, now he put gasoline on the fire by starting these rumors about my having had an affair, and that I was sleeping with other men, and these sorts of things.

In other words, Salma's husband started an honor-motivated conflict to punish her for having left him. During our conversation Salma would switch to Arabic when short of Danish words and in need of more accurate terminology. The Arabic words she would loop into the conversation were primarily related to honor such as sharaf (honor), *hašimtinā* (you have dishonored us), *qaḥba* (prostitute), *ḫīyāna* (short for *ḫīyāna zauǧiyya*, adulterer).[9] The absence of religious terminology made me curious, and I began to inquire about her choice of words. When I asked Salma why she used the term ḫīyāna, she specified that she meant it in the sense of being unfaithful. I then asked whether this term had religious connotations, to which she first answered "no", but then added, "Partially … it is embedded in the sense that you are doing something bad, something you are not supposed to do because religion says so." I therefore inquired about the distinction between ḫīyāna and *zina* (adultery) to which Salma answered, "Zina, that is mostly if one wants to use the religious term", adding that this was not a word that was commonly used in her community.

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9 As the Arabic words are important in this analysis I have transcribed them all except for sharaf and zina.

The terms ẖīyāna and zina belong to two different discourses that have a topical overlap in that both concern morals. This explains why Salma first categorized ẖīyāna as a non-religious term, but then, once she realized that the term covers morals, recategorized the term as partially religious, only to categorize it as non-religious compared to the concept of zina. The point of this linguistic exercise is to demonstrate that the otherwise rich religious language which Salma could have employed to tell her narrative does not feel right to her – it is not the kind of language she and people in her community use. Similarly, Salma did not feel sinful, she felt shame, both on the individual level (Ger: *Scham*) and on the social level (Ger: *Schande*). While the feeling of being sinful did not emerge, it had especially hurt her to be called ẖīyāna as this is a very powerful word in relation to sharaf.

In other words, the divorce conflict at private, relationship, and intra-family levels was about honor first, and Islam second, if at all. Only at the inter-family or community level did it become more of a religious matter; when Salma later approached an imam, for example, it became a religious matter, at least for the imam who issued the divorce (see below). This is not to say that Salma is not religious; she is: "Religion means a lot to me. You know, I am a Muslim. I believe in God, and I believe you must be a good person and behave well." However, Salma understood herself as being divorced once she had made the decision to leave her husband; her moving out and her declaring the nikah over was sufficient for her.

Honor-conceptualized norms, rather than religion-conceptualized norms, are also evident in how Salma's family members reacted to the rumors about her. They experienced vicarious stigma and their actions were oriented towards putting an end to it. Salma explains that, once the rumor of her having sex with strangers began, her family put her under significant pressure:

> That is when my older brother calls me and says, "You fucking whore. … You have dishonored us (*hašamtinā*). … People are talking about you in the streets". So, I say to him, "Who talks about me? About what?" My brother says, "Well, you are fucking not divorced yet, and you are fooling around with other men …". So that is what made the difference for me so I am now fearing for my life.

While Salma is stigmatized as a ẖīyāna and qaḥba, her brother may experience the stigma of cowardice for not doing enough in relation to his sister's rumored breaching of moral norms (cf. Ermers, 2018, p. 9; Sayegh, 2020, pp. 78–80). This is a well-known dynamic in honor-motivated conflicts. There is a causative relation between the effect Salma's actions have on her brother's identity and

his social standing, and his reaction. This effect of vicarious stigma, and his reaction, oriented towards ridding themselves of it, was mirrored in other family members' treatment of Salma.

Once the honor-motivated conflict had begun, Salma had to go underground and was on the run for years. She frequently moved to new locations, and in the process, she lost her friends, lost contact with her child(ren), lost her job, dropped out of her education, built up a debt of approximately 130,000 EUR, gained a lot of weight, and became mentally unstable, meaning that she was hospitalized in a psychiatric institution several times. In an attempt to bring an end to the honor-motivated conflict, she eventually turned to an imam. Salma explains that,

> So, I said to him [the imam], "Listen, I am really tired of constantly being told that I am not divorced. For me this does not really matter, but can you help me with it [getting divorced]?" Then he said, "Yes, of course." Then I explained the situation to him, and he said, "Can I have you husbands telephone number?" Then he called him and said, "I am sitting here with a woman who says that she is not divorced from you." I had already told the imam that we had not been together for ten years. Then the imam says, "Are you willing to let yourself become divorced, or let your wife divorce you?" Then my ex-husband says, "Yes." Then the imam say, "Farewell and thank you." And then he writes up the divorce document.

While Islamic semiotic resources from time to time have emerged in the honor-motivated conflict, honor has been the master signifier. That is, the Islamic semiotic resources have been given a meaning and function in the conflict in relation to socially defined moral norms (honor). Although the imam is fully aware of this discourse, for him, this is about Islam. Thus, the conflict is "translated" from being about honor to being about fiqh in the Islamic legal process. Salma clearly states that the Islamic divorce did not matter much to her, but the potential effect of her getting out of an honor-motivated conflict did matter.

It is, however, important to note the connection between honor and religion. Acting Islamically toward one another is a way of demonstrating moral integrity, and the imam can largely oversee and pass judgement on whether people's behaviour is Islamic/moral. If parties are susceptible to such judgement, the imam is in a position of authority, and this is what enables him to persuade a husband to consent to Islamic divorce, and vice versa: if the parties and the wider community are unaffected by the imam's passing Islamic/moral judgement he is not in a position of authority.

The social effect of the divorce was caused by the husband's acceptance of the divorce and its being witnessed by a morally impeccable witness, the imam. Thus, the case produced a presence in the form of the imam's calling the husband and exerting pressure on him, posing as an Islamic authority, a status that the husband accepted, leading to his acquiescence in the Islamic legal process. The point is that while the imam may have acted within a religious discourse, the husband's performance had an effect within both the religious and the honor discourses. In short, women experiencing constraints because of the honor discourse produce a demand for Islamic legal performances. Put in Rappaport's terms (see page 46), the religious discourse of being in a nikah constituted mere "meaning" to Salma, in the sense that she could understand it; however, it was not meaningful to her, and, therefore, she did not feel bound by it. It was only because it mattered to her family and community that she turned to an imam.

The damage done by an honor-motivated conflict is not undone once the conflict is over. Towards the end of our conversation, Salma said, "If you ask me whether I would make that decision [of leaving my husband] again today, I am not sure I would say yes." She wonders whether her life might not have been better in a nikah with a bad husband, considering the consequences of divorcing. The cost of being the focus of an honor-motivated conflict for more than ten years may have been greater than that of an unhappy nikah. It should also be noted that while the abovementioned divorce meant that Salma was later able to reconcile with her family, she is still experiencing stigma as a divorced woman among her ethnic peers; yet now that she is again part of her family, her father sticks up for her and defends her in public.

Elham's story follows a similar pattern, although she did not receive threats to her life at any point and her conflict remained intrafamily. In what follows I emphasize Elham's high degree of agency because this is a typical characteristic of almost all the Islamic divorce cases that I have observed (cf. Liversage, forthcoming; Liversage & Petersen, 2020). This agency is important because it generates the juridical vacuum. Without it no Muslim leaders would be framed to act as qadis, and the vacuum would not exist because it is a consequence of women's navigating a field dominated by the strategic power of their family or community (Certeau, 2011) or, as I demonstrate below, Elham must tactically navigate in accordance with her family's and (ex)husband's discourse to obtain an Islamic divorce with social effect.

Elham left her forced nikah by fleeing while on a visit to Denmark, which prompted her family, and especially her father, to start pressuring her to return to her husband. In an attempt to bring an end to this pressure, Elham obtained an Islamic divorce document from the female imam, Sherin Khankan, and sent

it to her father. Elham explains that she "needed them [her family] to react to it, just a little bit", but they did not. Therefore, she tried to assert her status as a divorced woman by claiming a right associated with it: that of entering into nikah with another man:

> **Elham:** I expected them to react to it [the divorce], but they did not. It is not until I said that in the new year or soon, I will marry again – or something like that – and I have the right to do so, because I am divorced.
> **Petersen:** Did you do this to provoke a reaction?
> **Elham:** Yes, because I wanted them to understand that this khula actually means that I am free, and that I can marry another person. … You know, for them not to recognize that I am divorced and then see me marry another person, that is extremely sinful. That is unthinkable in their world.

This demonstrates how Islamic divorce performances in the vacuum are deferred. Elham gets no reaction from her family, so she is unsure whether the Islamic divorce has happened at the social level or not. She explains that the divorce in the Mariam Mosque had personal meaning for her – it gave her closure – but the social effect did not occur. That was obvious from her family's reaction. Her (ex)husband travelled to Denmark soon after and, in collaboration with Elham's family, put her under significant pressure to return to the nikah. This meant that Elham, with the help of Danish police, went temporarily underground until her husband had left Denmark again. Yet, Elham explains, "In the ensuing months, an uncle from [country], another one from [country], all these family members continuously came to put pressure on me because they do not recognize that I am divorced. None of them threatened me though."

Elham's husband returned Denmark to make another attempt to restore the nikah, asking for forgiveness and pleading with her to return, while also underlining that because he had not signed the divorce, they were still in a nikah. After his last visit, Elham had gone underground twice due to her family's chasing her, and now that he was back, the Danish police wanted her to do so again (for the fourth time in a year). This pattern led Elham to plan her husband's divorce performance in compliance with the norms of her family. As she explains,

> And this is when I realize … that I cannot take on this fight without speaking the same language [as my family and husband]. I cannot maintain a progressive fight against a conservative community. So, either I have to

> say, "You know what, screw this", and then run the security risk for eternity, or I can talk their language. ... I do not know what happened, but I got this crazy idea that ... OK, he is in the country. This means that I can actually get him to [sign a divorce]. I know that it will be very difficult, but there is a chance that he may be able to sign a divorce document himself. ... So, I contact a couple of imams ... and I get hold of Ahmad to whom I tell my story.

Elham adds, "I had a lot of preconceptions [about imams]." She expected that they would take her husband's side, but this is not what happened. Instead, Ahmad took an active part in devising a tactic to end the nikah so that both Elham and her husband could get on with their lives. Elham wanted it to "happen in a way where he [her (ex)husband] experienced – if that is the right way of putting it – that now we got divorced together. Maybe it was also a matter of dignity [for him]." However, when Elham contacted Danish police, they strongly advised against this, insisting that a divorce was not necessary as Elham was not married – at least not in their system, according to the civil registry – and they would not provide security for the Islamic divorce event. Therefore, Ahmad suggested that he would meet with Elham's husband alone, and that became the plan. Elham contacted her husband and put him under pressure, telling him,

> Now you are here [in Denmark]. If you in any way want to see your child(ren) again, you must sign the divorce document. ... Listen, if you do not recognize that I have divorced you then you must recognize it in another way, so you have the opportunity to sign now, because I fully recognize that I am divorced from you. I am doing this for you, because I can see that you do not understand that we are divorced. So, I am doing this for you, and if you in any way want to see your child(ren) again then this is what you need to do. ... This is the second time you just show up out of nowhere. You cannot come here again and again. That is not an option, just so you know.

As agreed, Ahmad contacted Elham's husband, but after some texting back and forth, Elham's father called Ahmad. He was furious and made it very clear that he was going to take part in the meeting, and this ultimately spoiled Elham's and Ahmad's plan, as she explains:

> I had hoped that my father after all would have some respect for an imam and not, you know like, push his own agenda, but that is what he did for

> an hour or an hour and a half. My ex-husband was not permitted to say a word. … Ahmad really tried to have this conversation with my father, but he could see that it was completely impossible. My father was furious and very aggressive. Ahmad simply could not stop him, and in the end, he said, "There is nothing I can do. You must deal with this in the family." He gave up, and he said [later], "I could see that your father leaned back and relaxed." I know my father well, and I know what kind of man he is. He must have felt like, yes, he had won and gotten everything as he wanted it, and he did not want me to get divorced from this man.

Ahmad advised Elham to contact a British Islamic divorce council, adding that as her (ex)husband was very conflict adverse he would most likely not reply to any of the letters from the council; therefore, Ahmad reckoned, Elham would probably get the divorce without any delays. However, Elham did not like this idea:

> I was so pissed, and I was not fucking[10] going to yet another place [to get divorced]. … This was simply not acceptable. And I could just feel that I had to disregard – not give a damn – about the police having said, "You should not meet up with him", you know those security measures. … So, I said to Ahmad, "Listen, it must not end here, you must help me with this. I will do everything I can to get him [the (ex)husband] to you. You must divorce us." I was simply so desperate because I could not take it anymore.

After the unsuccessful meeting when her father had blocked the divorce, Elham contacted her (ex)husband and agreed to meet with him, just the two of them. She adds that it was not without some anxiety, and as she could not get the police to provide security, she arranged for them to meet in a public place:

> I did not know whether he would show up, but I was just so desperate to get him to Ahmad so that he could sign [the divorce documents]. So, approximately two and a half hours go by, and then he shows up with a huge bouquet of flowers … and thinks that I intend to give him another chance … and he says that he is not going with me to the imam. That is not why he is here. He has come to talk with his wife.

10 Swearing like this is a common way of adding emphasis in Danish, and thus, there is nothing unusual about Elham's using swear words in this context.

Nevertheless, Elham convinced her (ex)husband to go with her to Ahmad's office. During the ensuing meeting, Elham's (ex)husband agreed to divorce, but he did not want to sign the papers then and there. He needed some time to reflect, but he promised to come back the day after and sign the divorce document. However, as he never showed up, Elham raised the pressure on him by reporting him to the police for psychological violence (for similar cases, see Bowen, 2016, pp. 81 and 86; Liversage & Petersen, 2020, pp. 218–221). This could put an end to his dream of some day in the future immigrating to Europe. Therefore, he almost immediately agreed to circumvent Elham's father and sign the divorce documents in secret. As Elham explains,

> My ex-husband knew that if he told my father that he was going to sign the documents, he would put a stop to it, but he was under severe pressure now, because he had been reported to the police. I think it was very difficult to be him. … There he stood in between the daughter and father. I had reported him, so he knew the personal consequences it could have for him. And this is a classic example of how a man is subject to the same social dynamics [as women] in a way. He experienced social pressure. … I mean, even if he wanted to say, "OK, now I understand that she wants to leave [the marriage], and I accept that", he alone cannot just end the marriage. There is a whole collectivist system, which must also accept it.

This case demonstrates the importance of divorcing within the right discursive space, following the procedures it dictates. Neither Khankan nor Ahmad were able to perform a divorce, but Ahmad was ultimately accepted as an Islamic authority in terms of a person qualified to write up an Islamic divorce paper (he was not present at the signing). Elham's (ex)husband signed the document in front of two witnesses, and Elham sent a copy to her father, who accepted the termination of the nikah. Elham notes that the two Islamic divorces that she had played different roles for her:

> It is like that divorce from Sherin [Khankan], it helped me on the psychological level, but the social effect was missing. But I got that [the social effect] the second time around. I know it is rather recent, but I know that I can sit now, even in conservative circles, and my father cannot say that we are not divorced. Maybe some people will show up and express anger over the fact that we have divorced, but no one will show up and demand that I do not divorce. They simply have to recognize that it [the divorce] is there.

While both Elham's and Salma's divorces are one-page Islamic juridical documents in the two respective mosque's archives, the longitudinal perspective on their cases demonstrates that honor played an important role in their production. It may be that these documents are saturated in Islamic discourse due to their authors' perspectives, but the demand that caused them to be written emerged within discourses with honor as its master signifier. Neither Salma nor Elham showed signs of emotional attachment to these divorces – they constituted meaning but were not meaningful to them. Rather, Salma and Elham felt emotions of injustice, and constructed their right to Islamic divorce based on what they felt was just.

While coercive control is about ownership (Smith, 2021, p. 76), "honor is synonymous to a reputation of morality" and "dishonor and disgrace signify a reputation of being immoral" (Ermers, 2018, p. 68). This means that the control exerted within these two behavioral patterns have different foci: controlling men coerce their female partners to claim them as possessions, whereas people belonging to the same social entity coerce people to comply with moral norms because of an existential fear of stigma, ostracism, and rejection associated with misbehavior, also known as vicarious stigma or stigma by association (Ermers, 2018, pp. 96–97). This distinction is important in relation to emotions because individuals must be socialized into these moral norms to feel the shame related to breaking social rules. That is why Salma is socialized into feeling powerful emotions when called ḫīyāna, and Jasmin is not. Rather, Jasmin had powerful emotions related to dignity and needed to find ways of coping with those. In other words, one must be socialized into feeling the emotions that are used in control patterns.

8 Getting Closure and the Religious Dimension

In addition to the three abovementioned motivations to obtain an Islamic divorce – getting out of Islamized coercive control, ending Islamized post-separation violence, and ending an honor-motivated conflict – women may also be motivated by the desire for closure or for religious reasons. While Jasmin and Salma were solely motivated by the social effects, Elham needed closure and got this from the Mariam Mosque.

Farrah, Ahmed, and Funston (2021, pp. 37–42) list closure and the religious dimension as two separate motivations to seek Islamic divorce, but I suspect that this distinction is to some extent a matter of semiotic resources. Some women frame their need for closure in religious terms while others do not.

There are women who feel that they are committing *nushuz* (a wife's violation of her marital duties), but it is more common among my informants to feel that exemption from religious rules is justified due to the circumstances. That is, their perception of haqq is synchronized with their sense of justice. It may be expressed in terms of the first, but it is commonly regulated by the latter.

Closure and religious reasons are of significant importance to the individuals who experience such needs, but they are seldom pursued with the same urgency and desperation as when social effects are important. This means that they contribute less to the overall demand, and they tend to generate less vacuum because the social effect is less important. However, as I demonstrate in Chapter 7, these variables may be significant in the sense that they change women's perspective on themselves and the world around them, leading them to live as though divorced. Elham is a good example of this. She first got divorced for her own sake in the Mariam Mosque and then divorced again to secure the social effect.

Although many of my informants have been subjected to various forms of religious coercive control, only a segment was significantly influenced by it. Even in some of the hardest cases I have collected, women would insist on their own interpretations of Islam. Nour, for example, stated:

> What I have actually done – this is how I live by my religion – is that I read the Quran myself, and then I feel my gut and common sense, and then I look to see if there are others who have the same opinion, and if they do, I investigate who these people are. Are these people I share values with? Is it someone whose opinion I can vouch for? And then I will take it from there. If I can, then the way I have interpreted it makes sense to me, and if I cannot, well, then I keep looking until I find an answer that matches both my view of life and Islam.

Similarly, religious ideas have sometimes saved my informants from doing harm to themselves and/or the people they care about. As Ayan, who was forced into a nikah as a minor and had lived with an abusive husband her whole life, explained:

> I have been ill for XX years with, what is it called, depression – I was really far below. I could have taken my own life too, and I had planned to do so, and the worst thing is that I planned that I would also take my youngest [daughter] with me because I thought that if I do not take her with me, then he [my ex-husband] would have brainwashed her after I was

> dead, and then he would marry her off to someone else – someone from [country], a cousin or something – and then it would start over [with my daughter]. Then she would become a new Ayan, and I did not want that, so she had to come with me. That is how far down I was. But Islam says that you must not commit suicide. You shall not kill. And that was what held me back every time. No, you are not allowed to do that, and no, you may not kill her. She has the right to live on, even if I am not here.

Ayan obtained an Islamic divorce approximately a year prior to the interview. My point in highlighting the above is to demonstrate that religion may be produced in a wide variety of ways and play markedly different roles in my informant's lives, but my analysis, with its focus on the Islamic juridical vacuum, erases such descriptions as they are, strictly speaking, not relevant to my argument because they do not generate a significant amount of vacuum.

9 A Vacuum Generated by Women's Agency

Together with other agents in the field, a segment of Muslim leaders maintain the notion that an Islamic divorce is needed in addition to a civil divorce but they do not try to maintain a jurisdiction as imagined in the epistemic community of presence; rather, they are pressured by women who face serious problems – Islamized coercive control, Islamized post-separation violence, and honor-motivated control – to take the role of qadi upon themselves. In other words, the Islamic juridical vacuum is generated by women's responding to suffering. This is an important observation because this means that the vacuum is generated by the high degree of agency exhibited by a group of women who are often portrayed as passive or having little agency.

The power to end a nikah is not vested in the imam. Rather, in hard cases, husbands and families are the ones who decide. Women may approach Muslim leaders because they believe that such people are in a position to make interventions in the social field, but as Elham realized, they are seldom able to deliver on such hopes. This rather surprised Elham, who today has a deeper understanding of Muslim leaders' position in the social field. Jasmin's experience is different. She approached a Muslim leader and an imam who both refused to help her, even to the degree of engaging in religious coercive control and supporting her husband. Such an experience is not uncommon and it does not – as in Elham's case – dispel the myth about Muslim leaders as powerful qadis. Therefore, when these women tell their stories in the Danish

media, they report that powerful imams with judicial power refuse to issue Islamic divorces, because their experience and observations do not lead them to believe otherwise.

Before moving on to Part 2 of the book, I would like to remark that I have only briefly touched upon the role of discrimination, racism, and hate speech, even though studies have demonstrated that these play important roles in the underreporting of coercive control and honor-motivated control among women in Muslim minorities (Wright, 2022; Krayem & Funston, 2023; Krayem & Krayem, 2021). I have made similar observations, and I have observed how this also affect converts. Julie – mentioned earlier in this chapter – for example, explains that her contact with her family caused major conflict, and therefore, no one reacted when she disappeared after her forced civil marriage:

> [The contact] has been semi-interrupted since I converted at the age of XX until six, seven, eight years later. You know, there has been contact, but it was really bad. So, when I disappear for a year, this did not have big consequences.

Similarly, Sara was reluctant to report her husband's abusive behavior to the police as she feared that it would confirm stereotypes about Muslim men and Islam. This was also a barrier for her in relation to her narrating her story, as she did not want to contribute to a discourse that causes her and other Muslims to suffer racism, discrimination, abuse, and violence from non-Muslims.

Likewise, I have not dedicated much space to the problems related to women's obtaining an Islamic divorce under Islamic law outside Denmark. Without such a divorce document, women may not be able to visit their family elsewhere, and if they marry another man in Denmark, they may be charged with polyandry in the country where they were initially married. In addition to this, women may be held in marital captivity under Danish civil law – and by extension in nikah captivity – if their residence permit is dependent upon their civil marriage (Slot, Thomsen, Laursen & Hansen, 2023). While the above and similar problems are present in my data, I have excluded them because they were not relevant in relation to my arguments concerning the Islamic juridical vacuum. Nonetheless, they constitute significant problems with major impact on women's lives.

PART 2

The Dynamics of the Islamic Juridical Vacuum

CHAPTER 4

Women's Networks and Female Leaders

> Sometimes women come to me because I think there is something I radiate in one way or another. I think it is some form of authority. I do not know what it is. For some reason women come to me; maybe they have followed my teaching, or else they know someone who has, and who has told them that they can try to contact me. (Interview with Amina, August 2022)

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> Some of the women I know, others not. … They call me and ask whether they can ask me about some things, or they write to me on Messenger and ask whether they may call me because they have something they want to ask me. You know, the latter group, I think that is because I am a publicly known person to some degree, and then those who know me, they also know what they can use me for. So, it is like that personal relationship where we as women help other women in our social circle. (Interview with Nabila, October 2022)

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Amina and Nabila are two among many female Muslim leaders in Danish Muslim communities (Jensen, 2022; Lyngsøe, 2022; Pedersen, 2015; Petersen, 2022b). They do not present themselves as leaders, but as the quotations demonstrate, they do have this function within their respective communities. As such, they are examples of what Masooda Bano (2017) has called the re-democratization of Islamic knowledge, a process that began in the 1970s as women increasingly became authorized producers of Islam. Bano (2017, p. 5) argues that this phenomenon "emerged at the same time across different sites, without any mutual awareness then or now". In other words, Amina, Nabila, and other female Muslim leaders are not a unique Danish, Scandinavian (Eriksen, 2023; Mosbach, 2022), or European phenomenon (Jouili & Amir-Moazami, 2006; Petersen, 2019a; Spielhaus, 2012). Rather, they are local examples of an international phenomenon that manifests in different ways in other parts of

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the world: *muqaddama*s in Senegal (Hill, 2018), *mujtahid*s in Iran (Künkler & Fazaeli, 2011), *murshida*s in Morocco (Rausch, 2011), *shaykha*s in Somalia (Samatar, 2000).

For the VIVE report, I interviewed two Danish female Muslim leaders who facilitate Islamic divorce (Zaynab and Aisha) to investigate women's role as authorities in family conflicts (Liversage & Petersen, 2020, pp. 222–230; Petersen, 2021b). This pilot study demonstrated that women can be important actors in Islamic divorce cases, but their role has been overlooked due to the systematic exclusion of female Muslim leaders from research samples. Nevertheless, the role of female Muslim leaders sometimes appears in informants' quotations, such as in Islam Uddin's study of British Islamic divorce practices where a divorced woman states, "I'd been to the mosque, but they were not helpful. I asked a friend who is an *ʿālimah* [female scholar]; she said, 'Yes, the Islamic divorce is done'" (Uddin, 2020, p. 18).

My reason for interviewing Zaynab and Aisha was that I had noticed that the wives of Muslim leaders sometimes played the role of gatekeepers for their husbands, and I had been told about Muslim women-only Facebook groups in which women support each other in marital conflicts, discuss women's Islamic rights, and give advice on nikah contracts, among other things. I later learned that there were also Muslim women-only Facebook groups in which women post serious complaints about men, resulting in stigmatization of these men (and their families). Some of my male informants feared becoming the target of such a posting.

My interviews with Zaynab and Aisha demonstrated that it was their ability to provide religious answers grounded in their experience as Muslim women that made them relevant to Muslim women. They related to women in ways that differed from male Muslim leaders. Furthermore, while women typically do not contact a male Muslim leader until she is determined to get divorced, Zaynab and Aisha often meet women in the early stages when they may merely be in distress or frustrated by marital problems. Two to three women a week turned to Zaynab, but she only received a direct request for assistance with divorce approximately once a month. In these cases, she contacted the husband and began the process of Islamic divorce, and if he refused, she would write up the divorce details and submit them to a male Islamic authority or institutions abroad to secure it for the woman (Petersen, 2021b, p. 366).

Aisha worked in a different way. She mobilized the Danish legal system and/or mounted social pressure on the husband to get women out of nikah captivity. She was especially skilled at the latter, which also meant that she worked together with other people in her community when assisting women – a process facilitated by her prominent position, her religious educational

credentials, her good reputation, and her influence in the community. The prominence of her position was underlined by male Muslim leaders' contacting her for assistance in hard cases with battered women (Petersen, 2021b, pp. 371–372). My list of potential informants when I ended data production for the VIVE report indicated that the roles filled by Zaynab and Aisha are not extraordinary; rather, they are examples of a common phenomenon that is little studied because samples typically do not include female Muslim leaders.

In 2022, I interviewed Amina and Nabila to see if a larger dataset would change my original conclusions or provide additional nuances to the phenomenon. Furthermore, I checked the data I had collected among men to see if I could find traces of women's involvement in Islamic divorce cases that I had not previously noticed, and also inquired with a few prominent Islamic authorities about whether they involved women in their practices. This produced a richer study that arrived at the same conclusion as the original findings, but with additional context and nuance, which I present in this chapter.

I conducted unrecorded pre-interviews with both Amina and Nabila and then recorded interviews in August and October 2022. Both have read the chapter but had no comments apart for one on sex tourism, which I have since inserted. I should note that neither Amina nor Nabila are part of the social circle connected to Copenhagen's Mariam Mosque, with its female imams, which is the focus of Chapter 7.

1 Women's Networks from the Perspective of Male Muslim Leaders

During my interviews with 19 male Muslim leaders for the VIVE report, I inquired about the role of women in Islamic divorce cases, and I got many different answers. Yusuf told me that women never assist in Islamic divorce cases because there is not a single *sheikha* (religiously well-educated woman) in Denmark, but this was contradicted by others, who gave examples of women's involvement in Islamic divorce proceedings, emphasizing the growing number of women educated within Islam. Formal education was not, however, a requirement for being involved. Haitham explained that he has been assisted by a woman "In a few cases. And then it is typically [woman] that I send them to. She does not have religious competence, but she has social competence."

Women's role in Islamic divorce cases was generally not recognized as significant, maybe because they typically do not have a prominent role in the final stage of divorce processes, when the divorce document is drafted and signed. For example, when I interviewed Yasir in October 2022, he dismissed the notion that female Muslim leaders played a role in Islamic divorce cases.

Yet when I pressed him on this and asked him whether he and his wife were sometimes involved in the same cases, he answered that many women talk with his wife first, but if she cannot resolve the nikah conflict, she passes the cases on to him. He estimated that a fourth or a fifth of his cases came from his wife. In other words, Yasir's wife does play a role, but it is overshadowed – and even erased in Yasir's initial response – by the Islamic juridical performance that follows after her involvement. However, as previously demonstrated in Chapter 1, such performances are deferred and can only happen because of prior events, and also depend on subsequent events; in other words, Yasir's wife may play a more significant role than Yasir imagines.

When I began to inquire more broadly about women's involvement in marital conflicts and Islamic divorce cases in the study of 2021–2024, I was often told about women's networks as well as women with prominent social positions. I had four conversations with Abdi, who together with two other men mediate in a variety of different types of conflicts including divorce, and he stressed the importance of female Muslim leaders in dealing with marital problems. Before going into this, a few comments on data production are necessary.

During the first two meetings with Abdi, I took notes, based on which I wrote a summary of our conversations. When I presented these to Abdi, he understood the summary as a representation of common practices in his community, and he wanted me to revise it in accordance with his feedback so as to be accurate. I played along with this idea and revised the summary to Abdi's liking before our third meeting. He then asked for five copies of the summary to distribute in the community for additional feedback. I then met with Abdi a fourth time in February 2022 to receive the feedback and together agree on the final revisions. This is an excerpt:

> In the case of marital problems, it is a good idea that the man talks with the imam while a woman talks with a woman, because women understand each other better. Abdi adds that by a woman he means a *taqia*, which he translates as a good and morally reputable woman who fears Allah in her heart. That is, a woman who is practicing and maybe even teaches Islam.

Abdi did not give specific examples of women he considered were taqia (from *taqwa*, meaning God-fearing, God-conscious, or pious), but when I had the final meeting with him, he presented me with comments from a female Muslim leader, who turned out to be the daughter of an imam. In my field notes, jotted down during our conversation, I have noted, "Abdi thinks that these comments

are intriguing, interesting, and important, and he also presents the ones he disagrees with out of respect for her." Most of her comments were about fiqh in addition to some minor comments about procedure. When I asked Abdi about her, he stated that she is a taqia, but also that this was not because of her religious educational credentials. To him, being a taqia was primarily about moral integrity, virtue, and piety, a rule that also seemed to apply to men. As the document states,

> It is not always the imam who is the right one to talk with, because men can feel that it is difficult to talk with the imam because of his social status. Therefore, it is sometimes better to choose a male teacher in a mosque, or a person who is very practicing – or just a well-respected man in his social circle. It sometimes gives a better result.

As I have explained in Chapter 2, many male Muslim leaders involved in Islamic divorce in the Islamic juridical vacuum do not have formal educational credentials within fiqh. Often social competence, taqwa, and being well-respected are equally, if not more, important.

The document produced in collaboration with Abdi also contained information on the early stages of a divorce conflict, which highlights the influence of women's networks on the outcome of cases:

> There is often a process before a case is brought to the head of a family, especially in a Danish context. A woman can, for example, express her dissatisfaction [with her nikah] when she is among friends or when she is with other female family members. Whether it will ever become a conflict that is brought to the head of the family depends to a high degree on whether a woman is supported by these networks of women. … If a woman gets the support of other women, it can significantly enhance her position because female family members have power and can put pressure on [men] to reach specific solutions to cases, and also determine how they are solved.

Although the pattern Abdi describes is seldom investigated (for a notable exception, see S. Bano, 2013, pp. 188–206), studies often note as contextual information that a process in the family may precede a formal Islamic divorce request (Macfarlane, 2012, pp. 143–146; Muradin, 2022, p. 59; Uddin, 2023, pp. 14–17; Walker, 2016, p. 140). In their study of Islamic divorce practices in Australia, Farrah Ahmed and Ghena Krayem write,

> Typically, the women we interviewed sought the assistance of their families, approached professionals or participated in informal mediation within their communities. If none of these steps addressed their marital issues, they typically went on to seek a religious divorce from sharia processes. … For example, in cases of domestic violence, women explained that they only reached out to their families once the abuse had escalated to an intolerable level. Families are the most common port of call before seeking the advice of an imam or going through sharia processes. (F. Ahmed & Krayem, 2021, p. 34)

As I present below, Amina and Nabila describe a similar pattern in which they are contacted by women who have not yet spoken with their families. In other words, the patterns overlap, but my focus is on the stage just before the family gets involved, that is, a prior stage that is not mentioned by Ahmed and Krayem.

The man who originally introduced me to Abdi explained at length how these networks of women play many other roles in relation to Islamic divorces, such as supporting divorced women until they get back on their feet. He expressed this as "building women up again" after conflict. Furthermore, he added that women had worked on formalizing Islamic divorce practices to solve the problem of nikah captivity but, so far, they had not been successful. Zaynab and Aisha had also been engaged in such activities. It should be noted that there is a difference between women's attempts to define the rules and process of Islamic divorce, and the patriarchal bargain involved in putting pressure on men to reach specific conclusions. Women's agency, exercised to influence male decision making, will inadvertently acknowledge and affirm the patriarchal structure in place, whereas defining the rules and processes may reconfigure or overthrow such structures (Scott, 1990).

The above are merely examples of how the role of female Muslim leaders and women's networks are documented in my conversations with male Muslim leaders, but I have also documented women's networks in other contexts. In conversations with Muslim women, representatives of the welfare state, male Muslim leaders, and NGOs I have noted the practice of mobilizing the welfare state against men. This can be executed by requesting an assault alarm[1] from the police or trying to register at a women's shelter (possibly without the required qualifying circumstances); if successful, either may be used as proof of one's husband's behavior.

1 This is a type of alarm the Danish police give to people who face serious security risks in their everyday. The alarm has a button that when pressed sends a signal to the police, who then rushes to the location of the alarm.

Obtaining an assault alarm requires an evaluation by the police, and to get into a women's shelter one must pass a screening; however, women would share information on how to get positive results based on false claims. The purpose was to utilize the professional evaluations made by the police or women's shelters to frame their husband when dealing with other authorities, thereby slowly building a case against him. If, at any point, the husband expresses his frustration with such tactics in an ill-tempered manner, this may be taken as a confirmation of the woman's story. My experience with these sorts of practices is that women are often unsuccessful in obtaining an assault alarm from the police without good reason while the women's shelters are less rigorous in their evaluations; the latter has also been problematized by Danish lawyers (Olsen & Astrup, 2020). However, I should note that a systematic study is needed to go beyond these preliminary observations.

2 A Processual Perspective on Amina's and Nabila's Practice

Amina and Nabila live in two different major cities in Denmark. Amina has several *ijaza*s (traditional authorization to transmit Islamic knowledge) and teaches Islam in her local mosque, while Nabila does not teach but is acknowledged for her expertise in fiqh related to nikah and divorce. Both are well known and respected for their integrity and knowledge in their local communities and beyond.

As an *ustadha* (female teacher), Amina is in a position of religious authority, and she answer many technical fiqh questions on Islam from women related to ritual performance, but she remarks that when the conversation centers on everyday life, women are often more interested in ordinary reflections that may or may not have religious components to them. She explains that morals, ethics, honor, and marital problems are topics on which the women "also want to hear ordinary reflections – just completely ordinary", and that they typically ask many different people "and form [their views] of what makes sense to themselves based on a mix". She adds that, "I do not have the impression that there are many who only seek that completely black and white answer of this is how Islam is". This is mirrored in many of the interviews that I have made with women who seek such advice (for an example of this see p. 124).

What matters to the women who come to Amina is that her answers are meaningful to them, and she explains that she can provide answers that are grounded in her experience as a Muslim woman, which is difficult for male Islamic authorities. This is echoed by Nabila, who has also observed that women mainly look for ordinary reflections, although there are exceptions, such as advice on how to draft nikah contracts with which Nabila has assisted

on multiple occasions. She notes that such drafting is important to ensure equity and secure women's rights, and she explains how a segment of Muslim women use fiqh to bargain for equity or equality between the sexes, adding that women may, for example, take into consideration a lifetime of unequal pension contributions caused by maternity leave when drafting the nikah contract. That is, the nikah contract can be utilized to make up for structural inequalities in Danish society.

Amina and Nabila describe a typical divorce case as beginning with marital problems, which the woman tries to handle on her own before she begins to air her frustrations to other women. This is where Amina and Nabila usually get involved, as Amina explains:

> Typically, you know, the women try to repair it [the nikah] while not saying [anything about] it to anyone. That is, there is something that precedes it [their airing of frustrations], and it is only when it has become very burdensome for the women that, you know, when something is really, really, really horribly wrong, then she begins to air her thoughts to other women. And then the [divorce process] has already begun in some way. And it then takes a few years before she is divorced.

Women's networks and female Muslim leaders are often involved in the early stages of marital conflicts when these have not yet become Islamic divorce cases. Amina explains that women who experience marital problems generally begin airing their frustrations in the company of other women,

> You know, typically when women talk with women they are not at a point where they have determined that they want a divorce. They are in the early phase, you know, where something has happened, where the woman has started to think about, like, "This does not work in the long run". Something is wrong, [and they say], "I cannot live with this." And then she begins to share her frustration with other women. That is where it starts.

This is echoed by Nabila, who explains that most women who come to her initially just want to talk,

> You know, it is nothing specific they want. I do not think so. I do not have the understanding that they seek specific answers, but they want to talk about the swarms of thoughts in their head, and in the conversation, we touch upon the subjects you mention here [Danish law and fiqh], and

> other subjects, as a natural part of the conversation. I do not have the impression, or at least I have not gotten the impression that it is something specific they want answers to.

Amina remarks that many outsiders think, "The first thing one does is to just rush to an imam, and that is not at all what you do. In fact, this is the very last thing you do." Nabila echoes this, "Once an imam is involved, then it has reached a point where it [the divorce] must be completed." This description of the process is in line with the conclusions of Chapter 2 and 5, and the VIVE report (for a diagram of a typical Islamic divorce process in the Islamic juridical vacuum, see Liversage, 2021, p. 223). Furthermore, both Amina and Nabila underline that the early conversations in the women's networks often center around justice, not haqq (divine justice), that is, in the early stages, conversations focus on what people find to be just and fair, not what is considered sinful or correct behavior according to their conception of Islam.

Just like their male counterpart, female Muslim leaders are not selected by religious institutions, nor is the service they provide a product offered by such institutions; rather, the role and function of female Muslim leaders is generated by demand. The title of ustadha (teacher) may be dependent on a religious institution but the case of Nabila demonstrates that titles provided by religious institutions are not a prerequisite. What matters is that women go to Amina and Nabila (a demand that is projected), who respond in a meaningful way (catering to the demand), and that the awareness that Amina and Nabila listen and provide meaningful advice is passed on to others. This is how the institution of the female Muslim leader is generated.

Amina and Nabila's primary function is to provide a refuge, which slowly builds up the women and prepares them to exert their agency. This process is an important part of explaining events in the later stages of Islamic divorce cases because it is in the early stages that the determination and confidence to go through with a case is developed. Nabila explains that most of her meetings with women merely consist of listening and conversing, guided by the women's own thoughts:

> I do not really ask questions of the women, Jesper. I think I just provide them with a refuge … a place where they can be [themselves] and where the conversation is on their terms, not on mine. … I think they find this to be a safe environment, which means that they turn to me.

Amina adds that women also turn to other women because there they find a safe environment. As she explains,

> Many women just want to air their thoughts first. Just to hear like, "Am I completely wrong here? Or will you agree with me that?" They want to do this in a safe space among people they know or other women, which means that they can speak a bit more freely, instead of being told, "That is wrong" [said with emphasis and imitating a male voice].

The last sentence in the quotation is interesting because the answer the women do not want to hear in the early stage is the Islamic answer that they predict a male Muslim will give them. Rather, they want to talk about the problems they experience, and their frustrations and distress. They are not looking for an ideal to strive for but a temporary refuge and, with time, a solution to their situation.

The primary function of women's networks is to acknowledge the woman's problems (or not). If they do, Amina states that the groups "can really get a woman to feel that [the behavior] she has told them about is completely and utterly wrong", that is, that her husband is in the wrong and she is justified in her complaints. This confirms the woman's emerging feeling that what she is experiencing is not fair. Sometimes this is even to a degree that makes the woman uncomfortable because her emotions are not in sync with the group, whose members may advise her to take action with far-reaching consequences that she is not ready to take (Hochschild, 1983/2012; Lazarus, 1994).

Most women in the early stages want perspective rather than advice on how to take action. Amina explains that women may say, "I am so ... frustrated. I am considering leaving my husband, but I am not sure whether what I think may just be due to my being emotional right now or because of something else." If women eventually decide to divorce, the focus changes to how the woman may obtain the Islamic divorce. Aisha, Zaynab, Amina, and Nabila all explain that it is important for the women to get Islamically divorced. This contrasts with the hastiness and action-oriented response of some social workers, who may suggest to the women that they just ignore the nikah as it has no validity under Danish law. As Amina expounds,

> You know, if they say, for example, that they have been to a psychologist or talked with someone else and then they say, "And then she just says, 'leave him'. However, they do not get it." You know, like when someone who is not religious says, "Just leave him, he does not deserve you." ... And then it is like, "[Moan of resignation] she does not get it. I cannot use her for anything." You know, that is not how it works. I want to get out of it [the nikah], but in the right way. ... I cannot just leave him, because then I had just left him.

The type of response Amina refers to has also been aired publicly by Anita Johnson, who is the leader of Denmark's largest women's shelter organization, RED. "We try to underline that the women do not need an Islamic divorce to be truly divorced. We try to circumvent the imams. They do not have the authority to issue divorces [anyway], and it is therefore futile to contact them" (Birk, 2021).[2] The latter part of Johnson's statement points directly to the Islamic juridical vacuum, which leads to the policy of telling Muslim women that Islamic divorce does not matter. Women who feel, nonetheless, that it does matter, illustrate the difficult position Johnson is in, because a discrepancy emerges between what some women want and what the welfare state is currently able to offer.

Women feeling that their problems within a religious framework are not understood by the authorities and social workers is neither a problem related to Muslims nor a particular Danish problem. In their investigation of religious coercive control among Muslims, Christians, Buddhists, and Jews, Mulvihill et al. write, "When asked about seeking support from secular domestic abuse charities, interviewees welcomed all help but felt they needed services with workers who understood the dynamics of religious control and the personal spiritual struggle of coping with abuse" (Mulvihill et al., 2022, p. 11). This resonates with a conclusion that I reached based on my interviews with Zaynab and Aisha: there is a "a vacuum in the services provided by the Danish state – the lack of knowledge about conflicts relating to Islamic divorce – which makes professional social workers a less relevant option for Muslim women experiencing nikah captivity" (Petersen, 2021b, p. 357). In other words, the vacuum is partially an outcome of negative politics (see Chapter 2).

Nabila underlines the importance of letting the women themselves control the pace and supporting them in their efforts, mainly by foreseeing later events based on experience and preparing them for the post-divorce situation if that is where they are heading. As she explains,

> And there are some who actually persevere for several years despite infidelity and then they end up leaving in the end anyway because it has been too hard for them. But the important thing when following them in such a process is that it must follow the women's own pace. Because if they go any sooner [than they are ready to], they will return [to their husband].

2 This is not a critique of Johnson. There may be good reasons to apply such a policy. I merely include the quotation to demonstrate how widespread such responses are.

It is important that women make these decisions themselves rather than having the decisions made for them. The notion of divorce is an idea that slowly develops and matures. It often begins with feelings of distress and injustice that become more and more pronounced. Once the women begin to consider divorce, fiqh becomes part of the conversation as this, to a large degree, is the language of negotiation once the women take action; it is the symbolic framework within which actions are executed. Furthermore, both social dynamics and women's emotions may be significantly influenced by whether actions are taken in accordance with authorized Islamic ways of doing divorce.

Amina explains that once women have made up their minds about getting divorced, they begin to ask for religious advice, and she adds that once women have reached this stage, they eventually end up leaving their husbands, but it can take a long time. Just as notions of justice are matured in the women's networks, religious notions and associated emotions must also be matured (Barrett, 2017; Lazarus, 1994). This is where Amina and Nabila act as Islamic authorities by proclaiming women's rights within Islam. Zaynab, Aisha, Amina, and Nabila all agree that Islam gives women the right to divorce, and that women do not have to provide reasons for divorcing, although they acknowledge that this is de facto a requirement in current Islamic divorce practices. As Amina explains about the maturation of religious notions and emotions,

> And it is like, they cannot get enough of hearing that Islam protects them. … You know, they want to hear it a hundred times, right [laughs]. I think it is funny [laughs]; they say like, "Yes, exactly." And every time it is like it is the first time you tell it to them. Like, "Yes, God damn it",[3] and "How come he does not know that?" And they want to hear it again and again and get confirmed in it, and get confirmed in it [sic] because it is like a way of holding on to the thought that "what I am doing is not wrong, what I am doing is not wrong". They love to hear it, [and ask] like, "Does it say that? Is it true?" And they get equally shocked every time they hear it, and you know, I sit there and smile [and think to myself] like, "Oh, it sounds like it is the first time you have heard it, but that is because you really need to hear it." They really need to hear it. And it can take a long time [before they take the next step]. And then the family starts to get involved.

3 Swearing like this is a common way of adding emphasis in Danish, and thus, there is nothing unusual about Amina's using swear words in this context.

This religious maturation process in which the women slowly adapt both cogently and emotionally to the notion of a woman's right to Islamic divorce may explain why Tanya Walker's informants did not bestow authority upon qadis, whose opinions were not conducive to their goal of obtaining an Islamic divorce – something they believed was their right (Walker, 2016, pp. 70–97); in other words, the certainty and confidence built during such conversations make it easier to dismiss a qadi's Islamic response. Furthermore, it may explain why many Muslim women who have been turned away by Muslim leaders, often conclude that these men, whom they frame as qadis, are withholding their Islamic rights from them. This is where the influence of female Muslim leaders is the most evident, in the altered habitus of the women (Bourdieu, 2005).

Both Amina and Nabila fulfill the function of religious authorities for the women, and they – like other female Muslim leaders – play an important role in preparing women for their struggle to obtain an Islamic divorce. They define to the woman what Islam says and support the woman's confidence in making Islamic claims about their rights in social contexts, such as in relation to their husbands, families, networks, and male Muslim leaders. They empower women to struggle for a right to Islamic divorce, which leads them to put pressure on Muslim leaders to issue Islamic divorces as qadis, and on families to support women's self-determination (as an Islamic right). As Nabila explains,

> **Nabila:** My experience is that the imams are accessible. Everyone knows or most people know who the imams are and how to contact them. But it is all those other things, like support in relation to what they are doing: Will they end up being alone or not? Should I do it or not? What about my rights? how much can they demand from me? You know that thing with paying back the mahr [dower] or not. You know it may very well be that they ask you to [pay] due to social circumstances because it is very black and white, but you do actually have the right not to pay anything back in that situation [reference to a specific case].
> **Petersen:** So, you give advice on fiqh?
> **Nabila:** Yes, absolutely.

As cases move towards Islamic divorce, they progressively become more and more immersed in Islamic semiotic resources. The two parties begin to talk in fiqh terms in their ongoing negotiations and, thus, the discussion moves from justice to haqq. This is an important point because studies tend exclusively to sample Islamic divorce cases that are in the final stage when they are saturated

in fiqh, such as in Islamic divorce councils, weaponized talaq, nikah captivity, Islamized post-separation violence, or interviews with divorcees. This narrow sampling leads to overestimation of the importance of fiqh and the role of the qadi. At this stage, I suggest that fiqh is to some extent a language into which the conflict is translated, and this translation has implications, which I revisit in Chapter 5.

While Aisha, Amina, and Nabila do not write up Islamic divorce documents, Zaynab does (Petersen, 2021b, p. 366), although this is not unique. Amina told me about two women in her network who are also close to this process. She explains that one of them takes notes and gives her opinion, and then passes this onto the imam of the mosque who then takes over. This is very similar to the role of many imams' wives, including Yasir's, mentioned above. The other woman approach cases much like male Muslim leaders: "She is in a position to get more involved, and she sits with the woman and get the whole story, takes part in mediation meetings, and gives her evaluation to the imam", who formally issues the divorce document. This is very similar to the Zaynab's role. In other words, even prominent female Islamic authorities, who may have had decisive influence on the outcome of a case, are erased just before the final Islamic juridical performance – typically the focus of research.

3 The Significance of Family Support

Both Amina and Nabila continuously distinguish between an ideal of how Islamic divorce ought to be handled in accordance with sharia, as they interpret it, and how Islamic divorce settlements are typically determined by power asymmetries between the parties in any given case. It is, for example, of major importance how the woman's family responds, as Amina explains:

> **Amina:** That is probably the worst [when the woman's family does not support her]. You know, that is the worst situation when the family does not have her back, because the woman feels that she is definitely, completely alone.
> **Petersen:** Is that something you see a lot?
> **Amina:** I see it sometimes … some families do not support their sister, daughter, or you name it. They do not do that for a long period, but once the divorce is settled, then it is not like they have a bad relationship with their daughter afterward. Then it is like, "Well, you got out of the marriage", or something like that. So, it is not like they are [angry] afterwards, but it is the process up to [divorce] where they really try to [stop it]. [They do] everything they can [to stop it].

Amina adds that in other cases, the woman's family support her without reservations, and this puts the women in a very different situation:

> But there are, of course, also those families that support it [Islamic divorce]. You know, where it is like from the first time the daughter comes home and says, "He hit me"; then it is directly to, "You should not live with that man." You know, where the father from the beginning says, "I simply refuse to, I refuse to let you go back to that man."

When women have support from their family, they typically do not need Amina and Nabila, although they may, nevertheless, be involved before help is requested from families. In the quotation above, it is the involvement of the woman's family that secures her some rights in the divorce process, not a jurisdiction upheld by an Islamic authority or qadi. In other words, de facto rights are determined by the power dynamics between the parties. Therefore, in their narration of specific cases both Amina and Nabila sometimes scold male family members for not sufficiently supporting female family members who need it. Amina, for example, describes a case in which a woman tried to convince her father and brothers for seven years that her husband was abusive, but even when they realized that she was right and acknowledged her want to divorce as fair and well grounded, they did not act upon it.

In other cases, families actively work against female members wanting to divorce. With reference to a specific case Nabila gives an example of how a woman's family may put her under significant pressure to avoid a divorce.

> So, the husband tries to get her back and uses the children and the family. Her own family puts her under pressure because she lives with them, but they would prefer her to live with her husband, and this means that she has now ended up on the streets. She had no place at all to stay because her family had kicked her out, hoping that she would move [back] in with her husband-in-quotation-marks. And [the woman says to me:] "What should I do? Should I go back to him and choose the middle way, which is more difficult for me, because I do not want to be with him? Now I will sleep on a bench tonight because I have nowhere to stay."

In this case, the woman had secured a divorce, but her family – and her husband – insisted that it was merely the first talaq (of three), and he wanted her back. The woman insisted that this was a final divorce. Therefore, the two parties in the conflict mobilized their resources in a struggle surrounding the interpretation of the husband's talaq enunciation. This is done within a fiqh discourse, and arguments leading up to a decision follow fiqh logic, but the

outcome of a case does not take fiqh as its point of departure; rather, as I have already observed, this is decided by the power dynamics between the parties. In addition to the above, it is common in hard cases for children to be manipulated into taking a stance against their mother, while the mother is blamed for ripping the family apart and hurting her children. As in coercive control patterns, the husband's and the woman's family members use their knowledge about the woman's emotional patterns to maximize the emotional pressure on her (Crossman & Hardesty, 2018, p. 197; MacIntyre, 1981/2014, p. 14).

Nabila repeatedly underlines that women come to her for peace and quiet, and a place where they can make up their minds. Although both Amina and Nabila encounter hard cases, most of them are marital problems without physical violence, but circumstances mean that some end up in women's shelters anyway once they take action (insist on self-determination). As Nabila explains, "They are not yet at the stage where they must go to a women's shelter – this is the stage prior to that. There have been no threats, nor violence. Women come because they need a refuge." In some cases, women have even moved in with Nabila,

> **Nabila:** I have housed women in my own home who were just about to leave [their husbands] but had not made [the final decision yet]. You know they wanted to leave, but they had not yet finally decided to do so; they needed to remove themselves physically to think about it.
> **Petersen:** To get certainty in relation to whether they wanted to [divorce] or not?
> **Nabila:** Yes, or just to get away from it all for a while. [Maybe] they actually had decided to, but they needed a place where they were not condemned or met with prejudice – a place where they could just be with themselves and their thoughts …
> **Petersen:** But have you had a lot of women move in with you?
> **Nabila:** No, just a couple of women. Not many. But they have lived with me a couple of days until they were ready to go back home again.
> **Petersen:** So, they moved back home again?
> **Nabila:** Yes, they just needed to get back on their feet. They are not what I would call weak women. They were women who were determined to leave [their husbands] but needed some space to breathe and just be for a couple of days before they went home and took the step.
> **Petersen:** And confronted their husband and said that they wanted a divorce?
> **Nabila:** Or maybe they already had confronted him, but it had not yet been completed.

Later in the interview Nabila specifies that she has housed around five or six women over the years, so this is not reflective of common cases. Other women have been in women's shelters or have not had the need for a refuge. Amina has also housed a woman, and she tells me about other cases in which women have sought refuge with other families.

If the parties in an Islamic divorce are in agreement, the Muslim leader who drafts the divorce document is reduced to the role of notary. However, if the parties disagree – or the woman is requesting the divorce without support from her family – he may become involved as a mediator, arbitrator, or qadi, depending on the individual case. On many occasions when there is a significant power asymmetry between the parties, male Muslim leaders refuse to get involved, and, if they do, they will seldom be able to provide justice and/or haqq, because the power to determine the outcome is vested in the stronger party. This means that, despite the efforts of Amina, Nabila, and other female Muslim leaders, most women end up with Islamic divorce agreements that favor the husband – sometimes even weaponized talaq if the power asymmetry is significant. Nabila remarks that this may also work the other way around. In some cases, the woman's family is the stronger one and the husband is bulldozed.

4 Experiences with Male Muslim Leaders

Amina explains that husbands may mobilize male Muslim leaders in marital conflicts at the stage when their wife is trying to make up her mind about divorce:

> What happens when the woman begins to complain a lot and she wants to divorce and so on and so forth is that the husband approaches an [Islamic] authority and tells him the story. He [the Islamic authority] then says to him [the husband], "But you have the right to retain your wife and bla, bla, bla, and you have the right not to give talaq, bla, bla, bla", and then he [the husband] pushes this onto her like, "Now, I have spoken with an imam, and he has said that one, two, three, four."

This role – that of male Muslim leaders taking the husband's side in a marital conflict – is the most familiar scenario in media representations of the qadi, especially when he repeats such instructions to Muslim women (e.g. in the scene from *Mosques behind the Veil* on the first pages of this book). As Walker (2016) has demonstrated, women typically do not ascribe authority to such

Muslim leaders; instead, they contact other Muslim leaders to get different answers. However, some women do accept such answers as authoritative – see for example Jasmin in Chapter 3 – and this is where Amina and Nabila's work becomes evident, as women who are confident about their interpretations of women's Islamic rights will almost always act as Walker describes.

It should be noted that the male Muslim leader's authority in the situation outlined in the last quotation is often limited. A man who refuses to consent to Islamic divorce will seldom bestow religious authority upon a male Muslim leader who is not supportive of his case. Rather, he will go imam shopping, just like women do. This demonstrates the hollowness of the claims about the presence of Islamic jurisdictions that are often presented in Danish media, based on situations where male Muslim leaders deny women Islamic divorce. There is an important distinction to be made between the position of a qadi in an Islamic court, who has the power to determine cases at his own discretion, and male Muslim leaders in the Islamic juridical vacuum, who have no such power. This is not to say that a man cannot successfully mobilize a male Muslim leader whose discourse is accepted by his wife, or that Muslim cults in which Islamic authorities have significant power do not exist (although the latter is a rare phenomenon).

When presented with male Muslim leaders who provide the type of advice described in the quotation above, Nabila uses a corrosive discourse (Lincoln, 1994) to reduce their authority. She might point out their lack of formal Islamic educational credentials, and when they have such credentials, then the low level of their education. She does not do this in a condescending way; she merely points out that better educated Islamic authorities arrive at different conclusions. However, other female Muslim leaders are less polite and will ask questions about which tombola the imam has drawn his diploma from.

Amina and Nabila also talk about imams who take the woman's side in divorce conflicts, but these are often unwilling to interfere if there is a significant security risk; both women laud those male Muslim leaders who are sometimes willing to involve themselves despite security issues. I also describe such Muslim leaders in Chapter 5 and in Part 3 of the book. Due to bad experiences, however, it is quite common for Muslim leaders to limit their involvement to telling the woman that she has valid reasons for divorce, or maybe even that she can regard herself as divorced, but they will not issue a document attesting to this or communicate it publicly in other ways (cf. Chapter 2; Jaraba, 2019, p. 85).

Nabila explains that it is not uncommon for male Muslim leaders to put pressure on women to accept divorce agreements that favor the man. Furthermore, she finds that male Muslim leaders seldom try to understand the woman's

perspective and situation. In relation to a specific case where Nabila attended the meeting[4] with the imam, she says,

> You know, the imam was extremely subjective. He was very subjective as a man, and not as an imam. So, I challenged him, and ended up saying some things very directly, and although I did not have to apologize for the content, I had to apologize for the way I said it. But not for the content, because I stand by that. … Just before, we spoke about haqq in relation to the woman, and she was bulldozed, and that was not OK. The imam took on the role of the Agency of Family Law and wanted to talk about an agreement about the children, and what he himself subjectively thought about it. You do not have that right as an imam. [Rather,] you must listen to the parties in relation to the divorce, you can look at the marriage contract, whether there are specific demands or roles, which you [as an imam] must take into consideration. And when they have lived together and go their separate ways, then there are some expenses that must be paid in the place where they have lived. Otherwise, the woman ends up with all the bills all of a sudden, because the man has left and has given her his talaq. You know, there are some things that must be followed up on, that must be resolved before the imam leaves, and he did not do that. So, the woman actually stood there with everything on her shoulders, and I do not think that was dealt with in a religiously proper manner, not at all [said with emphasis]. You know, she was bulldozed by the imam. I may have stated it in an aggressive manner [to him], but I got it out and I still stand by it.

Both Amina and Nabila find weaponized talaq a problem, and state that it is not uncommon for women to be pressured into such agreements by male Muslim leaders. Therefore, they find it important to guide women on how to stay as clear of the weaponization of talaq as possible. They advise the women to insist on keeping the two forums separate, so that terms that would otherwise be settled in the forum of the Agency of Family Law do not become part of the Islamic divorce process. As Nabila explains,

> That is, of course, [achieved] by standing one's ground. Do not be led astray to talk about other matters, and when they begin to talk about the children, then she must insist that their communication should be about

4 This is the only time Nabila has attended such a meeting.

> the talaq, and nothing else. And then they must take the rest later [to the Agency of Family Law]. One should not be blackmailed into renouncing one's rights [under Danish law] in order to have one's right to [Islamic] divorce honed. But it really requires that you, as a woman, are alert and do not let yourself be bulldozed.

Nabila explains, like Aisha, that women are sometimes quick to accept a weaponized talaq just to get the nikah over with (Petersen, 2021b, p. 374). They want to get out of the late-stage divorce process situation where multiple agents mount significant pressure on them. Amina adds, that at this stage – especially when Islamic divorces drag on – that the women are "going completely out of their minds". Obtaining the Islamic divorce relieves this pressure, and the women may therefore be susceptible to taking any deal they can get, just to put an end to the situation. Nabila says that this makes it very important that the male Muslim leader takes charge of the situation, but they seldom do:

> Often the women give in during the divorce to obtain it [the Islamic divorce], and this is where I think we have a problem with imams. I must be honest and say, we have a problem with some imams in Denmark. They do not have the theological ballast to mediate in such cases. You know, they give up too quickly on women's rights and I think this is a pity because their role is important. But many women are disadvantaged compared to men; I think they [imams] ought to be the guarantors of women's rights too.[5]

Furthermore, like Amina, Aisha, and Zaynab, Nabila expects male Muslim leaders to delimit discussion to Islamic divorce. As she explains,

> A good imam must stick to the theological aspect of the divorce and not suddenly become a [municipal] case officer, a case officer [in the Agency of Family law], and a psychologist and a lawyer and a judge [in the Danish judicial system]. … Attend to the role which is that now the parties have come [to you] and they want to divorce. Deal with that and nothing else.

5 Nabila continually emphasizes that both men and women have rights, and that men's rights must also be attended to. This element is an important part of Aisha, Zaynab, Amina, and Nabila's discourse, even if they primarily observe women being disadvantaged by significant power asymmetries.

Nabila is well aware that cases in which there is no agreement are more complicated, but she finds it unacceptable that some male Muslim leaders try to influence cases to favor the man even when there is an agreement between the parties, or to hinder the divorce by convincing the parties to get back to together, or may begin conversations about topics that are not brought up by the parties. She gives the example of a couple who agreed on a nikah contract written to ensure equality, but at the ceremony the imam said, "If you were my son, I would advise you not to enter into this nikah." The man insisted that he wanted the nikah as it was and the imam did not make further objections, but Nabila believes that such interference is beyond what an imam should engage in.

Nabila's description is mirrored in some of my interviews with male Muslim leaders (see also Uddin, 2023, p. 7). Hassan, who is an imam, remarks that he habitually encourages men to reduce the dower in nikah contracts: "There are many men who state large amounts, [and I say], '*Ya akhi* [my brother], that is a large amount.' [Then they answer], 'No Imam, write.' [Then I answer], 'Yes, yes, yes, I'm writing.'" Likewise, some imams insist on mediation and even refuse men who come to them asking them to assist with a talaq divorce. Yusuf states that men sometimes call him and say, "I want a divorce now", to which he answers, "It is not my job to divorce you; I must find a solution for you, so that you can live together." Hassan and Yusuf are not representative of all imams, but both are imams with significant followings.

Like Nabila, Amina talks about imams who sometimes approve agreements in which women are exploited financially and may in really bad cases pay hundreds of thousands Danish kroner (100,000 DKK equals approximately 13,400 EUR) on top of returning their dower to get out of their nikah. She adds, "This could not be more un-Islamic." Amina and Nabila are well aware that Muslim leaders have limited power in most cases, but they expect them to inform women about their Islamic rights, as Amina and Nabila define them. Amina, Nabila, Zaynab, and Aisha are all very clear about their opinion that women have the right to divorce if they do not want to be with their husband – this reason is sufficient to them – but the situation for Muslim women in Denmark is that they do not have this right to Islamic divorce in practice. The absence of an institution that enforces this right (given the Islamic juridical vacuum) means, once again, that their rights are ultimately defined by the power dynamics in individual cases. That is how the Islamic juridical vacuum works.

Amina, Nabila, Aisha, and Zaynab mainly describe male Muslim leaders as being dominated rather than being in positions of power. They may pose as powerful qadis who settle cases, but if this is done by siding with the stronger

party in the case, this is not an exertion of power on the male Muslim leader's part; rather, this role is one of a notary. Some male Muslim leaders may believe that women have the right to divorce, but they are not in a position to settle cases, and therefore they might reject them, assure the woman that she is divorced without announcing this publicly, try to manipulate the social dynamics in individual cases to reach a desired result (often in vain if the power asymmetry is significant), or pose as a qadi and see where this leads. The point is that male Muslim leaders who try to impose justice and/or haqq are typically navigating a situation as a dominated agent who must outmaneuver the powerful party to succeed in his endeavors (cf. Certeau, 2011).

Critique may target different levels of social structure. It is one thing to say that an individual male Muslim leader does not live up to his responsibilities, another to say that a significant number of male Muslim leaders do not live up to their responsibilities, and yet another to say that the "system" is flawed (Scott, 1990, p. 92). Amina, Nabila, Aisha, and Zaynab – and some male Muslim leaders – level the third critique. They believe that the "system" is flawed in the sense that the absence of an Islamic juridical institution that can enforce Muslim women's rights causes a situation where Islamic divorce processes are un-Islamic. They see a need for erecting an institution that has the power to enforce haqq, even in cases with significant power asymmetries – or, in the terminology of this book, they see the transition from absence/vacuum to presence as the solution to the problem with nikah captivity and related phenomena. However, it should be noted that there is neither agreement on what a woman's Islamic rights are nor how such an institution should operate.

5 Polygamy

It has been difficult to decide whether to include polygamy as a topic in this book, and, if so, where to insert it. However, I consider Amina's and Nabila's focus on emotions related to polygamous practices a valuable contribution to the state of the art, and this is my reason both for including the topic in the book and inserting it here in Chapter 4, even if it requires a bit of an excursion to examine the context.

In her report *To be a Muslim Woman in Denmark*, Tine Magaard remarks, "Polygamy was not originally a topic that were supposed to be part of the investigation, but as the investigation progressed, it became clear that it had to be included because some respondents referred to it themselves" (Magaard, 2009, pp. 114–115). Similarly, Katharine Charsley and Anika Liversage write, "We did not gather the material presented here with a focus on polygamous marriages

in particular, but derived it from projects on other aspects of kinship practices" (Charsley & Liversage, 2012, p. 2). Likewise, Mahmoud Jaraba (2022a, p. 329) notes of his imam informants in Germany, "Polygamy is sometimes practiced and under-age marriage is often tolerated", whereas Islam Uddin (2020, pp. 13–15) explains that his British qadi imam informants refer to English law as a strategy to deflect male clients' expectations they will facilitate polygamy. In a literature study of the available polygamy research, Eli Ramsvik Melby and Anja Bredal conclude that this is a pattern in research: "We can confirm that there are few studies in the material with polygamy as its main topic" (Melby & Bredal, 2019, p. 10). The literature study further demonstrates that none of the studies with polygamy as a focus has directed this attention to Islamic polygamy in Europe. In other words, much of our knowledge about polygamy comes from studies that were not designed to study it.

Like Magaard, Charsley, Liversage, and Jaraba, I did not set out to study polygamy, but as polygamy is an element in many of the cases I have observed, and because informants have raised it themselves, I have included this section. For example, of the eight cases I presented in Chapter 3, four contained the element of polygamy in one way or another. Salma's husband married a second wife while holding Salma (his first wife) in nikah captivity. This is de jure Islamic polygamy in the sense that Salma's husband claimed to have two wives according to sharia. Late in their nikah, Sara and Ayan found out that their husbands had multiple wives with whom they had children and maintained family life. This is de facto polygamy and de jure Islamic polygamy, but not de jure civil polygamy as these nikahs are only valid under sharia. And finally, Jasmin stopped her husband in the process of entering into a second nikah by mobilizing female family members against him. As Jasmin's husband ultimately chose not to enter into a second nikah, this never became a polygamous nikah. Walker describes the same patterns as I have laid out here, and adds that the welfare state may be paying the maintenance that men would otherwise be expected to pay:

> Whilst in theory it is incumbent on the husband to maintain his wives financially (and there might therefore be a financial incentive not to marry multiple times), the women in this study reported that many men simply ignored this provision or considered it taken care of by the welfare state. (Walker, 2016, p. 125)

It should be noted that Islamic polygamy is not illegal in Denmark. Although Danish law contains a concept of religious marriage equivalent to nikah, which is utilized to regulate nikah practices in penal laws § 260 and § 260a on underage nikah and forced nikah, polygamy in the form of contracting multiple

nikahs is not banned in penal law § 208, which prohibits entering multiple civil marriages (Vinding & Petersen, 2023).

As stated in the above we have no research on the frequency of Islamic polygamy in any European country, but qualitative observations have been made. First of all, the two Danish studies referred to above,[6] describe a very wide spectrum of polygamous practices. Second, polygamous practices are altered by transnational migration rather than retaining continuity with a country of origin; new practices emerge in migration contexts (Charsley & Liversage, 2012). Third, polygamy is socially sanctioned in some communities and not in others. Magaard has interviewed a woman who was ostracized in her community for speaking out against polygamy, and Liversage has interviewed a Turkish woman who considered becoming a second wife "but declined after negative reaction from her married female Turkish friends" (Charsley & Liversage, 2012, p. 9). Magaard does not disclose the ethnicity of her informant, but the two interviews demonstrate variation in attitudes to polygamy; this has also been identified in North America by Julie Macfarlane (2012, pp. 47–49), and there is also significant variation in Muslims' attitudes towards the practice internationally (Pew Research Center, 2013).

Before venturing further into this section it is important to underline that polygamy is not a simple, straightforward phenomenon that may unilaterally be declared misogynistic. That would be to confuse a phenomenon emerging by virtue of patriarchal social structures with the structures themselves. All the studies mentioned above contain cases in which women have chosen polygamy as a tactic when navigating patriarchal social structures (Charsley & Liversage, 2012; Magaard, 2009; Melby & Bredal, 2019), and I have also found cases of such usage. This may be in the form of career women who do not want to be constrained by the common expectations of a wife, and therefore become a second wife – a nikah in which she is relieved of the duties that would otherwise be expected of her. However, it may also be in the form of men who have entered into an arranged nikah under significant pressure, or men who take a second wife to satisfy their own aspirations to live in accordance with their own values and pursue the life they want to live. As Melby and Bredal (2019) demonstrate, polygamous practices exhibit an astonishing range of variations, many of which are present in Denmark (Charsley & Liversage, 2012; Magaard, 2009). It should also be stressed that religious polygamy is not just an Islamic phenomenon (Melby & Bredal, 2019, p. 17).

6 Charsley and Liversage have written the article I refer to together, but it is based on separate studies in the United Kingdom by Charsley and in Denmark by Liversage. I, therefore, refer to Liversage rather than Charsley and Liversage when addressing the Danish part of the study.

In my data, polygamy primarily[7] takes the form of de jure Islamic polygamy in which a man enters into a nikah with a woman while holding his (ex)wife in nikah captivity. However, I have also observed cases of de facto Islamic polygamy in which men have multiple wives with children. Sometimes the wives are aware of this and in other cases they are not. Further, I have produced data on cases in which the man divorces his wife under Danish law without dissolving the nikah and without ending marital life, and then marries another woman abroad and applies for family reunification. This also works the other way around when men who are already married in the country of origin migrate to Denmark by marrying a woman with citizenship in Denmark. And finally, I have repeatedly been told about middle aged and older men who enter into a nikah with young women abroad with whom they regularly spend holidays. Polygamy appears in my data in the form of husbands in a monogamous nikah who either threaten to take a second wife or attempt to enter into a nikah with a second wife but are stopped in one way or another. That is, the threat of polygamy may be utilized by men to discipline women in a monogamous nikah.

While explaining that strangers do not come to her and share intimate descriptions of partner violence, Amina adds that this is different with cases of polygamy:

> I [always] have a relationship with people who come to talk in detail about this [partner violence]. But when it comes to cases of two wives and the like, I have experienced that I actually did not know them – those who came to talk with me about it – and it was just like [nervous laughter]. I did not know how [to handle it] – also because the women themselves are confused about what they want, or how they should relate to it.

When I asked Nabila whether polygamy is a widespread practice, she answered, "I do not know whether I would say that it is a widespread problem, but I think it is … and it takes a really, really heavy toll on women." Amina answered in a similar way, saying, "Yes, I actually think I have experienced that quite a few times, and this is [often] something they [the women] are ashamed of. They have this feeling of shame and of not being good enough." The women who

7 I have not quantified the number of cases in my data because these figures would be unreliable as I only have confirmation of polygamy in some cases but no confirmation of the absence of polygamy in the rest. This is because polygamy has not featured in my interview guides or been a topic of focus.

come to Amina often blame themselves for their husband's taking a second wife. She elaborates:

> You know, it is the way they talk; it is much in the form of .... "What is it that I have done that made him take another wife?" "Is it me who is not good enough?" And, "I have not told my family because how are they going to respond?" It is very much that kind of reticence around this topic. And it is kind of funny that they then come to me and speak to me about it when I am in fact an almost complete stranger to them. But that is because they have heard that I am a good person to talk to.

As with other cases, the women who come to Amina and Nabila are seldom looking for Islamic answers, although that may become relevant later in the process. As Nabila explains,

> I do not think that the women initially think, "Is this allowed religiously?" I think for women – and that is my experience with the women I have spoken to – it is "Ouch, that really hurts." And it is the whole emotional aspect of it, and the [emotional] rollercoaster, and the feeling of being betrayed, and again that thing with it being a breach of trust, and "Now I have to share my husband with another [woman]. Am I able to do that? Am I unable to do that?" It is all those human emotional things that come forth, in the first wife at least. It is not so much the theological considerations one has.

In other words, the women tend to be bewildered by the new situation they must navigate, and struggle to find themselves in it. Both Amina and Nabila let the women talk without trying to impose specific courses of action on them. Amina says, "I cannot just tell the woman to leave him." Nabila describes the emotional turmoil as "literally a rollercoaster, up and down. One day you are strong and determined … the next day you are down and scrape the bottom and cannot pull yourself together. And this is especially the case when children are involved." Amina elaborates on this by describing a case in which children are involved:

> And then she says, "We have XX children together, and he has always been such a fantastic husband, but now he has married another [woman] and he says, 'That is my haqq' … but he does not want to leave me, he wants to stay married and so on and so forth." And then we can have a

> conversation about that, and it is like, you know, this is a woman whom I do not know well, who really opens up a lot to me.

As the last quotation demonstrates, fiqh appears in the early stages of polygamy in the form of the husband's formulating and claiming polygamy as his haqq. Some women accept this, but at some point most resourceful women end up leaving their husbands, thereby challenging haqq claims to polygamous nikah. Amina sees this as a transition that happens as the women go from confusion and bewilderment to determination:

> I think they themselves are confused about what they are really thinking, so they want to hear what people around them say. And then before they begin to look for something more textual, or [before looking for] someone who can tell them how to deal with the situation [religiously], then, I think these are women who do not know [what to think about it]. They wander around with mixed thoughts and frustrations and emotions and then they approach other women because they can use them as mirrors for their emotions in some way. And then it sneaks in – now we are more talking about the women in the second scenario you mentioned who choose to get divorced … – "Is there Islamic legitimation for this at all? I have heard that it says that somewhere in the Quran." You know, these kinds of questions.

Nabila explains that polygamy "is not taboo, but neither is it socially accepted" in the community of which she is part. However, it is a practice that is not uncommon, and it is often spoken about: "women talk a lot about it" and "men talk a great deal about it among themselves". The concept of polygamy may even play a role in monogamous nikah as "it is also the kind of thing that men may threaten their wife with, saying, 'If you do not [give in to my demands] then I will just find a second wife.'" Nabila adds that there are significant differences between ethnic minority groups when it comes to polygamy. Her experience with Turks is that "polygamy is not widespread, and that people look down upon it, a lot" (Liversage arrives at same conclusion in relation to Turks in Denmark, see Charsley & Liversage, 2012, p. 4). Nabila adds,

> Among Palestinians it is more widespread, and I have also encountered it among [men] who go abroad, and especially to Morocco, and marry woman number two. And there is a difference here. These are older men who travel abroad. You know, these are men – I will say fifty plus [years

> old] – who choose polygamy. These are men, who choose polygamy [when they are] fifty plus; they go to Morrocco and pick up wife number two.

The latter sentence suggests that some men apply for family reunification to get their Moroccan wife into Denmark. Nabila is just one among many informants who have mentioned this phenomenon of entering into a nikah with a Moroccan woman. When I asked Adil, a Danish Moroccan Islamic authority, about this, he stated with regret that it was a phenomenon that is caused by the war in Levant, which has diverted a lot of sex tourism to Morocco. Adil explained that it is mainly middle-aged and older men of Palestinian and Iraqi origin, albeit also Moroccans, who travel to poor villages in the northern part of Morocco to find young brides. He added that many of the Iraqis are Shia Muslims, which means that the women must convert to Shia Islam before entering into a nikah with them. Adil believed that most of these men travel back and forth to Morocco at regular intervals to visit their Moroccan wives, but he also mentioned that some apply for family reunification to get these women into Denmark.

A few days after my interview with Adil, I ran into Zaynab. I told her about my findings with regard to polygamy and Morocco; she laughed politely at my ignorance and stated that this was common knowledge. She went on to explain that it was primarily Iraqis who traveled to Morocco and as these men were Shia Muslims the Moroccan women had to convert. This is a very similar description to the one provided by Adil. However, when Nabila read this chapter, she objected to the notion that this was a particular Iraqi phenomenon and labelled Morocco a "Muslim Thailand", in reference to Thailand's being a well-known destination for sex tourism among Danish majority men.

Anne Sofie Roald has identified the same patterns of polygamous practice in Sweden as I have in Denmark but, interestingly, she also notes that Iraqi men in particular travel to Morocco to marry Muslim women (Roald, 2009, pp. 113–116). However, as her study predates the civil war in Syria, it calls Adil's explanation into question. It may be that there has been a rise in sex tourism to Morocco because of unrest in the Levant, but Roald's account demonstrates that it is not a new phenomenon.

Polygamy is not something that is relevant to Amina's and Nabila's personal lives, but they see it as something that is possible within an Islamic juridical framework, and therefore something that one must guard against by writing monogamy into nikah contracts, actively making polygamy impossible within an Islamic framework. Furthermore, they see it as important to help women who have become part of a polygamous nikah against their will, while stressing

that this must be on the women's terms; if she does not want to leave her polygamous husband, she should not be pressured to do so. Indeed, they support the agency and well-being of the woman wherever that leads.

6 A High Demand Uncatered For

Amina was approached for the first time approximately eight years ago, and she estimates that she has had a couple of what she describes as "really bad cases" a year. She explains that it may take years for women to obtain their Islamic divorce, but she adds,

> I would say that when I have been involved in one way or another in relation to this [divorce], in cases where women have actively sought me out to hear my opinion and tell me about everything – those cases that have taken a long time – they have all ended in divorce. No one has stayed with their husband.

Nabila estimates that slightly more than half of her cases constitute Islamized post-separation violence cases of various types, such as the continuous interference by an ex-husband in a woman's life, conflicts over children, and disagreements relating to the validity of a divorce, among other things. She has received cases as long as she remembers: "I can remember that when I was very young [I also received cases], and back then I did not at all feel prepared to help anyone." Now, decades later, she has reached a point when she must turn away at least some of them.

Female Muslim leaders do not experience the cascade effect, but they do experience a continuous case flow that spikes when they have been publicly visible. Nabila explains that women often come to her

> after I have done something [in public], I have participated in something, or after I have posted something on Facebook, or something like that. It is often via Messenger where they begin by asking, "Can I call you?" or "Sister, I need to talk to you. Is it ok that I call you?"

The flow of cases can be significant and time consuming, and Aisha, Zaynab, and Nabila have all had to turn away women in need as a way of protecting themselves. When I interviewed Nabila, she had turned a woman away for the first time three weeks earlier, something she describes as difficult.

> I have also begun to say stop, because it is too much. It is way too much. And it is a lot of time one spends on it. [For example], at times when I have thought that now the kids must go to bed or now they must have dinner [women call me]. You know, I have children that I must take care of. … When one has said yes to the first conversation then it is very, very [seldom] – I do not think I have ever experienced that it was just that one conversation and then that was it. In fact, I do not think that has ever happened. There are always a lot of conversations afterwards. It stretches out over long periods of time. … The woman who called me three weeks ago – and now my stomach hurts, because I had to tell her, "I simply do not have the time for it. I cannot help you. … I wish that I could give you some of my time, but I am also realistic. I cannot. I will let down my children if I give too much."

Nabila adds that it hurts to turn women in need away, especially as there is nowhere to send them: "They are on your mind, and these are destinies one cares about." However, she adds, "Because I know the extent [of the demand], I also know that I have to say stop now." The first time she turned a woman away she unsuccessfully tried to pass the woman onto NGOs:

> They did not initially pick up the phone, so they called me back and then they said, "You know that you have called on a Friday afternoon?" Then I said, "Yes, I know, but I have only just been contacted by the woman, and she needs help and I cannot help her in the situation that I am in. But she needs someone to pick her up and I do not know who to refer her to here in [region]." They could not help her. … You know, it was a man that I spoke to on the phone. It was an ethnically Danish man who called back, or who managed the hotline. He did not believe that this was within their focus area. Then I called [another NGO]. They were already closed. Then I collected some [relevant] phone numbers and gave them to the woman.

For Nabila the case ended with her passing on some relevant phone numbers to the woman that she could try to call the following Monday. Professional social workers are often a less relevant option for many of the women who turn to Aisha, Zaynab, Amina, Nabila, and other female Muslim leaders, and this means that it is difficult for female Muslim leaders to refer these women to the social services provided by the welfare state. Representatives of the welfare state and the institutions they work for can to some extent provide essential services, such as security, shelter, food, therapy, and temporary refuge, but they struggle to put women on a path to a stable Islamic divorce. As demonstrated

in Chapter 2, some welfare workers, caught in the social workers dilemma, do engage in such unauthorized practices, but this is not a service officially provided by the welfare state.

7 Conclusion

Following the epistemological and methodological program I laid out in Chapter 1, in this chapter I have decentered the Islamic juridical performance and focused on actors and events that are otherwise overshadowed by it. I have highlighted the role of female Muslim leaders who may play an important role in the early stages of Islamic divorce all the way through to its final stages when their role is erased. Furthermore, I have highlighted how everyday language is dominant in the early stages of Islamic divorce processes but is exchanged for fiqh terminology once women begin to take action. This is most notable in the transition from justice to haqq. These two terms have very different connotations and discursive back catalogues, and they also generate different emotions (Barrett, 2017).

Schultz-Knudsen's (2021) concept of interrelationally practiced Islam highlights the transition from the private to the social sphere, which manifests itself in the transition from everyday language to fiqh terminology. Fiqh typically does not matter much, or at all, in women's exploration of private motivations (early stages), but once they take action in a public forum (late stages) the social expectation is that they do so in an Islamic way. This is because the forums in which such conflicts are resolved are regulated by the strategic power of sharia discourse and, therefore, actors within them must tactically navigate this discursive space (Certeau, 2011). This is important because it means that a narrow focus on the late stages of divorce produces research results that are biased towards fiqh, but if we include the earlier stages – prior to translation into fiqh terminology – the phenomenon of Islamic divorce also changes. One may even describe the early stages as merely relationship breakdown.

Although cases are put into fiqh terms, this does not mean that these rules are enforced by Islamic judicial institutions. Rather, Amina and Nabila describe how fiqh rules are negotiated on a case-to-case basis, and how the stronger party typically gets to define them. Similarly, they describe how Muslim leaders are often unable to help women, but many willingly side with the stronger party (typically the man), although exceptions do exist.

CHAPTER 5

Islamic Legal Practices in the Islamic Juridical Vacuum

> There are many of those families; I have married them.[1] And we do not have a justice system in Denmark for Muslims, and we cannot get divorced in an Islamic way in the municipality or in the church, so it is the imams who take over that role in relation to divorce. (Interview with Hassan, February 2019)

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> When Muslims call, the imam can only give advice and guidance. Imams cannot give haqq because they do not have the power to do so. (Interview with Abdel, February 2019)

•••

> People come to me to hear what Islam says. Therefore, I give them Islam. (Interview with Yasir, October 2022)

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Hassan, Abdel, and Yasir state that when people come to them, they are looking for Islamic answers, so that is what they deliver. This means that if people want an Islamic divorce, they are the guarantors of fiqh rules being followed. None of them are aware of how marital problems are often put in Islamic terms in the process leading up to a woman's request for Islamic divorce. When cases are presented to them, divorce has typically become an Islamic right that women expect them to enforce.

Many women see Muslim leaders as an avenue of action but, as explained in previous chapters, this does not necessarily mean that women request Islamic

1 Hassan has a marriage license, so he simultaneously performs a civil marriage ceremony and facilitates the nikah.

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divorce for religious reasons – some may even be non-Muslims. As Tanya Walker (2016) has demonstrated, women will often adopt a religious display as a way of furthering their case in front of a religious authority, and even if they are devout Muslims, they do not necessarily consider Islamic divorce institutions legitimate, but they may need their performance to navigate social dynamics.

All three Muslim leaders quoted above were born abroad and arrived in Denmark during the 1980s, 1990s, and 2000s. They are partially autodidacts but have also studied some topics with a sheikh and/or taken short intensive Islam courses (cf. Liengaard, 2008). Nevertheless, due to popular demand and the lack of competition, they have become imams. Musa, a well-educated imam whom I present later in the chapter, complained to me that people are invited to deliver the Friday sermon in Danish mosques without having sufficient knowledge, and even "when they are invited again and again they do not bother reading because they are already imams". Thijl Sunier and Léon Buskens (2022) have suggested that Islamic educational credentials are not necessarily the most important variable for generating Islamic authority, and the trajectory described by Musa is not unusual in a Danish context, although the description is a bit unnuanced (Petersen & Vinding, 2020, pp. 172–174).

In Lene Kühle's and Malik Larsen's 2017 survey of Danish mosques they estimate that only one in three imams in Denmark receives a salary, most of these being Turkish imams who are not framed as qadis because Turks primarily divorce in the Agency of Family Law without any parallel Islamic legal process (Kühle & Larsen, 2017, p. 51). This resonates with my observations that Muslim leaders typically facilitate divorce in their spare time without getting paid, a resource constraint that is also evident in other studies. In their study of Islamic divorce in Finland Mulki al-Sharmani, Sanna Mustasaari, and Abdirashid A. Ismail conclude,

> The work in the mosques is currently carried out on a voluntary basis and with insufficient resources. According to the interviewees, the education and salaries of the people carrying out dispute resolution and arbitration are not secured, the premises are inadequate, and the lack of coordination between the mosques and other institutions renders their work inefficient in some respects. (Al-Sharmani, Mustasaari & Ismail, 2017, p. 286)

In a Danish context it is often assumed – both by ordinary Muslims and non-Muslims – that the role of qadi is also contained within the role of imam (a title that is not protected), and some imams are willing to adopt the qadi

role to help women. This is a new situation in Islamic legal history, one without precedence, which is highlighted when some of my informants try to explain their families abroad that an imam has issued their Islamic divorce. Often family members ask why the imam has issued the divorce and not a qadi or court. From their perspective, the notion of an imam refusing to issue an Islamic divorce upon a woman's request – a prevalent story in the Danish media – is absurd. Nevertheless, it is partially meaningful in terms of the Islamic juridical vacuum which sucks in imams and other Muslim leaders, to emerge as qadis (as presences).

This new role for the imam has also been observed in studies made in Norway (Bredal, 2018), the Netherlands (Muradin, 2022), and Germany (Jaraba, 2022a), which highlight that it constitutes a departure from their typical role in countries of immigration where the contracting of nikah is normally handled by a registrar. Mahmoud Jaraba (2022a, p. 327) remarks that "contracting and documenting *nikah*, is a new role for many imams in Germany", something also noted by Arshad Muradin in his research into family dispute resolution among Moroccan Muslims in the Netherlands:

> This study found that Moroccan imams, as agents of religious authority, are nowadays often turned to by the community they serve for spiritual leadership and guidance in times of both joy and sorrow, which leads to their involvement in rituals associated with birth, marriage, divorce and death. In contrast to the current situation in their countries of origin, where imams are primarily engaged in leading daily prayers in the mosque and delivering the Friday sermon, imams in the Netherlands are faced with many demands and evolving roles in Muslim communities. (Muradin, 2022, pp. 55–57)

This chapter has two functions: it provides Muslim leaders' perspectives on Islamic divorce practices in Denmark, and it describes Islamic juridical practices in the vacuum. The latter is important because it generates the contrast for Part 3 of the book in which I describe the early stages of the vacuum's transformation into a field that is structured by presence.

Researchers with specialized knowledge of fiqh will want more detail about the fiqh terminology and wording used in the Islamic divorce documents that I present here. I have, therefore, transliterated such information using Brill's simple Arabic transliteration system. I do not explain the significance or comment on this information as I do not see it as important to the book's core argument. It is merely meant as a service to readers with specialized interests.

While the chapter demands some proficiency in fiqh terminology, it is nothing beyond what can be found in the primer on Islamic legal terminology section in the introduction (see pp. 17–22).

1 Becoming a qadi or Mediator

Khalid[2] is a young man living in major city in Denmark, who was born of migrant parents into a powerful clan involved in organized crime. His background provides him with protection and maneuverability, as he explains: "No one touches a member of the family. That is a red line. An attack on one is an attack on all. … If someone does anything to me, my whole family will hunt them down." At a young age, Khalid became a Salafi Muslim, and, therefore, he did not become involved in the family business; rather, he trained with a sheikh and became a well-known person in the community and beyond due to his missionary work (*daʿwa*). Khalid's religious engagement is primarily oriented toward getting people out of gangs, and this means that he is well connected. He explains that even though only some gang members believe in Allah, "There is a social consensus that you do not talk ill of the religion. That would be inappropriate in these communities." Being a Salafi may give status in gang communities.

People respect Khalid because of his knowledge of Islam and his rigorous practice, which has extended beyond the common one to two year period that many Salafis keep up their engagement.[3] Furthermore, he has a reputation for being uncompromisingly oriented towards haqq. He understands this as a characteristic of Salafi Muslims, stating, "You may say much about Salafis – both good and bad – but they are generally more willing [than other Muslims] to put actions behind words when it is about haqq".

It was in relation to his missionary work that Khalid got his first request to provide an Islamic divorce, and since then he has built the reputation of being able to take action in Islamic divorce conflicts and reach a fair and just result. He points out that most Islamic divorce cases are resolved within or between clans (cf. Bowen, 2016, pp. 22–23; Rohe, 2020; Rohe & Jaraba, 2015), which more or less fits Jaraba's description of the situation in Germany:

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2 Khalid agreed to read through my description of him and what he does, and return with feedback if he had any. I did not hear back from him.

3 This description of Khalid is not just based on a self-assessment. I am also describing his reputation as other people in the community see him.

> There are some closed off but extended immigrant families in Germany who claim the authority to decide on issues related to marriage and divorce among themselves. If a woman from an extended family wants to obtain a divorce, it is the family elders who claim the authority and consequently decide whether she can obtain a *khulʿ* based on their customary norms. Generally speaking, these extended families strongly oppose the authority of imams and other Islamic entities, which they view as a threat to their patriarchal family culture and identity. The struggle over religious authority, in some cases, led to tensions between extended families and some imams, who are willing to help women to get divorce without obtaining the approval of either their husbands or extended families. (Jaraba, 2022b, p. 310)

Danish practices are very similar to those Jaraba describes, although I have observed that families and clans – once they have settled a divorce case – sometimes approach a Muslim leader or a mosque to have the agreement put in writing. In such cases, the Muslim leader (whether within or apart from a mosque) merely functions as a notary.

Clans and families may also approach a prominent Muslim leader or a prominent person in the community to act as a mediator or arbitrator. Khalid remarks that imams do not have significant power and, therefore, they are seldom able to solve high conflict cases. Such cases often end up with a prominent person in the community, such as Khalid or someone in a similar position of power; however, as people in general are more respectful in mosque space, imams may use this dynamic to get people to enter respectful dialogue over their problems (cf. Muradin, 2022, p. 61). To act Islamically, as this is understood locally, is a way of demonstrating moral integrity, and thus, the mosque space provides the imam with some influence over defining how Islam must be practiced interrelationally between the parties: for example, that it is un-Islamic to keep a woman in nikah captivity.

Khalid may be a person to be reckoned with but he is not a free agent; rather, he is restricted by his clan's interests, and he must avoid getting involved in cases that may cause conflicts between his and other clans, or in other ways jeopardize his clan's interests. If there is such a conflict of interests, there is nothing Khalid can do for the women who request his help, although he may provide his Islamic legal opinion without getting further involved. In the absence of such restrictions, however, he can utilize his position as the member of a powerful clan to make threats or in other ways get people to comply with his decisions, meaning that he has the power to take the weak party's side

in a divorce conflict. When Khalid has resolved such a case, the parties go to the imam who puts the divorce in writing.

Khalid only becomes involved in Islamic divorce cases if there is a conflict, and his first step is always to deescalate it. He remarks that one must be aware of gender dynamics in such situations. Women may frame themselves as victims or show vulnerability, but if men do the same, they will become emasculated; indeed, they are often forced into the role of being tough men who protect the integrity of their masculinity. This might be despite falling apart inside. If the woman starts crying, Khalid remarks, the man often becomes trapped in a difficult situation, because he cannot respond by also crying nor can he become aggressive – he is disarmed and defenseless.

Khalid always tries to get the parties to reach an agreement, but if he cannot, he investigates "to whom haqq belongs" and makes a decision, which he then enforces. He remarks that it is seldom necessary to threaten or in other way mobilize his network in Islamic divorce cases, but it is often necessary in stalking cases. These are the most time-consuming, and are not just between Muslims; he also resolves stalking cases between majority Danes in the local area, often because police interventions have been ineffective.

Khalid knows of cases in which the police have put pressure on imams to issue Islamic divorces, but in the last few years he has noticed that, instead, they have tried to scare imams away from involving themselves in Islamic divorce. Khalid bemoans both practices, but he is especially worried about the latter as there are no other institutions that may issue Islamic divorce papers to women. In other words, Khalid believes that women pay the price for the policy of eliminating Islamic divorce institutions without putting something else in their place. He adds that the police are fully aware of his activities, but they do not interfere because they can see that the activities make sense, and that they are themselves unable to solve these problems.

Khalid's practice does not constitute a stable presence because his service is only available when it does not conflict with his family's interests. Furthermore, Islamic divorce cases are time consuming, and Khalid does not have the resources to handle the cascade effect; he tends to prioritize cases in which female converts are in nikah captivity as they are particularly vulnerable due to their having no family support (cf. Eijk, 2019, p. 48). In other words, Khalid oscillates between absence and presence and his ability to help is dependent on his clan's lack of involvement, or as he puts it, "whether I have my back clear".

While Khalid is an example of a qadi who uses his clan background to provide haqq, Yasir is an imam in the same area who writes divorces but who does

not belong to a powerful clan. He arrived in Denmark in the 1990s and initially lived in an asylum center. At that time, he did not have formal religious education, but he began to lead prayers for other asylum seekers. Then he started teaching Islam, and soon he became the imam of the asylum center (not an official title). After obtaining asylum and moving to a major city, Yasir continued to function as an imam for some of the asylum seekers, teaching and leading prayer. He began studying with a formally educated religious authority, got an ijaza in Shafiʿi fiqh, and became one among several imams in the local mosque. As mentioned at the beginning of the chapter, this trajectory of becoming an imam based on popular demand and the absence of formally educated imams is not uncommon in Denmark.

When I interviewed Yasir,[4] he had retired as an imam, but he was still one among approximately five Arab Muslim leaders in the city who issued Islamic divorce documents. He primarily did this from his apartment, but it could also take place in the house of one of the parties or the mosque. Yasir cannot recall his first Islamic divorce case, although he remembers having had cases in the asylum center when he arrived in the 1990s, but he explained that his first divorces after settling in Danish society were performed with the assistance of a priest from the Danish state church. The local priest knew about Danish family law and how to navigate the municipal bureaucracy, which Yasir and other Muslims leaders did not, and he was willing to help. As Yasir and other Muslim leaders gained a deeper understanding of Danish law, cooperation with the priest dwindled.

Yasir is a prominent Muslim leader. He is glad to be interviewed and states from the beginning, "We need to get to the bottom of this." He believes that the media misunderstands him and other Muslim leaders, and he even offered to call a meeting among imams to have them hand over their divorce archives to me. I refused this offer as I did not want to create expectations in a wide circle of Muslim leaders that I would support their case in return for their delivering empirical material to help my research.

Before getting involved in a case, Yasir insists that the parties to the divorce pledge to accept his decision, but he also remarks that in approximately every tenth case one of the parties chooses not to do so anyway. In high conflict cases where he has issued an Islamic divorce without the husband's consent (tafriq), men seldom accept it. There is nothing he can do in such cases, but women may – depending on their situation – insist on the validity of the divorce document by mobilizing their clan or family. Thus, as a rule of thumb, women's

4 I had a long conversation with Yasir in February 2021 and interviewed him in his home in October 2022. On both occasions I was assisted by a translator from the local community.

Islamic divorce rights – or the de facto rules by which their Islamic divorces are handled – are congruent with the power asymmetry between clans. A woman from a powerful clan can easily get divorced if she is in a nikah with a man from a less powerful family or clan, but she has very few options if she is from the less powerful family or clan; that is, unless she can mobilize a person like Khalid or similar.

Yasir's first action in every case is to attempt to engineer a reconciliation. This mediation is based on Yasir's expectation that couples will practice Islam towards one another, and he is quite insistent on trying to reconcile the parties to the nikah rather than facilitating divorce. The reconciliation may follow a variety of patterns; as mentioned in Chapter 4, Yasir's wife may try to help women find happiness in their nikah before cases are passed on to Yasir, who has a number of techniques he applies to help the parties listen to each other. He might equip the husband and wife with pen and paper, for example, and demand that they take it in turns to listen attentively to their partner while taking notes without interrupting; a dialogue is opened up at the end. The techniques vary according to the situation, and Yasir estimates that approximately half the divorce requests he receives end in reconciliation. He adds that when only the wife and husband are with him, he can more or less control the situation and avoid fights, but when family members join in, the situation sometimes gets out of hand, leading to brawls.

When deciding cases, Yasir prefers to follow Shafiʿi fiqh exclusively – as this is what he knows – and to avoid other schools out of respect as he is not well versed in them. In terms of Islamic marriage he refuses to facilitate a nikah without a guardian (*wali*), instead referring such cases to imams from the Hanafi school of thought (this practice of referring cases to other schools of thought to help ordinary Muslims navigate has a long history; see, e.g. Vikør, 2005, p. 314). He criticizes Muslim leaders who make absolute statements about Islam as if there were only one way of being and acting as a Muslim; rather, he believes that it is important to tell people about the possibilities in the Hanafi school, for example, if the Shafiʿi school is too restrictive for the person in question.

Yasir negotiates and makes decisions on child custody, albeit unenforceable under Danish law, unless they are contracted as weaponized talaq and, thus, registered as a mutual agreement with the Agency of Family Law. He states very clearly that when people come to him, they expect Islamic solutions and he takes his role of investigating and finding Islamic solutions for couples very seriously. This means that if a couple has made an agreement about child custody in the Agency of Family Law prior to approaching him, he will not interfere; in such cases Yasir finds compliance between the couple's choice

and fiqh and writes this down in the divorce document.[5] Sometimes he must apply fiqh from other schools of thought to construct this fiqh compliance – a flexibility in Islamic jurisprudence that Yasir adds he finds beautiful. On occasion he also sends people off to other imams after telling them something like, "I do not do this, but your solution lies in the Hanafi school, so you must go to the Pakistani or Turkish mosque." In other words, it is important for Yasir to stay true to his beliefs.

As described above and in previous chapters, a wide variety of agents may get involved in Islamic divorce conflicts, but they are mainly of three types: Muslim leaders (religious leaders), clan elders or family heads, and individuals who can enforce their decisions (like Khalid). The power dynamics are very different from case to case, and much of what goes on in Islamic divorce conflicts involves manipulation of the power dynamics. Sometimes Muslim leaders get support from former gang members who have turned to Salafism – a phenomenon that is also publicly known and which constitutes a rawer version of having a police car parked outside the mosque (see p. 67). As Yaqoub Ali, a former gang member who turned Salafi and became part of The Call to Islam – which supported ISIS – explains,

> We take protecting women in divorce cases very seriously. And it has also happened several times that we have sat "packed" with weapons in the mosque if we have known that the person whom a woman wants to divorce was a criminal or insane.[6] It has become a thing that imams asks of us from The Call to Islam in complex divorce cases, and when I sit there as protection for the woman and the imams, I always make sure that I have one of my hands placed in the pocket of my hoodie, which I wear over my gown, so that no one can be in doubt about what I hide in there. The intention is that they should feel threatened. (Ali & Meyer, 2024, p. 127)

The three roles I have outlined above should not be seen as absolute and, as the quotation demonstrates, individual cases may be influenced by the involvement of recruited support from Salafis with a violent track record, although even with such support imams sometimes have to pull out of conflicts. Amr, a Salafi imam in a major city in Denmark, has been engaged with missionary

5 My triangulation demonstrated that this was not true. Rather, plaintiffs have described to me how Yasir would sometimes embark on discussion of child custody whether the women welcomed it or not.

6 The Danish word is *utilregnelig*, which means a person whose actions can be hard to predict.

work in gangs for years, and this means that he has a group of former gang members as students, which provides him with a degree of protection, allowing him agency in conflicts in a way similar to Khalid. He has, for example, issued an Islamic divorce to the wife of a board member of a popular mosque, a divorce case that had already become violent when other imams tried to intervene. Nonetheless, Amr – like Khalid – is not a free agent. In another divorce case, he promised a woman that he would issue a khula by decree if she returned her dower of little more than 4,000 EUR, yet was unable to enforce this when the wife had paid and the husband suddenly demanded more compensation to consent to Islamic divorce. As it became clear that there was a significant security risk in issuing the Islamic divorce document Amr decided to pull out.

On a sidenote, I should remark that there are a few imams who have a clan background, which means that they can actually issue Islamic divorces without taking great risks. However, it will not be tolerated if they continuously generate conflict and problems for the clan, and my observation is that such imams are often rather conservative. Yusuf, whom I introduce more fully below, provides an exemplar. Such imams are also able to settle penal law cases, but I should emphasize that although the Islamic semiotic resources employed in such cases do matter, their position of authority is not based on their religious status but their clan background. In any case, parallel penal law is beyond the scope of this book, although I have observed Muslim leaders who are involved in both family law and penal law cases.

2 A Dangerous Pose

By being framed as a qadis, Muslim leaders are encouraged to interfere in family affairs or with coercively controlling men. The discursive construction of this pose is one of religious authority, which works by mobilizing Islamic semiotic resources. Yet most people are not influenced by such religious discourse, nor is it part of the fundamental dynamics that need addressing, while both coercive or honor-motivated control are. Abdi captured this effectively in a short statement: "Sharia is one thing, but *sharaf* [honor] is what is dominant." In other words, people primarily care about their relations to other people, but fiqh is the language of negotiation.

In some cases, Muslim leaders are able to influence or manipulate the dynamics of honor-motivated and/or coercive control with religious discourse, but this is in no way normative; rather, Muslim leaders' personal security is typically put at risk if they try to intervene in such control conflicts. This has also been observed by Jaraba in his study of German Islamic divorce practices:

> Some imams are afraid of practicing *khulʿ* by litigation for fear of revenge from the husband or his family. Some husbands take revenge either on their wives or on the imam. During the past few years, there were many cases of uxoricides or murder of wives because of their request for divorce without the husband's consent. There are also many imams who were severely beaten for their practice of judicial *khulʿ*. In September 2019, an imam in Berlin told me that he wanted to help a woman to divorce her husband because of his misconduct with her. The husband called the imam and threatened to kill him and his family. For fear of the husband's retaliation, the imam could not take any action. Imams in Bayern and North Rhine-Westphalia informed me on similar attacks. (Jaraba, 2022b, p. 310)

The pleas for Islamic divorce projected on to Muslim leaders are requests for judicial action. Women expect Muslim leaders to take on the role of qadi and rule in their (the weak party's) favor, which generates the security risk for Muslim leaders. Such power asymmetries are typically the greatest in cases with female converts to Islam because converts tend to come from nuclear families with little power compared to clans.

From the women's perspective, the qadis' absence of actual judicial power is a major problem, as noted by al-Sharmani, Mustasaari, and Ismail: "The interviewees experienced this lack of legal authority as undermining their work. Women in particular need the religious divorce, and the mosque interviewees felt that legal authority would help them to deal more effectively with belligerent husbands" (Al-Sharmani, Mustasaari & Ismail, 2017, p. 283), but it is also a problem for the qadis and Islamic divorce councils: "In difficult divorce cases involving belligerent husbands, the authority of mosques to issue a divorce without the husband's consent was contested. Some husbands did not accept the mosques' authority and even threatened committee members, as reported by some of the interviewees" (Al-Sharmani, Mustasaari & Ismail, 2017, p. 280). In short, it is the performance of intervention in a conflict that generates the security risk, and the strongest asset of most Muslim leaders is their ability to pose as qadis; that is, they try to enforce rules as if they had jurisdiction by adopting the pose of qadi without backup in the form of executive power (cf. Bowen, 2016, p. 70). Furthermore, this is how the cascade effect is created, because when a Muslim leader's pose successfully generates a social effect, this is rumored, leading to requests from many more women who need outside intervention to break free from honor-motivated and coercive control.

The typical Muslim leader who facilitates Islamic divorce in the Danish Islamic juridical vacuum is an immigrant above 50 years of age with an

educational level ranging between high school and a PhD in Islamic studies. However, as most well-educated Islamic authorities in the vacuum avoid getting involved in Islamic divorce cases, the former educational level is more common than the latter. As I discuss in Part 3, the opposite occurs in a field in which Islamic divorce institutions are present. Young Muslim leaders tend to take advice from their teachers – typically the well-educated men who do not get involved in Islamic divorce cases – and stay away from Islamic divorce conflicts and avoid posing as qadis at the individual level; rather, the younger generation has been much more focused on founding an Islamic divorce council to solve the problem (see Chapter 6, 7, and 8).

3 Editing Divorce Documents and Adopting the Pose of Qadi

In his study of nikah and Islamic divorce archives in Germany, Mahmoud Jaraba notes that many Muslim leaders understand these as private, not belonging to the institutions which have issued them. Jaraba provides the example of an imam who, when he withdrew his services from a mosque, "took all the marriage and divorce contracts he had drawn up and filed with him. His apartment in Berlin then became the new repository for the documents, even though they contained private information and photographs" (Jaraba, 2022a, p. 329). This also seems to be the norm in Denmark, except for large mosques with imams who are employed long-term.

Yasir is one imam who kept his own physical divorce archive, but unfortunately this was lost in a relocation some years ago, a loss described by Jaraba as a common phenomenon. Nevertheless, when I asked Yasir to go over his computer, he was able to find twelve Islamic divorce documents, issued between 2006–2020. The headings of the documents categorize them as three talaq, two khula, five tafriq, and two unspecified. In nine of these documents, Yasir has signed[7] as the editor of the document (*muḥarrir waṯiqa*), two as imam, and one with just his name. Further, nine of the documents – but not the same nine – are co-signed by people titled wife, husband, father, brother, guardian (*wali*, *wakīl*, or *wali ʾamr*), and/or witness (*šāhid* or *al-wasīṭ al-muḥāyid al-šāhid*).

Although I have collected much bigger archives of Islamic divorces, I have chosen to analyze Yasir's because his practice is comparatively versatile.

7 These documents are the digital versions of Islamic divorce documents that have later been printed and signed. I use the verb sign as shorthand for there being a space reserved for a person to sign, indicated by the person's title and name being printed at the bottom of the document.

Furthermore, while most Islamic divorce documents issued by Muslim leaders in Denmark contain just a few lines or a paragraph at most, Yasir often writes up extensive presentations of the cases. He argues that this information is important for the documents' validity, as it provides the reasons that legitimize the decision to terminate the nikah.

I have written the following analysis to demonstrate how Yasir applies two parallel terminologies. While he applies fiqh terminology, the lines between talaq, khula, and tafriq are blurred, as I will demonstrate – a husband's stating "you are divorced" may, for example, be framed as a tafriq divorce; meanwhile, Yasir uses the term mutual consent (*bit-tarāḍi*) to describe actual events prior to their "translation" into fiqh terms. In some contracts this is even called *al-ṭalāq bit-tarāḍi*. Thus, the following analysis both sets the stage for a further discussion of the application of fiqh terminology later in the chapter, and provides a typical example of how a Muslim leader may operate in the Islamic juridical vacuum, sometimes adopting the pose of qadi.

In the first talaq divorce, it is stated that the couple decided by mutual consent (*bit-tarāḍi*) to divorce before the nikah was consummated, and that all attempts at reconciliation have failed. This means that Yasir became responsible for writing up a document that both complied with fiqh rules and in which clear testimony to the wife's virginity was stated: "I confirmed with the couple that nothing [sexual] had occurred between them, and that the wife [name] was still a virgin." This divorce is not signed by the husband, just Yasir as editor, but inside the document it is stated that the husband has uttered a talaq enunciation (*ʾanti ṭāliq min ʿiṣmati*) and that he understood what this meant.

The second talaq divorce states that after all attempts at reconciliation have failed, the couple has now agreed to divorce by mutual consent (*al-ṭalāq bit-tarāḍi*). No information on payment of deferred dower (if such a dower was agreed upon) nor maintenance during the waiting period is mentioned. This omission is normative as husbands do not normally pay these expenses; if they do, they usually make sure to have it clearly stated in the divorce document. The document is signed by the spouses and their guardians, two witnesses, and Yasir as the editor.

The third talaq divorce is worth dwelling on a bit more as it states that the husband will pay the deferred dower and maintenance during the waiting period, which is unusual. This talaq document describes how several attempts at reconciliation have been made prior to the husband's turning to Yasir for a divorce. The document continues to describe how Yasir tried to argue for reconciliation but the couple did not want to talk about it at all; rather, they had agreed to divorce by mutual consent (*al-ṭalāq bit-tarāḍi*). It is then specified that the husband will pay maintenance and the deferred dower in installments

during the waiting period. This talaq document is a way of putting it on record that the husband divorced his wife in an honorable way. The document goes on to state that the husband has made a talaq enunciation (*ʾanti ṭāliq min ʿiṣmati*) to his wife in front of Yasir, the wife's father, and a witness. This section of the document also declares that Yasir has explained to the couple that the divorce is final (*baʾina baynuna kubrā*), and what this means in practice. Further, the husband pledges that he will complete the divorce procedures under Islamic law abroad. Finally, the document states that the parties must tear up all private photos of each other and delete all video clips and private messages they have exchanged (this statement also occurs in one of the khula documents, one of the tafriq documents, and in one of the untitled documents). This document is signed by the spouses, the wife's guardian, a witness, and Yasir as editor.

Some Islamic legal scholars would probably expect the first talaq divorce either to be handled under a different rule than talaq or that the husband would pay maintenance during the waiting period. Similarly, they may argue that the second talaq divorce constitutes a khula divorce, and only categorize the third as a talaq divorce. I merely highlight this to demonstrate how fiqh terminology is seldom applied rigorously; it is not a corrective to Yasir's practice, which is not atypical for Danish Islamic legal practices. As I demonstrate with the next two divorces, even Yasir notes and navigates this ambiguity.

In ten of the divorce documents, Yasir declares in the heading that these divorce documents constitute talaq, khula, or tafriq, but in one document there is no such heading and in another the heading reads "Document terminating a legal marital relationship (*waṯiqa ʾinhāʾ ʿalāqa zawağīa šarʿia*)". The latter document states that many wrongs have been committed on both sides and that Yasir is unable to decide whether the divorce constitutes talaq or khula, and therefore, it is completed by mutual consent (*bit-tarāḍi*). This is then followed by a detailed agreement between the spouses, which constitutes a comparatively mild weaponized talaq in which the children will live with their mother but will move to their father's place if she enters into another nikah. Furthermore, the wife must not demand child support from the father (this bit of the divorce document is quoted on page 71). In return the husband pledges to move out of their home, cooperate in raising their children, and not to claim any of the money from state child support for himself. Finally, the wife waives the deferred dower, and the husband waives the advance dower. This document is signed by the spouses and Yasir, who is untitled.

In the second untitled divorce document it is stated that reconciliation attempts have been made, followed by an explanation of how the two clans involved have come to an agreement described as divorce by mutual consent (*al-ṭalāq bit-tarāḍi*) and that "each party waived all of its legal rights with the

other party"; that is, the husband will not pay the deferred dower, but neither will the wife pay back the advance dower. The words talaq, khula, and tafriq do not appear anywhere in the document, which is signed by the spouses and their guardians, two witnesses, and Yasir as editor.

In the khula divorces, one of which constitutes a weaponized talaq, the power asymmetry between the spouses is more pronounced than in the talaq divorces. In relation to weaponized talaq, Yasir explained that women are often desperate to get out of their nikahs and are therefore prone to enter agreements that are unfavorable to them (this corresponds with Aisha's description in Chapter 4; see also Petersen, 2021b, p. 373). In such cases there is little Yasir can do other than help the women make the best deal possible, adding that his facilitating a weaponized talaq enables women to escape nikah. He then argued that if he were to refuse to facilitate such processes, these women would be stuck with an abusive husband. In other words, Yasir is against weaponized talaq, but he believes that it is often better than the alternative. Some women are satisfied with this, but other women berate Yasir for not providing haqq. They expect him to act as a qadi and issue an Islamic divorce without their husband's consent. To this Yasir responds that he has no such power, and there is a limit to what he can do.

Weaponized talaq practices vary between Muslim leaders, some of whom explained that they sometimes put women under pressure to accept weaponized talaq, legitimizing it by stating that the women are in no position to negotiate due to the power asymmetry between the parties. Women who experience such pressure either reluctantly agree or reject such deals, and the latter often accuse Muslim leaders of siding with the stronger party as a way to improve their social relations with prominent people in the community.

In the first two tafriq divorces which I present below, the women have the explicit support of their families, which can be seen from its being their fathers who contact Yasir. In these cases the security risk, if any, is limited to the husbands' reactions, and Yasir's option of issuing an Islamic divorce without the husband's consent is made possible by family support. In the remaining cases family indifference or support is indicated.

In two of the tafriq documents, the woman's father had turned to Yasir and requested an Islamic divorce because of the abusive behavior of his son-in-law. In the first of these cases, the father had extensive documentation of the economic violence against his daughter, and in the other, it took the form of audio messages sent to his daughter. In both cases, Yasir contacted the husband and was rejected. In the first case, under a subheading in the divorce document saying, "Sharia ruling (*al-ḥukm al-šarʿi*)", Yasir states that "based on the above description I sign (*ʾuwaqiʿ*) this Islamic tafriq between [husband] and [wife] due to harm (*bi-sabab al-ḍarar*)". This is followed by his signature as editor

of the document. No other person has signed the document. In the second case, the husband had found another wife. The father had without success tried to mediate between the husband and his daughter, but in an audio message sent to the father, the husband stated, "Why do you insist on arbitration? I do not want your daughter. It is over between us (*limāḏa al-ʾiṣrār ʿala at-taḥkīm faʾana la ʾurid ibnatika laqad intahā kul šayʾ baynana*)." The father called Yasir on the phone and asked him to come to his house to listen to the recording and issue an Islamic divorce document based on it. From the father's perspective, his son-in-law has divorced himself with this audio message; then again, the father also believes that Yasir's Islamic juridical performance is necessary for the husband's statement to take legal effect, an evaluation that indicates that the effect of the husband's statement is pending authorization.

Yasir insisted that he had to talk to the husband before coming to the father's house; in other words, the audio message was insufficient. Yet, as the divorce document states, Yasir got a similar answer from the son in law:

> His answer, which he sent to me via an audio clip on WhatsApp (I saved it), said that he does not want to talk to anyone, that he has nothing to say, that everything is over, that he has divorced her a second and third time (*ṭalaqha maratayn waṯalāṯa*), that he does not want her, that he does want her children, that she must stay away from him, and that I must not call or write to him again. He used to tell his wife that the divorce had not occurred because he had uttered disbelief prior to it (*talaffada bil-kufr qablahu*), and it is as if he does not care about divorce nor care about the punishment for uttering disbelief (*bil-kufr*) nor that he goes from religion to apostasy (*min al-mila ʾilā al-rida*).

The document ends with a short summary in which it is stated that Yasir went to the father's house and brought two witnesses with him. Together they went through the case and listened to the audio recordings, and then Yasir announced his decision to issue a tafriq divorce. That is, Yasir issued a tafriq divorce in which he confirms that the husband has performed a talaq divorce. The document also states that the husband must pay the deferred dower, maintenance for the waiting period, and maintenance for his children. In the final paragraph, just prior to the signatures of the two witnesses and Yasir as the editor, it is stated that "with this we bear witness (*našhadu*) to the legal separation between the spouses, and we sign it (*ʿalayhi nūqiʿu*)."

This divorce is not just interesting because it demonstrates how Yasir creatively uses fiqh terminology to achieve social interventions by confirming a talaq enunciation as a tafriq divorce, but also because it demonstrates a preoccupation with a woman's divorcing a man who, according to Yasir, has declared

himself an apostate and who does not want to have anything to do with his former wife. One could argue that just ignoring this case would produce the same result, but that is clearly not how the people involved see it. Clearly, this tafriq divorce was important to the wife and her father and they put significant energy into achieving this result.

In the third tafriq divorce, a woman requested an Islamic divorce due to her husband's mistreatment. Her family had already tried to get her out of the nikah but failed. Yasir tried to negotiate a khula with the husband, but when this failed, he instead issued a tafriq in which the wife waived the deferred dower and the maintenance during the waiting period. The reason given for the divorce is harm (*ḍarar*) to the wife and his prolonged absence from the marital home. This divorce may indicate a security risk to Yasir, but the document also states that the husband has escaped prison in Denmark and fled to another country outside the Schengen area. This means that he cannot legally enter Schengen, or indeed Denmark, without being arrested; thus, Yasir is likely to be safe.

In the fourth tafriq divorce, a woman contacts Yasir and asks him to help her obtain an Islamic divorce. However, the husband does not want to talk with Yasir about reconciliation nor khula; therefore, Yasir issues a tafriq divorce based on the husband's infidelity, his porn watching, alcohol consumption, negligence as a husband, controlling behavior, not observing the fast nor prayer, and cursing God (*kāna yaštimu al-ḏāt al-ʾilāhia ʿand al-ġaḍab*) when angry. The document contains no information about the dower, and it is signed by the wife, two witnesses, and Yasir as the editor.

Although Yasir has assisted case officers at the municipality with Islamic divorce and elucidation of cases on multiple occasion, the fifth tafriq is the only one of the twelve cases in which representatives of the welfare state are directly involved. It begins with the following:

> Three weeks ago, upon invitation from the Agency of Family Law (*bayt al-ʾusra*)[8] in the municipality of [city], I attended and listened in the presence of the translator and the case officer (*al-mušrifa al-ʾiǧtimāʿiyya*) to [wife] about her problems with her husband [name], and it was as follows:

8 I have translated this as the Agency of Family Law because the case officer is mentioned further down in the document as the person from whom the wife requests her divorce. It should be noted that this case predates the reform of the Agency of Family Law in 2019. This means that at the time of the case civil divorce cases were handled more locally than today in an institution called *Statsamtet*. Although this institution is not municipal, Yasir may believe it to be.

The document then goes on to describe the chain of events that led up to this moment. The woman had been in a civil marriage and a nikah for more than ten years but the relationship had broken down several times in the past, leading to reconciliation every time. However, three years prior to the wife's contacting Yasir she had requested that the case officer arrange her divorce. The civil divorce was granted a year later by a court ruling, but as the husband did not attend and refused to sign the civil divorce papers, the wife called Yasir to ask whether this constituted a valid Islamic divorce. Yasir stated that it did not.

The husband lived in another part of Denmark so Yasir passed the case onto a colleague, who gathered the wife and husband for a meeting. As this did not resolve the issue, the woman "turned to the municipality of [city] for help in obtaining an Islamic divorce, and the case officer called me [Yasir] and requested a meeting to discuss the case". When Yasir attended the meeting, he listened to the whole story and stated that he could not give a legal opinion without having spoken to the husband. Therefore, another meeting was scheduled a week later to which the case officer also invited the husband, a police officer, the wife, Yasir, and a translator (to assist Yasir who does not speak much Danish). This is the meeting that was mentioned at the beginning of the divorce document.

The husband did not turn up, and the case officer called him so that he could talk to the police officer and then with Yasir. In his conversation with the husband, Yasir demanded that he accept khula; when the husband refused, Yasir gave him a week to accept it; otherwise, Yasir would issue a tafriq divorce. This is how the case ended, without any dower transaction. Yasir signed this divorce as imam, and the document has no other signatures.

Yasir's Islamic divorce practice – although very versatile – is representative of a typical Muslim leader's Islamic legal practice in the Islamic juridical vacuum: he is significantly constrained, has little influence in high-conflict cases, must maneuver to stay safe while also helping women, and he spends a significant amount of his spare time on Islamic divorce processes.

4 Demand Co-Produces the Rules

Hassan came to Denmark as a refugee in the 1980s. He has a three-year education in Islamic studies at what he calls gymnasium level, and he has taken a few additional courses on an outreach arm of al-Azhar University in his country of origin before his arrival as a refugee in Denmark where he settled in a minor city.

Most of the people who come to Hassan are Arab, and he remarks that with the Syrian refugees' arrival in 2015 he suddenly experienced a spike in the

number of divorce requests. Prior to 2015 he had approximately 1–2 cases a year, but this rose to approximately 5–6 in the years following the 2015 Syrian refugee crisis, which generated a higher local demand. Furthermore, some Syrian women demanded divorce without their husband's consent, which resulted in Hassan's issuing his first faskh divorce (by 2021 he had issued three faskh divorces). The effect of the refugee crisis was also felt in other countries, as documented by Mahmoud Jaraba:

> In light of the growing number of Muslim refugees flowing into Germany since 2015, particularly from Syria, *khulʿ* by mutual consent has become a controversial topic among Muslim communities. Husbands and wives will not always agree to reconcile their differences, which sometimes lead to brutal conflicts, and, in some cases, ends with the wife's murder. This is partly due to the different socio-legal contexts between Syria and Germany. For instance, in Syria, the consent of the husband and wife is an essential prerequisite for the dissolution of the marriage contract by *khulʿ* (referred to as *mukhalaʿa* divorces). (Jaraba, 2022b, p. 309)

This corresponds with my own observations. Many Syrian women adapted quickly to the legal diaspora situation and opted for Islamic divorce after their arrival in Denmark, demonstrating how demography to a great extent determines demand, which generates the vacuum in which presences of Islamic divorce institutions emerge and collapse. That is, demand varies depending on the ethnic/national origin of the Muslim minority population, but also other variables – class, urban or rural origin, whether kin structures are dominated by clans or small families – may also be important. The point is that demography is an independent variable that largely determines the dependent variable of the vacuum, and this is what produces and forms Islamic legal institutions such as qadis and Islamic divorce councils. Similarly, because socialization influences the demand that is generated, it matters whether a population is primarily made up of immigrants, or their descendants. In short: Islamic divorce practices change with demographic changes.

International politics may also affect the Islamic divorce rules locally in Denmark. After the United States and allied forces withdrew from Afghanistan in 2021 and the Taliban took power, I observed that this changed the Islamic legal situation for some Afghan women in Denmark. In one case, a woman who had her family's support for a divorce, suddenly had to consider that her (ex)husband's family had relations with the Taliban, and therefore, her own family, which lived in Afghanistan, would become endangered if she chose to go through with it.

To some extent fiqh concepts constitute signs that "work as resources with which social agents can accomplish a variety of goals" (Vannini, 2007, p. 132). This is definitely the case with some women in nikah captivity, but also men holding women captive, and parents who coerce their children into a nikah to protect the family's honor. Vannini's description also applies to at least parts of some Muslim leaders' practices, but the latter will often – and sometimes almost exclusively – be oriented towards haqq. To take an example, Hassan's divorce practice is significantly influenced by context. In previous chapters, I have described fiqh terminology as a language of action, but as I demonstrate in this section, it is often adapted to fit social contexts rather than rigorously imposed on cases.

This is evident in Hassan's framing of khula divorce as talaq divorce. As it is seen as more honorable for men to give a talaq divorce, this is the linguistic frame of many khula divorces, to the degree that Hassan even talked of "normal talaq, where both [spouses] are in agreement". When I inquired about his use of terminology, he was blunt:

> **Petersen:** If they agree to khula, then you write talaq?
> **Hassan:** Yes, we write talaq.
> **Petersen:** Even if it technically is khula?
> **Hassan:** Yes, exactly. It is better to do it in that way for their own sake. It makes it easier.

Hassan explained that "many women, or many families, do not want to khula dissolution. … They prefer it to say talaq rather than khula". Similarly, men do not want it to say khula – and definitely not faskh – because it is more honorable for them to give a talaq divorce. Hassan added that women may pay substantial sums of money to get out of a nikah, but he will still write up the divorce as a talaq divorce. This practice was institutionalized to a degree that Hassan's talaq divorce template contained a line titled "further information" where the woman's compensation of her husband would typically be stated. Hassan added that abusive husbands refuse to accept divorce documents in which their behavior is described; therefore, even if the divorce is grounded in abusive behavior, the husband is typically persuaded to divorce through compensation, and a talaq document is written up.

Hassan further remarks that in some cases it is important to the involved parties that the divorce document testifies to a talaq by the book, even if it is a khula, because such documents are easier to get approved in Islamic legal systems abroad,

> And that thing with khula, you know when we write up the documents, many families want it [the divorce documents] to be approved in the home country. They send them down there. So, when they come to the court, the Islamic court, and you say khula, there are not many legal people down there who accept or like khula. They prefer it to say talaq. So, it is also because people want to be sure that if [they] want to become divorced in the home country … then it must be approved in the home country, and the word khula – many people do not like it, even if it is legal.

The legal process in the country of origin is a process separate from Hassan's practice, but Hassan's point is that one can get a khula dissolution in Denmark, write it up as talaq, and then have it easily approved in the country of origin. This phenomenon of registering – or trying to register – Islamic divorces from parallel legal practices in diaspora under Islamic law abroad has also been found in other countries (Bowen, 2016, p. 87; Roald, 2009, p. 112; Saris, 2016 p. 260 n19). As Hassan explains,

> You go to the court, hand it in, and state, "We have divorced, and I would like it [the nikah] to be dissolved here [in home country] after my divorce [in Denmark]." Then there is a secretary who registers it and hands it to the judge. The judge looks at it and then sometimes if he is in doubt, or he suspects something, then he requests the partner [husband] or a *tawkil, tafwid,*[9] you know parents or family to come to court so that he can speak to them. Then he is assured before signing, and then he issues a divorce in the home country.

The example above demonstrates how context and demand significantly influence fiqh terminology in the vacuum as Hassan must both tactically navigate social dynamics and take foreign legal systems into account. Other Muslim leaders such as Tarek were even more blunt about the irrelevance of fiqh in his practice.

Tarek is an elderly man who migrated to Denmark in the 1990s. I initially got in contact with him in February 2019 through the local mosque in a major Danish city where I had inquired about Islamic divorce. The imam of the mosque explained that the mosque did not facilitate divorce; this was primarily done by two Islamic authorities – Tarek and Yusuf – out of their apartments.

9 Someone with power of attorney.

Both taught in the mosque, and in other mosques, but they were not formally affiliated with any of them. Tarek, who has no formal education in Islamic studies, only teaches *tajwid* (Quran recitation), whereas Yusuf, who has a degree in Islamic studies, teaches a range of subjects, including fiqh.

Tarek and Yusuf do not cooperate and there are significant differences between their Islamic divorce practices. This means that the Islamic divorce practice to which an applicant is subjected depends on who is available at the time the mosque is asked for a reference. After my interview with Tarek, who receives on average ten Islamic divorce requests a month, I wrote in my field diary that he told me directly that fiqh does not matter in his Islamic divorce practice,

> Tarek states straight up that he gives advice as a fellow human being. That is, when people come to him, they get his personal opinion as a fellow human being – this has nothing to do with fiqh. I ask how he would handle it if two Moroccans came [to him]; would he use Maliki fiqh? Tarek repeats that he uses his own personal opinion; he evaluates what he as a person believes is just. He listens and gives his opinion based on how he sees this as a human being, which has nothing to do with a *madhab* [school of thought]. This is exactly how he formulated it.

Tarek's answer is reminiscent of other informants' approaches. In a discussion with Haitham about an Islamic juridical document he had written, I asked him, "How is this thought through juridically? Have you based it on something specific?" He answered, "No, no, it is my own pocket jurisprudence [*lommejuristik*] that applies here." In other words, Tarek, Haitham, and many others understand nikah and Islamic divorce as something that happens within Islamically defined boundaries, and they use life experience and personal judgement to determine that what is just fits within this framework. This should not be misunderstood as indifference to Islamic rules; it is merely that Islamic rules are not always produced in the ways predicted by Islamic legal theories.

In contrast with the above, other Muslim leaders such as Musa and Yusuf (see below), who are both well-educated in Islamic studies, were rigorous in their application of what they believed to be the correct fiqh terminology. They insisted that if a husband receives any kind of compensation, the divorce cannot be framed as talaq, because the wife's payment makes it khula. Without my asking or in any way introducing the subject, both Musa and Yusuf critiqued their colleagues as not knowing enough about fiqh to get involved in Islamic divorce cases. Both Musa and Yusuf have emerged as stable presences in the vacuum for short periods of time and have been part of Islamic divorce

councils for periods of 1–3 years (i.e., Islamic divorce councils that collapsed due to security issues and the cascade effect).

5 Oscillating Presences

Ronald L. Jepperson (1991, p. 146) writes that the further an observer is from an institution, the more it looks like an institution. That is also the case with imams. Outsiders such as politicians, journalists, debaters, and often Muslim women who rarely attend a mosque – that is, the majority of Muslim women – typically view the imam as a powerful figure who is obeyed by Muslims, yet inside a mosque community people know that this is not how things work. The imam may have a privileged position, but close up, one can also observe all his limitations – one of them being that he is not a qadi.

As mentioned in Chapter 2, women often come to Muslim leaders – and especially imams – with the expectation that they are qadis; if they do not provide haqq some will realize his constraints while others will understand his reluctance as a verdict, that is, an Islamic legal rejection of their divorce application (and it may very well be formulated as such, irrespective of whether the Muslim leader is actually in a position to issue an Islamic divorce with social effect). Such rejections constitute an important element of a typical media narrative in which an imam has denied a woman divorce, with the implication that he could issue an Islamic divorce with social effect if he wanted to. This is how the imam myth, as Haitham called it, is generated and sustained.

The imam myth – or the myth about Muslim leaders being qadis – plays an important role in the Islamic juridical vacuum, because to the women who request help, Muslim leaders already exist as presences, even if they are not. Only if a Muslim leader issues an Islamic divorce upon request is he transformed into a presence, whereupon it will soon be rumored that he can help with Islamic divorce, and then the cascade effect sets in.

The potential institution of the Muslim leader as a qadi extends beyond women in nikah captivity; other Muslims also expect that certain procedures will be followed, such as reconciliation attempts and the sending of three letters, before moving on to divorce without the husband's consent. These expectations vary from group to group, and Muslim leaders must navigate these – they can seldom define the rules – although some groups are satisfied as long as there is some sort of ritualized sequence of events that the Muslim leader guarantees is the right way of doing things (Bell, 2009). The latter is not the norm, but it does happen – especially when non-Arab Muslims turn to Arab Muslim leaders for help. In such processes the plaintiff will have to accept

the Arab Muslim leader's way of doing things, but it is not uncommon for Arab Muslim leaders to ask non-Arabs to go to their own leaders, because only they know the correct way of doing things in their community. Nonetheless, there is a tendency for Arab Muslim leaders to take on cases among non-Arabs – something that seldom happens the other way around.

Muslim leaders who insist on women's haqq will typically oscillate between absence and presence. They will issue an Islamic divorce, experience the cascade effect or threats, then reject all cases for a while (absence), and then, at a later stage, emerge as a presence once again, and the process repeats itself. Yusuf (see below) and Musa follow this pattern.

In May 2019, I visited Musa in his home. After greetings and small talk at the door I was invited into a small room with a large sofa, a TV, and wall to wall bookshelves stocked with Islamic literature, but also philosophers such as Baruch Spinoza, John Locke, Karl Popper, Immanuel Kant, and others. At one point he also embarked on a discussion of Michel Foucault and Jacques Derrida, when I told him that I especially liked the work of the latter. Furthermore, Musa had a large stock of books on fiqh and other Islamic topics, some of which were worn out completely from heavy use.

Musa performs tafriq divorces in hard cases, and this means that on multiple occasions he has received serious threats from men coming both to his home and to the mosque where he is an imam. When I visited him in May 2019, he explained that he had recently stopped issuing divorces, but the next time I visited, in February 2021, it had been too difficult to reject the women who came to him for help, so he had continued his practice after a break. Now he had again decided to stop as he had recently had a case in which the husband sent thugs to his door to threaten him; he had simply had enough. Furthermore, an angry (ex)husband had been stalking him for a long time, which had worn him down. In other words, if a Muslim leader has once become a stable presence for a short period of time it can be difficult for him to retire because the practice has been established and knowledge of it disseminated; that is, even when retired, people still remember that he has been willing to help with Islamic divorce and they may expect him to do it again.

Threats are not atypical. Among my informants, one Muslim leader had a gun put to his head while in the mosque and another experienced an (ex)husband coming to the mosque with a butcher's knife, asking who had issued a divorce to his wife. Both of the Muslim leaders threatened in these cases were prominent and well-respected, but their status did not protect them against threats of violence. Death threats usually come via phone calls, but other intimidation strategies are also used. One Muslim leader had a sheep's head placed on his doorstep to indicate a death threat, and another Muslim leader's wife was

assaulted as punishment for her husband's issuing an Islamic divorce. In other words, issuing Islamic divorces is not without risk, although no Muslim leader has yet been killed. These threats are seldom, if ever, reported to the police.

Even in cases with a high security risk, Muslim leaders typically try to negotiate khula first; this may produce a stable Islamic divorce without residual conflict because it constitutes a form that the husband will accept, thereby solving the security issue for the Muslim leader. Some Muslim leaders will put pressure on women to accept weaponized talaq in such cases, arguing that it is in their own interest.

Muslim leaders tend to be quite experienced in persuasion strategies and the manipulation of social dynamics and, thus, positioned to put pressure on reluctant husbands; most can tell an anecdote about how they once solved a case with a single phone call. In such cases it is often the religious authority of the imam that persuades the husband, but this also has limitations. Yusuf tells husbands, "If you do not pay the deferred dower [*mua'ẖar*] then you are liable at judgement day. You must remember that this is her money, and you have stolen it from her." Yet he also remarks that men generally do not listen or act upon this, and aggressive responses bordering on, or in the form of a declaration of unbelief are not uncommon because men who hold their wife in nikah captivity are not necessarily religious. Manipulation of social dynamics may also include talking to and negotiating with the husband's significant others or taking advantage of the husband's mood fluctuations – or his intoxication due to alcohol and drugs – to have him sign an Islamic divorce document, which is then immediately circulated. The latter is not normative, but neither is it unheard of.

If all the tactics fail, some Muslim leaders get creative. One Muslim leader issued Islamic legal documents that imitated court documents from the husband's country of origin and had them mailed to the husband (with the appropriate homeland stamps). The documents included a passage on how the Danish authorities had also been informed of the divorce. I have observed other tactics that are just as creative, but they are not common. Rather, the most frequent, maybe even dominant, tactic is to give Islamic divorce documents an aesthetic that looks official, using the letterheads and stamps of mosques and other Islamic organizations.

If women come to Musa with civil divorce documents, he issues an Islamic divorce based on these no matter whether the husband has signed the civil divorce or not; however, if women have no such documents he begins with mediation; that is, in the absence of Danish legal documents, he submits to community expectations and follows the procedures expected of him. He adds

that, especially when he is talking to young people, it is difficult to get the families to stay out of the conflict. As I wrote in my field diary:

> Often the parents [of those divorcing] come with them to see Musa and it can be difficult for him to get the parents to leave the room so that he can talk with the husband and wife alone. Musa makes it very clear that nikah is not a family matter, and that there can be secrets that a couple does not want to share with parents.

As the quotation indicates, Musa's practice is oriented towards the rights of the individual, and he refuses the notion that the individual must submit to family customs and interests. Likewise, he does not accept weaponized talaq, he has a no-tolerance policy on violence, and he insists that child custody must never be discussed outside the Agency of Family Law.

When I asked Musa whether I could see some of his divorce documents, he gave me his laptop and told me that I could browse his archive as long as I did not describe case-specific content in my research. My browsing demonstrated that Musa – like Yasir – writes his divorces in a Word document, but he only includes a brief description of the reason for the divorce, an explanation of relevant fiqh, and then a conclusion or verdict. Therefore, Musa's documents are much shorter, and the fiqh terminology is applied more rigorously. When I showed a few of Yasir's Islamic divorces to Musa,[10] he said that he did not like their elaborate style. Nonetheless, he found them very interesting to read because, as he explained, Muslim leaders typically know very little about each other's work due to the sensitive nature of case content. This low degree of distribution of knowledge of common Islamic divorce practices contributes to the significant variation between Muslim leaders' ways of dealing with Islamic divorce requests.

Musa added that he has had cases in which a husband wanted to have anal sex with his wife, which she refused, and therefore he raped her, and in another case a man insisted that his wife should have sex with his friend. He did not, however, include this information in the Islamic divorce documents. This underlines the deferred nature of such documents because the omission of important information in relation to these divorces is due to performative expectations. That is, men are more likely to accept these documents if such

10 I had Yasir's permission to show these documents to other religious leaders and did so in anonymized form. Furthermore, I made sure to select cases that were as close to generic in content as possible.

information is not included, and excluding it avoids causing an unwanted escalation of the conflict. This has also been observed in other studies. Bowen, for example, describes how women complained to a British Islamic divorce council because it included the reasons for divorce, stating that, "We came to get a divorce certificate; we did not come to be certified as quarreling all the time; these [divorce documents] became a charge sheet against me" (Bowen, 2016, p. 86). In other words, Islamic divorce papers must be written with their deferred performance in mind, and the Islamic divorce council changed its procedure based on the women's feedback.

A few of the divorce documents in Musa's archive had been signed by some of the most prominent Muslim leaders in the local community. When I asked Musa about this, he explained that this was because some of these leaders are not experts in fiqh, and, therefore, they ask him to write up the cases, and then they sign them together, remarking that this also distributes the security risk, if relevant. This demonstrates how ad hoc Islamic divorce councils sometimes emerge.

Musa's digital archive contained 153 Islamic divorce documents, of which he estimated that 10–14 constitute tafriq divorces.[11] Initially, he was a bit reluctant to let me see his early work because, as he explained, he was embarrassed about the quality, adding, "I did not know any better back then and I have become much better", referring to his application of fiqh terminology and following the procedures. He then showed me the early templates he wrote for Islamic divorce, and how his Islamic divorce process developed into stable, fiqh-grounded practice within a few years. This underlines that the possession of educational credentials in fiqh is not the most important variable for selection as qadi in the Islamic juridical vacuum; rather, being a prominent leader who is willing to pose as a qadi is what matters.

Some divorces also had a Danish translation, which Musa explained was because Pakistanis and Turks do not understand Arabic; therefore, they used Danish as a common legal language for all non-Arabic speakers. I was particularly interested in why Turks would come to him. I have on rare occasions observed that Turks may become religiously socialized into the nikah and Islamic divorce practices of other Muslim groups, and I also interviewed a Turkish Muslim leader who facilitated Islamic divorce (and polygamous nikah). However, I should stress that these are minor groups of Turks, who follow religious teaching more rigorously because religion plays an important

11 I did not have time to go through all the cases on the spot. Rather, I browsed through the archive by selecting cases from different years, using these in the conversation that followed.

role in their lives. In other words, these are not ordinary Turkish Muslims. I have also observed this among a group of Bosnian Muslims, who follow classes in an Arab Salafi mosque.

Before I left Musa's apartment, we briefly spoke about a law that was soon going to be passed by the Danish Parliament, which banned nikah with people below the age of 18 (the penal law § 260a). Musa was very happy with this, but he also wondered why politicians did not do more to regulate nikah under Danish law.

Offering a marked contrast to Musa, Yusuf[12] is a Salafi, with the highest flow of cases in my sample outside the Hikma Mosque (see Chapter 8). While Musa sees it as his role to provide Islamic divorce, Yusuf says almost the exact opposite. He states that when couples come to him, determined to divorce, he always says, "No, you will not get divorced today." He adds that men sometimes call him and say, "I want to divorce now", to which Yusuf replies, "It is not my job to divorce you; I must find solutions for you, so that you can continue living together." He then adds that ordinary Muslims do not know sharia – he does – so they must follow his instructions.

Muslim leaders with similar practices often highlight the number of couples they reconcile and how this saves the nikahs; however, they receive little to no feedback on the future condition of these nikahs, other than the fact that the couples do not return to request Islamic divorce again – and this is not a good indicator. It is as likely that the women in question just go Muslim leader shopping because they do not consider Yusuf and likeminded leaders conducive to the alleviation of their situation; that is, the reason why at least some couples do not come back to Yusuf for a divorce is that they do not want to be reconciled once again.

The structure of the Islamic juridical vacuum incentivizes Muslim leaders to be conservative because this avoids both the cascade effect and security risks; consequently, their positions and the institutions they build last longer before they collapse, although there is a lower demand for their services which are of little use to women. This means that there may be considerable activity in such councils, that only a few women obtain divorces from them, and that they have a negative impact on many female clients' lives. The council that was described in the *Mosques behind the Veil* is a good example of such an institution.

Yusuf explains that he deescalates the conflict in difficult situations, gets the nikah back on track, provides some guidance, and insists that the couple give it another try. If they come back again, determined to divorce, he repeats

12 This interview was conducted with the assistance of a translator from the local community.

the process until a few months have elapsed. If they still want to divorce after a few months, he moves the process along to Islamic divorce. He describes such cases as the most common type he sees, but he also has those in which men are violent towards their wives.

When I raise the topic of violence, Yusuf shows his disgust in a facial expression as soon as he hears the word (*ʿunf*). He gets angry when he has cases in which men are violent towards their wives, adding that the Prophet Mohammad never hit a woman, and that no form of violence is acceptable in a nikah. In his elaboration of this he explains that some Muslim men believe that the Quran 4:34 allows men to hit their wives in a way that does not leave bruises; however, Yusuf does not believe this is allowed because Mohammad only ever allowed a man to slap a woman gently with a quill or a *miswak* (small root used to clean teeth) to get her attention. He then berates this group of Muslim men for believing that they can just read the Quran and then understand its content in depth without any religious education.

Despite Yusuf's position on violence, he believes that one must sometimes be lenient. In cases exhibiting mild degrees of violence, he instructs men that this is not allowed and then insists that the couples give the nikah another try. Yusuf distinguishes between violent behavior as a character trait – in such cases men should not be given any extra chances – and violent behavior as a single affective event. In the latter type of case, Yusuf explains that men may get a rage blackout and only afterwards see the consequences of what they have done, and while this is unacceptable, it will most likely not happen again. Hence, he believes such men should be given a second chance, whereas in cases where it is a character trait, they should not. Yusuf has no professional training in patterns of violence and merely uses his personal judgement to evaluate cases, and it is important to note that his assessments of the behavior of violent men are clearly inaccurate. Men who have been violent once will often be violent again (Smith, 2021). Lack of knowledge in this context has also been noted in other studies. Islam Uddin, for example, writing of Islamic divorce practices in England, notes that Imams have limited knowledge of violence and coercive control, and their habit of seeking reconciliation is a major problem:

> So how is it that Muslim leaders who engineer reconciliations between women and their abusive husbands remain convinced that they are doing a good job – the right thing? The answer is that they receive no proper feedback; rather, they observe that the woman stays with the husband, or that she never comes back. But why would she, if she was not helped the first time? Staying with an abusive husband is not a solution for the women. (Uddin, 2023, p. 11)

Like Musa, Yusuf acts on his concept of haqq to a much higher degree than other Muslim leaders, and this is why he oscillates. While he will always try to negotiate khula first, as a way of producing a stable divorce for the wife and a secure solution for himself, he is willing to go further than most Muslim leaders in terms of insisting on haqq, even if this puts him at risk. However, in some cases he must still consider his own security, which means that he will not issue faskh divorce in high-risk cases until the husband has been pacified in some way, often in the form of having been reported to the police and arrested. In such cases, Yusuf includes evidence, such as court rulings and reports from hospitals and women's shelters, to document the violence that led to his verdict, which men may still not accept. In cases of severe violence, Yusuf accepts Agency of Family Law decisions as Islamically valid. In a few cases he has written faskh documents to confirm this, but he prefers to stay out of such cases and merely confirm the validity orally. As previously noted, this is a common pattern also found in other studies. In cases without violence, he does not accept decisions by the Agency of Family Law as Islamically valid.

Yusuf deals with Islamic divorce cases in strict accordance with his beliefs. As he explains, "I am not here to make people happy; I do it to make Allah happy", adding that he ought not to think about the consequences for himself in his Islamic divorce practice because "it is about haqq". This means that even when he issues faskh in high conflict cases, they state that the husband must pay the deferred dower – but men do not pay, nor do they accept his decisions. Because of his uncompromising insistence on fiqh rules, Yusuf gets many threats, but he has never been assaulted or in any way bodily injured, although, as explained above, security has sometimes forced him from presence into absence; likewise, the cascade effect has made him resign a few times.

When his Islamic divorce practice peaked, Yusuf got around 10–15 calls a day about marital conflicts and Islamic divorce. People called him at all hours of the day and night, and after some time he was diagnosed with stress and shifted from presence to absence. Among other initiatives, his doctor recommended he stop using his phone, which he did for two years, meanwhile structuring his work routines in a way that would reduce stress. Today, Yusuf puts his phone on silent mode at 10 PM, and he only takes 4–5 cases a day. He also asks people to come to his apartment, if possible.

Yusuf insists that both men and women must live up to expectations in a nikah, and he estimates that seven out of ten Islamic divorce requests are due to men's behavior. In my field diary I noted Yusuf's opinion about such men:

> They sit at the computer the whole day and do not go to work. They neither help with cooking, children, the children's homework, nor anything else, and they do not contribute with their salary because they are on

> social security. They expect women to fix everything, and that they can have sex with them whenever they want. Sometimes, [Yusuf] gets calls from men who want him to talk to their wives and explain that she must obey and wait on her husband. However, Yusuf refuses to do so because in his view this has nothing to do with Islam.

In general Yusuf is frustrated with bad husbands, and he gives fiqh recommendations based on the expectation that men will not practice Islam towards their wives. Yusuf also facilitates nikah, and he believes that many problems related to haqq can be solved at this stage. When his own daughter entered into a nikah, he insisted that no deferred dower was written into the contract; rather, the proposed deferred dower was added to the advance dower because in case of a divorce, his daughter's future husband would most likely – like most other husbands – renege on paying the deferred dower. Musa advises other couples to do the same as a way of adapting to the situation in Denmark, where there is no Islamic court that can enforce dower payments. He remarks that in the few Islamic divorce cases in which men pay the deferred dower, they typically want him to witness their payment. He adds that other men try to get out of their nikah by terrorizing their wives until they request khula. In that way they cannot be blamed for not paying the deferred dower. Musa is against such practices, but he also notes that at some point women just want peace and will accept almost anything.

Like a segment of Muslim leaders, Yusuf believes that women are emotional, and, therefore, one should think twice before writing a woman's right to divorce (talaq al-tafwid) into the nikah contract, although this is of course a possibility. This position is similar to that taken by Hassan, who states, "Women are emotional beings – especially when they are menstruating. Therefore, it is not viable if they have the right to divorce, because when emotions run high during menstruation; they end up divorcing their husbands." However, other Muslim leaders, including Haitham, Hakeem, and Musa, to name a few, firmly believe in women's right to divorce and would like to see this standardized in Danish nikah contracts.

Musa and Yusuf differ from a Muslim leader such as Hassan, who seldom issues Islamic divorces. Only on very rare occasions – just three times in his career as an imam – has Hassan written up faskh documents, none of which have been accepted by the husbands. However, he still believes that they make a difference for the women:

> **Hassan:** They are very happy because they feel freedom after many years of having struggled to become divorced without succeeding, so when one issues a faskh document she feels really good.

> **Petersen:** Have they [the (ex)husbands] accepted your faskh?
> **Hassan:** No.
> **Petersen:** None of them?
> **Hassan:** No.
> …
> **Petersen:** And the men, they continue to insist that they are not divorced?
> **Hassan:** Well, yes, they still hold on to it [their nikah]. I say to them, "You can have your ideas, but we follow the law, Islamic law, just law, and then you may complain, or you may come and do what you want. We cannot continue."
> **Petersen:** So, the husband does not recognize your authority, but the women do?
> **Hassan:** Women do; men, they do not recognize my [authority]. Exactly.

While Musa and Yusuf sometimes successfully issued Islamic divorces with social effect, this typically never happens with people like Hassan, although, as the above quotation indicates, social effect may not be the only success criterion. Closure, so they can move on with their lives, is sufficient for some women, while the social effect may be important to others.

When we ended the interview, Yusuf recommended I talk to two other Muslim leaders with whom he forms an ad hoc Islamic divorce council on occasion. Like Musa, Yusuf was also involved in a permanent Islamic divorce council for a few years, which collapsed a few years prior to the interview – another event that made him decide on absence for a while, until he again emerged as a presence (an active facilitator of Islamic divorce). I return to the subject of Islamic divorce councils in Chapter 8, but at this stage is sufficient to note that those who oscillate and form permanent Islamic divorce councils are typically the well-educated Muslim leaders. Therefore, when the Islamic juridical vacuum is transformed into a field of presence due to the emergence and institutionalization of a stable Islamic divorce council, this is usually led by educated Muslim leaders and a much more rigorous Islamic legal practice is applied, reflective of Musa and Yusuf's practices. Islamic divorce councils may take very different positions – as Musa and Yusuf do – but they are characterized by having clear rules and procedures (Comaroff & Roberts, 1981).

6 Geography of the Vacuum

When I called Hassan for the first time in 2019, I gave him a short introduction to my research and asked whether I could interview him. Hassan immediately extended an invitation to his mosque, but he also stressed that if I

wanted to give a comprehensive account of practices in his region, I also had to include what he described as rotten apples, and he told me to call Abdel, a Muslim leader in a neighboring city. This was not the first time that I had heard Muslim leaders and women complain about Abdel, nor was it the first time a Muslim leader had asked me to investigate the problematic practices of other Muslim leaders. Fortunately, Abdel also extended an invitation to his mosque, and I was, therefore, able to follow an ongoing conflict between Hassan and Abdel from 2019 to 2021.

Abdel came to Denmark as a refugee early in the 21st century. He gave evasive answers to my questions about his educational background. However, when pressured he claimed to have five ijazas, three of these from the University of Medina, and he estimated that he had the equivalent of 5–6 years formal training at university level in Islamic studies; claims like these of having managed what compares to many years of study in a very short time are not uncommon in Denmark (Liengaard, 2008). Furthermore, he had great respect for a Swedish Salafi preacher on YouTube and explained that he often used the internet to do his research on Islam.

In rural regions, male Muslim leaders typically think of themselves as the person responsible for nikah and divorce within their own zones, understood geographically. In some regions where there is just one imam in the city, or one imam who is much more prominent than others, this causes little to no friction. If a zone has more than one imam but these are of different ethnicities/nationalities, people typically approach the Muslim leader with the same ethnicity/nationality as themselves; thus, likewise, there is little to no friction. On the other hand, in regions such as Hassan's where there are two imams with the same ethnicity/nationality, this sometimes causes rivalry, which may be about the income from facilitating nikah – fees are typically 130–200 EUR – but it may also be about status.

Hassan and Abdel are imams in neighboring minor cities, which means that they do have their separate zones. However, as there is a significant dissatisfaction with Abdel among Muslims in his city, many people within his zone contact Hassan for religious services such as marriage, nikah, divorce, and exorcism (*rukia*). Abdel strongly objects to this, especially when people in his zone choose Hassan to facilitate their exorcism and nikah. The income generated by the latter provides a protectionist incentive, but for Abdel it also seems to be about prestige. When people go out of their way to avoid him, it does not reflect well on his reputation. Therefore, Abdel has called Hassan several times to problematize the infringement on his zone.

I interviewed Abdel in February 2019, and observed a significant difference between Hassan and Abdel, which may explain why people may prefer one or the other. Abdel is a self-proclaimed Salafi imam, who insists on following

fiqh rules, irrespective of people's views; he is much less willing than Hassan to adapt these rules, as he understands them, to social contexts. Like Yusuf, he insists that men pay the deferred dower if they want him to issue a talaq divorce document. If men have not paid when the document is issued, he even writes the debt into the document. Moreover, if a woman pays back the advance dower, he calls the dissolution khula, once again irrespective of people's views. The preference some people feel for Hassan demonstrates how demand – people's preference for Muslim leaders who deliver what people want – to some extent defines the fiqh rules that are applied.

The notion of zones is a phenomenon that is widespread in rural Denmark, but mainly in the sense that the imam in any respective zone ought to deal with Islamic divorce, even if he does not want to. It is not common for imams to protest another imam's taking over their divorce cases, because no imam wants them; neither do their families. In Hassan's words: "Our wives, to be honest, I tell you, they prefer that we do not get involved in divorce cases because it is a headache. They cause problems and conflicts."

It is improper for an imam not to take the cases in his zone, yet people who are unhappy with the local service may choose to approach a more distant Muslim leader – often in one of the major cities. Hassan is a popular imam, and sometimes he gets Islamic divorce cases from neighboring zones without this causing any friction; indeed the other imams are happy not having to deal with these cases. As he explains about the requests,

> Maybe they do not agree with their local imam, and they try another imam and another imam, who will not help – why, I do not know. Then they come to me, and I have received cases from far away. People from Copenhagen have come to me, and I have actually been able to help them; this is also because sometimes the local imam is under pressure if he knows the family.

While the latter problem can be relevant in major cities, there are no zones in major cities; instead, there is a rule which dictates that "the place you have married … is also where you must divorce" (cf. Alqawasami, 2021, p. 978). This rule is sometimes used in rural regions as well, and may cause some dispute over who is supposed to respond to the divorce request.

7 Erasing Islamic Juridical Performances

It is common for Muslim leaders to get phone calls from men who have enunciated a talaq divorce ("you are divorced") three times – producing a final and

irrevocable divorce – and then regretted it. Yusuf frequently gets these phone calls, and he is usually able to help. He does not accept triple talaq as valid, nor talaq enunciations expressed in circumstances such as in anger, when intoxicated, or while a wife is menstruating. These are points grounded in fiqh, but they also have a social function, because employing them enables him to erase Islamic juridical performances. Yusuf explains that on closer inspection at least one and sometimes two of the three talaqs men have uttered turn out to be invalid. That is, men call on him to retract talaq enunciations and he facilitates this by providing them with certainty that one or more of their talaq enunciations was invalid.

Yusuf's evaluations are, however, affected by context as, in cases where the wife is also asking for his help to escape an abusive husband, he may insist that a talaq enunciation expressed in a moment of anger is valid by claiming that the husband's level of anger was insufficient to invalidate it. In such cases he does not collaborate in erasing the enunciation. This is echoed by others, such as Hassan:

> So, there are many men who say, "But I was angry", and I say, "Yes, yes, relax; it is not while one is eating cake [that one says], 'you know honey, you are talaq'". No, of course people are fighting and yelling at each other, so many men they want to take advantage [of this rule], right, take advantage of that fiqh [rule] if they know it.

Hassan does not accept men's retraction of talaq enunciations using the abovementioned rule. He states that no man gets so angry that he is not aware of what he is doing. Instead, in relation to women's requests for divorce he calls the men and insist that they take responsibility for their talaq enunciation:

> Yes, I call the husband and say, "What is it you have said to her?" and things like that. And many men try as well as they can to deny that they have said it, but you know, the wife remembers it. She may, for example, remember that he has said it two or three times, and then the husband responds by saying, "No, just once", and he tries to cheat. And this is where I say, "That is very haram, *akhi* [that is very sinful, my brother]."

It is interesting to note that these kind of calls to Muslim leaders about talaq retractions, which are quite common, all include the fundamental premise that men are emotionally unstable. However, it is often assumed within the same discourse that men are rational and women emotional, but for some reason this discrepancy is seldom, if ever, addressed (Hassan is an exception here). In her study of Islamic divorce practices in North America, Julie

Macfarlane (2012, p. 24) has also observed these practices of erasing talaq enunciations, and, in their study of Islamic divorce in Finland, al-Sharmani, Mustasaari, and Ismail state, "The few cases that were initiated by husbands involved seeking a religious legal opinion (i.e., *fatwa*) on the husbands' hasty pronouncements of divorce" (Al-Sharmani, Mustasaari & Ismail, 2017, p. 277). Even Zaki Badawi – one of the founders of the first Islamic divorce council in Britian in 1982 – highlighted this as a dominant problem, remarking,

> Generally, the man gets very angry with his wife and says, "You're divorced" three or five times. We decided that a solution to the problem of how to save such a marriage is to take the Shiʿite or the Wahabi injunction which says that no divorce shall be considered valid unless there are two witnesses. (Badawi, 1995, p. 78)

In other words, the orientation towards applying fiqh in a practical (rather than rigorous) manner that is conducive to easing social situations and respecting people's intentions is not just a Danish phenomenon.

8 Conclusion

In this chapter I have demonstrated that the notion of powerful imams who control whole neighborhoods constitutes a simulacra above the epistemic ceiling (Baudrillard, 1994/2020). Muslim leaders may be in a position to assert religious authority in some situations, but even the most powerful falls short of the description prevalent above the ceiling.

Knowledge about rules and processes is not well-distributed in the vacuum, which makes it hard to navigate, and it is not just Muslim women who navigate it – representatives of the welfare state also do so. As mentioned in Chapter 2, I sometimes get calls from representatives of the welfare state who want to know which imams they can collaborate with to help their clients. I always refuse such requests in order to avoid an unwanted cascade for my informants; by letting me interview them they signed up as informants, not qadis. I also get calls from social workers who want my evaluation of whether an Islamic divorce procedure on which they are about to embark or have just completed will have any social effect, or how this effect might be secured. In other words, many of the questions Muslim women may have are projected onto the social workers trying to help them. In fact, while writing this chapter, I got a phone call from a security advisor who wanted me to evaluate whether an Islamic divorce document issued by Yusuf was likely to have an effect within the woman's family.

Islamic divorce practices in the vacuum change with the demography of the field, and the variation between individual Muslim leaders is marked. Women who approach Musa have very different rights to those who approach Yusuf. Both deliver what they call Islam, but they define this in very different ways. Yet even for these two Muslim leaders, who have stabilized their presence in the vacuum for short periods of time, the cascade effect and security issues constitute serious problems. Thus, the more a woman needs the Muslim leader because power dynamics are holding her captive in a nikah, the less he can do for her.

Finally, I would like to add three points that were either not mentioned in the chapter or merely hinted at: 1) Muslim leaders have insufficient understanding of violence patterns, which means that they often make poor evaluations (cf. F. Ahmed & Krayem, 2021, p. 42 ff.). Some Muslim leaders boast about saving nikahs, but many of the cases they describe reflect core characteristics of coercive control, which means that they may be assisting the husband's regaining control over his wife. In this context, it is important to note that Muslim leaders get no feedback, as the criterion for success is that the women do not come back and ask for divorce again. 2) Many legal systems, including that in Denmark, have legal provisions that are designed to reconcile couples if possible. However, there is a clear difference, as such provisions may merely delay a civil divorce, and no person may be coerced into reconciliation; nor does their access to divorce depend upon their compliance. 3) All informants mentioned in this chapter, with the exception of Abdel, brought up the issue of social security fraud without my asking. This particularly pertains to couples who abstain from civil marriage to qualify for higher social security, or who request a civil divorce but keep living in a nikah. A similar phenomenon exists with polygamous nikah where it is typically the state that pays the maintenance of additional wives through social security (cf. Walker, 2016, p. 125).

CHAPTER 6

Political Strategies against Parallel Legal Orders

> Great Britain has with great success introduced sharia councils which give advice to Muslims without getting into conflict with British law. This should also be introduced in Denmark, says Abdul Wahid Pedersen. (Termansen, 2006)

In the early 2000s, Abdul Wahid Pedersen was one of the most recognizable imams in Danish media, and as a co-founder of the umbrella organization Joint Council of Muslims (Muslimernes Fællesråd) in 2006, he immediately put the issue of nikah captivity on the agenda; yet the idea of introducing an Islamic divorce council was not met with unanimous approval. The imam of the Islamic Faith Society Mosque, Ahmad Abu Laban, stated that he already spent more than 50 percent of his time on solving marital conflicts, and added, "I am afraid that such a council would be understood in a very negative way in the contemporary climate[1] in Denmark" (Termansen, 2006). The Islamic Faith Society Mosque is one of Denmark's most popular and influential mosques, and Abu Laban was the leading imam until his death in 2007.

In 2011, the Ministry of Refugees, Migration, and Integration ordered a report on Islamic divorce practices in Denmark from the Danish National Centre for Social Research (SFI), which became the first study of Islamic divorce practices in the country; the results were published in November 2011 in the SFI report *Parallel Legal Orders* (Liversage & Jensen, 2011). In the months leading up to its publication, a debate on nikah captivity arose. Mostafa Chendid, who was at the time imam in The Imam Malik Institute, explained:

> I sometimes get three calls a day from women, and I also hear about this problem from other imams. We see many examples of women who want a religious divorce because of violence in the marriage. However, they

1 This article was published six months after the Mohammad Cartoon Crisis, so Abu Laban is most likely referring to the political climate or the climate in the public debate.

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> cannot get religiously divorced because their husband says no. This puts the women in a very difficult social situation. (Søndergaard, 2011b)

Chendid suggested the founding of some form of institution that could solve the problem without creating a parallel legal system. Another imam and co-founder of the Joint Council of Muslims, Fatih Alev, pointed out a similar need for some form of institution (Søndergaard, 2011b). This idea was met with approval by Manu Sareen (the Social Liberal Party), who became the Minister of Gender Equality and Ecclesiastical Affairs two weeks later: "It could also be a solution that sensible imams help the women. For example by founding a council where the women go to have their divorce problems resolved" (Søndergaard, 2011b). However, Sareen was met with opposition from other politicians including Peter Skaarup from the Danish People's Party (nationalist right-wing),[2] who stated that "the imams must recognize the Danish divorce, and if not, we must take away their marriage license. Meanwhile society must support the affected women" (Søndergaard, 2011b), and Social Democratic Minister of Social Affairs and Integration,[3] Karen Hækkerup when she stated, "My opinion is clear. We will not introduce any form of sharia system which can issue religious divorces. In Denmark it is the Danish law that applies" (Søndergaard, 2011c). Martin Henriksen from the Danish People's Party later suggested a ban on sharia councils (Søndergaard, 2011c), but this was never taken any further, nor were any of the other suggestions.

The opinion that the founding of an Islamic divorce council is an unacceptable solution to nikah captivity prevailed in Danish politics to the extent that the government that took office in October 2011 wrote this into its Basis for the Government:[4]

> The Government will not accept that religious legal institutions take the place of legislation and courts in Denmark. Decisions about marriage, custody of children and punishment are resolved by the authorities – not by religious leaders. After the conclusion of the ongoing investigation into parallel legal orders among religious minorities in Denmark [the SFI report], the government will take initiatives to abolish religious legal institutions. (Regeringen, 2011, p. 56)

2 The label is based on Karina Kosiara-Pedersen's (2020) study of the Danish People's Party.

3 There was an election on 15 September 2011, and the new government that took office on 3 October 2011 drew new boundaries between ministries. This explains why it was the former Ministry of Refugees, Migration, and Integration that ordered the SFI report, and it was new Ministry of Social Affairs and Integration that received it.

4 This is a document in which the government, which is typically made up of multiple parties, describes the policies it will pursue.

In November 2012, the Danish government published *The Government's Strategy against Parallel Legal Orders – An End to Coercion and Suppression in Relation to Religious Marriages* (from here abbreviated as the Government's Strategy) (Regeringen, 2012); however, this only addressed the problem of nikah captivity indirectly (see below). Without any significant action being taken, it is no surprise that the problem persisted, as documented in the VIVE report, *Ethnic Minority Women and Divorce*, which was published in 2020. Again, the same situation prevailed: no significant action was taken other than indirectly (see below). As I write this chapter in spring 2024, no political strategy that adequately addresses nikah captivity has yet been formulated, so the demand for Islamic divorce persists, which, as demonstrated in previous chapters, plays an important role in Muslim leaders' being cast as qadis and in the emergence and institutionalization of Islamic divorce councils. Indeed, this demand is amplified by social workers' attempts to help women obtain an Islamic divorce by putting pressure on Muslim leaders.

This chapter demonstrates that policies against parallel legal orders are ineffective because they address problems as they are conceptualized above the epistemic ceiling (see Chapter 2). This means that the actual problems below the epistemic ceiling are not addressed and, therefore, policies have little impact on nikah captivity, if any. Furthermore, the chapter demonstrates how civil servants may be caught in a situation similar to the social workers' dilemma (see Chapter 2) when ordered to formulate policies that are both meaningful above the ceiling and have impact below the ceiling. I pursue this argument by demonstrating how the ministerial work group that wrote the Government's Strategy worked on two separate tracks: one above and one below the ceiling.

Before embarking on this analysis, it is important to underline once again that I do not favor a particular solution to the issue of nikah captivity. Indeed, my research indicates various possible solutions, each with its own consequences and side effects. As I see it, choosing between solutions to the problem of nikah captivity is a political issue, and the founding of Islamic divorce councils is one possible solution among several. I have, for example, developed a strategy for Odense Municipality that addresses nikah captivity caused by Islamized coercive control but avoids collaboration with Muslim leaders (a demand by local politicians),[5] although in other contexts, I have given advice on

5 The strategy titled *Handlevejledning for Tvingende Kontrol: Med Særligt Fokus på Muslimske Forhold* (Instructions on How to Handle Coercive Control: With Focus on Muslim Relationships), is not publicly available, but access to it can be requested by contacting Odense SSP.

solving the problem by working together with them (a full discussion of solutions to the problem is beyond the scope of this book).

1 The Episteme above and below the Ceiling

In Chapter 2, I introduced the concept of the epistemic ceiling to distinguish the episteme that is dominant among politicians and to some extent also in the Danish media: a simulacrum that is more or less detached from what can be observed empirically (Baudrillard, 1994/2020). I described this as being above the ceiling, because it differs from the understandings that exist among many social workers, such as the police, case officers, and security advisors. Furthermore, it differs significantly from empirically grounded research, which describes Muslim practices in a way that is alien to the episteme above the ceiling.

Over the years there has been an overwhelming number of news stories that demonstrate the problem of nikah captivity, to which politicians have responded in a variety of ways, the most common being to condemn the phenomenon strongly, followed by action in the form of inquiries. However, as demonstrated in Chapter 2 with the case of weaponized talaq and the Agency of Family Law, the answers to such inquiries are often misleading, or as I have previously formulated it: the episteme from below the ceiling is suppressed, ignored, or misunderstood above the ceiling. Therefore, the inquiries are typically not followed up with any meaningful action.

Politicians typically produce meaning above the epistemic ceiling that is irrelevant or meaningless below it, as I briefly illustrate with a case in which a Danish imam was accused of having facilitated a weaponized talaq in September 2020.[6] Reacting to this story, the Danish Prime Minister, Mette Frederiksen, posted the following on Facebook:

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6 I do not provide the details of this news story because the newspaper *Berlingske* later lost the case when the imam took it to the Danish Press Association (Birk, 2020c). I should also disclose that I evaluated the documents and gave written testimony in this case that favored the imam. My evaluation was that, while *Berlingske* had published a series of news articles that were well grounded in terms of research, and for the most part gave accurate descriptions of parallel legal practices, this specific case on weaponized talaq was inaccurate and misleading. The verdict of the Danish Press Association (2021) is available from: https://www.pressenaevnet.dk/wp-content/uploads/2021/09/0622-Anonym-kendelse.pdf (accessed 5 October 2023).

> Sharia does not belong in Denmark. Yesterday and today, we can read about divorce contracts based on sharia. On Fyn [island]. In Denmark. It is wrong. It is oppressive to women. It is not Danish. And it must never ever become Danish. In the government we will do everything in our power to get this stopped. An imam should not get involved in divorces. …[7] This confirms our fearful hunches about the undemocratic tendencies that exist in parts of Denmark. We will do everything we can to get this stopped.[8]

This was followed up by the Danish Minister of the Interior and Housing and substitute Minister of Immigration and Integration,[9] Kaare Dybvad Bek, who posted,

> Religious councils should in no way control whole neighborhoods nor act as judges in people's private lives. All – both men and women – should of their own volition be able to get divorced if that is what they want, without losing their right to see their children, and without being threatened or met with other reprisals.[10]

Politicians from the opposition also engaged with this news story. The later Chairman of the Judicial Committee from Venstre (centrist-right liberal party), Morten Dahlin, posted a video together with his fellow party member, Marlene Ambo-Rasmussen, in which they stood in front of the troubled neighborhood where the weaponized talaq was signed by the imam and the two parties. The video presents the episteme above the ceiling, ending with:

7 In 2015, in an executive order on ecclesiastical mediation in cases of separation and divorce, which follows from Section 40 of the Marriage Act, it is stated that mediation is an option available to the parties, and that if the couple belong to a faith community outside the Church of Denmark, then the "priest" of that community may attempt mediation (Vinding, 2020, pp. 130–131). In other words, some forms of mediation by imams in relation to divorce are sanctioned by Danish law.

8 Mette Frederiksen's Facebook wall, posted on 26 September 2020: https://www.facebook.com/mettefrederiksen.dk (accessed 5 October 2023).

9 Bek substituted for the Minister of Immigration and Integration, Matias Tesfaye, while he was on parental leave from 17 August 2020 to 27 September 2020. On 2 May 2022, Bek took the position over.

10 Kaare Dybvad Bek's Facebook wall, posted on 24 September 2023: https://www.facebook.com/kaaredybvad (accessed 5 October 2023).

> **Ambo-Rasmussen:** That is why we have summoned the Minister of Immigration and Integration for a consultation. Because we must do something about this.
> **Dahlin:** We must not accept that the suppression of these women, and we must not accept that these extreme imams set the agenda. This is a problem that we must solve.[11]

These political reactions reflect the episteme above the ceiling in which imams are presented as powerful agents who have jurisdiction over, and control whole neighborhoods. That is, above the epistemic ceiling politicians fight against the largely imagined problem of imams with jurisdiction, but below the ceiling, Muslims must navigate the Islamic juridical vacuum which is generated by the absence of such powerful agents.

The quotations reflect a general pattern in which politicians react with strong condemnation, stating that something must be done, followed by action that is meaningful above the epistemic ceiling, but not below. Below the ceiling, it is meaningless to solve the problem of nikah captivity by punishing imams. Even if all Muslim leaders rejected women who come to them for help with nikah captivity, this would not solve the problem; it would merely mean that these women had fewer options, thus reducing their field of possible actions. However, to punish imams makes a lot of sense above the epistemic ceiling, because of the assumption that one thereby reduces their power and removes their jurisdiction, which is seen as the root of the problem. The logic seems to be that by removing the jurisdiction, which above the epistemic ceiling is presumed to cause nikah captivity, the women are set free. In other words, taking the episteme above the ceiling as their point of departure means that politicians are unable to formulate policies that are meaningful and effective below the ceiling.

As noted, civil servants must deliver policies that are meaningful above the ceiling and effective below – a task that is close to impossible as these two epistemes are incommensurable. In the next two sections, I demonstrate this by moving beyond politicians' discussions to analyze how a ministerial work group of civil servants in 2011–2012 simultaneously navigated above and below the epistemic ceiling.

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11 The video was posted on the day of the consultation with the Minister of Immigration and Integration. This was the consultation that I partly analyzed in Chapter 2, and as mentioned, no meaningful action was taken – neither at the consultation nor subsequently. Venstre, Danmarks Liberale Parti's Facebook wall, posted on 27 October 2020: https://www.facebook.com/venstre.dk (accessed 5 October 2023).

When the SFI report was published in November 2011, the former Minister of Social Affairs and Integration, Karen Hækkerup, tasked a ministerial work group with drafting a proposal on how to address the problems it uncovered. This led to the Government's Strategy which took the episteme above the ceiling as its point of departure. I analyze the results of this work in the first section below. However, an employee – maybe acting independently or on behalf of the ministerial work group – simultaneously collaborated with imams to produce a meaningful and effective solution to nikah captivity below the ceiling, which I analyze in the section that follows the one below.

2 Taking Meaningful Political Action above the Epistemic Ceiling

The Government's Strategy is based on the SFI report, which reflected an episteme from below the ceiling, but it takes the episteme above the ceiling as its point of departure. This is evident in its continuous switches between descriptions based on an assumed presence of Islamic judicial institutions, reflecting an episteme above the ceiling, and descriptions of absence, reflecting that below the ceiling no such institutions exist (for absence and presence, see Chapter 2). It is, for example, stated in the Government's Strategy that if one of five conditions are fulfilled then "the woman must submit evidence for one of these reasons to an imam, who thereby directly can dissolve the relation [nikah] without the consent of the husband" (Regeringen, 2012, p. 10). In other words, it describes a presence in the form of imams acting as qadis with jurisdiction, yet it also states that no such jurisdiction exists: "even though they [imams] function as religious authorities, they do not have a formal power to put behind their decisions". It then continues to describe the security issues related to issuing Islamic divorce documents (Regeringen, 2012, p. 11): that is, page 10 describes a presence, but page 11 describes an absence. These switches between absence and presence can be found repeatedly in the Government's Strategy, meaning that it constitutes meaningful action above the epistemic ceiling that is incongruent with the episteme below the ceiling and, therefore, has little to no effect on the ground. In other words, it addresses a simulacrum rather than the problems that can be observed empirically. In what follows, I briefly elaborate on this by examining the Government's Strategy's four focus areas (Regeringen, 2012, p. 5).

The first consists of informing religious leaders about Danish family law[12] and a strategy to increase the number of religious leaders licensed to conduct

12 Ironically, the slide deck used in the course informed course participants that religious marriage ceremonies without civil validity (nikah-only marriages) "are not illegal in

Danish civil marriages (presumably to decrease the number of nikah-only marriages). Interestingly, this contradicts the typical logic applied above the ceiling as is evident by the very common political suggestion of amendments to make it easier to retract marriage licenses from Muslim authorities in order to combat parallel legal practices. For example, in the debate following the airing of *Mosques behind the Veil* in March 2016, parties across the political spectrum, including the Social Democratic Party, which presented the Government's Strategy in 2012, made such a suggestion (Jørgenssen, 2016). The Minister of Ecclesiastical Affairs at the time, Bertel Haarder (Venstre, centrist-right liberal party), stated:

> I want to be sure that preachers who are approved to marry people in Denmark do not have the opinion that women are not allowed to work if there is another man present [at the workplace]. And that you are allowed to hit children, and that stoning of women is justified – it cannot be reconciled with the authority responsibility of being licensed to marry people with civil validity in Denmark. (DR, 2016)

While it is easy to be sympathetic with the intention of helping the women – and introducing a code of decorum for people issued with a license to perform civil marriage seems sensible – it is unclear how it improves women's rights. A more likely outcome is that more women will enter nikah without civil registration because the local imam has had his license revoked – which is exactly what the Government's Strategy is designed to avoid by increasing the number of religious leaders with such licenses. Such inconsistencies, partially generated by discrepancies between the epistemes above and below the ceiling, are widespread in Danish politics.

The second and third focus areas address the further education of welfare professionals and the dissemination of information about rights under Danish law among minority citizens. The problem with these focus areas are that they misunderstand the dynamics of the parallel legal practices described in the SFI report. It is naïve to assume that merely informing people about Danish law will result in their abandoning religious and cultural practices. It may make sense to reduce the number of nikah-only marriages – and this may even have an effect in the long run – but the fact that many women who obtain a civil divorce end up in nikah captivity anyway demonstrates that this strategy is not a solution to the issue. Many women in nikah captivity are well aware of

Denmark". In 2017, this course was made compulsory for religious leaders who wanted a marriage license. I have been provided with the slide deck by the Ministry of Immigration and Integration based on the open access to documents.

their rights under Danish law; their problem is that these rights are irrelevant to their situation, which is why information campaigns are ineffective on their own. Additionally, it makes little sense to further educate welfare professionals if they are not provided with instructions on how to act, because without such instruction they just end up in the social workers' dilemma (see Chapter 2).

The last focus of the strategy consists of amendments to the penal law (Regeringen, 2012, p. 5). The juridical term "marriage-like relationship" was inserted into penal code § 260 subsection 2 in an attempt to make forced nikah and nikah between minors illegal. However, neither of these legal changes address nikah captivity, and as Niels Valdemar Vinding and I have demonstrated, these and subsequent laws were in various ways incongruent with Muslim practices (Vinding & Petersen, 2023); they regulate phenomena that are imagined above the epistemic ceiling, but which are largely incongruent with the phenomena below the epistemic ceiling that they are supposed to regulate.

When the VIVE report was published in 2020, the situation had remained more or less unchanged since 2011 except for indications of an emerging institutionalization of parallel legal practices. The report contains information on three ad hoc and two permanent but collapsed Islamic divorce councils. In other words, the Government's Strategy had been ineffective but, as argued above, this is because the strategy only addressed the problem above the ceiling, in which case no effect can be expected below the ceiling. In the following, I demonstrate that the same work group also pursued a strategy below the ceiling, but was unsuccessful.

3 Navigating below the Epistemic Ceiling

During my fieldwork, Muslim leaders repeatedly made references to a meeting that took place in the Ministry of Social Affairs and Integration in 2012 between 14 Muslim leaders and the former minister, Hækkerup, who instructed the ministerial work group to develop the Government's Strategy. I have spoken with six of the Muslim leaders present at the meeting, and they explain that there was a willingness either from the minister or from the ministerial work group to work towards the founding of an Islamic divorce council.

This section is partially based on information retrieved from the Ministry of Social Affairs through the right of access to documents; however, many documents have been lost, others partially damaged, and a great deal of information was never archived. Therefore, I have requested four of the Muslim leaders present at the meeting to forward all the emails they have exchanged with the ministerial work group that developed the Government's Strategy.

This means that I can provide a reasonably detailed description that, while it does not document exactly what happened, does document that the ministerial work group pursued a strategy below the epistemic ceiling. I should note that all the communication I present below is between Muslim leaders and a single member of the ministerial work group, either acting independently or on behalf of the group. My linguistic framing suggests the latter, but this does not constitute a qualified guess, merely that I had to make a choice between the two. The civil servant in question has rejected my offer to let him/her read and comment on the text.

The abovementioned meeting between Hækkerup and 14 Muslim leaders took place on 7 June 2012 between 2 and 4 PM, but it is necessary to go back further to get a full understanding of the meeting. Shortly after the publication of the SFI report in November 2011, Pedersen (the imam quoted in the opening lines of the chapter), argued that Islamic divorce councils were the solution to nikah captivity, and he found some support for this. The following is an excerpt from a local newspaper that describes a debate in Gellerup, a neighborhood in Aarhus with a high concentration of Muslim inhabitants:

> The panel consisted of Jens Espensen, leader of the local police in Aarhus V, Imam Abdul Wahid Pedersen, Sten Schaumbürg-Møller, Professor at Aarhus University, and vice mayor of Aarhus, Rabild Azad-Ahmad (R).[13] When a woman asked what a Muslim woman should do if she wants to divorce, this illustrated the problem that became the evening's dominant topic. Imam Abdul Wahid Peders proposed an Islamic council that can validate the courts' decisions so that they also become valid under Islamic law, and the other panel members were open to the idea .... [Pedersen explained], "This institution must not be able to go against a decision by the authorities, but it should be able to support it. This is what many people seek, and I know that it exists in England". (Rønn, 2011)

The story was noticed by the ministerial work group,[14] which in January and March 2012 sent out meeting invitations to Muslim leaders. One such invitation email, with the topic, "Meeting with religious authorities about the debate on Muslim 'divorce councils'", stated, "Some Muslim authorities have argued publicly for the founding of a Muslim council which can formally dissolve

13 Radikale Venstre (centrist party).

14 The information retrieved by the right to open access includes a collection of the articles quoted above and a few others.

religious marriages without the consent of the husband. … But it is my impression that far from all Muslims think that this is the solution."

This email demonstrates that the ministerial work group explored alternatives to Islamic divorce councils; however, proponents of the councils were also invited to meetings. Pedersen and Alev, for example, who publicly argued the case for them as the solution to nikah captivity, were invited to a meeting. The invitation they received did not contain the abovementioned exploration of other options than Islamic divorce councils. It merely said, "I would like to meet with you to discuss specific experiences and [your] evaluation of the question, and [we] would of course also like to hear your suggestions for a possible recommendation."

On 29 March 2012 three imams from the Danish Islamic Center (Pedersen, Alev, and Waseem Hussain) met with the ministerial work group. Unfortunately, almost a whole page of the minutes of that meeting has been lost,[15] but in what has been preserved it is stated that the Danish Islamic Center received 30–40 Islamic divorce requests a year from women who experience nikah captivity. The minutes go on to say that the imams proposed at least three strategies to solve the problem of nikah captivity: 1) the introduction of a standardized nikah contract in which it is stated that a civil divorce has Islamic validity; 2) a precedent be established among imams not to facilitate nikah without prior civil marriage; 3) avoidance of the facilitation of nikah between minors unless their parents consent to it and a civil marriage with dispensation has been solemnized. There may have been more suggestions from the imams but, as stated above, a significant part of the minutes to the meeting has been lost.

It is, furthermore, stated in the minutes to the meeting that Pedersen and Alev, who are two of the three founders of the Joint Council of Muslims, agree to contact the other umbrella organization, the Danish Muslim Union, with the aim of collaborating on finding a solution to the issue of nikah captivity. It is unclear what this solution comprised, but irrespective of exactly what the solution was, it is clear from later events that the ministerial work group went forward with the proposals from the Danish Islamic Center.

Pedersen had already introduced a standard nikah contract in 2004 in which it is explicitly stated that the wife has the right to divorce (see Figure 5); however, this did not solve the problem of nikah captivity in every case, and over the years he has therefore altered the formulation. By 2024, it had become quite elaborate, and included a reference to Islamic divorce councils in Britain

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15 The meeting minutes are three pages long. Page one is intact, page two only contains the first three lines, and the rest of the page is blank, and the third page contains eight lines. I have inquired with the Ministry of Social Affairs about the missing text on page two, but it has not been possible to retrieve it.

ISLAMIC MARRIAGE CERTIFICATE

بِسْمِ اللَّهِ الرَّحْمَٰنِ الرَّحِيمِ

On today's date, [month] XX, 2004, it is hereby confirmed that a marriage was performed between the two below mentioned parties, according to the Islamic Shari'a and the sunnah of the Prophet Mohammad, may the choicest blessings of Allah and peace be upon him.
This marriage certificate is not valid according to Danish law.

	Name	Address	Birthdate / CPR
Groom			
Bride			

[information on guardian and witnesses]

- The dowry was agreed at XX
- The wife has the right to demand divorce, if the need may arise, may Allah forbid it.
- After establishing the above, the husband and the wife both confirmed that they will marry each other according to the Islamic Shari'a and the Sunnah of the Prophet Mohammad, may the blessings and peach of Allah be upon him. May Allah bless this marriage and keep them together in His Way.

.... Imam Abdul Wahid Pedersen	 XX	 XX
.... XX	 XX	 XX

FIGURE 5 Pedersen's standard nikah contract, 2004

ISLAMIC MARRIAGE CERTIFICATE

On today's date, [month] XX, 2024, it is hereby confirmed that a marriage was performed between the two below mentioned parties, according to the Islamic Shari'a and the sunnah of the Prophet Mohammad, may the choicest blessings of Allah and peace be upon him.
This marriage and the certificate is not recognized by Danish authority.

	Name	Address	Birthdate / CPR
Groom			
Bride			

The wife was present with her father [name]
Witnesses: [name] and [name]

The dowry agreed is XX

- I [name of husband] hereby state that if I violate the rights of my wife, she has full right to divorce herself from me. This means that if I treat her violently, cheat, take drugs or commit any other grave offence, she is free to leave me. I also state that I am not already married to another woman, and that if this statement is not true, this marriage is not valid. I also state that if I stop living with my wife for more than three months without valid reason and do not fulfill my obligations towards her, she is free to divorce me. In such case I will have no claim against her.
- We both state that if we are (married and) divorced by civil law, this Islamic marriage is also terminated, and any dispute can be settled by civil court, may Allah prevent it from ever happening.
- We both state that if we can't continue in this Islamic marriage, we are obliged to take our case to http://londonfatwacouncil.org/ or http://www.shariahcouncil.org/ or any similar legal body with authorization to solve such matters.
- After establishing the above, the husband and the wife both confirmed their marriage. May Allah bless this marriage and keep them together in His way.

....	....	....
Imam Abdul Wahid Pedersen	XX	XX
....	....	....
XX	XX	XX

FIGURE 6 Pedersen's standard nikah contract, 2024

in cases of dispute (see Figure 6). These two documents demonstrate an awareness of the problem of nikah captivity, an attempt to solve it via the available means, and the inadequacy of the solution, which is why Pedersen ends up referring disputes to British Islamic divorce councils.

In April 2012, the ministerial work group delivered its recommendations to Hækkerup, who accepted them all and ordered that they should be developed into the Government's Strategy. During this work, the ministerial work group invited a broader group of Muslim leaders to meet with Hækkerup on 7 June 2012. I previously mentioned that I have spoken with six of the 14 Muslim leaders who attended the meeting, and they all state that they got the impression that Hækkerup listened, and that she understood the problem of nikah captivity, and that Muslim leaders could not solve it alone because of the security issues related to nikah captivity and Islamic divorce. One imam even talked about his own recent experience with an Islamic divorce in which the threats from a family had been so serious that he had pulled out because he feared that the family would kill him. According to the Muslim leaders, Hækkerup was shocked to hear this, but there is some ambiguity in the reports as to whether she agreed to Islamic divorce councils as the solution. However, on the basis of Hækkerup's very clear public statements, it seems unlikely that she would have agreed to such a proposal.

Hækkerup only took part in the first 30 minutes of the two-hour long meeting. The subsequent 90 minutes were, as the agenda states, reserved for "Internal debate among the participants [in the meeting] about the problem and future practice – including a presentation and discussion of a suggested solution by the Danish Islamic Center". That is, the three imams who had met with the ministerial work group on 29 March presented their suggestion for a solution; unfortunately, the agenda does not specify its content, and the meeting minutes have been lost, if they were ever written. However, a representative from the Muslim Cultural Institute, Imran bin Munier Husayn, wrote an email to one of the civil servants in the ministerial work group two days after the meeting, on 9 June, which contains a short resume:

> As I understood it, there are two primary solutions we should work with in relation to the divorce problem, because we should not count on or expect any legal changes in relation to Danish Family Law:
>
> Preparation of a standard [nikah] contract which connects civil divorce with the religious so that a civil divorce automatically triggers a religious divorce.
>
> Establishment of a council or a kind of religious "court" (without legal authority, but only religious authority) following the English model, or

> possibly Catholic and Jewish model, which can take care of … the situations that the standard contract cannot cover or solve.
>
> If you send the contact information to the invited imams, then, in the Joint Council of Muslims we can begin by planning a seminar where we invite most possible faith communities/mosques in order to create a work group that can proceed with the project.

The strategy of making civil divorce Islamically valid through an innovative nikah contract, simultaneously reducing the number of nikah-only marriages as laid out in the Government's Strategy, may constitute a good long-term strategy. Combined with the founding of an Islamic divorce council to deal with all other cases, this is a strategy that is likely to solve the vast majority of the nikah captivity cases; however, neither of these proposals, which make sense below the ceiling, were mentioned in the Government's Strategy. In fact, they are in direct contradiction with the government's policy to "take initiatives to abolish religious legal institutions" (Regeringen, 2011, p. 56). Nevertheless, on 12 June, the ministerial work group responded to Husayn's email, saying,

> It is I who thank you for the great support and the very positive and solution-oriented discussion we had at the meeting. I sensed a great willingness to collaborate, and I hope it will continue going forward. As we spoke about, I think it is best that the next meeting is held outside the ministry, and I am glad that the Joint Council of Muslims has taken it upon themselves to continue this [work]. As I expressed, it will be good if both the Joint Council of Muslims and the Danish Muslim Union are represented. I can recommend that you contact Muhammed Attia – who was unfortunately unable to attend last Thursday – but who plays a central role in the union and who might be interested in being part of the planning phase as well. If the ministry can contribute to the meeting in any way, or if you need legal advice, please let us know.

As demonstrated by the above quotation, the ministerial work group drew a line between what could be done within the ministry and what had to take place outside the ministry. This is evident in the instruction that, "it is best that the next meeting is held outside the ministry". Furthermore, in an email to Alev, the ministerial work group sent a copy-paste of Husayn's resume stating, "Maybe you should have a discussion in relation to the perspective on the meeting that the Joint Muslim council sends out invitations to. That with the [Islamic divorce] council is most likely necessary, but you must be cautious in terms of how you frame it."

The ministerial work group went even further by following the Muslim leaders' work and by offering input to it. On 14 June, it sent an additional email to Husayn in which it recommended that specific Islamic authorities and institutions with which they had been in contact should be included in the meetings outside the ministry:

> I have had a dialogue with the Islamic Faith Society Mosque, which would very much like to be part of the discussion. … Some I have spoken with also recommend that the Danish Muslim Association [*Dansk Islamisk Forbund*] should take part in the meetings going forward. … Furthermore, it has been pointed out that … Imam Mushib Jaffar from the Islamic Cultural Center on Horsebakken[16] [street] also could be interested in being involved.

The ministerial work group also provided Husayn with the names of contact persons, their email addresses, and phone numbers. Furthermore, it followed up on the progress of the meetings outside the ministry in at least one email on 26 August: "Have you had the opportunity to continue with the work on the question, and has there been a meeting in the Joint Council of Muslims yet?" In other words, the ministerial work group coordinated parts of a process below the epistemic ceiling that ran parallel to the process above the epistemic ceiling. Husayn and other people involved in this process describe it as an attempt to establish a national Islamic divorce council as a solution to nikah captivity.

Only two meetings were held outside the ministry, both in the fall of 2012. Both meetings were focused on the founding of an Islamic divorce council and introducing the standardized Islamic divorce contract, but no agreement was reached on either topic. It is difficult to estimate the effect of the work described in this section because the proposal to establish an Islamic divorce council to solve the problem of nikah captivity is not new. It has existed at least since 2006 when Pedersen as a founding member of the Joint Council of Muslims suggested it (Termansen, 2006). However, Pedersen's suggestion in 2006 was not followed up by any attempt to establish such a council. This only manifested in 2012 when, as demonstrated in this chapter, the ministerial work group co-coordinated national meetings between Muslim leaders in Denmark.

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16 This recommendation seems to be based on Jaffar's already having had experience with the Islamic divorce council activity. On 14 October 2011, the employee from the ministerial work group asked Alev in an email, "Do you have contact with someone from the Muslim Cultural Center? It would be very fruitful to talk to someone who seems to have taken the initiative to establish a [Islamic divorce] council that makes decisions in such cases [Islamic divorce]."

Finally, it should be noted that the employee in the ministerial work group who was in email communication with Husayn denies that the work group pursued a strategy outside the ministry that ran parallel to the work inside the ministry. It is also important to underline that I am merely arguing that such a parallel strategy has been pursued. While the email correspondence suggest that the ministerial work group tried to introduce a standardized Islamic divorce contract and facilitate the establishment of an Islamic divorce council as male Muslim leaders claim, there is no definitive proof of the latter in the material. However, this is largely irrelevant to my aim, which is merely to demonstrate that the ministerial work group pursued a parallel process below the epistemic ceiling.

4 The Problem of Nikah Captivity Unresolved

As described above, the problem of nikah captivity remained unresolved despite the Government's Strategy. This became abundantly clear in subsequent years as cases kept emerging in the Danish media, most notably in the documentary *The Mosques behind the Veil*, aired in March 2016, which I quoted extensively in the introduction. On 8 March 2018, Lise-Lotte Duch, the leader of a cultural center for women with refugee and immigrant backgrounds called FAKTI, and social worker Ina Jensen wrote an opinion piece in Denmark's largest newspaper, *Politiken*, in which they stated that, "there must be an exit strategy for women who want to divorce their suppressive husband" (Duch & Jensen, 2018), thus pointing out that no strategy that addresses nikah captivity had yet been formulated. Duch and Jensen went on to explain the problem of nikah captivity and the consequences this has for a segment of Muslim women, ending with a call to action:

> We do not know the extent of the problem, but we see it massively in FAKTI. [However,] we see it very little in the political debate. … On the occasion of International Women's Day, we encourage politicians to come up with proposals that support our fellow sisters from other cultures in gaining real equality on the same level as ethnic Danish women. (Duch & Jensen, 2018)

The opinion piece was – as were the many stories about nikah captivity – greeted with silence until a journalist, Mathilde Graversen, wrote a series of articles about the problem of nikah captivity, inspired by Duch and Jensen (Graversen, 2018a, 2018b, 2018c, 2018e, 2018f, 2018g, 2018h). These stories led the then Minister of Immigration and Integration, Inger Støjberg, to visit FAKTI

where she listened to Duch, Jensen, and the women who come to the center (Graversen, 2018d). Støjberg responded by ordering an information campaign, further education of welfare professionals, and an update of the SFI report. The two first responses are very similar to those which produced the Government's Strategy, which had proven ineffective a few years prior, and as I was involved in both, I briefly explain why.

First, I was informally consulted by the Ministry of Immigration and Integration before a tender for the information campaign was published, and I strongly advised the ministry to develop a solution to nikah captivity before setting up the campaign; that is, I advised the ministry that it ought to develop something that could be presented to minority citizens before launching an information campaign. My advice went up through the hierarchy of the ministry but was rejected, so the tender was published. I later sat on the advisory panel for the organizations that won the tender, and from here I could observe the organizations' slowly realizing that they had no relevant information to disseminate – at least not relevant to women experiencing nikah captivity. However, to their credit, the organizations identified a group of minority citizens who had very little knowledge of their rights under Danish law and informed them about these rights.

Second, I was responsible for running courses teaching welfare professionals about the sharia practices documented in the VIVE report, so I have repeatedly been asked questions by welfare professionals on how they should respond to nikah captivity – a question that I could only answer by stating that they must follow the guidelines issued by their employers, while being well aware that no such guidelines existed. Another teacher on the courses gave instruction in Danish law, but it was clear that it only addressed the issue of nikah captivity indirectly at best. I have received many phone calls since these courses in which welfare professionals have asked me to recommend a Muslim leader with whom they could collaborate. I should note that I have never made such recommendations because my informants should not become burdened with Islamic divorce cases just because they speak with me. Furthermore, I did not want to become an agent in the field in which I was also doing research.

The point in Støjberg's response was to order an update of the SFI report, which was published as the VIVE report in January 2020. Both reports reach the same conclusions, although the time frame for the VIVE report was more conducive to undertaking good research, and therefore the report is richer. It is clear from the VIVE report that the results of the Government's Strategy had been ineffective.

In addition to the information campaign and training of welfare professionals, the political response to the VIVE report also included legislative action.

The former Minister of Immigration and Integration, Mattias Tesfaye, tried to make nikah captivity illegal, make it illegal to issue nikah contracts that do not include mutual religious divorce rights, and he made amendments to raise the quality of the law on forced nikah and nikah between minors. However, except for the latter, these legal changes attempt to regulate phenomena above the ceiling and, therefore, they are incongruent with phenomena below the ceiling (for an analysis that demonstrates this incongruence, see Vinding & Petersen, 2023). In other words, the vast majority of nikah captivity cases, forced nikah cases, and most nikah contracts that do not allow mutual religious divorce rights, are most likely not covered by these laws, although nikah between minors has probably become illegal.[17]

In conclusion, to adapt Duch's and Jensen's expression: no functional exit strategy for women experiencing nikah captivity has been formulated. That is also the case at the time of writing in the spring of 2024. Therefore, it is no surprise that the problem of nikah captivity persists today. This means that the demand for Islamic divorce, which is projected onto Muslim leaders by women in nikah captivity and welfare professionals, is still high, and this is what causes the emergence and collapse of Islamic divorce institutions. In the next chapter, I demonstrate how an Islamic divorce council emerged and developed into a parallel legal institution with external funding. As soon as the institution was announced publicly in 2021, it produced a cascade, mainly due to representatives of the welfare state, thus demonstrating that the demand is not just a Muslim community phenomenon – it also exists below the epistemic ceiling within the welfare state.

17 I use non-declarative language here as it is up to Danish courts to decide how the law should be interpreted.

PART 3

The Institutionalization of Islamic Divorce Councils

CHAPTER 7

Until Death Separates Us

On 3 March 2015, Sherin Khankan announced that Femimam, a committee she had founded, would open a mosque in which female imams would deliver the Friday sermon and lead the Friday prayer.[1] This led to the inauguration of the Mariam Mosque in downtown Copenhagen on 26 August 2016; however, the mosque issued its first Islamic divorce in March 2016 – five months prior to the inauguration. Neither Khankan nor others in Femimam had planned to issue Islamic divorces, but as the demand, described in previous chapters, was projected onto Khankan and the Mariam Mosque, an Islamic divorce council emerged. Today, Islamic divorce is the dominant activity in the Mariam Mosque: every other Friday in 2023, Khankan issued between one and four divorces, while Friday prayer – originally held once a month – has been more sporadic.[2] This underlines the magnitude of the demand; it bends trajectories and transforms institutions.

The analysis I present in this chapter repeats and underlines many of the conclusions from previous chapters, but it also adds something new. In this chapter, I present the process from the first request for an Islamic divorce projected onto Khankan and the Mariam Mosque in December 2015 up until the institutionalization of an Islamic divorce council, which in 2023 issued 60 Islamic divorces.

Because the panels of Islamic divorce councils are generally male dominated, Khankan's founding of the Mariam Mosque's council may seem remarkable. And it is, in the sense that Khankan is both its founder and daily leader, although it should be noted that major Islamic divorce councils such as the Islamic Sharia Council in Leyton (London), the Birmingham Sharia Council, and the Board of Imams in Victoria (Melbourne, Australia) have female panel

1 For the sake of transparency, I must inform the reader that between April and June 2024 I conducted six semi-structured interviews for an evaluation of the Until Death Separates Us program, which I was paid to do. However, this chapter was submitted to Brill for peer review in February 2024. No changes have been made to the chapter since the submission in February 2024 apart from copy editing. However, two quotations from this evaluation has been inserted in Chapter 2 (Nour and Ayan).

2 I am not suggesting that Friday prayer is less significant in the Mariam Mosque. I am merely pointing out the difference in frequency and time consumption. In 2023, the Mariam Mosque was recognized as a faith society in Denmark, which is a strong indication of its institutionalization. This also means that Khankan can now apply for a license to perform marriages.

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members (F. Ahmed & Krayem, 2021, p. 25; Bowen, 2016, pp. 123–142). In other words, while it is rare to see women on panels, it is not unheard of, although I am not aware of another council that is led by a woman.

Three men are involved in the Mariam Mosque's divorce council – a PhD in Islamic studies, a PhD student of Islamic studies, and an activist – but they primarily assist with translation and sign divorces as witnesses. They do not sit on the panel or get involved in cases. This is not a deliberate choice; it is merely an outcome of time constraints for the two Islamic studies scholars, and, for the activist, a lack of religious educational credentials. One of three female secretaries is present at divorces, and a female imam-in-the-making sometimes signs as a witness and takes part in the divorce ritual (see below).

I began an ethnographic study of the Mariam Mosque in August 2016, shortly before it issued its second Islamic divorce. I dedicated all my time to fieldwork until June 2017, after which I became more strategic with it and decided to focus on Islamic divorce (for my previous publications on the Mariam Mosque, see Petersen, 2019a, 2019b; Petersen, 2022b, 2025). This meant that between July 2017 and December 2023, I collected 135 of the 137 Islamic divorce documents that the Mariam Mosque has issued, observed 14 Islamic divorces, interviewed or followed up on 11 divorcees,[3] collected in and outgoing communications, attended relevant staff meetings, and regularly checked in with, or interviewed people involved in the facilitation of Islamic divorce in the Mariam Mosque.

This chapter begins with a short description of the origin and evolution of Islamic divorce in the Mariam Mosque, beginning with the first case in December 2015 and ending in December 2023. This is followed by an ethnographic description of the everyday operation of Mariam Mosque's divorce council. As a strategy to sensitize the presentation to the empirical material and provide a rich description, in this chapter I have let my fieldnotes dictate the content to a greater degree than in previous chapters. Consequently, the chapter has a less rigorous structure, although it is thematically organized to cover the Islamic divorce process, Khankan's method, women's agency, and responses from men and families. Khankan and Josephine Amanda Jørgensen, presented below, have read and approved my presentation with minor

3 Eight interviews were conducted by Khankan, and in three cases I followed up with a social worker. I chose this method as I presumed the women would be much more comfortable talking with Khankan, thereby producing better data. This methodology also seemed appropriate due to the risk of re-traumatizing the informants. After all, Khankan had a relationship with the women, knew their stories, and could, therefore, navigate this space better than I. It should be noted that Khankan followed my interview guide, and that she holds an MA in the sociology of religion and has extensive experience with semi-structured interviews.

corrections of factual information regarding Until Death Separates Us (see below) and the Exit Circle (see below).

1 The Formulation of an Islamic Divorce Template

When Khankan received her first request for an Islamic divorce in December 2015, she was focused on founding a mosque with female imams and did not consider Islamic divorce relevant to the project. However, as the female applicant had already contacted two male imams, both of whom had refused to issue an Islamic divorce document without her husband's consent, Khankan suggested that she might submit her case to a British Islamic divorce council. As this turned out to be too expensive, Khankan then contacted Hakeem (see Chapter 2) with the expectation that he or the Ihsan Mosque (see Chapter 8) would issue the divorce.

The husband had recently been convicted of violence against the woman, so Hakeem was hesitant to issue an Islamic divorce himself. Instead, he tried to recruit members for an ad hoc divorce council which could issue the divorce collectively, and thus, spread the security risk; however, as no one wanted to get involved, the process dragged out. Frustrated with the repeated delays and lack of progress, Khankan and Hicham Mouna (co-founder of the Mariam Mosque) issued an Islamic divorce in March 2016. This was an eight-page document drafted mainly by Mouna, containing the ID information of the involved parties and their children, a presentation of the case, a theological argument for women's Islamic right to Islamic divorce, and a granting of the divorce in the form of khula with signatures (for a detailed description of the drafting of the divorce document and its content, see Petersen, 2022b, pp. 167–172).[4]

When I interviewed Mouna in June 2017, he explained that he understood Islamic divorce as primarily an Islamic legal process which derives its validity from sound religious arguments. This further manifested in Mouna's insistence that all rules must be followed, including the return of their dower by battered women, as this was a requirement according to his understanding of fiqh rules. Mouna's insistence caused conflict between him and Khankan, who did not believe this to be fair and, therefore, refused to comply. Ultimately, Mouna had to adjust the divorce documents in accordance with Khankan's practice. Mouna was finishing an MA in pedagogics, and despite his interest in Islam and extensive reading on the subject, he had no formal religious training,

4 This book is open access and can be downloaded as a PDF from Brill's homepage.

let alone training in fiqh, and this troubled him. He did not feel qualified to engage with fiqh, and he did not want to write Islamic divorce documents, but he did so out of necessity. The alternative was to ignore women's pleas for help to get out of abusive relationships, and turning them away seemed even more objectionable.

I should briefly note that while the Mariam Mosque's Islamic divorce documents are unique, the practice of issuing khula without the husband's consent is not an unusual practice. Versions of such a practice are written into Egyptian family law and form the basis of the divorce practice of the largest Islamic divorce council in Britain (Bowen, 2016; Sonneveld, 2012). However, the Mariam Mosque's willingness to issue Islamic divorce documents to Muslims irrespective of whether one is Sunni, Shia, or adhere to some other Islamic creed is unusual; and, again irrespective of creed, all their divorces follow the same procedure. Furthermore, the Mariam Mosque will only attempt reconciliation if the woman requests it, and this sets it clearly apart from the majority of male Muslim leaders' practices, described in Chapter 5.

Soon after the first Islamic divorce, the Mariam Mosque received its second request, and Mouna removed the case-specific information from the first divorce document and filled in the details of the second. In other words, the Islamic divorce document Mouna drafted in March 2016 had become a template for Islamic divorce in the Mariam Mosque, and all four parts of this document were still in use at the time of writing (December 2023), although many minor, but significant, changes had been made. The formulation of a template for future action demonstrates the significance of the first case – and a single case is enough to create a cascade effect, which may lead to a temporary presence of an Islamic divorce institution that collapses at a later point. Or, as happened with the Mariam Mosque, a single case may be enough to generate a presence and put a person or an institution on a trajectory towards institutionalization. This dynamic is important in relation to the description in Chapter 2 of how representatives of the welfare state sometimes put male Muslim leaders under significant pressure to issue Islamic divorces, because it underlines the potential role of the welfare state in the emergence of Islamic divorce institutions: a single case is potentially enough.

When I interviewed Khankan in July 2018, she still conceptualized Islamic divorce in the Mariam Mosque as primarily an Islamic legal practice, which attained validity through an Islamic legal performance, and she believed in the myth of presence, although she was starting to realize that no such presence existed. Khankan explained that she still referred cases to male Muslim leaders as she believed that divorces from them would carry more weight, but she also found that women sometimes returned to her because the male imams

would not issue their Islamic divorces. In one case, a male imam even referred a woman to the Mariam Mosque, stating that it makes no difference in terms of validity whether an Islamic divorce document is issued by a male or a female Islamic authority, adding that "there are also female judges in Muslim countries who do the same thing" (Petersen, 2022b, p. 174).

The Mariam Mosque experienced the cascade effect, but the number of Islamic divorces remained low due to the lack of resources available. As Khankan explained in July 2018, "If the women do not get a booking right away, then they never return." This situation is reflected in my conversations with Khankan in 2017 through to 2020: she always had a lot of cases coming in, but only the resources to handle some of them. She did not turn women away, but the lack of resources meant that to obtain a divorce in the Mariam Mosque women had to be patient and persistent. Although the mosque issued a mere 24 divorces between 2016 and 2020, it is noteworthy that these came from all parts of Denmark, and that it received many requests for Islamic divorce from representatives of the Danish welfare state. When I inquired about this in July 2018, Khankan provided me with three recent requests from women's shelters and a request from a case officer at a municipality.

In conclusion, the founding of an Islamic divorce council in the Mariam Mosque was not planned. It emerged as Khankan and Mouna responded to Muslim women's requests for Islamic divorce, or to use the metaphor from previous chapters: the Mariam Mosque was sucked into the vacuum. Mouna left the Mariam Mosque in June 2017 and died of cystic fibrosis in October 2018, aged 31. The fourth Islamic divorce was the last one he wrote, meaning that from the fifth divorce onwards, Khankan wrote the Islamic divorce documents using, and further developing, Mouna's template.

2 Until Death Separates Us

In August 2014, Khankan founded the Exit Circle, which helps women out of abusive relationships – a nation-wide NGO that organizes therapy groups for victims of violence of all ages and genders. On 1 January 2021 the Exit Circle entered a collaboration program with the Mariam Mosque-titled, Until Death Separates Us (UDSU), with 134,000 EUR in funding from the Oak Foundation. The aim of this collaboration was twofold: 1) to disseminate a nikah contract that included women's rights to Islamic divorce and in which it is stated that civil divorce also constitutes a termination of the nikah; 2) to make (no-fault) Islamic divorce available to Muslim women by informing them that UDSU could provide this in collaboration with the Mariam Mosque. The project

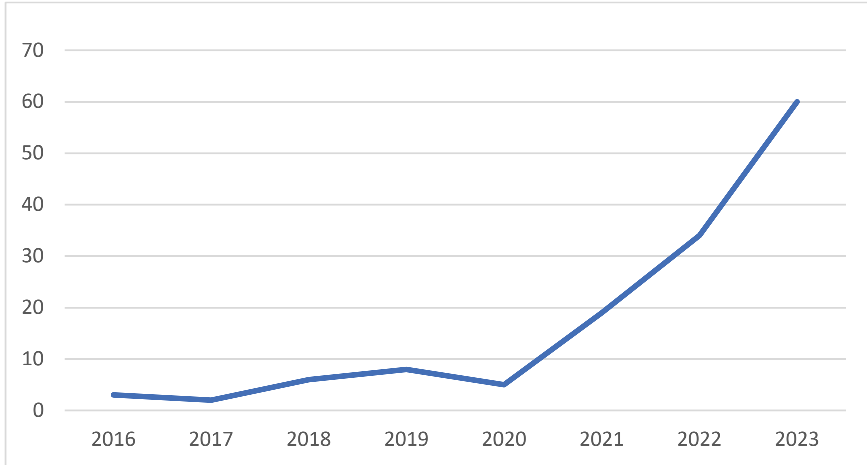

FIGURE 7 Number of Islamic divorces issued in the Mariam Mosque per year (n = 137)

disseminated this information through a campaign movie, Social Media posts and advertising, flyers, advertisement on public transport, and posters. Furthermore, the funding meant that the Exit Circle, which formally administered the funding, could hire a former volunteer, Josephine Amanda Jørgensen, on a part-time basis as project leader.

As demonstrated in Figure 7, the effect of UDSU was immediately visible in the number of Islamic divorces issued by the Mariam Mosque, which rose significantly from 2021. The rise is primarily due to UDSU's integration into services provided by the welfare state and the resources available to it, which meant that the cascade effect could now be handled. In February 2021, the Mariam Mosque began registering those who contacted the mosque for Islamic divorce, and out of 112 Islamic divorces, 44 cases (39 percent) came directly from mainly state-funded organizations. Of the remainder, 49 women (44 percent) contacted the UDSU hotline directly, 15 (13 percent) contacted the Mariam Mosque directly, and 4 cases are categorized as unknown. However, it should be noted that some women contact the UDSU hotline because its telephone number has been provided by representatives of the welfare state, and, therefore, the welfare state may be an even more significant variable than these numbers suggest.[5] As Jørgensen explains,

5 Jørgensen explains that women call the UDSU hotline and state, "Well, I have been in contact with a security advisor in one of the regions, I have been in contact with my contact person at the police, or the women's shelter I live in has asked me to call you." Such calls are registered as women's contacting UDSU directly. It is only when calls come directly from

> I also experience that generally … they [social workers] say they do not have the resources to follow the woman and hold her hand the whole way. So, they provide our number to the woman and say, "Call the Exit Circle,[6] then they can help you." (Interview with Jørgensen, 17 August 2023)

The in- and outgoing communications in the UDSU mailbox demonstrate that its campaign material and services are in high demand among the Danish authorities, such as the police, security advisors, health services, municipalities (e.g. job centers and social services), and, likewise, among organizations such as women's shelters and NGOs that help women out of abusive relationships. While it should not be overstated how widely available these flyers are distributed (1,750 between 2021 and 2023) the authorities and NGOs have shown a remarkable interest in UDSU, thereby playing a major role in the institutionalization of the Islamic divorce council in the Mariam Mosque. That is, as women project their demand for Islamic divorce onto representatives of the welfare state, a demand for this service emerges below the epistemic ceiling, which is why is why they spread the UDSU campaign material, despite the fact that many employees work in organizations that have no-collaboration policies.

This is exemplified by the security advisors who are employed in the Ministry of Immigration and Integration, which in 2012 published *The Government's Strategy against Parallel Legal Orders – An End to Coercion and Suppression in Relation to Religious Marriage* (see Chapter 6). From 2021 to 2023, security advisors facilitated four divorces by directly contacting the Mariam Mosque, and as security advisors have also ordered UDSU flyers, they have undoubtedly also referred further women. In January 2024, a security advisor even wrote to Jørgensen regarding closer collaboration on Islamic divorce: "We would like to have a talk with her [Khankan] regarding a collaboration with her as an imam in relation to the women who cannot obtain a divorce from her husband." Consequently, Jørgensen went to the security advisor's office for a two-hour meeting in which they agreed on a referral collaboration whereby the security advisors would channel Islamic divorce requests to the Mariam Mosque. The day after, one of the security advisors wrote to Jørgensen to thank her for a productive meeting, stating,

> I definitely believe that we will refer women to you, and therefore, I would like to accept the offer to receive flyers. … Also, thank you for sending the

employees – not the woman herself – that cases are registered as a security advisor, the Danish police, a women's shelter, etc.

6 Jørgensen is here referring to UDSU, which is administered by the Exit Circle.

> divorce documents and the nikah contracts, including those sentences you equip the women with.[7] In our function, it is super relevant for us to see.

Just four days later, the first Islamic divorce case arrived from the security advisors – an Islamic divorce which was coordinated between the security advisor, the women's shelter, the contact person at the municipality, the police, and the Mariam Mosque. Shortly after, yet another one arrived, but I do not know what the future holds for this collaboration as I submitted the manuscript to Brill in February 2024.

The demand for Islamic divorce, projected onto the Danish welfare state, is typically channeled to initiatives such as security advisors, specialized teams in the police (SVÆV), or negative social control advisors, but as such employees have no instructions on how to address these problems, some project this demand onto Muslim leaders and Islamic institutions.

The problem of the demand for Islamic divorce projected onto the welfare state is sometimes also visible in the public sphere. Odense Municipality has, for example, invested significant resources in circumventing religious authorities in their social work – a topic that has been high on the political agenda in the city council. Nevertheless, their website dedicated to this has been linked to UDSU, which it described as "Until Death Separates Us: addressed to women who have been denied an Islamic divorce".[8] Furthermore, a local NGO, partially funded by the municipality, called Sisters against Violence and Control requested 14 Islamic divorces from the Mariam Mosque between 2021 and 2023.

All the incoming communication from representatives of the welfare state is as blunt as described above with the exception of one email, sent by an employee at a women's shelter. This email follows the pattern described in Chapter 2 of circumventing no-collaboration policies by writing from a private email account and not disclosing a job title: "I am writing on behalf of a friend who, after having divorced under Danish law, would like to have an Islamic divorce." The author of the email, who is an ethnic majority Dane, does not disclose that she is in fact an employee at a women's shelter with a no-collaboration policy. However, this is indicated by how the "friend" was

7 These sentences constitute cognitive tools that I discuss later in the chapter.

8 Since 2022 the layout of the website (www.negativsocialkontrol.dk) has been changed so that it contains much less information on individual NGOs' services. Therefore, this information is no longer available on the website. I have retrieved the older version of the website using the Way Back Machine (archive.org), accessed on 4 January 2024. In my data I have an email communication between civil servants in the municipality and the Mariam Mosque, which indicates that the presence of UDSU on the webpage was a conscious choice.

described in the email: "She speaks relatively good Danish and fluent Farsi."[9] The fact that I found just a single email in my sample in which the author circumvented a no-collaboration policy suggests that representatives of the welfare state find the Mariam Mosque a more legitimate collaboration partner – one that is not covered by no-collaboration policies.

It is important to underline that I do not suggest that representatives of the welfare state are doing anything wrong when they contact UDSU. These are dedicated employees doing everything they can to help their clients. However, it is important to note that the welfare state (below the epistemic ceiling) requests Islamic juridical services from Muslim leaders such as Khankan because this is an important dynamic in the emergence and institutionalization of parallel legal orders, which is the focus of this book. Furthermore, it demonstrates something important about how the welfare state works in practice: for example, how strategies against parallel legal orders formulated above the epistemic ceiling may contribute to the emergence and institutionalization of parallel legal orders. Some people may be fine with such parallel legal orders once they see the benefit to the women in nikah captivity, while others will insist on other solutions to the problem. Yet it is an empirical fact that Islamic legal institutions are at least partially – if not sometimes fully – integrated into the welfare state below the ceiling.

Collaborating with the Mariam Mosque enables representatives of the welfare state to assist women who would otherwise be difficult to help. For example, in a case from a municipality, a case officer had assisted a woman with obtaining a civil divorce, but (s)he now feared that the woman would return to her (ex)husband because her family was putting her under significant pressure to do so, with reference to her being in a nikah with him. The case officer, therefore, contacted a specialist within the municipality – a negative social control councilor employed at the job center – who then contacted UDSU. As Jørgensen explains,

> So she was juridically divorced from her husband, but because she had not been able to obtain her Islamic divorce, the municipality was worried for her well-being and her children's well-being, and that is why they contacted us – you know, to hear whether we could secure an Islamic divorce for her, so that there was a smaller risk that she would return due to the pressure from her family.

9 Just to be clear, I am not suggesting that a majority Dane cannot be friends with a minority Dane with limited Danish language skills. I am merely reading the email as an example of a pattern that I have previously documented. I have also double checked that the person in question is an employee at a women's shelter.

The municipal employee wanted to relieve the pressure on the woman to keep her on the trajectory towards living a good life in accordance with her own wishes and to provide her with the conditions to be a good mother.[10] This case demonstrates why it can be important for social workers to address the problem of nikah captivity if they want to further the municipality's policy of helping women out of abusive relationships to live emancipated lives. Similarly, nikah captivity is a situation that makes women vulnerable to Islamized post-separation violence, such as that posed by men who insist that their (ex)wife must be sexually available to them because they are still in the nikah (see Chapter 3). Jørgensen explains that representatives of the welfare state and social workers often contact UDSU to avoid or put an end to such violence:

> Many of the women in question ... they experience that the absence of an Islamic divorce is used to build pressure on or extort them to get access to the children or have sexual intercourse – forced sexual intercourse, which really is rape, you know, sexualized psychological violence. It is also a way of extorting money.

Furthermore, social workers familiar with the concept of weaponized talaq may find it essential to assist women with obtaining Islamic divorce to avoid the women's agreeing to it. Jørgensen briefly elaborates on such a case:

> She had already handed over the house, and she had paid money to him because he – now it has been a long time, it has been a year – but because he had promised that he would say talaq to her, but that was not what happened. Now he had the house, and he had gotten 100,000 [13,400 EUR] – I can't remember the exact amount; 130,000 kronor [17,400 EUR] or something like that – but she was still not divorced from him, and now he had just taken these things from her, but she had not gotten anything for it. So, that is where the police come in. [They] often [come in], when they can see that it [Islamic divorce] is being used as a means to blackmail the woman. ... And it is important for the woman that she gets her Islamic divorce to kind of stop it [the blackmail].

10 The woman in question did not want to divorce in the Mariam Mosque, so Jørgensen facilitated a divorce in another mosque. This also happened in another case, so two of the 137 Islamic divorce cases in the Mariam Mosque have been facilitated in collaboration with other mosques. Similarly, in a few cases, women have canceled their appointment in the Mariam Mosque because they have made an appointment in another mosque.

Although Danish police are involved in many cases in the Mariam Mosque, Jørgensen only received two direct requests for Islamic divorce from the Danish police between 2021 and 2023. Interestingly, in one of these cases, the woman had a delegated right to Islamic divorce written into the contract (talaq al-tafwid), so technically the Mariam Mosque merely witnessed her Islamic juridical performance.

The collaboration between UDSU and the Danish welfare state also benefits UDSU. In December 2021, Jørgensen contacted the National Security and Intelligence Service (PET) to complain that a woman's request for an assault alarm had been rejected. The employee at PET pulled some strings for Jørgensen, who could now re-start the case with another employee in the Danish police to whom Jørgensen wrote,

> [Name] from PET told me that (s)he has spoken with you about the specific case and that you may be able to collaborate with us on how we best approach this going forward. The woman has reported it to the police, but they cannot do anything for her because the man lives in [country].

The husband had hired people in Denmark to vandalize his (ex)wife's property and in other ways intimidate her, so even if he was not in Denmark his actions posed a threat to her. Jørgensen's request meant that the police contacted the woman to re-evaluate their previous decision, and less than ten days after Jørgensen's inquiry, the woman had received an assault alarm. Likewise, UDSU has, in particularly urgent and serious cases, been able to find places at women's shelters even though the women have been told that all places were occupied.[11]

The integration of the Mariam Mosque in the services provided by the welfare state is clear from the above, but it is also clear from the coordination with authorities and NGOs on individual cases. As a case officer writes to Jørgensen, "Now, I have informed the police about the divorce, so they will register this on the case and be more attentive at the women's shelter in the time ahead – so you may/can send the [Islamic divorce] papers to the husband."

In other words, Islamic divorce is coordinated between the Mariam Mosque, the Danish police, and women's shelters; the Mariam Mosque provides the divorce, and the latter two provide security. This is the everyday below the epistemic ceiling and a clear demonstration of how women's lives are improved by addressing their problems within sharia discourse.[12]

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11 These women must still go through the normal visitation procedures.

12 I am not saying that such effects cannot be achieved in other ways but, so far, this has not been attempted; that is, no policy that positively lay out how to address nikah captivity

3 The Practical Details of Islamic Divorce in the Mariam Mosque

When people contact UDSU for an Islamic divorce, it is typically Jørgensen, sometimes Khankan, who holds a pre-divorce interview with either the woman or the person who calls on behalf of the woman.[13] Next, the woman receives an email with the Islamic divorce template attached. The following is a complete email from August 2023 in which Jørgensen describes the Islamic divorce process to a woman with whom she has not spoken. This means that it is unusually detailed, thus providing an insight into the information communicated by the Mariam Mosque to women:

> Dear [name of woman]
> As per agreement with your case officer [name] I here send the template for Islamic divorce, including some information about the process.
>
> Neither Islamic marriage nor Islamic divorce have legal validity in Denmark, but we recognize that they may have religious, spiritual, cultural, social, and psychological meaning for many.
>
> In collaboration with the Mariam Mosque, the Exit Circle – Ways out of Psychological Violence – offers you an Islamic divorce without your husband's consent and without prior mediation. Unfortunately, the Mariam Mosque is fully booked with Islamic divorces and Islamic marriages over the next month. I will return as soon as I have a date. You are welcome to bring a family member or a friend on the day [of the divorce].
>
> The process is as follows:
>
> 1) You will receive the khula document, which is a divorce document that you are welcome to fill in beforehand. If you find it difficult we can fill it out together on the day of the divorce.
> 2) On the day of the divorce, you will be invited to tell your story. We do this because it has an effect for a lot of women to be able to share their story. Imam Sherin Khankan will use both Islamic spiritual care and cognitive theory in the conversation.
> 3) We will go over the [Islamic divorce] document together.

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has been formulated – only negative definitions of what not to do. An adequate policy must answer basic questions such as: what should the representative of the welfare state do, when a woman asks for assistance with Islamic divorce? And the answer must address the woman's problem, not ignore it. I have tried to formulate answers that circumvent Muslim leaders, but it is premature to say anything about the effect (Petersen, 2023). Obviously, answers that collaborate with Muslim leaders can also be formulated.

13 Prior to UDSU, Khankan did everything herself, but now that she has funding, she delegates much of the work, so that she can focus on other tasks.

4) We will pray al-Fatiha and seal your divorce with signatures. Two male representatives and two female representatives from the mosque will sign it.
5) Afterwards we can, on your behalf, send the document to your ex-husband, but you are also welcome to do this yourself. There is a telephone number in the document he can call if he wants to talk with us. However, we are under an obligation of unconditional confidentiality, so we do not disclose any information about your case. Your Islamic divorce will not be retracted no matter whether he opposes it or not.

In addition, we can in the Exit Circle offer a therapy group over 13 weeks with people in a similar situation. Here you can share your life story and you will get a range of cognitive tools to process the potential consequences of having been exposed to violence. Registration costs 1,000 kroner [134 EUR] but you can apply for a dispensation [from paying the registration fee] if you do not have a job or for other reasons cannot afford it. If you choose to accept the offer, we also offer free legal counseling and legal assistance in the Exit Circle.

You are welcome to write or call us if you have any questions.

Kind wishes

Josephine Amanda Jørgensen

The cascade effect is evident in that Jørgensen cannot set a date for when the woman may obtain her divorce; however, Jørgensen administers a prioritized waiting list, a way of handling the cascade effect, which is longest during the summer holidays. On 26 July 2023, for example, eleven women were waiting for an Islamic divorce. Most of the time the Mariam Mosque can provide a divorce within a month or two, but as the waiting list is prioritized, women who have an urgent need for a divorce will typically receive one within a week or two. Keeping and prioritizing the waiting list is possible because Jørgensen is a paid employee, which means that women do not have to be persistent to get their divorce through UDSU. Jørgensen makes sure that cases progress and everyone gets divorced once it is their turn.

The events on the day of divorce are structured as a ritual that typically takes around 60 minutes. Khankan is a sociologist of religion, certified in cognitive psychotherapy, and an imam with an interest in both ritual theory and ritual practice, and she often talks about the development of Islamic divorce practice in this language. A good example of ritual development is the notion of sealing the divorce with a recitation of al-Fatiha (the first seven verses of the Quran, which are recited in many Islamic rituals). This often has a significant effect on the women who begin to sob, cry, or express their emotions in other ways.

Prior to Khankan's introduction of sealing divorces with al-Fatiha, divorces ended with the signing of the Islamic divorce document, which Khankan then handed to the woman.

From a ritual theory perspective one may view the time between the breakdown of a nikah (e.g. moving apart) and the Islamic divorce as a liminal phase (Turner, 1969/2008). Nikah captivity then becomes a situation in which a woman is stuck in this liminal phase – an incomplete ritual that produce a need for closure (the woman's leaving the liminal phase). The explanation for why the ritual sometimes has little to no effect on men is that they have neither taken part in the ritual nor is their wife's participation in the ritual a result of their planning (Rappaport, 1999, p. 105). Any sequence of actions may be ritualized, and if successful, have a transformative effect on participants (Bell, 2009); thus, the woman who takes part in the ritual may be transformed, even if the world around her does not change much. However, as I demonstrate below, some Islamic divorces in the Mariam Mosque have an effect that goes beyond the individual and influences the world around the woman. Although all the Islamic divorce procedures follow the same pattern in the Mariam Mosque, each case is unique. In the following I present the case of an Islamic divorce process from August 2021, using the present tense to reflect my real-time field notes as much possible.

I arrive in the Mariam Mosque well in advance of the divorce. Jørgensen is already there, booting up her computer and getting things ready. When divorces are taking place, Jørgensen will also put tea, coffee, water, fruit, and sometimes candy on the table; however, today's divorce is online. When Khankan arrives, Jørgensen gives her a briefing on the case while Khankan dons her imam dress and a hijab. Jørgensen asks whether she too should don a hijab; she sometimes does this when it suits the situation, but Khankan answers, "Not necessarily", and Jørgensen leaves it at that.

Once online, two employees at the women's shelter, who had contacted UDSU, appear on the screen along with a woman named Hind. Khankan initiates some small talk with the woman in Arabic, but she does not respond because she does not understand Arabic. Khankan quickly realizes her mistake and changes course, initiating small talk in Danish about recent events in the woman's country of origin. Although unusual, the short misunderstanding and subsequent correction demonstrate something about how the Mariam Mosque's Islamic divorce council works. Requests for divorce are typically redirected to Jørgensen, who prepares the cases. This means that Khankan, although she always gets a briefing from Jørgensen, seldom has deep knowledge of the cases. The divorce situation is often the first time she meets the women.

The division of work between Khankan and Jørgensen is often clearly visible during the Islamic divorce processes, and this is also the case today. Once Khankan has finished her small talk, Jørgensen asks whether she should share the Islamic divorce document on Teams, so that they can get the technical details sorted, but Khankan stops her and says that she would like to talk with Hind first. Khankan embarks on this conversation with a carefully worded question: "Before we get to the paperwork – I know that you have filled out the papers – would you like to share your story? You should not share more than you want, and feel free to skip passages and take the breaks that you need." The narration places the woman at the center of the ritual and infuses it with meaning relevant to her, but it also provides Khankan with important information and builds an intimate connection between them. That is, the narration is an important part of producing the ritual effect that comes later. Meanwhile, Khankan is cautious not to re-traumatize the woman by emphasizing that she should not share more information than they are comfortable with.

Hind explains that she entered into a nikah in her country of origin more than ten years earlier with a man of her own age whom her family had chosen for her. Khankan asks, "Did you want to marry him?" to which Hind answers, "Yes, but that is what one wants in [country] if the family wants one to" (cf. Bowen, 2016, pp. 20–21; Petersen, 2025). Hind goes on to explain that her husband was violent from day one. The day after their nikah ceremony he told her that she was to become his and his family's servant – a status that he enforced by making her live with the animals in the stable. Hind adds that her husband soon began to cheat on her with other women, and when she confronted him with this, he threateningly told her not to tell anyone. Hind is afraid of her husband due to the severity of the physical violence in their nikah, and she remarks that she believes her children have also suffered, providing the example of her husband's holding a knife at her throat while the children were watching.

Once Hind finishes her story, Khankan moves the process along with a clear statement of transition into the next sequence of the ritual: "Now to the divorce. We will issue an Islamic divorce without your husband's consent and without mediation. It is Allah in the Quran who gives you this right. We merely facilitate it." This is an example of another significant development in the Islamic divorce process in the Mariam Mosque. While the Mariam Mosque framed itself as primarily a judicial institution in its early divorces, it now emphasizes that it facilitates women's exercising their right to divorce – an action taken by them rather than by the Mariam Mosque. This is also evident in an addition to the divorce template, which reads, "A woman's right to Islamic divorce is from Allah. … The Mosque is merely facilitating women's right to Islamic divorce."

Now, Khankan turns her attention to the divorce document, asking technical questions about its content, which are mainly answered by the two employees at the women's shelter as they are the ones who have filled it out on Hind's behalf as she has only been in Denmark for a few years and has limited communicative skills in Danish. Jørgensen continuously revises the document in accordance with the discussion; however, Khankan stops the conversation abruptly when she senses that Hind is becoming overwhelmed and is lost in the process. She turns to Hind and embarks on a conversation, restoring the intimacy of the situation, and provides Hind with two exercises, which they do together to handle the emotions Hind is experiencing. Once Hind is calm and re-grounded in the situation, Khankan says, "Let's continue", and they resume the conversation on the content of the divorce document, but at a much slower pace, with Khankan ensuring that Hind is at the center of the conversation all the way through.

Both the misunderstanding during small talk at the beginning of the ritual and the re-grounding and restoration of intimacy are examples of how Khankan continuously monitors the situation and keeps it on track. This is a characteristic of all 14 cases that I have observed, and although it is impossible to gauge internal emotional experiences, I have only observed a single ritual where I was in doubt about whether the ritual had an effect or fell flat. The latter was most likely due to a language barrier and the woman's expectation that the Islamic divorce from the Mariam Mosque carried legal validity in both the European country where she resided and her country of origin.

As part of the discussion of the technical details of the divorce document, Hind explains that her husband did not want to marry her, but his mother insisted on it. Despite the abuse, Hind tried to make the nikah work, saying, "I loved him. I waited ten years halal on my husband", and adds that she really wanted to make it a happy nikah. She continues by explaining that she bought nice dresses to attract his attention, but her husband did not want her and criticized her for spending the money. Hind believes that her husband may personally want to divorce, but that he is doing everything he can stop her divorcing him to protect his clan's honor. Consequently, she does not want a full description of the case in the divorce document, as this may escalate honor-motivated conflict. She says, "It is enough for me to become divorced. It should not say all that about the problems. This is not just about my life, it is also about my clan's life." Hind is afraid that her (ex)husband's clan may retaliate against her clan, still domiciled in her country of origin. While her clan supports her wish to divorce, it puts them in a vulnerable position as Hind's (ex)husband comes from a more powerful clan that is well connected politically, and in the police and army. Therefore, it is important for Hind that the divorce document describes her reasons for divorcing her husband in the

least detail possible. Ideally, she would like it merely to state that she is now divorced. This leads to the deletion of most of the information on her case from the Islamic divorce document, and an appendix with a police report is also removed.

Once the document has been edited, Khankan offers Hind a place for treatment in the Exit Circle but the security precautions surrounding Hind's case means that this is not practically possible. Khankan then embarks on the final sequence of the ritual, stating, "We will now seal your khula by praying al-Fatiha together." Khankan reaches into the closet next to her and pulls out a hijab that Jørgensen dons; however, the ritual is interrupted by one of Hind's small children who enters the room. Khankan sees the child, says "Welcome", and embarks on a conversation with her. They talk about school, playing, and the place they currently live. Hind takes part in the conversation, and after a while she says that her daughter would like to pray al-Fatiha with them, and she asks Khankan whether she thinks this is a good idea. Khankan welcomes this, and brings the ritual back on track by stating, "You are divorced, once we have prayed." She begins the recitation, and once done, she says, "Congratulations Hind." Hind is overwhelmed, the daughter also seems to have understood the significance of the moment, and even the two employees at the women's shelter seem touched by the situation. One exclaims, "Thank you for that. This is one of the best things I have experienced. You [plural] are really sweet." When divorces are sealed with physical presence, Khankan typically hugs the woman, if this seems appropriate, but when online, hugging takes place apart. That is, Khankan hugs Jørgensen as a gesture to Hind who hugs her child.

However, this sealing of the divorce was not the end of the case for Khankan and the other people who assisted her. In late February 2022, Hind's lawyer sent the Islamic divorce letter to her (ex)husband, and two days later the Mariam Mosque received a long email from him in which he questioned the legal foundation of the Mariam Mosque's granting of Islamic divorce. He wrote, "I really want to know what source of law or Sharia facts could have given you or anyone else the right to make a decision on my behalf and without any consultation with me or anybody else that represented on my behalf?"[14] The (ex)husband went on to explain that Hind had stolen from him, that she had grossly misrepresented the case, and that he is unhappy with the Mariam Mosque's giving custody of his children to her. It should be noted that the Mariam Mosque cannot and does not make decisions on custody. Rather, the divorce document states that "the local authorities will decide how the children's well-being is best maintained as they deem fit". The (ex)husband added, "I am totally fine

14 This email was in English and is quoted ad verbatim.

with the Islamic divorce grant letter to Ms. [Hind] and I didn't wanted to stay in a toxic relationship and person."[15] On the other hand, he wanted a settlement on his and Hind's finances and child custody.

Before the incoming communication from Hind's (ex)husband was answered, Khankan was contacted by Hind's lawyer in early March who warned her that the man was dangerous and had made threats. This is an example of how the security risk that Muslim leaders sometimes face is projected onto other people – including social workers – who assist women with divorcing (for similar examples of social workers being threatened, see Petersen, 2025). This information led Khankan to contact the police, who provided her with an assault alarm. As I discuss further below, this was not the first time Khankan was given an assault alarm in relation to an Islamic divorce case.

4 Khankan's Method

In September 2023, I set up two interviews with Khankan to discuss my observations in UDSU and the Mariam Mosque. To me, the Islamic divorce process simultaneously looked like a ritual and an Islamic legal performance. Further, the Islamic divorce process seemed more than anything else to be acutely focused on the women's needs, reflected in Khankan's application of fiqh terminology, which – as in Hassan and other male Muslim leaders' practice (see Chapter 5) – was user-oriented,

> **Petersen:** Why do you call them khula and not tafriq, faskh, fasad or something like that. Is there a reason?[16]
> **Khankan:** No, it is just the term we use, and I also think that is a term most women know and are comfortable with.
> …
> **Petersen:** And, if I were to ask in another way: why is this consideration more important than technical Islamic-juridical considerations?
> **Khankan:** Maybe because we are grounded in our fundament, and it is more important to me that the women understand the language we speak.

15 This email was in English and is quoted ad verbatim.

16 My question here revolves around how the Mariam Mosque frames itself as a legal institution. Khula may be understood as an agreement between the two parties whereas tafriq, faskh, and fasad by definition are Islamic legal performances by a third party such as an Islamic court.

Khankan's answer must not be mistaken for indifference or insecurity regarding the validity of the Islamic divorce documents that the Mariam Mosque issues. Rather, her flexibility with regards to fiqh terminology is grounded in her confidence in the Islamic validity of the Mariam Mosque's Islamic divorce process. This is evident when (ex)husbands contact the mosque to oppose its divorce decisions. As Khankan explains,

> The men who have called; I have told them that you are welcome to take the [divorce] document and go through it with other mosques, and if you can find a mosque which will support you, and which will oppose it [the divorce], then let us have a meeting.

In 2023, the Mariam Mosque began a practice of sending an email to the (ex)husbands, informing them that if they do not issue a talaq divorce before a certain date then the Mariam Mosque will issue a divorce without their consent. This approach is only adopted when expedient. In other cases, a finalized divorce document is sent either by the Mariam Mosque or the women themselves. This reflects Khankan's approach of being user-oriented and ready to adapt to individual cases. Or, as she puts it, "We must approach every case individually – you cannot make a universal model." As the emails are sent out by Jørgensen, who is formally employed in UDSU under the Exit Circle, they take the form of information that is passed on by her:

> The Mariam Mosque has asked me to inform you that they will issue [woman's] Islamic divorce on [date] if you have not given her a talaq divorce in writing before this date. If you want to give [woman] a talaq divorce in writing before [date], you are welcome to send this to me by email. Then I will forward it to the right person.

I know of just two cases in which men responded by performing a talaq divorce. However, I should stress that the Mariam Mosque neither registers how many letters are sent nor the success rate. In the two cases I have observed, the men responded by going to other mosques where they performed a talaq divorce.

The variation in how nikah captivity manifests in individual cases cannot be overstated. Even when the cause, such as Islamized coercive control or honor-motivated conflict, are the same, manifestations vary considerably. Women held in nikah captivity by abusive husbands may have very different backgrounds, religious beliefs, expectations of what Islamic divorce may accomplish, and find themselves in very different situations: some have the support of their families, others do not, and one may be planning her escape

while another has been on the run for years. Despite this variation, Islamic divorce processes in the Mariam Mosque follow a common pattern, but at every stage Khankan may choose the most expedient course of action from a range of options, most of which she has tested through trial and error. That is, she has been in many situations in which she had to invent new methods – sometimes on the fly – and she has gradually built up a repertoire. This has led to significant developments in the Mariam Mosque's divorce process over time, as Khankan explains: "Well, we have built this from scratch, from nothing. So, it is also a trial and error process. There is a framework that we work within, but we are also learning all the time." It should be noted that although the developments in the Mariam Mosque may seem particularly significant given the short space of time, it is common for Islamic divorce councils to develop in accordance with user demand (Bowen, 2016, pp. 71, 114–117).

As I have previously stated, Khankan's khula practice is not unusual in fiqh terms, but her flexibility illustrates something deeper about how the Mariam Mosque has come to understand Islamic divorce. In 2016, Khankan and Mouna conceptualized it as primarily an Islamic legal matter, and although it was still an Islamic legal matter to Khankan in 2023, it had become much more than just that. The Islamic juridical validity of the Mariam Mosque's Islamic divorce practice was now perceived as an undisputed fact – or a strong fundament as Khankan would typically call it. Instead, producing an Islamic legal effect had come into focus, both on the individual and the social level and, as Khankan explains of the former,

> The stronger a fundament one stands on the less space one takes up. That is how it is with most things when women come [to us]. It is important that she speaks most of the time. I will listen to her and let her control the conversation. This also reflects cognitive theory, which we also use in our divorces. I do not evaluate, I do not condemn, I do not give advice. I let go of giving advice. I am not going to tell her what she should do. I give her some tools with which she can help herself. I offer myself to her as a tool in the form of a female imam who can help her along, but in the end, it is an empowerment process in which she must experience that she is the one acting, that she has a power, that God has given her a free will and provided this as an option that she can decide to take advantage of. And, I think this is also relevant afterwards, when she has left the mosque. The feeling that she has been capable of acting and that this is her right. So, I think this thing with us taking up less space, that we are just this tool, this is something we have developed into because in the beginning

> we were more insecure. Back then it was important for us to be an authority.

This notion of putting the women at the center of events and making the Islamic divorce relevant to her personally is a special characteristic of divorce in the Mariam Mosque. As stated previously, Khankan is fond of rituals, but this does not impart rigidity. Khankan observes that she sometimes adds sequences to rituals or changes rituals because she believes it will work better in specific cases, tailoring them by ritualizing a sequence of performances that are relevant to the woman (Bell, 2009). She is attentive to individual needs, and continuously develops her rituals in accordance with feedback. As she explains,

> I like rituals. I think there is really a lot in [them]. When you ritualize actions they get a deeper effect, they get depth, they include nuance, nuances that I really like. So, this is also something that I continuously work on developing and improving. But I am also flexible in the sense that in some situations I can perform a ritualization which is not standard.

During Islamic divorces in the Mariam Mosque, two processes run in parallel: an Islamic legal process and a ritual. However, they do not end at the same time. The Islamic divorce process ends with signatures on the Islamic divorce document, and the ritual ends with a recitation of al-Fatiha. Khankan explains that she likes the structure in which she "first says that it is Allah who gives you this right, and then you end by leaving it to Allah". She underlines that it is the signature that gives the divorce Islamic juridical validity, but emotionally this is insufficient for most women, adding,

> I believe that there is a great effect in rituals. … They are part of giving the woman a feeling that this has an effect and a value. There is a value in ending with al-Fatiha. You know, this thing with bringing Allah into the religious performance and the juridical performance.

Khankan compares the recitation of al-Fatiha with similar situations in which God's name is invoked, such as when "we say bismillah every time we eat, or bismillah when you drive, or we pray al-Fatiha when we say goodbye to our loved ones before they go travelling". Reciting al-Fatiha to seal the divorce constitutes "an involvement of Allah" and "there is a form of protection in it" similar to other situations in which al-Fatiha is recited to put one's destiny in

God's hands. It is performed standing in a circle just after the signing of the Islamic divorce document. As Khankan points out, "It is also a conscious decision that we are standing up – that we are standing in a circle and not sitting down. This is because I know that the body reacts better when you stand. You are more receptive than when you are seated."

Like the ritual process, the Islamic juridical process is tailored to individual cases, both to accommodate the women's wishes and to optimize the individual and social effects. This is evident in the co-authoring of the Islamic divorce document when Khankan discusses the reasons for divorce, which are written into the documents. She explains that "it is a template, and then we work [with the women] with a point of departure in this template", adding that for the women, "this is a balancing act of how much should I include or how little". She then expands on the relevant considerations and how she guides the women:

> I evaluate the security level – I mean, how threatened is she? How dangerous is the situation? So, I make an evaluation of security in the situation, and then I inform the woman that in some cases it can be expedient to have as much information as possible included in the khula document, but in other cases it may be more expedient to just include the most important information because it can raise the conflict level if one includes too much. On the other hand, if one includes too little, then the lack of good reasons … may mean that her divorce will meet opposition, or that he does not take it seriously.

This quotation demonstrates that fiqh does matter. Khankan states that a divorce document that includes good reasons for the divorce provides support for the legitimacy of the decision; however, sometimes it is better to waive this to avoid an escalation of the conflict. In other words, the document is drafted with a future performance in mind: its future (deferred) function in the social dynamics outside the mosque. Khankan gives the example of the husband who "will receive the document and, thus, be confronted with his own behavior, the documentation of it, and [the fact that] a mosque has witnessed her [his wife's] story", although Islamic divorce documents often have a wider circulation that also includes at least the woman's family.

The co-authoring of the Islamic divorce document certainly took place in Hind's case. She and the two employees at the women's shelter initially wanted to include a detailed history to make as strong a case as possible, a plan that was largely based on Hind's assumption that this was how Khankan wanted the document. Yet when Khankan explained that this might not be expedient

in her case, Hind changed her mind, took charge, and decided to exclude everything but a few generic sentences and two examples.

In light of this process, which I have also observed in other mosques and among male Muslim leaders, it is important to underline that Islamic divorce documents do not constitute a true representation of the events, because they are typically written with other objectives in mind (cf. Bowen, 2016, p. 66). They are often designed to optimize their future (deferred) performative effect in a specific social situation. They are seldom written to provide a true account of events. Male Muslim leaders do not typically put women at the center, although they also tailor their divorce documents to future events. In that respect, Yasir is an exception, as he writes his Islamic divorce documents in as rich a detail as possible to legitimize his verdict (see Chapter 5).

The women's co-authoring of the divorce letter corresponds to Khankan's tactic of increasing the women's involvement in their own divorce process while Khankan also performs or facilitates it. From the very first divorces performed in the Mariam Mosque, it was also suggested to women that they could write down their story, which would then be inserted as an appendix to the Islamic divorce document. The first woman to write such an appendix divorced in the fall of 2016.

The Islamic juridical part of the process is characterized by empowerment, as Khankan explains: "We want to give them the experience and feeling of empowerment, that they are capable of acting, that it is God, it is Allah, who gives them the right to divorce, and we are just an instrument that helps them." This works in tandem with the ritual performance, which is aimed at producing a transformation, but, as Khankan observes, this is a symbiosis that emerged over time:

> The woman enters. She is a victim, but she is much more than a victim. And by giving her the experience of acting on her own behalf, [she sees] that it is not us [the Mariam Mosque] that has the power and authority, but that she has authority herself. She is an individual and God has given her the authority to act. So, this is something that I have thought about – not from day one – but slowly this is something that I have begun to reflect on more and more.

Moreover, there are some elements that Khankan always introduces if expedient in relation to social effect, such as emphasizing the importance of family members' co-signing the divorce documents because this commits them to supporting the divorcee. All divorces are signed by panel members,

and in divorces where women find it important, a minimum of two men sign. Additionally, Khankan provides women with cognitive tools to maintain their personal conviction of being divorced. Colloquially in UDSU, these are called parrot sentences, as women are supposed to repeat them without entering discussions. If men, or the woman's own family, question the validity of her Islamic divorce, or in other ways oppose her decision, she is supposed to ignore their arguments and repeatedly respond with one of two to three sentences that they have practiced, such as, "Allah has given me the right to divorce, and I have used that right", or, "We are no longer married." These parrot sentences are designed to make women more resistant to social pressure. Furthermore, they demonstrate the deferred nature of Islamic divorce by highlighting that when women leave the Mariam Mosque they may have to fight for the validity of the verdict.

In 13 of the 14 divorces, I observed in the Mariam Mosque, there was a clear and discernible effect of Khankan's Islamic divorce ritual that manifested in a powerful emotional reaction when al-Fatiha had been recited, and there may also have been an effect in the remaining case, although I was not able to observe it. The effect on the personal level is also clear in my follow-up interviews with women who had divorced in the Mariam Mosque, even in divorces that husbands did not accept.

To take an example, Ziba migrated to Denmark for work in 2015 and, therefore, she had a temporary residence permit while her husband stayed in their country of origin and visited her regularly on a visa. She entered into a nikah under Islamic law in her country of origin in 2000, and in 2020, she obtained her Islamic divorce in the Mariam Mosque. When Ziba sent the Islamic divorce documents to her husband, he stated that they had no legal validity under Islamic law in the country where he lived (this is a correct assessment). Ziba's husband then travelled to Denmark for a short visit during which he unsuccessfully tried to get hold of Ziba. Soon after, however, Ziba's father was hospitalized, and she travelled to her country of origin to care for him and to say farewell before he passed away. That meant that she stayed for three weeks inside the hospital because as long as she did not leave the premises, she was safe from her husband. However, once her father had passed away, she lost this protection and her husband used his right to ban her from leaving the country. This meant that, while grieving over her father's death, she had to take up marital relations with her (ex)husband, which involved a significant amount of emotional display (Hochschild, 1983/2012) until he felt secure enough to let her travel back to Denmark to work. Once back in Denmark, Ziba hired a lawyer and filed for divorce under Islamic law in her country of origin, but her lawyer estimated that it would take two to three years to obtain her divorce as

her grounds were insufficient; thus, the lawyer had to find other ways of pressuring the husband to consent.

Ziba explained that her Islamic divorce in the Mariam Mosque enabled her to reject her husband when he came to Denmark to get hold of her. She said, "You can come [to see your child] but you cannot live with me because we are not married", adding that the Islamic divorce meant that she could talk openly about having left her husband. She was supported by most of her family, which demonstrates a social effect. Some female family members were very supportive, saying things like, "It is really cool that you have done this." In other words, while the Islamic divorce had no impact on Ziba's civil status in her country of origin, it has played an important role in putting her on a trajectory towards emancipation from her husband's control and, maybe, in the future, a legally valid Islamic divorce in her home country. In the meantime she lives her life as a divorced woman in Denmark with the support of her family.

In July 2018, I followed up on five of the nine divorces so far issued by the Mariam Mosque, assisted by Khankan who contacted the women one by one. Of the remaining four divorces, three were by mutual consent[17] and one woman was unreachable. Of the five women whom Khankan and I contacted, four had moved on in various ways, secure in their belief that they were Islamically divorced. One was getting married to another man, and in one case the husband had accepted the divorce. In the fifth case, the woman stated that her husband had not accepted the divorce, and she did not want to elaborate on this. The conversation was short and indicated that the woman was still in nikah captivity.

In June 2021, by which time the Mariam Mosque had performed an additional 27 divorces, Khankan and I followed up on another three divorces, one of them Ziba's. None of the husbands had accepted the divorces, but Ziba and one other woman did not care, while a third was still in nikah captivity. I followed up on three divorces from the spring of 2021 through a social worker. In all three cases, the woman's own family had accepted the divorce while the (ex)husbands had not. Interestingly, two of the families had only accepted the Islamic divorce after mediation by the social worker, which again underlines the deferred nature of Islamic divorce performances.

From a legal point of view, it may be of significance whether husbands accept the legal performances in the Mariam Mosque, that is, whether this mirrors or is similar to the performance of a court. This is also important to some women, but as I demonstrate in the following section, my observations

17 Islamic divorce by mutual consent is rare in the Mariam Mosque, but it happened a few times in the early years.

suggest that most women who come to the Mariam Mosque are much more focused on what an Islamic divorce means to them personally, and whether their own families accept it.

5 Women's Experience of Agency

In September 2023, I was in the Mariam Mosque to observe two Islamic divorces. In the second case of the day, the applicant was supported by another woman, who had received her divorce in the same mosque 15 months earlier. During the small talk before embarking on the divorce ritual, Khankan inquired whether the earlier divorce had manifested socially: did the husband and his family accept it? The woman answered "No", and added that her (ex)husband and his family had demanded 8,000 EUR in compensation to accept it. She remarked that she was just now getting her civil divorce and she lived apart from her (ex)husband, but he was stalking her. Thus, she was still in the process of wresting herself free of the bond with him, but she was in high spirits, and now she had brought a friend to the Mariam Mosque who also wanted to divorce her husband.

The above case demonstrates that while social effect is essential to some women, others are more focused on what an Islamic divorce means to them personally; that is, they do not obtain an Islamic divorce primarily to change the world around them, although such an effect would be nice. Rather, they obtain one because it changes their perspective on the world. This was also clearly expressed in the ensuing dialogue between Khankan and the woman who now wanted to divorce,

> **Khankan:** What does it mean to you to get an Islamic divorce?
> **Woman:** It means everything to me. As a Muslim it is important to me.
> **Khankan:** What does it mean to you that your husband most likely will not accept the divorce?
> **Woman:** It is not that important because if Allah allows me [to divorce] then that is all that matters to me. I do not seek his approval; I only seek Allah's approval.

Khankan then asked the woman who had previously divorced in the Mariam Mosque, "Is this the same for you?" She nodded and said, "Yes." Later in the divorce process when Khankan asked whether the woman wanted the Mariam Mosque to send the Islamic divorce document to her husband, she replied that it was not necessary because he would not accept it anyway, and repeated that she was getting the divorce for her own sake.

A similar dynamic is present in cases with non-Muslims who request an Islamic divorce. I have touched on this in Chapter 1, but I briefly re-illustrate it here with a case in which a Christian woman, Siv, requested an Islamic divorce from the Mariam Mosque. While narrating her story to Khankan, Siv explained that it was rather urgent for her to get the Islamic divorce as she was getting married in a church the following week, adding, "It is not until now, when I will enter a church and marry again, that it dawns on me that I have also said yes, you know, in an Islamic tradition, and I simply need to end this in an orderly manner, in a respectful way, and that is not something I can do myself."

When Siv obtained a civil divorce six years earlier, her husband had refused to sign an Islamic divorce. They lost contact and at the time of her divorce in the Mariam Mosque she had not spoken with him for years. The ensuing dialogue indicates that her requesting an Islamic divorce was more about closure than wresting herself free from her (ex)husband. Towards the end of Siv's narration, Khankan summed up her motivation for requesting the Islamic divorce: "So, it is a need you have to feel that you are completely, like, that you have completely put it behind you and that you are no longer bound Islamically?" Siv answered,

> Yes, well. I also think it is the blessing that is contained in it. That is, after all, what we do with these ceremonies, right? That we stop in relation to what we do, and you know, like, it is you who in some way facilitate that blessing. That thing with turning the gaze towards the sky and then praying that what happens now is right. That is the meaning it has for me.

Siv has an expectation that Khankan's ritual performance will achieve something that she cannot do on her own. Interestingly, in narrating her story, Siv explained that formally – Islamic juridically – she is divorced, but her requesting Islamic divorce from the Mariam Mosque indicates that this does not feel right or sufficient. As she explains,

> He has definitely done that [performed the Islamic divorce]. He always scolds me, so he has said it at least three times [I divorce you], but there is also something that is important to me. You know; that I as a woman also actively [divorce my husband].

The quotation demonstrates that the authorized way of performing a talaq divorce sometimes fails, and that women therefore need something in addition to this – a substitute or addition that feels right. This is a fairly common phenomenon. Another (Muslim) woman who requested a divorce in the Mariam Mosque even stated that her husband had performed a divorce (but

later retracted it), so "I do not need an Islamic divorce because I am already divorced. I just want some documentation."[18] She added that her (ex)husband would surely not accept whatever documentation she obtained; however, she did not care what he thought.

The narratives of needing a divorce even though a husband has already divorced in an authorized way (although he may have subsequently changed his mind)[19] is not just a phenomenon in the Mariam Mosque, and this is one of the explanatory strengths of ritual theory: while a performance may be in accordance with fiqh this does not mean that it has the effect that fiqh prescribes. As demonstrated in previous chapters, even men who want to perform a talaq divorce typically seek out a Muslim leader. I emphasize this as it illustrates something important about how Islamic divorce performances work: the parties involved are active co-producers of the divorce, not passive recipients of a legal decision (cf. Bowen, 2016, p. 88). To properly analyze this, I briefly de-center Khankan and the Mariam Mosque and instead focus on the women's agency.

First and foremost, it should be noted that Khankan's ritual performance is encoded in women's requesting an Islamic divorce. That is, women come to the Mariam Mosque with different needs and expectations and, based on these, they attribute Khankan with a function in their life. Furthermore, the success of Khankan's performance is encoded in the women's planning of a celebration afterwards, thereby setting themselves and Khankan up for success. I return to my field notes using the present tense to provide an empirically grounded description.

Khankan connects to an online meeting with Jane, who is a convert. Jane fell in love with a man in secondary school and entered into a nikah with him a year later (no civil marriage). She explained that her husband became abusive within a few months – a description that fits the pattern of Islamized coercive control (see Chapter 3) – and that she reported him to the police six months into their nikah as he had woken her up at 3 AM and pulled her out of bed by her hair because he could not get into her telephone to check up on her. The police arrived, took pictures, and drove her to her father's home. Jane was unhappy with how the police had responded as she did not understand why she was the one who had to leave when her husband was the assailant. Further,

18 This woman, who wanted to divorce because her (ex)husband had taken a second wife, had the locks changed on her apartment while he was with the other woman. Her (ex)husband demanded 20,000 EUR to consent to divorce, but the woman ignored this and obtained the divorce in the Mariam Mosque instead.

19 There is no authorized way of taking back an Islamic legal enunciation within any of the schools of thought. Nonetheless, socially this is a common phenomenon and, thus, Islamic legal practice – the lived sharia – allows for it.

Jane was not on good terms with her father and, therefore, she could not stay with him, not even for a short while.

Jane's divorce had already partially happened. She had called the police on her husband, which is a clear act of resistance against his control and a way of ending their relationship. Furthermore, she is already living a life beyond the immediate coercive control of her husband. This is evident in her clothing, as she remarks, "If he saw me walk around in the kind of clothes I am wearing now, he would beat me." Her husband had even agreed to Islamic divorce and performed a talaq divorce, but as it so often happens, he later retracted it and claimed that it did not count because he was angry when performing it. Instead, he is now keeping her in nikah captivity, as this exchange of words demonstrates:

> **Khankan:** What does he think about your wanting to divorce?
> **Jane:** [He says], "It will not happen. It is a pity for our children." And then he explains that he can always take a second wife and hold me captive.

Jane has planned her escape. She has given up her apartment and will go underground by moving to a friend's place in a different region of Denmark. She wants to send the Islamic divorce document to her husband herself to make sure that this is done at the right moment of her escape. If we fast forward to the end of the divorce ritual, Jane has an emotional reaction at the end of the recitation of al-Fatiha, albeit seemingly a bit less intensely than other women whose divorces I have observed. The ritual was successful, but it is not over yet as Jane must complete the ritual herself. She will leave the liminal phase and free herself when she escapes and sends the Islamic divorce document to her husband. Thus, the divorce happened even before Jane got online with Khankan, it happened during the Islamic divorce ritual, and it happened once more when Jane "used" her Islamic divorce document as a gesture during her escape. In other words, the success of Khankan's performance was encoded in Jane's request and in the planned escape – actions prior and subsequent to Khankan's performance. This brings another perspective to the common scenes that play out in the Mariam Mosque. To take an example:

> **Khankan:** It is Allah who gives you divorce. Islamic divorce is your right.
> **Jane:** I have been told that I do not have the right to Islamic divorce.
> **Khankan:** You have, it says so in the Quran.

Khankan is an enabler for Jane. Although Jane may need to hear Khankan say that she has a right to Islamic divorce, this was already encoded in Jane's request and in her showing up. This underlines Jane's agency, but also Khankan's role as

someone who enables and empowers the women who contact her – a role that begins a long time before the women contact UDSU or the Mariam Mosque.

The encoding of Khankan's performance in events prior and subsequent to the Islamic divorce performance in the Mariam Mosque also explains why these divorces often work via Zoom. Khankan was initially worried that it would not be possible to generate a ritual effect using this medium, and doing so has required experimentation, such as the distance hugging described in Hind's case, but she has been surprised to find that the ritual actually works in this format. As she points out, "I do not like Zoom – I think it is terrible. I have a really hard time with Zoom. I have also run the Exit Circle's conversation groups over Zoom,[20] so it is something I do out of necessity, but I am a little surprised that there is an effect over Zoom. … I have had some very strong and impactful reactions …"

The effect is, of course, generated by the symbiosis of Khankan's Islamic legal and ritual performance but, as demonstrated above, this is encoded in a longer sequence of events, which means that even in conditions that are far from optimal, Khankan's performance is often still successful. It should be noted that this is partially due to Khankan and Jørgensen's counseling, which prepares the women for the Islamic divorce performance via the Islamic divorce template and the pre-interview. During the latter they tell women that it is important not to be alone after the divorce. In many cases this leads women to plan some sort of celebration to mark the significance of what has just happened.

6 Men's and Families' Responses

In June 2021, Khankan told me about the first time a man contacted her due to a divorce she had issued. Two men had showed up without an appointment while Khankan was leading a therapy group session in the Exit Circle. She told them to wait, and they sat down in the lounge and waited for half an hour. The apartment that housed the Mariam Mosque at the time was a busy place with people from other NGOs working late, so Khankan felt secure.

When they told her why they were there, she asked the recently divorced man to come to her office while the other waited in the lounge. Khankan explains, "I started by validating how he feels which I always do", by which she means,

20 The conversations only took place via Zoom during the Covid-19 pandemic.

> I start by saying that I am really sorry that you [plural] have undergone divorce … and I am sorry that I have had to facilitate it, and I understand that this is difficult, I understand that it is hard, and that it can be upsetting not to have been part of the conversation – that there has been no attempt at mediation from our side.

The most common critique by men and families of divorces in the Mariam Mosque is that there has been no mediation. However, as most divorces in the Mariam Mosque are between women and abusive husbands Khankan seldom instigates it. Women who come to the Mariam Mosque typically do not want mediation – they want to divorce – and Khankan understands this to be a Muslim woman's right, a right that the Mariam Mosque is obligated to enforce because they have launched an Islamic divorce council. Khankan continues her narration about the man, who had turned up unannounced:

> I remember that we spoke for about an hour and that he actually became calm, and that I offered him free sessions with me … because it turns out that he has himself experienced some difficult things in his childhood. He shared this with me.

Khankan adds that the man never took Khankan up on the offer, but he accepted the divorce, at least at the time. Although men typically do not come around to accepting the divorces, this is a frequent pattern. Men contact the Mariam Mosque to complain and Khankan stands her ground while she validates their feelings. I listened in on such a conversation in August 2023 with a man whose wife had suffered severe and well-documented violence. At the time of the conversation, the woman was still living in a women's shelter, but just two weeks after the conversation, the woman moved back to the man and declared to Jørgensen that they were very happy together. This type of oscillation is common in coercive control relationships (Smith, 2021).

As described above, the Mariam Mosque is often able to produce a lasting effect on the individual level, and the frequency with which family members sign the Islamic divorce document is high,[21] thus demonstrating an effect on the social level. In an attempt to extend this social effect to include an (ex)husband's acceptance as well, Khankan introduced a new initiative in June 2021,

21 I cannot measure the exact frequency based on the Islamic divorce documents because I do not know the identity of co-signers and their relation to the women. My estimate is drawn from ongoing ethnographic observation, including – but not limited to – the observation of divorces.

putting the UDSU's telephone number on the divorce documents so that men could get in contact with the Mariam Mosque. She hoped that by doing so she might be able to talk some of the men into accepting the divorce, but she also found it important that these men were "not just demonized", and that "we reach out and say, that there is transparency; that if you have questions you can call. And this may also hinder cases from escalating." Two days later, Khankan received her first death threat due to a divorce (see below), but the initiative persisted.

The number of responses the Mariam Mosque receives from (ex)husbands clearly demonstrates that their divorces have some form of social effect.[22] Men are seldom indifferent about divorces issued by the Mariam Mosque, an effect that Khankan feels is mainly due to the way these divorces change (ex)wives' behavior, as she explains:

> When the woman stands up, is sturdier, and is able to say to the man, "I am divorced from you now." And she does this directly or indirectly by sending the document or giving it in person. … That in itself is an action that is very significant. She goes from being submissive to being assertive to acting, and this affects the man when he can see that the woman does this. So that is why he reacts to it, I think.

This should be viewed in the light that many of these men exert coercive control, and they will typically respond aggressively to any interference with their controlling behavior (Smith, 2021). Sometimes they are even successful in coercing their (ex)wife to return, as illustrated above – one of the reasons why Khankan believes that it is so important to talk with them:

> So, you give a woman a divorce, but so what? This man is violent, and he will marry again and then the pattern repeats itself. So, if we want to get to the root of the problem, then some much deeper work is necessary – something I would like to do in the future.

She finds it important to focus on controlling men's problems, because she believes this is the root (or cause) of the women's problems, and in November 2021 she managed to persuade a controlling man, to whose (ex)wife she had issued a divorce without his consent, to take part in three therapy

22 These responses are not registered, so this evaluation is based on my ongoing ethnographic observation in the Mariam Mosque.

sessions with her. Since then, she has engaged in fundraising to start up therapy groups for controlling men.

In January 2024, Khankan extended her initiative of 2021; in an effort to get into contact with more men (in cases where it was expedient), she would now call them to let them know that their wife had requested an Islamic divorce, that under Islamic rules she had the right to do so, and she would then ask them either to come to the Mariam Mosque to sign the divorce documents or do so digitally. With this course of action Khankan would, as she explained, transition "from an apologetic approach to assertive power". This reflects the letters the mosque began sending out in 2023, and it mirrors a tactic that is often used by male Muslim leaders. In other words, the experiments continue and Khankan continues to develop her repertoire of methods.

7 Security Issues

In previous chapters I have pointed to two variables when explaining why presences collapse: the cascade effect and security issues. As described above, the Mariam Mosque had the resources to deal with the cascade effect, although it still generated a waiting list. In October 2022, for example, Jørgensen called me to complain about Abdel (see Chapter 5), explaining that he had once again facilitated a nikah with an underaged woman and, in addition to this, a polygamous nikah. Jørgensen wanted to know whether this was illegal, to which the answer is no: the latter is not illegal, and the former was not illegal at the time of the nikah. During the conversation, Jørgensen added that UDSU had seven women ready for divorce – their divorce papers filled out and everything – but Khankan's calendar presented a bottleneck; there were not enough available timeslots to issue the number of divorces coming in, and as no one else could do Khankan's job, the women had to wait.

Jørgensen joked that it would be much easier if she converted to Islam herself and became an imam, so that there would be two imams in the mosque. In August 2021, Khankan said something similar to me: "If we could just hire a full time imam, whom we could train in these procedures, then we would be much better off resource-wise. … Economics means a lot in relation to these matters." Joking aside, Jørgensen went on to discuss another case in which the Mariam Mosque had decided to postpone the issuing of the Islamic divorce till the husband had been expelled from Denmark. A few weeks earlier Khankan had described the case to me in an email: "the husband has been extremely physically violent, held boiling water over her and tried to kill her. … He has nothing to lose, and he is dangerous." She added that the family is well connected, owns

a lot of property, and has taken part in the abuse. Jørgensen was worried about the woman's mental health as his departure from Denmark could take a long time, because once expelled he could remain indefinitely in a departure facility (*udrejsecenter*) before leaving the country. Ultimately the Mariam Mosque offered to issue the divorce but needed some time to handle the security issues. In the meantime another imam seized the moment and persuaded the man to issue an Islamic divorce while he was influenced by drugs.

The conversation demonstrates two points: first, the funding of UDSU made the Mariam Mosque able to handle the cascade effect despite temporary bottlenecks; second, that security was still an issue. I have described how Khankan obtained an assault alarm in March 2022 from Danish police because of Hind's (ex)husband. Not long before this case, Khankan had returned her previous assault alarm, which she obtained due to a divorce in June 2021. This was the first significant security threat against the Mariam Mosque, only six months into the UDSU project. Because this is the point at which presences normally collapse, I examine this case in more detail.

On 7 June 2021, I was at the police station in Copenhagen central station with Khankan. A few days earlier, on 4 June, I had observed her issue Islamic divorces to two women in the Mariam Mosque. When she was done, a woman came by to pick up a divorce letter. I had not seen her before, but the conversation quickly indicated that this was a problematic case. Not only had the man been abusive, but he was also a gang member; thus, this case constituted a test of how far Khankan and other members of the Mariam Mosque's divorce council were willing to go in terms of jeopardizing their own security.

Khankan and the other members had discussed security in relation to previous cases, but this was the first time that there was a worrying probability that they would be met with a violent reaction. Therefore, they discussed whether to revise the divorce contract so that it could not be traced to the Mariam Mosque, postpone the divorce until the security situation had been clarified and a strategy developed, or insist that the woman had an inviolable Islamic right to divorce that should not be affected by security concerns. After some discussion back and forth, Khankan decided in favor of the latter perspective and stated that this woman indeed had such an inviolable right and, therefore, the contract must be signed here and now, whatever the consequences. Furthermore, as a religious institution, the Mariam Mosque had to back the divorce, so only the address of the mosque was removed, not its name. This decision to insist on a woman's inviolable right to divorce no matter the consequences set a precedence for future cases, even if, as the case above demonstrates, the mosque had to take precautions. A few days later, the Danish police equipped Khankan with an assault alarm due to death threats by the woman's (ex)husband.

8 Conclusion

In this chapter, I have demonstrated that a single case is enough to generate a presence that becomes institutionalized if the cascade effect and security issues are overcome. Further, I have demonstrated that the demand, described in previous chapters, is significant enough to bend planned trajectories and transform institutions. The Mariam Mosque was quickly incorporated into the services provided by the welfare state, which demonstrates that the demand projected onto social workers from women wanting Islamic divorce also creates a vacuum within the welfare state, which Islamic institutions can be sucked into. This is less the case with male Muslim leaders and other mosques as the episteme above the ceiling dictates that such collaborations are problematic (see Chapters 2, 5, and 8); that is, collaboration is taboo, but social workers seem to be more willing to collaborate openly with the Mariam Mosque.

The vacuum within the welfare state leads to a situation in which Islamic institutions perform Islamic divorces in collaboration with and/or as a service to the welfare state. This is evident below the epistemic ceiling where these collaborations are actively sought by representatives of the welfare state, while policies aimed at abolishing such practices are formulated above the epistemic ceiling. In other words, while Islamic divorce practices may be conceptualized as a parallel system above the epistemic ceiling, they are to some degree integrated into the welfare state below it.

In relation to the epistemic ceiling, it is notable that Khankan has been accused of being a radical Islamist by several members of parliament, three of whom she took to court for libel in 2020 and 2021 but lost. A significant number of debaters and opinion makers have also portrayed Khankan as a radical Islamist. On 15 December 2017, the question was even debated on one of Denmark's agenda-setting TV programs, *Deadline*, in which two professors were asked for their evaluation; both stated that Khankan was not an Islamist. In other words, or to repeat my conclusion from previous chapters, there is a significant discrepancy between the episteme above and below the ceiling. I should point out that since 2021, the debate on Khankan's status has died out, with only a small segment of debaters and politicians insisting that she is a radical Islamist; it should also be noted that Khankan has had some strong and influential supporters throughout the discussion (for a more detailed account, see Petersen, 2022a; Petersen, 2022b).

In combination with Chapter 4, this chapter both underlines the role women may play as Islamic authorities and the agency of women in getting divorced, something that is often neglected or excluded from studies (for two notable exceptions, see Mir-Hosseini, 1993/2000; Walker, 2016). My

investigation demonstrates that women play an active role in producing the Islamic divorce, and Khankan takes the role of a woman who empowers other women and enables them to act. In other words, the women who come to the Mariam Mosque are not just subjects in an Islamic legal process. Mir-Hosseini and Walker demonstrate how women either resist their framing as subject to Islamic law as understood by the Islamic authorities, or navigate these spaces but ultimately end up with a patriarchal bargain (Scott, 1990). Interestingly, in contrast with Walker's and Mir-Hosseini's informants – and Bowen's observations of Islamic divorce councils – the women who came to the Mariam Mosque seldom performed a strong religious identity, possibly due to the inclusive atmosphere created by Khankan, which does not demand such performances.

There is a stark contrast between how Walker's (2016) informants relate to religion in British sharia councils and how women in the Mariam Mosque relate to religion. This also influences how they conceptualize their Islamic divorces on a personal level. While Walker's informants are primarily oriented toward the function of the sharia councils without finding the religious foundations of these councils legitimate, the women's own religious beliefs are the point of departure in the Mariam Mosque. This means that the Islamic divorce becomes a religious event for the women to a much greater extent.

In relation to Chapter 4, I must add that I have been surprised to see how many husbands practiced Islamic polygamy, and here I only count the ones who have entered into a nikah or civil marriage with women other than those getting divorced in the Mariam Mosque, not men who have multiple relationships apart from their marriage. Unfortunately, my data do not contain a sufficiently systematic registration of polygamy to provide an estimate of its frequency. Furthermore, I should repeat that Islamic polygamy is not illegal in Denmark. However, I do believe this is an area in which much more research is needed.

As a contribution to the kaleidoscopic description of sharia practices, I have in this chapter applied ritual theory, which highlights how Islamic legal processes produce effects. The explanatory power of ritual theory is demonstrated by the fact that Islamic legal actions performed in accordance with fiqh – such as saying, "I divorce you" – do not produce the effect described as the outcome in fiqh; rather, it is produced once the performance is either ritualized (Bell, 2009) or has been performed as a ritual (Rappaport, 1999). Furthermore, I have highlighted how events before and after an Islamic divorce are important to the Islamic juridical performance, and may even be understood as sequences of a much longer ritual or a prolonged liminal phase (Turner, 1969/2008). Again, this highlights the women's agency and decenters the Islamic juridical

performance. This is not to say that the Islamic juridical performance is not important. Often it constitutes a climax in the series of events. My point is that it is insufficient to investigate the Islamic juridical performance as an isolated event.

Finally, the chapter has highlighted the deferred nature of Islamic divorce performances with reference to elements such as parrot sentences, and a description of how women tactically plan their presentation of the verdict to their significant others. This analysis has demonstrated that Islamic divorce documents are written to have an optimal effect in such struggles rather than aimed at providing a true account of events, which does not mean that the documents contain false information. They are not, however, appropriate as source material for research on actual events and, as this is a common way of writing them up – with the notable exception of Yasir and a few others – I have almost exclusively used my collection of 552 Islamic divorce documents to get a deeper understanding of the deferred nature of Islamic divorce.

CHAPTER 8

The Islamic Divorce Council

> In 1982, a collection of Islamic scholars met in Birmingham to create a new Britain-wide shariʿa council. The scholars had hoped to deal with a wide range of religious issues, from banking and mortgages to standards for halal food. But few of these issues were brought to their doors. As one of the founding scholars, Suhaib Hassan, said later, "We intended that the council provide decisions for the Muslim community on any and all matters, but pretty soon it became clear to us that we were spending all our time giving women divorces. This was not what we set out to do, but there was a vacuum in the community and we filled it." (Bowen, 2016, p. 47)

In the 1980s the Islamic juridical vacuum in Britain was replaced by a presence as Islamic divorce councils began to emerge. As Bowen describes, although it was planned that these would serve multiple purposes, the magnitude of the demand for Islamic divorce bent their trajectory and transformed the institutions that appeared. Interestingly, Suhaib Hassan describes such planning as filling in the vacuum, which differs from the unplanned trajectories described in previous chapters where individuals have been sucked into it.

While the Salafi and Deobandi dominated the Islamic Sharia Council (ISC) mentioned in the quotation above, others such as the Barelvi dominated the Muslim Law (Sharia) Council (MLSC) were founded specifically to deal with Islamic divorce. The ISC and MLSC each have their own network of affiliates around England that function as local branches of the London offices (Bowen, 2016, pp. 59–60). In addition to the ISC and MLSC, a variety of councils serve smaller segments of the population such as Kurds, Sufis, and Shia Muslims, or have emerged as independent Islamic divorce councils. As described in previous chapters, Danish Muslim leaders also refer cases to British Islamic divorce councils, and it is very likely that Muslim leaders in other European countries do likewise; however, it appears that only a small minority of Danish women actually avail themselves of the opportunity.

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At the time of writing, researchers have documented stable presences in Britain, the USA, Canada, and Australia (F. Ahmed & Krayem, 2021; Bowen, 2016; Macfarlane, 2012), albeit reporting that outside Britain practices are less institutionalized. Julie Macfarlane (2012, p. 247), for example, writes that the "work of the imams in North America is generally more ad hoc and less centralized, aside from a few urban centers (including Detroit, Toronto and Los Angeles) where panels are emerging", and Farrah Ahmed and Ghena Krayem note that "Sharia processes in Australia are, in comparison with British Islamic divorce councils, less formal and more loosely organised" (F. Ahmed & Krayem, 2021, p. 23). However, Islamic divorce councils in both countries have developed rules and procedures for Islamic divorce, and they publicly offer their services. These regions may now be designated as fields of presence, that is, areas in which parallel legal practices have made Islamic divorce available to women.

Studies in Germany and Finland point to the emergence of Islamic divorce institutions (see below). In the remainder of the countries in mainland Europe either a vacuum exists or presence is unknown due to the scarcity of empirically grounded research. Yet as I demonstrate in this chapter, Denmark is currently transitioning from a state of vacuum to a field of presence, and other countries in mainland Europe look to be on a similar trajectory. This does not necessarily mean that Islamic divorce councils will emerge throughout Europe, because demand – the main driver in the institutionalization process – may be curbed by other variables.

I begin this chapter with a description of how planned and ad hoc Islamic divorce councils have continuously emerged and collapsed in Denmark, but in 2021 an extraordinarily well-planned Islamic divorce council emerged out of the Hikma Mosque (anonymized). I describe this emergence and subsequent institutionalization and stabilization in detail, followed by a description of how it affected the field.

1 The Emergence and Collapse of Islamic Divorce Councils

As described in Chapter 6, Muslim leaders in Denmark attempted to plan the founding of an Islamic divorce council in 2012, but they did not succeed, although ad hoc councils have emerged from time to time, as Hakeem describes:

> **Hakeem:** [The Ihsan Mosque] is a small mosque. It does not have the authority [to issue Islamic divorces]. We have not managed to build it up

> as a form of authority in the [Muslim] communities; that has not been our aim. We have focused on other things.
> **Petersen:** I am aware of that, but nevertheless there have been quite a few [Islamic divorce] cases that I know you have discussed in the Ihsan mosque.
> **Hakeem:** Yes, that is true. We have had a small council, [names of council members], et cetera, and we have had some cases that we have discussed. I have, for example, sent cases on to them, and asked, "What do you think? What should I do in this case?" It felt like it [the council] took form, and we were very close to founding some sort of Danish institution – a divorce institution in Denmark – but there was too much disagreement.

Islamic divorce councils typically emerge out of necessity. The Muslim leaders of the Ihsan Mosque do not want to become involved in Islamic divorce cases, but they feel compelled to act when women in nikah captivity ask for their assistance. Discussions about founding divorce councils often begin with collaboration on individual cases. The Ihsan Mosque is an example of this but Yasir and Amr have also been involved in council-like proceedings, and I have identified three additional ad hoc divorce councils that have formed and collapsed in this way (Liversage & Petersen, 2020, pp. 212–213).[1]

Ad hoc councils manifest in networks of Muslim leaders who know each other well. Some are short-lived institutions, typically collapsing quickly when the cascade effect and security issues set in. Although there is some consistency in their composition, members may change from case to case, as may both the legal procedures and the rules that are applied in these councils. These are semi-institutionalized divorce councils in the sense that they emerge repeatedly to perform Islamic divorces, but they do not have clear procedures or well-defined rules, and they collapse due to the cascade effect or security issues before they become stable institutions (Jepperson, 1991).

In 2008, Musa and two other imams formed what Musa calls a committee, with the sole purpose of issuing Islamic divorces to women in nikah captivity. All three imams experienced the demand for such a service, and this was an attempt to act upon it. Not much planning was involved in the founding of this

1 It should be noted that I did not find them as part of the interview study conducted in relation to the VIVE report, but in the fieldwork that I did in parallel with it; then – as in the interview with Hakeem – I could bring this into the conversation and get more information. This demonstrates the strength of combining methodologies that are otherwise framed as incommensurable (Glaser & Strauss, 2017, p. 105).

divorce council other than an agreement to issue Islamic divorces together. Thus, the council structure merely consisted of an internal agreement between three imams to collaborate on an ad hoc basis on Islamic divorce cases. The council existed for approximately two years and issued almost twenty divorces. It eventually collapsed because, on two separate occasions, one of the three imams retracted a divorce issued collectively due to pressure being put on him by the husband and/or his family. This eroded the trust of the two other council members and the collaboration stopped. Musa explains that the collaboration was necessary to handle the security risk, but it depended on the committee acting as a unit; once members begin to retract decisions it puts the two others at risk and creates a dangerous precedent for using threats and violence to achieve decision retractions.

Musa and other Danish Muslim leaders do not think of the Islamic divorce institutions they build as Islamic divorce councils or sharia councils. For example, if I had not known about the activities in the Ihsan Mosque from fieldwork, I would most likely have taken Hakeem's denial of any council-like practices in the mosque at face value. However, when probed, Hakeem described council activities without framing them as such linguistically, and he had good reasons not to do so. After all, these are not fully fledged Islamic divorce councils; for example, they do not have clear procedures, a fixed set of rules, an address, a budget, or any staff (just volunteers). To Muslim leaders they mainly exemplify the failure to establish lasting institutions but it is important to note that such narratives erase the short-lived existence of semi-institutionalized Islamic divorce councils. Furthermore, Danish Muslim leaders are generally averse to linguistic formulations that resemble the language applied in exposé journalism; they are afraid of being framed or misunderstood, with all the consequences this might have for their private lives.

The emic ways of framing divorce council activities make them hard to identify, and this may be the reason why no such councils have been identified in mainland Europe (except in Germany and Finland), even if such formations constitute an expected and highly probable outcome of the vacuum situation. In previous chapters I have argued that the Islamic juridical vacuum is not an idiosyncratic Danish phenomenon; rather, it constitutes a structure that emerges from a demand which is uncatered for, and this is the situation in most of mainland Europe. As Mahmoud Jaraba writes of the situation in Germany:

> Many mosques are now setting up family dispute committees, comprised of an imam and two to four eminent members of the mosque community. These committees are usually called "social work" or "family

> reconciliation" committees, and their purpose is to oversee Islamic marriages and divorces and to resolve family disputes .... women form the overwhelming majority of those who seek their help. (Jaraba, 2019, pp. 92–93)

And:

> Consequently, a considerable number of *imams* call for measures and solutions to face the challenge related to *khulʿ* practices in Germany in order to protect women from abusive husbands. During the fieldwork conducted for this research, some *imams* explained to me that they were discussing to introduce *ṭalāq al-tafwīḍ* (the delegated right to divorce for a woman) to the marriage contract in order to empower women by replacing the husband's consent with a kind of "internally official" verdict. Other *imams* have started to think of establishing an "advisory body" that would aim to settle family disputes and deal with Islamic divorce-related issues, especially in situations where a husband refuses to divorce his wife. Other Islamic organisations and mosques have started to organise training courses to train a group of *imams* in mediation and arbitration techniques. (Jaraba, 2020, p. 43)

The situation in Germany is mirrored in Mulki Al-Sharmani, Sanna Mustasaari, and Abdirashid A. Ismail's description of the situation in Finland. In their study of family dispute resolution in five Finish mosques they write about three of them as follows:

> In the third mosque, the dispute resolution work was carried out by a committee of three members (two of Somali background and one Lebanese). A male Finnish Muslim, although not a regular member of the committee, assisted the committee with cases involving Finnish converts. In the fourth mosque, frequented mostly by Somalis but also serving Muslim immigrants from North Africa and the Middle East, a committee of five male members carried out the dispute resolution work. Two members were Somali and the other three were of different ethnic backgrounds. In the fifth mosque, which was the largest and served mostly Somali Muslims, a committee of five male members (predominantly Somalis) handled the dispute resolution. (Al-Sharmani, Mustasaari & Ismail, 2017, p. 276)

Al-Sharmani, Mustasaari, and Ismail also highlight characteristics of a vacuum situation in Finland:

> In difficult divorce cases involving belligerent husbands, the authority of mosques to issue a divorce without the husband's consent was contested. Some husbands did not accept the mosques' authority and even threatened committee members, as reported by some of the interviewees. In addition, mosques needed to ensure that their religious authority would not be challenged by other religious scholars or Muslims in the communities. The mosques handled this challenge in a number of ways. They would give closer attention to these divorce cases and involve several committee members in the decision. In some cases, they would also seek the input of other religious scholars or imams from other mosques before reaching a decision. And recently, two of the mosques were applying a new practice of securing the approval of the board of religious scholars in the umbrella organization of Muslim religious associations in the country known as SINE (Suomen Islamilainen Neuvosto, Islamic Council of Finland). (Al-Sharmani, Mustasaari & Ismail, 2017, pp. 280–281)

This latter quotation describes how individual Islamic divorce cases may generate ad hoc councils and new procedures in much the same way as I have observed in Denmark. It usually begins with a Muslim leader wanting to help a woman obtain an Islamic divorce, leading to his requesting support from colleagues, and if successful, other women will soon request an Islamic divorce from the same imam, following a similar procedure and involving the same Muslim leaders, who are now on a trajectory towards becoming an (unplanned) Islamic divorce council.

To sum up, I argue that the reason no Islamic divorce councils have been found in mainland Europe – except Germany and Finland – is methodological. All the conditions for the emergence of Islamic divorce councils are present, but none has been found, not even semi-institutionalized ad hoc councils. It requires ethnographic fieldwork to identify the latter because they are short lived, and as I describe below, even planned Islamic divorce councils are seldom widely publicized.

2 Planning a Presence

The Islamic Divorce Council (IDC) emerged as a planned presence within the Hikma Mosque in 2021, not due to a specific case followed by a cascade effect as discussed in previous chapters. Rather, it was carefully designed to solve several problems, one of these being the absence of an Islamic divorce institution in Denmark. Prior to the founding of the IDC, the Hikma Mosque followed the pattern of emerging and disappearing presences in the vacuum;

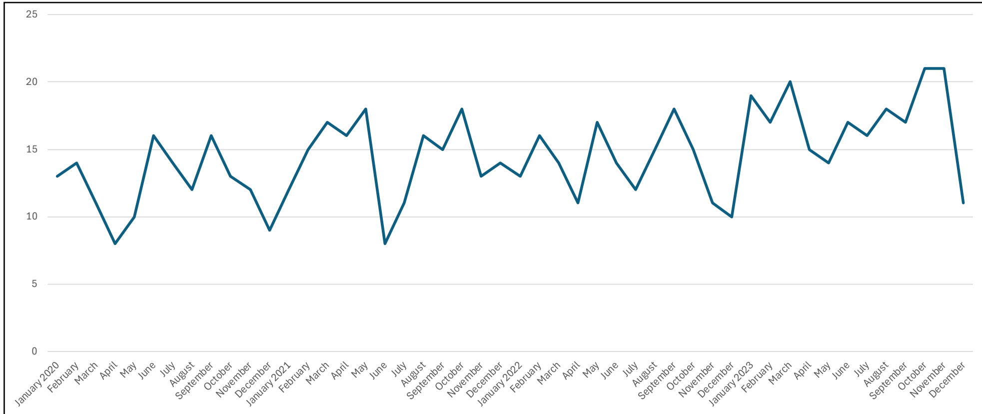

FIGURE 8 Number of Islamic divorces issued per month by the Hikma Mosque from January to December 2020 and by the IDC from January 2021 to December 2023 (n = 693). The chart only represents Islamic divorces issued and, therefore, does not reflect the total number of cases brought to the Hikma Mosque and the IDC. There are significant dips in the figures during summer and winter vacation times. The dip in December 2023, for example, reflects that Ibrahim and Yunus were on vacation simultaneously.

as demonstrated in Figure 8 it had a constant flow of cases. It was not until 2021 that it "adopted the position that a Danish [civil] divorce constitutes Islamic divorce" as the founder, Yunus,[2] explained to me during an interview in June 2023. He continued, "We have changed our mind because of all the Muslim women who are suspended in Islamic marriages", adding that Ibrahim, the leading imam of the mosque, "is very adaptable to new situations". It was the experience with the problem of suspended women (*muʿallaqa*) – neither living with a husband in nikah nor Islamically divorced – that had made Ibrahim adopt his new position and present it to the mosque board, which accepted it. Furthermore, the IDC adopted the position that a Muslim woman has an Islamic right to divorce, and the IDC will provide this if the husband refuses to consent to divorce; however, such divorces must follow the procedure of the IDC (see below).

The policy change in the IDC is also evident from my fieldwork. Eight months prior to the founding of the IDC, I interviewed Idris, who is one among several Islamic authorities in the Hikma Mosque. He received between two and five divorce requests a week from women, and he felt compelled at least to try to help. This consisted of calling husbands and attempting to persuade them

2 Yunus has read and approved my presentation without any comments.

to divorce their wives, and this sometimes worked. If a man was reluctant, Idris would in some cases call the husband's family to put additional pressure on the husband, but he remarked that one must be careful because it can be dangerous to disclose information if a husband prefers to keep it private. Indeed, Idris was often threatened by husbands, but no one had so far acted upon their threats. He underlined that he had not been delegated authority (*sulṭa*) to issue divorces by the Danish state, nor by any other state, so if men refuse to divorce, there is nothing he can do. However, if a couple had entered civil marriage and the husband was consistently uncooperative, he would refer the woman to the Danish Agency of Family Law, which, with reference to a fatwa from European Council for Fatwa and Research, Idris said has the authority to issue a divorce with Islamic validity based on his referral (ECFR, 2017).

Idris was not the only imam in the Hikma Mosque who facilitated divorces. Well before my approaching the IDC, I partially knew about Ibrahim's divorce practice. Several women had told me about how he had called their husbands and negotiated their divorces. On some occasions he had even gone a step further and issued a divorce without a husband's consent. It is mainly Ibrahim's divorce practice that is reflected in Figure 8 from January to December 2020. Furthermore, I knew of a few incidents in the mosque that demonstrated the security implications of this practice, both in terms of encounters with angry men and their families, and Idris' and Ibrahim's declining to engage with cases when the risk was too high.

Although both are prominent Islamic authorities with a high volume of Islamic divorce cases, Idris and Ibrahim followed the pattern of emerging and disappearing presences in the vacuum described in previous chapters, but the IDC differs from this as it is a planned presence. While Idris and Ibrahim, acting in accordance with the logics of the vacuum, were only able to help a segment of the women who came to them, the IDC has defined the rule that women have a right to Islamic divorce, and made itself responsible for upholding this right. This also functions as a legitimation strategy for the two qadis in the IDC, Yunus and Ibrahim, who can say that they merely follow the rules and procedures of the Hikma Mosque, thereby providing institutional backing to the Islamic divorce practice in the IDC. Yunus points out, "It is also important that we synchronize with each other so that the divorce practice remains the same", adding that he and Ibrahim have different personalities which may influence the way they do things; therefore, regular meetings are important.

The founder of the IDC, Yunus, is a resourceful and diligent young man who grew up in a religious family. He attended the Hikma Mosque's Quran school as a child and went on to take multiple ijazas in Denmark and abroad while also gaining a higher education in the Danish educational system. In the years

leading up to the founding of the IDC, Yunus became a protégé of Ibrahim in the Hikma Mosque and began assisting him with Islamic divorces in 2019. Yunus soon began to take over cases that were difficult for Ibrahim as he is not socialized into Danish culture, or, as Yunus puts it when talking about a specific young man who held his wife in nikah captivity, "He was just a bit too *shabab* [street] to Ibrahim. He could not really get through to him, and therefore he made no progress with the case." Yunus resolved this and similar cases, and he and Ibrahim came to complement each other effectively as a team. Although Ibrahim is still the main religious leader in the Hikma Mosque, he recognizes Yunus' socialization into Danish youth culture as an important asset.

With time Yunus also took over low conflict cases, which he dealt with independently, but he soon saw structural problems in the organization of the mosque's divorce practice, which he describes in similar terms as other Muslim leaders:

> Divorces are very chaotic processes. They require many hours of work, and they mentally drain the people who deal with them. People who are in the process of divorcing can call you at all hours, and cases are continuously developing. Everything seems to be urgent when it is about divorce.

Later in the interview Yunus adds that "one's private number becomes a hotline", and the many calls interfere with family life. In other words, Yunus had identified the discrepancy between the demand for Islamic divorce and the resources the Hikma Mosque had available, and he had observed how this affected the people who facilitate Islamic divorce. Furthermore, he was disappointed with the way Islamic authorities were sometimes treated by couples:

> It is not uncommon for people who have been at each other's throats to suddenly become good friends. Therefore, they may cancel a session with just fifteen minutes notice. Then you sit there; you could just as well have spent the time with your family or something else, but you have chosen to spend your time on the session. Sometimes people do not even cancel, they just do not show up.

Yunus is not complaining, merely underlining that divorce is different from the other services he is expected to provide as an emerging Islamic authority. The IDC is an attempt to institutionalize women's access to Islamic divorce – to create a condition of *haqq* (divine justice) for both men and women – with minimum risk and hardship to the two qadis, Ibrahim

and Yunus. However, the IDC is much more than merely an Islamic juridical institution; it is also a social office, a family and marital counseling center, and a place for spiritual care.

Yunus originally envisioned the IDC as a social office that would bridge the gap between a segment of Muslim minority citizens and the Danish welfare state, a project that would improve integration and lead to Muslim minority citizens living better lives. However, due to his observations of Islamic divorce processes in the Hikma Mosque he became more focused on marital counseling, Islamic divorce, and post-divorce counseling. This is a characteristic of the IDC and similar institutions: they are responsive to demand, and as mentioned in Chapter 7 and in the opening lines of this chapter, the demand is significant enough to bend trajectories and transform institutions.

The planning of the IDC began in 2020 and was in the making for a year, during which Yunus consulted and collaborated on the project with other young people inside and outside the Hikma Mosque, several of whom later joined the initiative as volunteers. During the planning phase, Yunus travelled to Britain to observe divorce proceedings in an Islamic divorce council. Initially, he just wanted to see whether its approach worked, and while he concluded that it did, he also realized that it would most likely not be suitable in a Danish context. That is, while the IDC takes inspiration from the British Islamic divorce council, it is not a copy of it. Once back in Denmark he investigated whether a similar council existed in Denmark, but he found that "most were ad hoc practices and not particularly systematic". In other words, Yunus did not identify a planned presence.

Most of the initiatives taken by Yunus in the IDC are practical in nature and oriented towards minimizing risk and maximizing the effect of the scarce resources available. The IDC has, for example, set up an IT system where volunteers register when they are available for consultation, and these time slots are then offered to clients through an online booking system;[3] thus, no time is wasted on coordinating calendars between volunteers and clients. As Yunus explained, "The lack of a booking system makes Islamic authorities vulnerable to the enormous work pressure which can be associated with both individual divorce cases and the number of divorces." This initiative, along with the registration of a telephone number that clients can call during opening hours – and which Yunus and Ibrahim can refer to when they are contacted outside hours – led to less stress and interference in Yunus' and Ibrahim's private lives. The

3 Yunus stressed that the IT system is GDPR compliant, thus demonstrating awareness of the legal framework within which the IDC operates.

IDC has also introduced a fee for consultations, which means that people now tend to show up for sessions or cancel well in advance to get refunded; the fee breaks with previous practice in the Hikma Mosque where divorce has always been free of charge.

It should be noted that the IDC receives many requests related to nikah outside of divorce, such as collaborating on raising children as divorced parents, but also cases of post-separation violence perpetrated by men who refuse to accept their ex-wife's entering into a nikah with another man. Yunus has even experienced couples divorcing because they cannot live together with an ex-husband stalking them. Furthermore, the IDC also receives general requests related to family life, raising children, couple counseling, and so on. Most of this work is dealt with by volunteers other than Yunus and Ibrahim.

During the planning phase, the board of the Hikma Mosque decided to provide the IDC with office space and fund its operation. This supplied the IDC with the necessary resources to start up in 2021, but it also improved the level of security as volunteers are gathered under the same roof, meaning they are seldom alone and they have a fence with a gate they can close to slow down intruders. Nonetheless, despite the availability of resources and the precautions taken, it has been a challenge to overcome the cascade effect and security issues.

At its launch, the IDC had the resources to offer divorce consultations on a day-to-day basis but when I interviewed Yunus for the first time, 18 months after the opening, they were struggling to offer a first consultation within two weeks, and three months later the waiting time was more than a month. This increase may partially be explained by the lower number of work hours available in the IDC during the summer vacation, but the continuous growth in waiting time underlines the significance of the cascade effect. The board of the Hikma Mosque responded by investing more resources in the IDC, which is an indication that it is a priority objective for the mosque, because, as Yunus remarked, although the IDC generates an income through the fees that it charges, this does not cover the operating costs.

The IDC receives threats as an institution – one man threatened to burn it down – but individual members also experience intimidation and death threats from time to time. Most threats are delivered by text or telephone, but some people also show up at the IDC or the Hikma Mosque. According to Yunus,

> Men can get very angry when their wives go to the imam. This is mainly because of [their] telling everything to the imam – the full story – and

> they get afraid of what people will say. … There is a risk related to doing what we do in the IDC – we cannot get around that – so we focus on minimizing risk.

Yunus and Ibrahim work independently of each other on low risk cases, but they collaborate on high risk cases such as those in which the husband belongs to a strong family, is prone to violence, is a gang member, or in other ways poses a significant threat.

Serious threats are reported to the police, whom Yunus have informed about the IDC's Islamic divorce practice; with this in mind, the police have provided the IDC with a direct number in case they need assistance. The police officer who has the contact with the IDC explained to me that this is a way of making the volunteers in the IDC aware that the police are present and that their services are available to them as they are to all other citizens, even if the needs of the IDC are a bit specialized. Thus, the direct number is a promise by the police to respond quickly and appropriately. However, it should be noted that the police officer is not involved in the activities in the IDC and (s)he seems to have only a superficial insight into its operations.

One of the main objectives when establishing the IDC was to give women access to Islamic divorce by institutionalizing the process. Yunus insists on following a procedure where options other than divorce are explored, but he also understands divorce as a woman's right: "If a woman insists on divorce there is nothing we can do; then we must issue it." Ultimately the IDC issues a faskh if a woman demands divorce and the husband refuses to consent.[4] This policy is also reflected in some faskh documents issued by the mosque in which it is stated in one case that "[woman] has been determined on getting divorced. Islamically it is not allowed to force anyone to stay in a marriage against their will", whereas in others it is framed more indirectly: "[Man] has refused to consent to divorce. Therefore, the verdict to terminate the marriage contract has been reached. This means that the couple is no longer married."

When people book a consultation to start divorce proceedings, the IDC contacts their spouse to set up a meeting. Yunus explains that it is important to hear both sides of the story, otherwise, if it ends in divorce, there is a risk of authorizing one spouse's narrative in the divorce documents. Furthermore, the first step in the IDC is almost always mediation (*ṣulḥ*), and contacting the spouse is therefore necessary. Mediation takes place in various ways depending

4 See page 14 for information on triangulation of these claims.

on the case, and if the spouses reconcile, the IDC encourages them to put their agreement in writing or the IDC will typically do this for them. Yunus explains that the IDC skips mediation in some cases, such as when a spouse has been violent or if a volunteer in the IDC identifies control patterns in a husband's behavior.

If mediation does not lead to reconciliation, the next step is to try to negotiate a khula. Yunus, who has read the VIVE report, states that the IDC does not tolerate weaponized talaq; spouses must arrive at a fair divorce agreement. He emphasizes this by repeating that it is not just the husband that must consent to a khula, the woman must as well. Khula is preferable to faskh, as post-separation conditions will be much better for everyone, including any children, because it is based on a mutual agreement. Yunus also tries to get the parties to agree on the reasons for the divorce, bringing them to a point where they can agree on a common narrative that brings a sensible end to the nikah and also creates the conditions for a good post-separation situation. The reason for a khula divorce is not stated on the documents issued by the IDC, but the IDC registers these in their IT system for future reference.

If the couple is unable to reach a khula agreement, the IDC will issue a faskh divorce. Although the IDC cannot enforce such a decision, meaning that in practice the woman will defer her right to any unpaid or deferred dower, the option strengthens her bargaining position during the negotiation over khula because it makes her less dependent on her husband's consent. In such cases the husband gets three notifications a month apart that inform him of his wife's divorce request. These can be delivered in the form of a letter, a WhatsApp message, a phone call, or similar. If the husband does not reply, a faskh divorce is issued a month after the third notification. Yunus remarks that sometimes it is almost impossible to get hold of the husband, but in these cases, the IDC might issue the divorce based on one of the notifications being categorized as "seen" in a texting app.

Faskh divorce documents issued by the IDC are only one page long and contain very little information on the cases, which are typically framed as neutrally as possible. In a high conflict case the IDC may merely state, "There has been a lot of conflict between them [the spouses] and their families", and then remark that they have lived apart for so and so long and that the situation has a negative effect on the woman. Yunus only remembers a single case in which he has been asked by a woman to change the content of the divorce document, which he refused to do because the IDC will not get involved in cases by confirming one party's perspective on the conflict as the true one.

When I suggested to Yunus that the IDC constitutes a sharia council, he objected, saying, "We do not see ourselves as a sharia council, but there is an overlap in that the IDC performs a sharia council function when it comes to

divorce", adding the example that "when a woman states that 'I am *muʿallaqa* [in nikah captivity]', then we issue a *hukm* [verdict]".[5] Yunus then pointed out some of the most obvious differences between the IDC and the British sharia council he had visited, such as the educational background of the staff and the range of services offered. The British sharia council only employ qadis who are formally educated in fiqh whereas the IDC is staffed by volunteers with a range of different non-religious educations, although many of them have ijazas in a variety of subjects. Indeed, the IDC is not just an Islamic legal institution; among other services it offers individual and family therapy, legal advice, and counseling on social issues. Furthermore, its approach on all topics, including divorce, is grounded in both religious and professional approaches to these types of problems.

Yunus' experience in the IDC is that people who book consultations have a range of relationships with religion – some are devout, others are not – yet he says, "We talk about human things within a religious framework", adding that when people come to the IDC "they are often in their life's biggest crisis and have much at stake". This is reflected in most of Yunus' activities; he consistently emphasizes that there are both religious and secular elements to what the IDC does. He understands marital problems as part of the human condition and the solutions he offers take inspiration from common non-religious ways of handling these crisis situations to which he adds a religious element; the religious and secular are for him complementary, not in contradiction with one another.

Yunus, Ibrahim, and the IDC chose to be anonymous in this study because they were afraid that people would misunderstand what they do.[6] Yunus explains that a scandal could jeopardize the future existence of the IDC and have significant consequences for the people involved, most of whom are young people with higher educations and careers. Nevertheless, the IDC also wants to collaborate with the welfare state. The IDC wants to announce its services to make them widely available, but it cannot do so too publicly because their initiative may very well become the object of outrage in Danish media and politics. Currently, people learn about the IDC through friends, family, and other religious institutions, while some social workers have become aware of the council and send women to it.

5 I have chosen to use the generic term IDC to refer to the institution Yunus built as part of the strategy to anonymize both Yunus and the institution. Yunus has accepted this.

6 In August 2024, after completion of this chapter, I set Zetland (a Danish online media company) and Yunus in contact with each other, so that Yunus could present his story to a wider public in anonymized form (Mencke & Sabah, 2024b).

3 The Effect of a Stable Presence

As previously mentioned, British Islamic divorce councils have reached the highest degree of institutionalization that has been observed anywhere in Europe, North America, or Australia, but this is still an ongoing process. Bowen (2016, p. 62) describes how an attempt to erect a national appellate structure in Britain failed in 2014. Similarly, it is noteworthy that British Islamic divorce councils – like their Danish counterparts – are unable to enforce rules on men paying the deferred dower in cases of faskh. However, despite Muslim leaders' attempts to reach higher degrees of institutionalization, the state of presence in Britain has significantly affected the field of parallel legal practices. For example, although there are significant theological differences between the ISC and the MLSC "the two councils acknowledge and respect each other, and they follow much the same set of procedures", accepting each other's Islamic divorce decisions (Bowen, 2016, p. 63).

In other words, British Islamic divorce councils have erected authorized rules and processes of Islamic divorce that reduce the power that clans, families, and husbands can assert over women's lives, or as Bowen puts it, "Councils were extensions of the community but also provided checks on the community" (Bowen, 2016, p. 70). This differs significantly from the state of absence (the Islamic juridical vacuum) where it is primarily husbands and families that define sharia. The most tangible example of such a transition from absence to presence in Denmark is the IDC's stance against weaponized talaq, although this is just one of several examples of how women's situation has been improved by the transition from absence to presence – other examples being access to Islamic divorce and an emerging state of parallel justice that is more independent of husbands' and families' opinions. Yet it should also be noted that the IDC has not yet been announced publicly and, therefore, its services cannot be characterized as publicly available.

The transition from absence to presence represents a transfer of power from husbands and families to parallel legal institutions that introduce a different state of justice or haqq. This explains both the violent reactions of husbands and families that are unwilling to give away their power, and the cascade effect that is generated by women wanting an external institution to intervene in their situation, thus curbing their husband's or family's power. In other words, Islamic divorce councils may empower women, and thus they may constitute enabling structures that expand women's field of possible action (Walker, 2016). Nonetheless, as described in previous chapters and in *The Mosques behind the Veil*, Islamic authorities may also empower husbands and families

by insisting on reconciliation, victim blaming, and religious coercive control (Mulvihill et al., 2022).

As described in previous chapters, Muslim leaders' verdicts are deferred in the Islamic juridical vacuum. Only later, once the Islamic divorce document has been mobilized in a struggle between spouses and families, will it be clear whether the divorce happened or not – and sometimes a second divorce is needed to record the agreement reached in the struggle over the first Islamic divorce. Yet institutions reduce social entropy by implementing one rule for all, and we can measure degrees of institutionalization by observing the degree of deferral: do the woman need to mobilize external forces to make the Islamic divorce document valid in social dynamics, or is it accepted without further discussion? Or, as Ronald L. Jepperson describes it,

> Institutions are those social patterns that, when chronically reproduced, owe their survival to relatively self-activating social processes. Their persistence is not dependent, notably, upon recurrent collective mobilization, mobilization repetitively reengineered and reactivated in order to secure the reproduction of the pattern. (Jepperson, 1991, p. 145)

The IDC is a well-respected institution backed by some of Denmark's most prominent Muslim leaders, and, therefore, its decisions are often accepted. In other words, opposing the IDC can put you in bad standing with prominent people. Therefore, the IDC's Islamic divorces are subject to less deferral in the same way as is characteristic of British Islamic divorce councils (Bowen, 2016).

In the Islamic juridical vacuum, women's field of possible action – the rules that regulate Islamic divorce in every case – is dependent on a number of variables, such as ethnicity, class, religiosity, whether one is an immigrant or descendant, one's network, and so on. However, when a field of presence emerges, such variables become secondary as social entropy decreases. The IDC gets and accepts cases from anyone and applies the same rule, something I have observed with women of Pakistani, Afghani, and Arab origin requesting Islamic divorce in the IDC.

Islamic divorce councils enable women to divorce their husbands Islamically, thereby giving women rights and opportunities that may not otherwise be available. However, the institutionalization of Islamic divorce practices – resulting in a general reduction of social entropy – may negatively affect other women in the field, as their "fast-track" to Islamic divorce may disappear. Turkish and Bosnian women, who currently use the Agency of Family Law because these civil divorces are generally accepted as Islamically valid in

their communities, may, for example, find themselves in a situation where an additional Islamic divorce is needed. In other words, the reduction of social entropy empowers Islamic institutions to centralize and determine the rules for Islamic divorce.

The IDC is the first stable presence in Denmark, and its emergence has started to affect the local field of parallel legal practices as local Muslim leaders have begun to refer difficult cases to it. Similarly, I have on two occasions observed how women interrupted an Islamic divorce process somewhere else and turned to the IDC, which issued an Islamic divorce without mediation due to their husbands' violent behavior. In other words, the local field is currently undergoing a transformation from absence to presence, although this does not necessarily mean that the transformation into a field of presence will reach completion, because there are still major challenges ahead for the IDC.

To make its services widely available to women, the IDC must disseminate knowledge about its existence, and, therefore, sooner or later its existence will become publicly known. Yunus is very aware of this and he fears that the IDC will be misrepresented as an institution that aims to suppress women. Ironically, making the IDC an object of a scandal in order to emancipate Muslim women could cause it to collapse, which would have a negative effect on the rights of women experiencing nikah captivity – although it would most likely be celebrated as a victory for women's rights above the epistemic ceiling. This, of course, makes sense from the perspective that everyone is better served by simply using the Agency of Family Law, but it does not solve the problem for women who, irrespective of such opinions, need an Islamic divorce because they are experiencing nikah captivity. Furthermore, as long as a collapse brought about by outrage is not followed up with a solution to nikah captivity – and solutions can be found – new presences will emerge. On that note, it is interesting that above the epistemic ceiling Islamic divorce councils are problematized by politicians, journalists, and debaters, but below the epistemic ceiling their absence is, as demonstrated in previous chapters, problematized by social workers and other representatives of the Danish welfare state.

If the existence of the IDC does not at some point become public knowledge, the transformation of the field into a presence will halt, but if it becomes public knowledge, the IDC will face a significant cascade effect and most likely cause a public outrage, both of which may jeopardize its existence. Time will tell whether it survives or not.

As I see it, the question of the need or otherwise for Islamic divorce councils in Danish society is a political one. There are pros and cons to having parallel religious legal institutions which have been discussed vigorously both within

and outside of research. However, the potential presence of Denmark's Islamic divorce councils is currently not a political choice because policies formulated above the epistemic ceiling have such marginal effect below it. To make it a genuine political choice, politicians must address the situation below the epistemic ceiling. Policies that make the most of religious parallel legal practices, thus harvesting all the pros, can be formulated, and so can policies that avoid their emergence and, thereby, all the cons. However, if policies only address the simulacrum above the epistemic ceiling – as is currently the case – other variables will determine whether a stable field of presence emerges in Denmark.

CHAPTER 9

The Imam Ali Mosque

In 2017, approximately 20 out of 160 mosques in Denmark were Shia mosques, and approximately 10–15 percent of Danish Muslims were Shia, mainly with an ethnic background in Iraq, Afghanistan, Pakistan, and Iran (Kühle & Larsen, 2017, pp. 68–69). Of these mosques, the Imam Ali Mosque is the oldest, founded in 1994,[1] serving mainly, but not exclusively, Iranians, Iraqis, descendants of immigrants from these two countries, and converts. It is staffed with salaried imams, and is an important center of learning that sends students to the Qom Seminary (*ḥawza*) for higher education in Islamic studies.

In his study of British sharia councils, Bowen remarks, "Shiʿa Muslims have a number of distinct centers in the London area (generally to the west and north), each with its own ties to Iranian and Lebanese scholars and they each have their own rulings and procedures regarding marriage and divorce" (Bowen, 2016, p. 63). Bowen does not elaborate on this, but in what follows I give a detailed description of such practices in the Imam Ali Mosque in Copenhagen.

This chapter demonstrates that Shia divorce falls into three categories that follow different patterns and rules: A) If a couple has entered an Islamic marriage abroad, they must obtain their divorce abroad in the relevant judicial system. B) If a couple has entered Islamic marriage abroad and a Danish civil marriage, the Imam Ali Mosque can, based on the Danish civil divorce documents, issue an Islamic divorce which can be registered at the Iranian Embassy after which it also takes effect in Iran. Here the Imam Ali Mosque acts as an Islamic legal institution (presence). C) If the couple has entered into a nikah without registration as an Islamic marriage in a judicial system abroad, the Imam Ali Mosque must navigate the Islamic juridical vacuum (absence). The chapter begins with an introduction to the *marja* system followed by an explication of presence cases (types A and B) and absence cases (type C).

1 The Marja System

Many Muslim majority countries have separate family courts for individual religious denominations. For example, Lebanon has five parallel Islamic legal

1 Since its founding in 1994, the Imam Ali Mosque has purchased a plot of land in Copenhagen where it inaugurated a purpose-built mosque in 2015.

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court systems, which are subsumed under the Lebanese legal system (Clarke, 2018). In addition to this, some Muslim majority countries have Islamic legal institutions that operate both within and outside of the state (Clarke, 2018); that is, they have official, state-sanctioned legal systems, but a number of legal institutions without state sanction may operate in parallel with them, although their decisions are not enforced by the state (Jones, 2020). In practice, however, the relationship between Islamic legal institutions within and outside of the state is not systematic; sometimes a divorce letter from a parallel legal institution matters to state officials and sometimes it does not (see Chapter 5; Clarke, 2018).

Shia parallel legal institutions take the form of international organizations, each headed by a religious leader with the title of *marja al-taqlid* (for an explanation of the *marjaʿiyya*, see Clarke, 2018 pp. 237–262). The ties to Iran and Lebanon, mentioned by Bowen, probably refer to the links between Shia divorce councils in London and the Islamic legal offices of marjas (*al-maktab al-sharʿi*). Islamic divorce without the husband's consent can be performed by Shia divorce councils in Europe by presenting cases to a marja's office, which issues Islamic divorce documents.[2] In some cases, in countries such as Afghanistan, Iran, Iraq, and Lebanon, these divorces can be registered and thereby take legal effect under state law, a system that has been described in the Canadian context by Anne Saris (2016, p. 261 n20). It is important to underline that women must fulfil the conditions for divorce to obtain an Islamic divorce from these institutions, and to the best of my knowledge no marja offices offer no-fault divorce.

2 Shia Islamic Divorce in the Field of Presence

The Imam Ali Mosque used to send Islamic divorce cases to Lotfollah Safi Golpaygani's office in Qom but, after his death in 2022, the mosque began using Ali al-Sistani's office in London instead. When the Imam Ali Mosque sends a case to Sistani's office, they present it with all relevant documents and guarantee that Islamic juridical procedures have been followed. Mohammad

2 This system may at first sight seem foreign to the practice of Sunni councils such as the ISC and MLSC, but on closer inspection it is structured in a similar way. The ISC and MLSC also have branches around the UK that refer cases to their London office. Likewise, people from other European countries may file divorce cases in British Islamic divorce councils. There are, of course, also significant differences, such as how the religious authority of marjas is constructed and the way they relate to legal systems abroad.

Khani,[3] a young imam in the mosque whom I have visited and interviewed on multiple occasions since 2019, explains that it is easy to work with Sistani's office, and that expedition cases typically take around two weeks to process before the woman receives her Islamic divorce (*al-ṭalāq al-ġiyābī*); however, only a very few cases are actually sent to marja offices. As I demonstrate below, most are handled locally in the Imam Ali Mosque, which is the only institution in Denmark that is authorized to legalize Islamic juridical documents for the Iranian Embassy.[4]

If couples have had a civil marriage under Danish law (in addition to their nikah in Iran) and subsequently divorce in the Agency of Family Law, then the Danish divorce papers together with the Islamic divorce documents from the Imam Ali Mosque can be registered at the Iranian Embassy – thereby taking legal effect under Iranian Law[5] – but if couples have only entered into an Iranian nikah, they must obtain a divorce directly from a marja's office and register this in Iran. The Imam Ali Mosque sometimes assists people with this process. A similar system exists for Afghanistan, Iraq, and Lebanon but, as Khani explains, in these countries it sometimes depends on the individual judge who is presiding when documents from a marja's office are presented. He adds that in his experience Lebanese family courts are exceptionally volatile and unpredictable.

The process of registering a Danish civil divorce so that it takes effect in Iran is bureaucratic and requires legalization of both the Danish divorce documents and the Imam Ali Mosque's Islamic divorce documents by the Danish Ministry of Foreign Affairs. Although Islamic divorce has no validity under Danish law, the Danish Ministry of Foreign Affairs legalized such documents until 2022, believing that it did. When I inquired with the ministry about this practice, they sent a written response in which they explained that,

> The Ministry of Foreign Affairs can inform you that the ministry legalized divorce documents from recognized faith communities, including Islamic faith communities, until the beginning of 2022. After a revision of the internal guidelines for legalization, the ministry became aware that recognized faith societies cannot issue valid divorce and separation

3 Khani has read and approved my presentation of him and the Imam Ali Mosque's Islamic divorce practice without suggestions for revisions.

4 Homepage of The Iranian Embassy in Copenhagen: https://denmark.mfa.gov.ir/portal/viewpage/11575 (accessed 29 November 2023). The Islamic divorces in my sample are signed by one of five different imams.

5 See Note 4.

> documents and that it is only the Agency of Family Law that can issue these documents. Because of this, the ministry stopped legalizing divorce documents from recognized faith societies.

The protocol of legalizations between 2017 and 2022 contains eight Islamic divorce documents: five from the Imam Ali Mosque and three from the Islamic Faith Society. These are cases in which couples have only entered into (and later dissolved) a nikah-only contract. In addition to this, the Ministry of Foreign Affairs has legalized an unknown number of Islamic divorce documents together with civil divorce documents from the Agency of Family Law. However, as these legalizations are bundled and registered in the protocol under the category of the Agency of Family Law, and because the ministry does not archive legalized documents, it is impossible to determine the number of Islamic divorce documents that have been legalized under this procedure.[6]

The cessation in legalizing Islamic divorce documents from recognized faith societies has made it even more difficult for women to obtain a valid divorce abroad – not just for Iranian women. This administrative change, in addition to the death of Golpaygani in 2022, has forced the Imam Ali Mosque and the Iranian Embassy to amend their procedures, but the Islamic divorce track is still open, although it is now much more bureaucratic than in the past.

The Imam Ali Mosque keeps an archive of the Islamic divorces it issues based on Danish civil divorce with the purpose of registration under foreign law (mainly Iranian). Files in this archive typically contain copies of the nikah contract, identification documents, Danish civil divorce documents, an Islamic divorce document issued by the Imam Ali Mosque, legal documents on the divorce from Iran, and a receipt for the payment of the fee that the Imam Ali Mosque charges (historically between 134–241 EUR, depending on the year the divorce was issued). In a sample of 146 Islamic divorces from the Imam Ali Mosque's archive at least one of the spouses was Iranian in 133 cases.[7] In the remaining 13 cases at least one of the spouses was Syrian,

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6 I have confirmed this with the Ministry of Foreign Affairs.

7 The Imam Ali Mosque gave me access to their archive of Islamic divorces by lending me an office and bringing me the ring binders. In August 2021, I spent ten hours going through five overflowing ring binders, building a (GDPR-compliant) database in Excel, and from time to time I would inquire with the staff about procedures and ask questions in relation to the documents. This means that my sample consist of five random ring binders from the archive, which I have analyzed to understand the Imam Ali Mosque's practice. The Islamic divorces in the sample (n = 146) range from 2001 to 2021, the vast majority of them (n = 105) being from 2006, 2010, 2014, 2017, 2018, 2021 (n > 7). The staff also let me know that also the Ministry of Ecclesiastical Affairs had inspected the mosque's divorce archive.

Iraqi, Lebanese, Afghani, or Kuwaiti. Only 3 of the 146 cases have been submitted to a marja's office (*al-ṭalāq al-ġiyābī*); in 52 cases the man's signing of divorce papers in the Agency of Family Law is taken as his Islamic divorcing his wife (*al-ṭalāq al-rağaʿī*);[8] 89 constitute negotiated divorces (45 khula and 44 *ṭalāq al-mubārat*), and in the remaining two cases the divorce document is missing. On average, women obtain their Islamic divorce in the Imam Ali Mosque 3.1 years after their civil divorce, with 38 cases being resolved the same year and 15 the following year (n = 106).[9] That is, approximately 50 percent of cases are taken directly from the Agency of Family Law to the Imam Ali Mosque.

Khani explains that some case officers in the Agency of Family Law are aware of their practice and send couples to them. He has even received phone calls on the mosque's official telephone number from the Agency of Family Law wherein officers have informed the Imam Ali Mosque that they have just sent a couple to them. This practice mirrors the conversations I have had with case officers in the Agency of Family Law (see Chapter 2). In fact, such practices became so normalized and untabooed that in June 2023 the Agency of Family Law wrote one such practice of referring to the Mariam Mosque into their action cards, although this was removed when Zetland media published a story on it in September 2024 (Mencke & Sabah, 2024a).[10] Khani adds that on a few occasions he has also received phone calls from employees in the Agency of Family Law who either want his help in understanding a complex case in which he has been involved or want to use his knowledge about legal systems abroad.[11]

Echoing most informants in this book, Khani states that it is important that there are no unresolved issues when couples divorce. An Islamic divorce case must be finally final, and it must end with a social situation in which both spouses can move on with their lives. Some of these agreements are documented in the archive. In one case a woman dismisses a case for child support

8 In all of these cases, the waiting period (*al-ʿidda*) had passed, and therefore they constitute final divorces. Four of the 52 cases are categorized as final (*al-ṭalāq al-bāy'in*).

9 The year of divorce is not stated on 38 divorce certificates, and in two cases the divorce documents were missing. Therefore, the statistic is based on just 106 cases.

10 The two journalists on Zetland, Mathias Mencke and Mahamad-Bakher Sabah, have provided me with the documentation for this practice.

11 I have not been able to confirm this with the Agency of Family Law but when I inquired with the case officers, they told me that Islamic law is often a point of great confusion and due to the limited resources available and lack of clear guidelines, they must often resort to using google to understand their cases. These informants also explained that they have a country database but added that its content is often insufficient to evaluate cases. Furthermore, I have myself received phone calls from case officers in the Agency of Family Law regarding, for example, temporary marriage (*mutʿa*), which is a Shia practice.

in the Lebanese courts to get her husband's signature, in another a husband promises to pay all the expenses in relation to the couple's child (not just child support) for the first year after the divorce, and in yet other cases men either pay or pledge to pay a promised dower or debt to women, the amounts ranging from 200 to 14,000 EUR; in one case a woman waives her dower in exchange for full custody of the children. Agreements typically end with a statement that there are no further outstanding matters.

3 Shia Islamic Divorce in the Field of Absence

While the above cases (types A and B) are all regulated in a presence, type C cases (nikah-only) are regulated by the dynamics of the Islamic juridical vacuum (absence). That is, the rules of posing as a qadi, explained in Chapter 2 and 5, apply.

Cases that fall into the absence category (outside presence) in the Imam Ali Mosque are treated much the same way as other cases in the Islamic juridical vacuum. Khani, who deals almost exclusively with nikah-only cases, got his first case in 2017, and when I interviewed him in 2021, he estimated that he had 15 to 20 cases a year. He explains that nikah-only cases are almost always messy and hard to resolve. Often the nikah contract is missing – either because the family will not provide it, or because the nikah has been entered into as an oral performance – and one must work on convincing the husband to divorce.

Khani describes absence cases as quite volatile, but he also adds that there are sometimes short periods of time when the husband is fed up with the situation and open to divorce. In such situations one must be quick to obtain an Islamic divorce decree from the husband, which cannot be retracted. Husbands often change their mind again later, but if they have signed the divorce while disgruntled, they cannot turn back. As this example demonstrates, Khani – like so many other Islamic authorities – is often creative in his approach, drawing on a variety of techniques that he applies to secure women their divorce, including putting pressure on husbands. He provided the example of a man who refused to divorce his wife Islamically. When Khani pushed him with religious arguments, he retorted, "I do not care about your judgement day." After this, Khani uploaded a picture of the man on social media with a snippet of the story and the request that people must tell the man in the photo to contact Khani regarding an Islamic divorce. This public shaming had the intended result; the man contacted Khani and consented to Islamic divorce.

Divorce documents based on nikah-only marriage are one page in length, filled out with date, type of divorce, name of imam, identity of the spouses, names of two witnesses, and ending with a line stating in English, "We legalize

divorce and signatures" (sic), under which the imam signs. Some Islamic divorce documents include an agreement, stated in handwriting at the bottom of the page, on dower, maintenance, who moves out of the marital home and when, access to children, and so on.

Occasionally, Khani also assists men in divorce conflicts. He gives the example of a man who owed his ex-wife 10,000 EUR in deferred dower, which he had agreed to pay in installments. However, her brothers were unhappy with the size of the installments, demanded a one-time payment of the whole dower, and began stalking him to put him under pressure. They texted him and repeatedly approached him in public places to intimidate him, always giving him a mild beating in the form of slaps or punches. Khani called the father of the man's ex-wife, thus circumventing her brothers, and made a deal: the young man, who was a student at the time, would pay all his savings of 3,330 EUR in one lump sum, and then his ex-wife would remit the rest of the debt. Furthermore, members of the family would not be allowed to contact the man after this finalization of the divorce, meaning that he could move on with his life – thus demonstrating the kind of problems men can get into in relation to Islamic divorce cases. This type of case is underrepresented in research due to sampling strategies often focusing on women's problems. Admittedly, that is also the bias in this book, but it is something that is important to be aware of in future research.

Khani has received threats from angry men and their families, but he does not report them to the police, and once some time has passed and nothing has happened, he often arrives at the conclusion that maybe it was not so serious after all. Interestingly, he does not experience the cascade effect in a similar way to Sunni Muslim leaders, no doubt due to the size of the Shia Muslim community in Denmark and the presence of other Shia institutions in the vacuum. Yet Khani is a popular imam beyond the Shia Muslim community, so he continuously receives requests for Islamic divorce from Sunni Muslims, but as a Shia imam he will not get involved in such cases.

4 Transnational Presence

Types A and B divorce issued under the rules of presence in the Imam Ali Mosque are generally accepted as valid because they are backed by the marja institution. To oppose such a decision would socially be construed as opposing Islam; however, type C cases are located in the vacuum as the marja institution does not adjudicate them.

In relation to the emergence of the presence of Islamic legal institutions in Denmark, it is important to note that the marja institution predates Muslim migration to Denmark, and consequently has a history beyond the two decades that I have investigated. This means that beyond implementing the marja institution in Denmark, this presence is not – unlike the IDC – a result of careful planning; except for cases that can be dealt with by the marja institution, Shia Muslims are in much in the same situation as Sunni Muslims, and imams typically navigate such cases in similar ways – with the exception of the cascade effect, which is minor due to the smaller size of the Shia Muslim community.

Like their Sunni counterparts, imams in the Imam Ali Mosque have attempted to solve the problems in the vacuum by working pre-emptively, recommending, for example, that couples who enter into a nikah in the mosque also delegate the power to terminate it to an imam in the mosque.[12] This is an approach that is similar but also different to Sunni approaches described in previous chapters where the right to terminate a nikah is delegated to the wife (talaq al-tafwid). However, Khani explains that many Muslims refuse to talk about such amendments, mainly, he believes, because they do not want to send the wrong signals when entering into a nikah.

Finally, this chapter has presented yet another two examples of how parallel legal practices are or have been integrated in the Danish welfare state: first, in the form of the Agency of Family Law, which in June 2023 formally integrated their work routine of referring Islamic divorce cases to imams into their action cards; second, in the form of the Danish Ministry of Foreign Affairs' practice of legalizing Islamic divorce documents issued in acknowledged faith communities in Denmark. The latter example also demonstrates the blindness of the central administration, discussed in Chapter 2, by highlighting that the ministry had conflated Danish civil divorce with Islamic divorce, believing that the latter had validity under Danish law.

12 *Tawkīl.*

Conclusion

Following Jacques Derrida's (1981/2021, p. 6) position on prefaces, I believe that a conclusion should be part of the text contained in a book, not an external text that can be understood independently of the book. I see the conclusion as an opportunity to present the theory of the Islamic juridical vacuum in condensed form, utilizing the terminology developed in previous chapters. This is something I could not have done until this point.

Barney G. Glaser and Anselm L. Strauss remind their readers that "the published word is not the final one, but only a pause in the never-ending process of generating theory" (Glaser & Strauss, 2017, p. 40). Following my pointing out in Chapter 1 that sharia studies do not currently have a theory, I present the notion of the Islamic juridical vacuum as a grounded theory that may be further developed, and also applied beyond Islamic studies in other fields that are structured by absence. The condensed theory only contains statements that may be considered generally true of vacuums, and it is therefore easy to derive testable predictions from the discussion below. I believe this is the right way of presenting my findings as it introduces a level of accountability. If my grounded theory makes erroneous predictions, the vacuum theory is wrong; however, as I am conservative in my claims and because I have been rigorous in my attempts to falsify the theory, I believe that it merely needs further development in some areas. A particular area that needs urgent attention is that of male perspectives and experiences of coercion, and further studies of female Islamic authorities are likewise needed (see Chapter 4).

I also add two arguments that are absent in previous chapters: first, on the textual grounding of Islamic divorce practices; and second, that the Islamic juridical vacuum may be detected in media databases, which means that researchers may quickly assess whether the vacuum described in this study also exists in their region.

1 The Vacuum Theory in Condensed Form

The Islamic juridical vacuum is generated by demand in a field of absence. Women, desperate to get out of Islamized coercive and honor-motivated control, and Islamized post-separation violence, approach Muslim leaders to request Islamic divorce. Marital breakdown is not "translated" into fiqh terminology until the late stages of conflict where it may become saturated in Islamic semiotic resources.

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If a Muslim leader accepts his being framed as a qadi, he will generate a presence, and once this presence is rumored, a cascade effect puts him on a trajectory towards institutionalization. Yet the dynamics of control and violence in this pattern pose a security risk for qadis, because their Islamic juridical performance will be seen as an intervention in a conflict, and the party that is intervened against may threaten or assault the qadi in response. Together, the cascade effect and security risks cause trajectories of institutionalization to be interrupted because of resource depletion and/or threats of violence (or actual violence), meaning that presences in the vacuum are temporary as Muslim leaders oscillate between absence and presence.

It is important to note the selection mechanism governing who typically become a qadi in the vacuum. Women approach Muslim leaders whom they believe will be able to help them, and those who respond by providing such assistance are selected and put on the trajectory towards institutionalization. This means that people without formal training, let alone in fiqh, may become qadis in the Islamic juridical vacuum, and the site of adjudication may be a private apartment just as well as a mosque.

The selection mechanism does not lead to a field dominated by helpful (and oscillating) Muslim leaders; rather, Muslim leaders who tend to side with husbands and families against the women thrive in the vacuum, as doing so does not lead to security issues. In other words, their actions do not generate a presence and, therefore, they do not oscillate. In other words, the vacuum situation incentivizes Muslim leaders to side with the strongest party (usually the husband and family against the woman) as this avoids both the cascade effect and security issues.

The welfare state plays an important role in the generation of the Islamic juridical vacuum as, women, looking for help, often approach social workers, who have no relevant courses of action due to negative politics. Some social workers, therefore, engage in unauthorized practices, such as requesting the assistance of Muslim leaders and sometimes even putting pressure on them to take on the role of qadi themselves. It is women's navigating the Islamic juridical vacuum that both generates demand and confirms the validity of parallel legal practices, because one cannot tactically navigate a social field without confirming the rules of the field (Certeau, 2011; Scott, 1990). These unauthorized practices are often well-known below the epistemic ceiling, but either they are unknown or knowledge about them is suppressed above it. Nevertheless, in practice, so-called "parallel" legal practices are not parallel below the ceiling; rather, sharia practices constitute an integrated part of how the welfare state operates. In short, above the ceiling sharia practices are conceptualized as parallel, even if they are in fact an integrated part of the welfare state below the ceiling.

The concept of absence or a vacuum is foreign to the epistemic community of presence, which instead assumes that the field is dominated by presences. This means that above the epistemic ceiling people believe that Muslim leaders (often narrowed down to imams) have jurisdiction; that is, they believe that Muslim leaders invest a significant quantity of resources so that they can preside over Islamic divorce cases. This imposes a systemic blindness on journalists, debaters, politicians, and most civil servants in the central administration of both municipalities and the welfare state (e.g. ministries and the top management of institutions such as the Danish police and the Agency of Family Law).

The systematic blindness has significant consequences because absence-related problems below the ceiling are continuously addressed as presence-related problems above it, and, therefore, policies designed to counter parallel legal practices have little to no effect. In practice, the epistemic community of presence often confuses notions of how the world is with how they believe the world ought to be – for example, that there ought to be a monopoly on family law in Denmark; however, this is merely a claimed or assumed monopoly. As this book and similar studies have demonstrated, the monopoly is imperfect and faces serious challenges. In practice, there is no freedom of divorce for a segment of Muslim women in Denmark, no matter what the Danish law says.

Parallel family law is demand driven, and, therefore, markedly different from parallel penal law which constitutes an imposed jurisdiction. When a leader of a social entity (e.g. a gang or a clan) contacts a victim in a criminal case to negotiate a solution without the involvement of the police, this is a parallel legal process that is imposed on the victim. Analyzed with the terminology developed in this book, this entity constitutes a presence imposing its jurisdiction, whereas the woman requesting Islamic divorce from a Muslim leader constitutes a search for presence in a field of absence.

There are significant differences between demand-driven and jurisdiction-driven parallel legal practices, because while the latter may be enforced by the entity that passes the verdict, such powerful enforcement mechanisms seldom exist in the former. Rather, rulings leading to presence are deferred and often unstable, and rulings may even oscillate between valid and invalid depending on how the post-ruling situation evolves. Similarly, rulings may be seen as valid in some social circles but invalid in others (and oscillate in both). This changes once the field transitions into a presence, as happened in Britain from the 1980s, but as I briefly point out in the following, despite significant institutionalization of parallel legal practices, Britain does not yet comprise a perfect state of presence.

Presence is not absolute. Therefore, perhaps I should have written "presence" throughout the previous chapters rather than presence; similarly,

I probably should have written "parallel" legal practices as these practices are in fact integrated into the welfare state, not parallel. I refrained from doing so as it would have introduced complexity at too early a stage with little benefit. However, there is no perfect presence, not even in Britain; likewise, there are no perfect absences or actual vacuums as these contain oscillating presences. Therefore, absence should also be "absence".

The transition from "absence" to "presence" transfers judicial power from husbands and families to "parallel" legal institutions. This is what generates both the cascade effect and security issues: women wanting to break free of control (cascade) and husbands and families enforcing control (security). In conditions of "absence", the strongest person in the room decides what sharia says, but when there is a planned "presence", qadis decide, and, unlike in a field of "absence", these qadis are typically selected by Islamic institutions because of their religious educational credentials, not by women wanting Islamic divorce. In a field of "presence" Muslim leaders and Islamic divorce councils cannot do more than pose as "presences"; observable reductions in deferral attests to their success, while their unstable (legal) performativity, as Bowen frames it, attests to their failures (Bowen, 2016, pp. 88–102). In other words, the field of "presence" is not characterized by perfect "parallel" legal practices; rather, it is one in which a third significant actor has entered the scene (the qadi), in addition to the husband and the family, and in Britain this third actor has become powerful enough to make effective interventions.

The high degree of institutionalization of the Islamic Sharia Council (ISC), established in 1982, can be discerned from its warning against fake councils utilizing their name.[1] In 2016, the ISC registered its logo as a trademark with the Intellectual Property Office,[2] meaning that it can take legal action against fraudulent use, but in 2024 the fraudulent use seemed to be so out of control that its webpage began to warn against "hundreds of fake sharia councils"[3] mushrooming in the United Kingdom. Such degrees of institutionalization are non-existent in mainland Europe, but as I have demonstrated in this book, a field of "presence" is emerging in Denmark, and in at least some other European countries. The Islamic Divorce Council, described in Chapter 8, has not yet even been publicly announced, and public awareness is an important characteristic of institutions.

Finally, it is important to underline that the theory of the Islamic juridical vacuum does not predict that Islamic divorce councils will necessarily emerge

1 The Islamic Sharia Council (2024): *Fake Councils & Bad Practice*. https://www.islamic-sharia.org/new-page (accessed 14 October 2024).
2 Trademark number: UK00003202991.
3 See note 1.

and stabilize as institutions, although this is a possible outcome. The demand for "parallel" legal institutions may be curbed by positive politics or other variables, which means only a slight vacuum is generated, insufficient to create "parallel" legal institutions.

2 Khidir

It is a conception among some Muslim leaders in Denmark that one must send three letters to a husband before issuing an Islamic divorce without his consent, so that he is provided with an opportunity to protest and/or enter into talks about reconciliation. This practice has been adopted from Britain where it is normative (Bowen, 2016); informants would often be explicit in their reference to British Islamic divorce councils' procedures, adding that: this is how things are done in Islam.

The tradition of sending three letters is a late invention (Hobsbawm & Trevor-Roper, 2012). It emerged in Britain around the time when Islamic divorce councils began to appear in the 1970s and 1980s, and it is grounded in the Quranic story of Moses' meeting with a stranger, traditionally understood to be Khidir (18:65–82). Moses journeys with Khidir to learn from him, but Khidir has stipulated that Moses is not to ask about anything before Khidir himself mentions it. When Moses breaks this stipulation the first and second times, Khidir forgives him, but the third time Khidir states that their paths must part.

When John R. Bowen asked one of the founders of the ISC, Suhaib Hassan, about the council's early efforts to standardize procedures, Hassan explained the process:

> **Suhaib:** I drafted the procedures, and I did not have any models. So I wrote the models for letters that we send husbands, and we still are using them thirty years later! But we should really revisit them …
> **JRB:** How did you decide to send out letters?
> **Suhaib:** I had no models. Shariʿa says to give three chances, as in the story of Moses and Khidir, in Sura al-Kahf, where Moses tells him not to speak, and he does, and then again, and then after the third time, Moses says, "That's over and we will go separate ways." Only later did I see that British courts also send three letters. Also, later on I saw books of the cases the Prophet decided. … We added procedures from time to time. For example, we added *talāq tafwīz* [delegated divorce] as another form of divorce. (Bowen, 2016, p. 81)

When Bowen later inquired with a local imam (Shahid), representing the Birmingham branch of the Muslim Law (Sharia) Council, he "gave the same reason for three letters as did Suhaib, from the Islamic tradition of giving three chances, as shown in the story of Musa and Khidir" (Bowen, 2016, p. 86). However, as noted above, this tradition has not only spread within Britain; the Islamic Divorce Council described in Chapter 8 adopted this practice from Britain, and in Chapter 3 I described how the imam Haitham evaluated an Islamic divorce as void due to the absence of three warning letters.

When I inquired of Haitham whether he knew "the background for sending three letters as they do in Britain", he answered "No", adding, "I have just noted that it made sense." He then explained that it did not really matter to him how it was textually grounded because it was more important to him that divorces were conducted in an orderly manner that takes the rights and well-being of both parties into consideration. When I stated that the rule was grounded in the story about Khidir, Haitham immediately grasped the textual foundation. This merely became a fun fact in our conversation, not a topic for deeper contemplation on the textual grounding of Islamic divorce practices.

My reason for emphasizing the grounding of this particular sequence of the Islamic divorce procedure is that it highlights how Islamic divorce rules may not merely be produced *in* context, as is commonly assumed: a process in which Islamic scholars analyze a situation and derive the appropriate rules from texts after deliberation with each other. Such processes do exist in the form of fatwas but, as demonstrated in previous chapters, these seldom have significant influence on actual practices. Therefore, I suggest that Islamic divorce practices may also (or maybe even primarily) be produced *by* context: a process whereby Muslim leaders respond to situations in ways they find appropriate, utilizing the semiotic resources they have at hand. This fits with how many of my informants improvise rules and procedures in response to situations, and how such improvisations often function as templates for future action (cf. Bowen, 2016, p. 81ff.; Petersen, 2022, pp. 167–72).

Muslim leaders are often both creative and practical when solving specific problems by improvising with Islamic rules and procedures. As Bowen writes, "The widely practiced rule that one year's separation constitutes grounds for divorce is only indirectly grounded in fiqh, according to the Qadi, Atif, at Islamic Sharia Council in Leyton." He then quotes Atif's saying,

> Well, the scholars said yesterday that many jurists had different views about this: some said sixty years, some ten, some five, some one, and they took the easiest number. Those jurists' rulings had to do with the cases

> where the husband had disappeared, but the scholars now apply it to the length of separation. (Bowen, 2016, p. 84)

Again, qadis use the Islamic semiotic resources at hand to improvise Islamic rules and procedures. This points to something important: it is commonly assumed that "The force of law is the force of custom" (Caputo, 2018, p. 203), but the origin of a custom may not have the long history that people assume; after all, "We credit the law with authority, like money without a gold or silver standard to back it up" (Caputo, 2018, p. 204). In other words, even if this ad hoc improvisation of Islamic rules and procedures became publicly known (neither Suhaib nor Atif seem concerned with keeping it a secret), it is unlikely to do any harm to the legitimacy of Islamic divorce processes, because they do not derive their legitimacy from scriptural sources. Rather, Islamic rules (sharia) derives their legitimacy from being viewed as Islamic in a process of semiosis whereby certain meanings become authorized as Islamic by the religious authorities who influence social consensus. "The *origin* of the law might be just that, that someone seizes the moment and asserts authority and others fall in line", and if successful, such action will become a template for future action (Caputo, 2018, pp. 203–204). I suggest that this constitutes an accurate description of how many Islamic divorce rules and procedures emerge.

3 Hidden in Plain Sight

With inspiration from Aaron Hughes (2025), in the following I argue that the Islamic juridical vacuum has been hidden in plain sight for more than 30 years. Women have told their stories and journalists have repeatedly described "parallel" legal processes, albeit typically conceptualized above the epistemic ceiling. The main point with identifying concepts from this book in old media stories is to argue that if such stories exist in other European countries, then this is a strong indication that Islamic juridical vacuums also exist in these countries. In other words, this is a good starting point if one wants to test whether an Islamic juridical vacuum exists in a specific country without spending more than an afternoon searching through a digital media database.

In 1992, the newspaper *Ekstra Bladet* interviewed a convert to Islam who described that she was the second wife of a Syrian Muslim man:

> Half a year ago, Margit's life was changed. Her husband Ahmad began talking about getting a second wife. Initially Margit believed he was joking. … Ahmad travelled to Cypres to be introduced to an Arab woman

> while Margit was nervous at home in Odense. When Ahmad returned, he had married Groud from Lebanon – both an Islamic and civil marriage. "It was a bit strange. I did not really believe it until I saw the marriage certificate and pictures of the bride and groom. It was disgusting. I got a big lump in my stomach and I asked him if he wanted to divorce me then, but he did not." (Ekstra Bladet, 1992)

The story follows the pattern described by Amina, Nabila, and others in Chapter 4. Ahmad moved in with his new wife, and Margit tried to make the polygamous nikah work. As she explained to the journalist,

> It took four months before I got my act together. The day it finally happened, I was so nervous that it took me almost half an hour to get up the stairs to their apartment. But it actually went OK. We have not become best friends, but we have learned to accept each other.

The journalist concludes, "Ahmad does what he can to please both his wives. Every other day he is with Margit, but only until bedtime, because Groud does not like sleeping alone." Although the narrative is a bit vague in some parts, it seems safe to say that beyond the Islamic polygamy described in the quotations above, it at least includes nikah captivity, Islamized coercive control, weaponized talaq, and the kidnapping of one of Margit's children to Syria. In other words, it references a range of the phenomena investigated in this book. Although Margit's story is a rare phenomenon in Danish media in the 1990s, it demonstrates that the topic of this book has been described by women themselves for more than 30 years.

When Islam, Muslims, and integration became important political topics in the run-up to the 2001 parliamentary elections, Danish media began to take a greater interest in the problems described in this book. I have documented this in previous chapters by frequently pointing out that journalists have also described "parallel" legal practices. A few examples that are all more than twenty years old underline my point. In 2004, the newspaper *BT* pointed out that weaponized talaq is a problem: "Muslim women in Denmark are forced to hand over everything – also child support – to their husband if they want to become Islamically divorced" (Krog, 2004), and in 2001 *BT* interviewed a woman who had experienced Islamized post-separation violence and who told the journalist,

> He continued to seek me out even though we were divorced. As a Muslim, he does not recognize that the marriage is over because it has not been

> dissolved in the Islamic way. I still got beaten up when he showed up [at my door]. (Nederland, 2001)

Danish police have also noticed the phenomenon of nikah captivity.

> Detective Inspector Hermann Overgaard from Odense has also heard that Danish girls can have difficulty getting out of their Muslim marriages: "We hear from alternative sources when we investigate other cases that Danish girls have problems. It might involve violence. But as soon as we tell them that they have no obligation to speak out, we often get no explanation. I do not understand the Danish girls." (Østlund, 2002)

However, as a specialist at Aarhus Municipality explains, "The girls' problem is that they do not understand that that are not legally married. They do not understand that they can just leave" (Østlund, 2002). While the latter comment may illustrate that we have come a long way in our understanding of nikah captivity, it is also important to note that information campaigns are still the main political strategy to address it (see Chapter 6): that is, informing women that they can just leave.

There is an abundance of stories like these in the Danish media, and if similar stories have been reported in other countries, they are a strong indication that Islamic juridical vacuums exist there as well. In other words, an ethnographic study – following the methodology I have laid out – should be able to identify oscillating "presences" and, depending on the size of the demand, may also identify Islamic divorce councils, either as temporary "presences" or as stabilized institutions similar to those I have found in Denmark, Mahmoud Jaraba (2019, pp. 92–93) has found in Germany, and Mulki Al-Sharmani, Sanna Mustasaari, and Abdirashid A. Ismail (2017, pp. 276–281) have found in Finland.

Epilogue

I have argued that despite more than 20 years of intense political debate, no meaningful action has been taken to address nikah captivity or related problems in Denmark. This means that many debates from 20 years ago are almost exactly the same today. Little to no progress has been made. In the following I provide two examples that demonstrate how progress is hindered by the epistemic ceiling. These are typical cases following a general pattern: politicians address problems as they are conceptualized above the ceiling, which has little to no effect on the situation below it.

In 2004, a pioneer in the study of Islamic divorce practices in Denmark, Rubya Mehdi, wrote an opinion piece in which she explained that "the problem is that some Muslim women do not have the experience that they are divorced until it is recognized in their own Islamic community", adding that "the employees in the public administration often find it difficult to deal with these complex cases, where the parties follow Islamic rules and customs" (Mehdi, 2004). In other words, Mehdi described nikah captivity and the social workers' dilemma and, furthermore, how imams cannot help these women.

Our research-based knowledge has accumulated significantly since 2004, but it is interesting to note that some of the conclusions reached by Mehdi have stood the test of time. Similarly, many of the discussions on how to address the problems related to nikah captivity began in the early 21st century but, so far, no meaningful political action has been taken. In 2004, for example, Mehdi suggested the following:

> If the religious marriage ceremony between Muslims in Denmark is done in accordance with a standard contract, the Danish government should demand that the husband includes a declaration about his wife's having the same right to divorce as he has. (Mehdi, 2004)

Mehdi's suggestion of making it compulsory to insert a woman's right to divorce (talaq al-tafwid) in nikah contracts was not adopted. However, politicians have repeatedly revisited the idea during the last two decades, and it was even discussed at the time of my writing this epilogue. In spring 2024, Danmarksdemokraterne (right-wing populist party) put forward this proposal,[1] and, similarly, it was debated during a consultation session with

1 See point 4 in: Danmarksdemokraterne (2024): *Danmarksdemokraterne vil tage et opgør med negativ social kontrol i islamiske miljøer*. https://danmarksdemokraterne.dk/forside/wp-content/uploads/2024/03/Sociale_kontrol_V7_low-kopi.pdf (accessed 3 October 2024).

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the Minister of Justice and the Minister of Immigration and Integration on 17 September 2024.[2] Since 2019, I have been asked several times by civil servants and members of parliament to comment on this proposal. As recently as September 2024, just two months prior to submission of the manuscript for this book, I was asked to comment on the proposal during a meeting in parliament (not the consultation session just mentioned). In my counseling I always point out that such rules will also apply to other religious groups such as Jews and Catholics, and – as these traditions (in their current form) do not allow a practice similar to talaq al-tafwid – Jewish and Catholic marriage may be rendered illegal by such a law. This has persistently led to such proposals being dropped, at least for a while, until they are proposed again.

This example is emblematic of how the Danish parliament over the past two decades has been continuously engaged in political discussions surrounding "parallel" legal practices without taking meaningful action. During the consultation session mentioned above, members of parliament also suggested a ban on nikah and on Islamic divorce councils – both of which will apply to Jews, Catholics, and others, and which will therefore be dropped once the civil servants have explained the consequences. However, all of these ideas will be suggested again at some point in the near future because the political debate on "parallel" legal practices is circular – at least it has been for two decades (Vinding & Petersen, 2020, pp. 189–209).

Something similar can be observed in the debate on Islamic polygamy. As described in my discussion of Margit's case in the Conclusion, Islamic polygamy is not a new phenomenon in Denmark. In 2007, imam Abdul Wahid Pedersen caused controversy by stating that he believed having an affair was worse than Islamic polygamy because polygamy was consensual, unlike affairs (Ritzau, 2007). This immediately sparked controversy, and politicians soon began to voice their opinions:

> The Minister of Social Affairs and Gender Equality, Eva Kjer Hansen (V), is considering taking action against polygamy. She does this because some Muslim men live with multiple wives. They circumvent the Danish rules by letting an imam without marriage license perform "marriage" number two. "Polygamy is prohibited in Denmark, and if there is an opportunity to document that there is a circumvention of it, we should address it", she says and at the same time acknowledges that this can be very difficult. (Ritzau, 2007)

2 Retsudvalget (2024) "Åbent Samråd om parallelle retssystemer i danske ghettoer". https://www.ft.dk/aktuelt/webtv/video/20231/reu/td.2062219.aspx (accessed 3 October 2024).

In this quotation Hansen first demonstrates knowledge about the difference between nikah and civil marriage, but then she moves on to conflate the two in her statement about Islamic polygamy being illegal. However, the penal law §208 only prohibits civil marriage polygamy, not Islamic polygamy; therefore, Islamic polygamy is not illegal in Denmark. When members of parliament inquired, civil servants also conflated civil marriage and nikah and stated that Islamic polygamy was illegal with reference to the penal law § 208.[3] This is yet another example of how the Danish legal system has not developed its own internal description of "parallel" legal practices, and therefore, it struggles to conceptualize "parallel" legal practices.

Stories about Islamic polygamy are a reoccurring phenomenon in Danish media, and in 2009, a report documented that Islamic polygamy is more widespread than previously believed (Magaard, 2009), and the scene from 2007 repeated itself. As the newspaper *BT*, for example, reported,

> The politicians are furious. The Minister of Gender Equality Inger Støjberg (V) calls on imams to clearly distance themselves from polygamy. The Social Democrats demand that mere complicity in polygamy must lead to deportation for foreigners, while the Danish People's Party calls on the Minister of Gender Equality to intervene with legislation. "It must be taken very seriously and combated in every way. You cannot just brush it off and say it is part of Muslim culture," says conservative member of parliament Naser Khader. (Karker, 2009)

The article then adds, "In Denmark, polygamy is punishable by up to three years in prison. If the other party was unaware of the polygamy, the penalty is up to six years in prison." Again nikah captivity – a phenomenon below the epistemic ceiling – is conflated with civil marriage. The notion that Islamic polygamy is illegal in Denmark was also repeated multiple times in *The Mosques behind the Veil*, and to the best of my knowledge, no one corrected this in the intense debate that followed its airing. And, in 2018, the debate surfaced again when the newspaper *Berlingske* wrote a series of articles on Islamic legal "parallel" practices (Graversen, 2018c).

These two examples – of polygamy and making a standardized nikah contract that includes a woman's right to divorce – demonstrate a tendency:

3 Ministry for Refugees, Immigration, and Integration (2009): Besvarelse af spørgsmål nr. 134 stillet af Folketingets udvalg til ministeren for flygtninge, indvandrere og integration den 7. maj 2009: https://www.ft.dk/samling/20081/almdel/uui/spm/134/svar/632884/697268/index.htm (accessed 23 February 2024).

Danish politicians have over the years engaged in many intense discussions on Islamic "parallel" legal practices, but they have taken little to no relevant action.

Although considerable legislation has been passed – especially in the aftermath of *The Mosques behind the Veil* (Vinding, 2020, 2023) – most of it is irrelevant to problems below the ceiling, and, therefore, it has little to no effect on the problems that are continuously reported in the Danish media and research. Or, in Mathias Rohe's words, "Parallel justice can only be effectively curbed if its causes are precisely determined, and appropriately adapted countermeasures are created" (Rohe, 2019, p. 6). The political ambitions of providing Muslim women with rights in relation to "parallel" legal practices can be achieved – we have done the necessary research to do so – but no progress will be made until politicians address the problems below the epistemic ceiling.

Bibliography

Abu-Lughod, Lila. 2013. *Do Muslim Women Need Saving?* Cambridge, Massachusetts: Harvard University Press.

Ackfeldt, Anders. 2019. *Islamic Semiotic Resources in US Hip-hop Culture*. Lund: Lund University.

Ackfeldt, Anders. 2024. *Islamic Themes in US Hip-Hop Culture*. Edinburgh: Edinburgh University Press.

Ahmad, Dohra. 2009. "Not yet beyond the Veil: Muslim Women in American Popular Literature." *Social Text* 99.

Ahmed, Farrah, and Ghena Krayem. 2021. *Understanding Sharia Processes: Women's Experiences of Family Disputes*. Oxford: Hart.

Ahmed, Leila. 1993. *Women and Gender in Islam: Historical Roots of a Modern Debate*. New Haven: Yale University Press.

Ahmed, Shahab. 2016. *What is Islam? The Importance of Being Islamic*. Princeton: Princeton University Press.

Al-Sharmani, Mulki, and Sanna Mustasaari. 2020. "Governing Divorce Practices of Somali Finnish Muslims: Does Religious Literacy Matter?" In *The Challenges of Religious Literacy: The Case of Finland*, edited by Tuula Sakaranaho, Timo Aarrevaara and Johanna Konttori. Cham: Springer.

Al-Sharmani, Mulki, Sanna Mustasaari, and Abdirashid A. Ismail. 2017. "Faith-Based Family Dispute Resolution in Finnish Mosques: Unfolding Roles and Evolving Practices." In *Gender and Justice in Family Law Disputes*, edited by Samia Bano. Waltham: Brandeis University Press.

Ali, Yaqoub, and Louise Elly Meyer. 2024. *Mit had: Krigsbarn. Bandebror. Ekstremist. Familefar*. Copenhagen: People's Press.

Alqawasami, Alam Yoused Omar. 2021. "Marriage and Divorce Practices in Islamic Centers in Italy." *Oñati Socio-Legal Series* 11 (4).

Ammerman, Nancy T., ed. 2007. *Everyday Religion: Observing Modern Religious Lives*. Oxford: Oxford University Press.

Anitha, Sundari, and Aisha Gill. 2009. "Coercion, Consent and the Forced Marriage Debate in the UK." *Feminist Legal Studies* 17 (2).

Austin, John Langshaw. 1962/2009. *How to Do Things with Words*. Oxford: Oxford University Press.

Badawi, Zaki. 1995. "Muslim Justice in a Secular State." In *God's Law versus State Law,* edited by Michael King. London: Grey Seal.

Baltsen, Lærke Bøgeholt, Jeppe Ørregaard, and Emil Mortensen. 2024. "Ny alvorlig kritik af Familieretshuset for at sjuske med personoplysninger." DR, 14 August.

Bano, Masooda. 2017. *Female Islamic Education Movements: The Re-Democractisation of Islamic Knowledge*. Cambridge: Cambridge University Press.

Bano, Samia. 2012. *An Exploratory Study of Shariah Councils in England with Respect to Family Law*. Reading: University of Reading.

Bano, Samia. 2013. *Muslim Women and Shariah Councils: Transcending the Boundaries of Community and Law*. London: Palgrave MacMillan.

Barrett, Lisa Feldman. 2017. *How Emotions Are Made: The Secret Life of the Brain*. Boston: Pan Books.

Baudrillard, Jean. 1994/2020. *Simulacra and Simulation*. Ann Arbor: The University of Michigan Press.

Bazeley, Pat, and Kristi Jackson. 2013. *Qualitative Data Analysis with NVivo*. 2nd ed. London: Sage.

Bech-Jessen, Freja. 2015. "Unge kvinder tvinges til mødomstjek." Kristeligt Dagblad, 31 January.

Bell, Catherine. 2009. *Ritual Theory, Ritual Practice*. Oxford: Oxford University Press.

Berger, Maurits S. 2018. "Understanding Sharia in the West." *Journal of Law, Religion, and State* 6 (2–3).

Bernard, H. Russell. 2011. *Research Methods in Anthropology: Qualitative and Quantitative Approaches*. 5th ed. Lanham: AltaMira Press.

Bigum, Christian, Thomas Vibjerg, and Lasse Momme. 2024. "Mange muslimer I Danmark vil ikke acceptere at lade en datter gifte sig med en ikkemuslim." *Jyllands-Posten*, 21 October.

Birk, Christian. 2020a. "Københavnermoské agerer som islamisk domstol: Nu varsler minister opgør." *Berlingske*, 2 February.

Birk, Christian. 2020b. "Ny bog: Offentlig myndighed stadfæster shariakontrakter." *Berlingske*, 30 September.

Birk, Christian. 2020c. "Omstridt imam lavede skilsmissekontrakt, hvor muslimsk kvinde kunne miste børnene." *Berlingske*, 25 September.

Birk, Christian. 2020d. "Skilsmisse med shariakontrakt var kvindes udvej fra ægteskabet." *Berlingske*, 29 September.

Birk, Christian. 2021. "Afmagt får socialarbejdere til at bruge imamer ved skilsmisser." *Berlingske*, 29 September.

Bkhtiar, Laleh. 1996. *Encyclopedia of Islamic Law: A Compendium of the Major Schools*. Chicago: KAZI Publications.

Bonnerup, Erik, Per B. Christensen, Niels Kærgård, Poul Chr Matthiessen, and Jane Torpegaard. 2007. *Værdier og normer – blandt udlændinge og danskere. Ministeriet for flygtninge, indvandrere og integration*. Copenhagen: University of Copenhagen.

Bourdieu, Pierre. 2005. *Outline of a Theory of Practice*. Cambridge: Cambridge University Press.

Bowen, John R. 2012. *A New Anthropology of Islam*. Cambridge: Cambridge University Press.

Bowen, John R. 2016. *On British Islam: Religion, Law, and Everyday Practice in Shariʿa Councils*. Princeton: Princeton University Press.

Bredal, Anja. 2018. "Contesting the Boundaries between Civil and Religious Marriage." *Sociology of Islam* 6 (3).

Brekke, Torkel, Fazal Hadi, and Edin Kozaric. 2022. "The Role of Imams in Family Counselling with Muslim Families in Norway." *Journal of Muslims in Europe* 11 (2).

Brinkman, Svend, and Steinar Kvale. 2015. *InterViews: Learning the Craft of Qualitative Research Interviewing*. 3rd ed. Los Angeles: Sage.

Bulliet, Richard W. 1994. *Islam: The View from the Edge*. New York: Columbia University Press.

Burton, John. 1994. *An Introduction to the Hadith*. Edinburgh: Edinburgh University Press.

Bøe, Marianne Hafnor. 2018. "Halal Dating and Norwegian Youth Culture." *Journal of Muslims in Europe* 7 (3).

Caputo, John D. 1997. *Deconstruction in a Nutshell: A Conversation with Jacques Derrida*. New York: Fordham University Press.

Caputo, John D. 2018: *Hermeneutics: Facts and Interpretation in the Age of Information*. London: Pelican books.

Cederroth, Sven. 1994. "Indonesien och Malaysia: Mission, synkretism och mystic." In *Majoritetens islam: Om muslimer utanför arabvärlden*, edited by Ingvar Svanberg and David Westerlund. Stockholm: Arena.

Certeau, Michel de. 2011. *The Practice of Everyday Life*. 3rd ed. Berkeley: University of California Press.

Cesari, Jocelyne. 2013. *Why the West Fears Islam: An Exploration of Muslims in Liberal Democracies*. New York: Palgrave Macmillan.

Cesari, Jocelyne. 2015. "Securitization of Islam in Europe." In *Muslims in the West after 9/11: Religion, Politics, and Law*, edited by Jocelyne Cesari. London: Routledge.

Chantler, Khatidja, and Melanie McCarry. 2020. "Forced Marriage, Coercive Control, and Conducive Contexts: The Experiences of Women in Scotland." *Violence Against Women* 26 (1).

Charsley, Katharine, and Anika Liversage. 2012. "Transforming Polygamy: Migration, Transnationalism and Multiple Marriages among Muslim Minorities." *Global Networks* 13 (1).

Charsley, Katharine, and Anika Liversage. 2015. "Silenced Husbands: Muslim Marriage Migration and Masculinity." *Men and Masculinities* 18 (4).

Chendid, Mostafa. 2015. *Al-šiqāq bayn al-zawǧain fi al-ġarb: Iskandināfiyā namūḏaǧan*. Copenhagen: The Islamic Moroccan Council in Scandinavia.

Christoffersen, Lisbet. 2016. "Is Shariʿa Law, Religion or a Combination? European Legal Discourses on Shariʿa." In *Shari'a as Discourse: Legal Traditions and the Encounter with Europe*, edited by Jørgen S. Nielsen and Lisbet Christoffersen. Oxon: Routledge.

Clarke, Morgan. 2018. *Islam and Law in Lebanon: Sharia within and without the State*. Cambridge: Cambridge University Press.

Comaroff, John L., and Simon Roberts. 1981. *Rules and Processes: The Cultural Logic of Dispute in an African Context*. Chicago: The University of Chicago Press.

Crossman, Kimberly A., and Jennifer L. Hardesty. 2018. "Placing Coercive Control at the Center: What Are the Processes of Coercive Control and What Makes Control Coercive?" *Psychology of Violence* 8 (2).

Danneskiold-Samsøe, Sofie, Yvonne Mørck, and Bo Wagner Sørensen. 2011. *Familien Betyder Alt – Vold mod Kvinder i Etniske Minoritetsfamilier*. Frederiksberg: Frydenlund.

Derrida, Jacques. 1967/1997. *Of Grammatology*. Translated by Gayatri Chakravorty Spivak. Baltimore: The John Hopkins University Press.

Derrida, Jacques. 1973. "Différance." In *Speech and Phenomena and Other Essays on Husserl's Theory of Signs*. Evanston: Northwestern University Press.

Derrida, Jacques. 1977. *Limited Inc*. Evanston: Northwestern University Press.

Derrida, Jacques. 1981/2021. *Dissemination*. London: Bloomsbury Academic.

DR. 2009. "Politisk flertal kræver stop for jomfruerklæringer." *DR.dk*, 29 September.

DR. 2016. "Kirkeminister vil tage retten til at vie fra rabiate forkyndere." *DR.dk*, 2 March.

Dreyer-Kramshøj, Mille. 2009. "Stop Mødoms-Attesterne." *Sygerplejersken*, 16 October.

Duch, Lise-Lotte, and Ina Jensen. 2018. "Kvinder holdes fanget i religiøse ægteskaber." *Politiken*, 8 March.

ECFR (European Council for Fatwa and Research). 2017. *Ḥukm taṭlīq al-qāḍī ġair al-muslim*. https://www.e-cfr.org/حكم-تطليق-القاضي-غير-المسلم/ (accessed 29 October 2024).

Eijk, Esther van. 2019. "Khulʿ Divorce in the Netherlands: Dutch Muslim Women Seeking Religious Divorce." *Islamic Law and Society* 26 (1–2).

Ekstra Bladet. 1992. "Margit er førstehustru." *Ekstra Bladet*, 27 December.

Engler, Steven. 2014. "Grounded Theory." In *The Routledge Handbook of Research Methods in the Study of Religion*, edited by Michael Stausberg and Steven Engler. London: Routledge.

Eriksen, Eli-Anne Vongraven. 2023. "Muslimske kvinners forhold til islamske kilder og autoritet i Trondheim." *Tidsskrift for Islamforskning* 17 (1).

Ermers, Robert. 2018. *Honor Related Violence: A New Social Psychological Perspective*. London: Routledge.

Festinger, Leon. 1957. *A Theory of Cognitive Dissonance*. Stanford: Stanford University Press.

Fetzer, Joel S., and J. Christopher Soper. 2006. *Muslims and the State in Britain, France, and Germany*. Cambridge: Cambridge University Press.

Fish, Stanley E. 1976. "Interpreting the 'Variorum'." *Critical Inquiry* 2 (3).

Flyvbjerg, Bent. 2006. "Five Misunderstandings About Case-Study Research." *Qualitative Inquiry* 12 (2).

Foucault, Michel. 1988. *The Will to Know: The History of Sexuality: 1*. London: Penguin.

Foucault, Michel. 1994. "Subject and Power." In *Power: Essential Works of Foucault 1954–1984*, edited by James D. Faubion. London: Penguin Books.

Fournier, Pascale, and Pascal McDougall. 2013. "False Jurisdictions? A Revisionist Take on Customary (Religious) Law in Germany." *Texas International Law Journal* 48 (3).

Füchsel, Hanne. 2001a. "Danske piger skal passe på." *Ekstra Bladet*, 22 August.

Füchsel, Hanne. 2001b. "Imam: Stop muslimers skilsmisse-snyd." *Ekstra Bladet*, 29 August.

Gerring, John. 2007. *Case Study Research: Principles and Practices*. Cambridge: Cambridge University Press.

Giddens, Anthony. 1992. *The Transformation of Intimacy: Sexuality, Love & Eroticism in Modern Societies*. Cambridge: Polity.

Gilsenan, Michael. 1982. *Recognizing Islam: Religion and Society in the Modern Middle East*. London: I.B. Tauris.

Glaser, Barney G., and Anselm L. Strauss. 2017. *The Discovery of Grounded Theory: Strategies for Qualitative Research*. London: Routledge.

Górak-Sosnowska, Katarzyna. 2016. "Islamophobia without Muslims? The Case of Poland." Journal of Muslims in Europe 5 (2).

Graversen, Mathilde. 2018a. "Aisha blev sendt på genopdragelsesrejse af sin mand." *Berlingske*, 6 August.

Graversen, Mathilde. 2018b. "Fatima kan ikke blive muslimsk skilt fra den mand, der har slået hende i årtier." *Berlingske*, 29 July.

Graversen, Mathilde. 2018c. "Flerkoneri praktiseres hos et ukendt antal muslimer i Danmark." *Berlingske*, 31 July.

Graversen, Mathilde. 2018d. "'I må ikke tro på imamerne og mændene i de her sager'." *Berlingske*, 28 September.

Graversen, Mathilde. 2018e. "Imam: Når kvinder ikke kan blive muslimsk skilt, er det delvist selvforskyldt." *Berlingske*, 30 July.

Graversen, Mathilde. 2018f. "Jamila ledte efter endnu en kone til manden, så hun slap for at have sex." *Berlingske*, 3 August.

Graversen, Mathilde. 2018g. "Kvinder fastholdes i muslimske ægteskaber." *Berlingske*, 29 July.

Graversen, Mathilde. 2018h. "Nashidas mand tog sig endnu en kone: 'Jeg skulle tage mig af hende som en datter'." *Berlingske*, 31 July.

Gueta, K., and L. Levy Ladell. 2024. "'If He Were a Terrorist, You Would Have Caught Him Already': The Experience of Divorce Denial Among Intimate Partner Violence Survivors." *Violence Against Women* 30 (1).

Hall, David D., ed. 1997. *Lived Religion in America: Toward a History of Practice*. Princeton: Princeton Universty Press.

Hallaq, Wael B. 1997. *A History of Islamic Legal Theories: In Introduction to Sunni Usul al-Fiqh*. Cambridge: Cambridge University Press.

Hallaq, Wael B. 2005. *The Origins and Evolution of Islamic Law*. Cambridge: Cambridge University Press.

Hallaq, Wael B. 2009a. *An Introduction to Islamic Law*. Cambridge: Cambridge University Press.

Hallaq, Wael B. 2009b. *Sharia: Theory, Practice, Transformations*. Cambridge: Cambridge University Press.

Halliday, Michael Alexander Kirkwood. 1978. *Language as Social Semiotic: The Social Interpretation of Language and Meaning*. London: Hodder Arnold.

Hart, H.L.A. 2012/1961. *The Concept of Law*. 3rd ed. Oxford: Oxford University Press.

Heelas, Paul, and Linda Woodhead. 2005. *The Spiritual Revolution: Why Religion is Giving Way to Spirituality*. Malden: Blackwell Publishing.

Heidegger, Martin. 1953/2010. *Being and Time*. Translated by Joan Stambaugh. Albany: State University of New York Press.

Hill, Joseph. 2018. *Wrapping Authority: Women Islamic Leaders in a Sufi Movement in Dakar, Senegal*. Toronto: University of Toronto Press.

Hobsbawm, Eric and Hugh Trevor-Roper, ed. 2012. *The Invention of Tradition*. Cambridge: Cambridge University Press.

Hochschild, Arlie Russell. 1983/2012. *The Managed Heart: Commercialization of Human Feeling*. Berkeley: University of California Press.

Hodge, Robert, and Gunther Kress. 1988. *Social Semiotics*. Cambridge: Polity Press.

Hughes, Aaron. 2025. "Hidden in plain sight." In *The production and Consumption of Non-Muslim Islam*, edited by Anders Ackfeldt and Jesper Petersen. Edinburgh: Edinburgh University Press.

Hviid, Sofie. 2014. *Dobbeltliv: En rapport om baggrunden for og konsekvenserne af at leve et dobbeltliv for unge med æresrelaterede problemer*. Copenhagen: Etnisk Ung.

Inge, Anabel. 2017. *The Making of a Salafi Muslim Woman*. New York: Oxford University Press.

Inglehart, Ronald, and Christian Welzel. 2005. *Modernization, Cultural Change, and Democracy: The Human Development Sequence*. Cambridge: Cambridge University Press.

Jacobsen, Brian Arly. 2011. "Muslims in Denmark: A Critical Evaluation of Estimations." In *Islam in Denmark: The Challenge of Diversity*, edited by Jørgen S. Nielsen. Lanham: Lexington.

Jacobsen, Brian Arly, and Niels Valdemar Vinding. 2020. "Denmark." In *Yearbook of Muslim in Europe*, edited by Oliver Scharbrodt. Leiden: Brill.

Jacobsen, Brian Arly, Niels Valdemar Vinding, Mikele Schultz-Knudsen, and Ida Hartmann. 2025. *Hvidbog om religiøse råd og domstole i Danmark*. Copenhagen: University of Copenhagen.

Jaraba, Mahmoud. 2019. "The Practice of Khulʿ in Germany: Pragmatism versus Conservativism." *Islamic Law and Society* 26 (1–2).

Jaraba, Mahmoud. 2020. "Khulʿ in Action: How Do Local Muslim Communities in Germany Dissolve an Islamic Religious-Only Marriage?" *Journal of Muslim Minority Affairs* 40 (1).

Jaraba, Mahmoud. 2022a. "Problems Relating to Archiving Nikah Documents in Germany's Arab Mosques." *Journal of Muslims in Europe* 11 (3).

Jaraba, Mahmoud. 2022b. "The Social Dynamics of Khul': The Experience of German Muslims." In *Routledge Handbook of Islamic Ritual and Practice*, edited by Oliver Leaman. London: Routledge.

Jeldtoft, Nadia. 2011. "Lived Islam: Religious Identity with 'Non-Organized' Muslim Minorities." *Ethnic and Racial Studies* 34 (7).

Jeldtoft, Nadia. 2016. "The Hypervisibility of Islam." In *Everyday Lived Islam in Europe*, edited by Nathal M. Dessing, Nadia Jeldtoft, Jørgen S. Nielsen, and Linda Woodhead. London: Routledge.

Jenkins, Henry, Sam Ford, and Joshua Green. 2013. *Spreadable Media: Creating Value and Meaning in a Networked Culture*. New York: New York University Press.

Jensen, Pernille Friis. 2022. *Women & Gendered Mosque Organisations: An Examination of Mosques in Denmark as Gendered Organisations and Women's Participation from the Perspective of 'Lived Institutions'*. Copenhagen: University of Copenhagen.

Jepperson, Ronald L. 1991. "Institutions, Institutional Effects, and Institutionalism." In *The New Institutionalism in Organizational Analysis*, edited by Walter W. Powell and Paul J. DiMaggio. Chicago: The University of Chicago Press.

Jepsen, Amalie Thorlund, and Lærke Bøgeholt Baltsen. 2023. "Kvinder på krisecentre har fået afsløret deres ophold til ekspartnere: 'De sættes i potentiel livsfare'." *DR.dk*, 27 June.

Jesuloganathan, Tonsi Mary. 2010. *Hellere gift 30 gange end at leve i et ulykkeligt ægteskab – Et kvalitativt studie af en skilsmisses betydning for førstegeneration somaliske kvinder i Danmark*. MA thesis, Aalborg Universitet.

Jones, Justin. 2020. "Muslim Alternative Dispute Resolution: Tracing the Pathways of Islamic Legal Practice between South Asia and Contemporary Britain." *Journal of Muslim Minority Affairs* 40 (1).

Jorgensen, Tessie Bundgaard. 2023. "Mutʿa as Practised by Danish Shiʿi Women." *Journal of Muslim in Europe* 12 (3).

Jouili, Jeanette S., and Schirin Amir-Moazami. 2006. "Knowledge, Empowerment and Religious Authority Among Pious Muslim Women in France and Germany." *The Muslim World* 96 (4).

Julios, Christina. 2023. "Forced Marriage and 'Honor'-Based Violence in Britain: Issues, Debates, and the Question of Consent." In *Arranged Marriage*, edited by Péter Berta. New Brunswick: Rutgers University Press.

Jørgenssen, Steen A. 2016. "Præster og imamer skal kunne miste ret til at vie folk" *Jyllands-Posten*, 19 May.

Kahneman, Daniel. 2011. *Thinking, Fast and Slow*. London: Penguin.

Kalkan, Hakan. 2021. *Shababs: Gadekultur, gadens økonomi og respekt på Nørrebro*. Copenhagen: Hans Reitzels Forlag.

Karčić, Harun. 2015. "Applying Islamic Norms in Europe: The Example of Bosnian Muslims." *Journal of Muslim Minority Affairs* 35 (2).

Karker, Andreas. 2009. "Sådan lever vi med flerkoneri." *BT*, 20 April.

Karker, Andreas. 2018. *Værdikrigeren: Et portræt af Pernille Vermund*. Copenhagen: Gyldendal.

Khankan, Sherin. 2024. "Sherin Khankan: Islamiske skilsmisser i Danmark – 7 anbefalinger til en løsning." *POV International*, 5 February.

Klapper, Rabbi Aryeh. 2016. "Systemic Misunderstanding between Rabbinical Courts and Civil Courts: The Perspective of an American Rabbinical Court Judge." In *Women's Rights and Religious Law: Domestic and International Perspectives*, edited by Fareda Banda and Lisa Fishbayn Joffe. London: Routledge.

Koçak, Mustafa. 2010. "Islam and National Law in Turkey." In *Sharia Incorporated – a Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*, edited by Jan Michiel Otto. Leiden: Leiden University Press.

Kosiara-Pedersen, Karina. 2020. "The Danish People's Party Centre-Oriented Populists?" In *The Oxford Handbook of Danish Politics*, edited by Peter Munk Christiansen, Jørgen Elklit and Peter Nedergaard. Oxford: Oxford University Press.

Krayem, Ghena, and Leticia Funston. 2023. "Listening to Muslim Women's Lived Expertise Concerning Surviving Family Violence and Seeking Islamic Community Divorce in the Australian Context: A Qualitative Analysis of Muslim Women's, Community/religious Leader's, and professional Responder's Perspectives." *Oxford Journal of Law and Religion* 12 (2).

Krayem, Ghena, and Mehal Krayem. 2021. "Muslim Women's Agency in Australian Domestic Violence Services." In *Muslim Women and Agency: An Australian Context*, edited by Ghena Krayem and Susan Carland. Leiden: Brill.

Krigslund, Niklas. 2009. "Garanti på bruden." *MetroXpress København*, 30 September.

Krog, Thomas Nørmark. 2004. "Imam tryner kvinder, der ønsker skilsmisse." *BT*, 15 November.

Kühle, Lene, and Malik Larsen. 2017. *Moskeer i Danmark II: En ny kortlægning af danske moskéer og muslimske bedesteder*. Aarhus: Aarhus University.

Künkler, Mirjam, and Roja Fazaeli. 2011. "The Life of Two Mujtahidas: Female Religious Authority in Twentieth-Century Iran." In *Women, Leadership, and Mosques: Changes in Contemporary Islamic Authority*, edited by Masooda Bano and Hilay Kalmbach. Leiden: Brill.

Lau, Martin. 2010. "Sharia and National Law in Pakistan." In *Sharia Incorporated – a Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*, edited by Jan Michiel Otto. Leiden: Leiden University Press.

Lazarus, Richard S. 1994. *Emotion and Adaption*. New York: Oxford University Press.

Leahy, Susan, and Kathryn O'Sullivan. 2019. "Unrecognised Muslim Marriage in Ireland: Incidence and Implications." *Journal of Muslim Minority Affairs* 39 (4).

Leeuwen, Theo van. 2005. *Introducing Social Semiotics*. London: Routledge.

Liengaard, Inge. 2008. *'Normalt er islam jo en fælles ting …': Religiøse autoriteter og etableringen af et islamisk felt i Danmark*. Aarhus: Aarhus University.

Lincoln, Bruce. 1994. *Authority: Construction and Corrosion*. Chicago: The University of Chicago Press.

Lind, Peter Lykke, and Sofie Frøkjær. 2017. "Faktatjek: Findes der sharia-domstole i Danmark?" *DR Detektor*, 11 October.

Liversage, Anika. 2018. *Metoder i arbejdet med æresrelaterede konflikter og negativ social kontrol*. Copenhagen: Det Nationale Forsknings- og Analysecenter for Velfærd.

Liversage, Anika. 2021. "Experiencing 'nikah captivity' in the West: Gendered conflicts over ending Muslim marriages." *Journal of Muslim in Europe* 10 (3).

Liversage, A. (fortcoming). *Migration and female agency – landscapes of power and stories of divorce*. (monogpraph).

Liversage, Anika, and Tina Gudrun Jensen. 2011. *Parallelle retsopfattelser i Danmark: Et kvalitativt studie af privatretlige praksisser*: Copenhagen: Det Nationale Forskningscenter for Velfærd.

Liversage, Anika, and Jesper Petersen. 2020. *Etniske minoritetskvinder og skilsmisse – Med fokus på muslimske praksisser*. Copenhagen: Det Nationale Forsknings- og Analysecenter for Velfærd.

Luhmann, Niklas. 2012. *Introduction to Systems Theory*. Cambridge: Polity Press.

Lyngsøe, Maria Lindebæk. 2022. *Engaged Subjects: Danish Muslim Women's Islamic Educational Activities*. Copenhagen: University of Copenhagen.

Macfarlane, Julie. 2012. *Islamic Divorce in North America: A Shari'a Path in a Secular Society*. New York: Oxford University Press.

MacIntyre, Alasdair C. 1981/2014. *After Virtue: A Study in Moral Theory*. London: Bloomsbury Academic.

Magaard, Tine. 2009. *At være muslimsk kvinde i Danmark*. Copenhagen: Maïa Consult.

Manea, Elham. 2016. *Women and Shari'a Law*. London: I.B Tauris.

McGuire, Meredith B. 2002. *Religion: The Social Context*. Fifth ed. Long Grove: Waveland Press, inc.

McGuire, Meredith B. 2008. *Lived Religion: Faith and Practice in Everyday Life*. New York: Oxford University Press.

Mehdi, Rubya. 2004. "Integration: Muslimske kvinders ret til skilsmisse." *Berlingske Tidende*, 1 January.

Mehdi, Rubya. 2005. "Facing the Enigma: *Talaq-e-tafweez* a Need of Muslim Women in Nordic Perspective. *International Journal of Sociology of Law* 33.

Mehdi, Rubya. 2008. "Supernatural Means to Affect the Outcome of Family Disputes in Courts: The Case of Muslim Pakistanis in Denmark." In *Law and Religion in Multicultural Societies*, edited by Rubya Mehdi, Hanne Petersen, Erik Reenberg Sand, and Gordon R. Woodman. Copenhagen: Djøf Publishing.

Mehdi, Rubya. 2012. "Muslim Family Law and Young People in Denmark." In *Äkta makar: Externa skribenters artiklar*. Växjö: Ungdomsstyrelsen.

Melby, Eli Ramsvik, and Anja Bredal. 2019. *Flergifte: Kunnskapsstatus om polygami, migrasjon og kvinners situasjon*. Oslo: Norsk Institutt for Forskning om Oppvekst, Velferd og Aldring.

Mencke, Mathias, and Mahamad-Baker Sabah. 2024a. "Afsnit 3: 'Jeg ville gøre det igen'". *Zetland*, 5 September.

Mencke, Mathias, and Mahamad-Baker Sabah. 2024b. "Afsnit 4: Hemmeligt skilsmisseråd opløser 250 islamiske ægteskaber om året. Vi kom med indenfor". *Zetland*, 6 September.

Mir-Hosseini, Ziba. 1993/2000. *Marriage on Trial: A Study of Islamic Family Law*. London: I.B. Tauris.

Mosbach, Vanja. 2022. *Voices of Muslim Feminists: Navigating Tradition, Authority and the Debate about Islam*. Uppsala: Acta Universitatis Upsaliensis.

Mouazan, Silvana. 2016. "Nydanske kvinder må afgive deres børn for at blive islamisk skilt." *Alt*, 2 March.

Mulvihill, Natasha, Nadia Aghtaie, Andrea Matolcsi, and Marianne Hester. 2022. "UK Victim-Survivor Experiences of Intimate Partner Spiritual Abuse and Religious Coercive Control and Implications for Practice." *Criminology & Criminal Justice* 23 (5).

Muradin, Arshad. 2022. "Religious Authority and Family Dispute Resolution among Moroccan Muslims in the Netherlands." *Journal of Muslims in Europe* 11 (1).

Nederland, Peder. 2001. "Livsfarlig skilsmisse." *BT*, 29 July.

Nielsen, Jørgen S. 1992. "Islam, Muslims, and British Local and Central Government." *Centre for the Study of Islam and Christian-Muslim Relations Papers* 6.

Nielsen, Jørgen S., and Jonas Otterbeck. 2016. *Muslims in Western Europe*. 4th ed. Edinburgh: Edinburgh University Press.

Olsen, Michael, and Elisabeth Astrup. 2020. "Advokater: Krisecentre Misbruges." *Politiken*, 4 October.

Ornstein, Petra, and Johanna Rickne. 2013. “When Does Intimate Partner Violence Continue After Separation?” *Violence Against Women* 19 (5).

Otterbeck, Jonas. 2010. *Samtidsislam: Unga muslimer i Malmö och Köpenhamn*. Stockholm: Carlssons Bokförlag.

Otterbeck, Jonas. 2014. “Ritualization among Young Adult Muslims in Malmö and Copenhagen.” *Ethnic and Racial Studies* 34 (7).

Otterbeck, Jonas. 2016. “Experiencing Islam: Narratives about Faith by Young Adult Muslims in Malmö and Copenhagen.” In *Everyday lived Islam in Europe*, edited by Nathal M. Dessing, Nadia Jeldtoft, Jørgen S. Nielsen, and Linda Woodhead. London: Routledge.

Otterbeck, Jonas. 2021. “Finding the Object of Study: Islamic Studies in Practice.” *International Journal of Religion* 2 (1).

Pearl, David, and Werner Menski. 1998. *Muslim Family Law*. London: Sweet & Maxwell.

Pedersen, Marianne Holm. 2015. *Iraqi women in Denmark: Ritual performance and belonging in everyday life*. Manchester: Manchester University Press.

Petersen, Jesper. 2018. “Frihed og Rollemodeller: Muslimske Kvinders Selvbiografier i Danmark.” *Tidsskrift for Islamforskning* 12 (1):29–54.

Petersen, Jesper. 2019a. “Media and the Female Imam.” *Religions* 10 (3).

Petersen, Jesper. 2019b. “Pop-up Mosques, Social Media Adhan, and the Making of Female and LGBTQ-Inclusive Imams.” *Journal of Muslims in Europe* 8 (2).

Petersen, Jesper. 2020. “The Islamic Juridical Vacuum and Islamic Authorities’ Role in Divorce Cases.” *Naveiñ Reet – Nordic Journal of Law and Social Research* 9.

Petersen, Jesper. 2021a. *Bilag 1: Koncepter og begreber vedr. islamisk ægteskab herunder tvangsægteskab*. Copenhagen: Rigspolitiet.

Petersen, Jesper. 2021b. “The Practice of Two Danish Female Islamic Authorities Facilitating Divorce.” *Journal of Muslim in Europe* 10 (3).

Petersen, Jesper. 2022a. “Feltarbejde i krydsild: Ikke-muslimsk islam omkring retssagen mellem Sherin Khankan og Naser Khader.” *Scandinavian Journal of Islamic Studies* 17 (2).

Petersen, Jesper. 2022b. *The Making of a Mosque with Female Imams: Serendipities in the Production of Danish Islams*. Leiden: Brill.

Petersen, Jesper. 2022c. “Parallelsamfundseffekten: Sprog, følelser og diskurs i æresrelaterede konflikter.” *Scandinavian Journal of Islamic Studies* 16 (2).

Petersen, Jesper. 2022d. *Vejledning om islamisk ægteskab og skilsmisse*. Odense: Familieretshuset.

Petersen, Jesper. 2023. *Handlevejledning for tvingende kontrol – Med særligt fokus på muslimske forhold*. Odense: Odense Kommune.

Petersen, Jesper. 2025. “The emergence and Institutionalization of a Sharia Council in Copenhagen: Analysing Sharia Practices Using Social Semiotics, Psychology, and Ritual Theory.” In *Law, Islam, and Anthropology in Europe and Beyond*, edited by Hatem Elliesie and Marie-Claire Foblets. London: Routledge.

Petersen, Jesper. forthcoming. *The linguistic frames of female religious leadership and authority: Northern European expressions of a global trend.* (book chapter).

Petersen, Jesper, and Anders Ackfeldt. 2023. "The Case for Studying Non-Muslim Islams." *Method & Theory in the study of religion* 35 (2–3).

Petersen, Jesper, and Niels Valdemar Vinding. 2020. *Sharia og samfund: Islamisk ret, etik og praksis i Danmark*. Frederiksberg: Forlaget Samfundslitteratur.

Pew Research Center. 2013. *The World's Muslims: Religion, Politics and Society*. Washington D.C.: Pew Research Center.

Rappaport, Roy A. 1999. *Ritual and Religion in the Making of Humanity*. Cambridge: Cambridge University Press.

Rausch, Margaret J. 2011. "Women Mosque Preachers and Spiritual Guides: Publicizing and Negotiating Women's Religious Authority in Morocco." In *Women, Leadership, and Mosques: Changes in Contemporary Islamic Authority*, edited by Masooda Bano and Hilary Kalmbach. Leiden: Brill.

Regeringen. 2011. *Et Danmark, der står sammen: Regeringsgrundlag*. Copenhagen: Statsministeriet.

Regeringen. 2012. *Regeringens strategi mod parallelle retsopfattelser – Opgør med tvang og undertrykkelse ifm. religiøse vielser*. Copenhagen: Social- og Integrationsministeriet.

Research, Als. 2011. *Ung i 2011 – Nydanske unges oplevelse af social kontrol, frihed og grænser*. Copenhagen: Als Research.

Research, Als. 2014. *Kønsroller og social kontrol blandt unge med etnisk minoritetsbaggrund*. Copenhagen: Als Research.

Research, Als. 2018. *Unges oplevelse af negativ social kontrol*. Copenhagen: Als Research.

Research, Als. 2019a. *Maskulinitet opfattelser og holdninger til ligestilling – særligt blandt minoritetsetniske mænd*. Copenhagen: Als Research.

Research, Als. 2019b. *Supplerende analyser af religions betydning for maskulinitetsopfattelser og holdninger til ligestilling*. Copenhagen: Als Research.

Ridley, Keziah, Louise Almond, Nefeli Bafouni, and Afrah Qassim. 2023. "'Honour'-Based Abuse: A Descriptive Study of Survivor, Perpetrator, and Abuse Characteristics." *Journal of Investigative Psychology and Offender Profiling* 20 (1).

Ritzau. 2007. "En elskerinde er værre end flerkoneri." *Fyens Stiftstidende*, 24 May.

Roald, Anne Sofie. 2009. *Muslimer i nya samhällen*. Gothenburg: Daidalos.

Rohe, Mathias. 2019. *Paralleljustiz: Eine Studie im Auftrag des Ministeriums der Justiz und für Europa Baden-Württemberg*. Stuttgart: Ministerium der Justiz und für Europa Baden-Württemberg.

Rohe, Mathias. 2020. *Paralleljustiz: Eine Studie im Auftrag des Landes Nordrhein-Westfalen, vertreten durch das Ministerium der Justiz des Landes Nordrhein-Westfalen*. Düsseldorf: Das Ministerium der Justiz des Landes Nordrhein-Westfalen.

Rohe, Mathias, and Mahmoud Jaraba. 2015. *Paralleljustiz: Eine Studie im Auftrag des Landes Berlin, vertreten durch die Senatsverwaltung für Justiz und Verbraucherschutz*. Erlangen-Nürnberg: Erlanger Zentrum für Islam & Recht in Europa.

Rønn, Line. 2011. "Imam: Islamisk råd skal støtte domstolene." *Århus Stiftstidende*, 7 December.

Saldana, Johnny. 2016. *The Coding Manual for Qualitative Research*. Los Angeles: Sage.

Samatar, Abdi Ismail. 2000. "Social transformation and Islamic reinterpretation in Northern Somalia: the women's mosque in Gabiley." *The Arab World Geographer* 3 (1).

Saris, Anne. 2016. "Challenging Stereotypes: Gender-Sensitive Imams and the Resolution of Family Disputes in Montreal." In *Women's Rights and Religious Law: Domestic and International Perspectives*, edited by Fareda Banda and Lisa Fishbayn Joffe. London: Routledge.

Sayegh, Mustafa. 2020. *Fri*: Odense: Mellemgård.

Schielke, Samuli. 2010. "Second Thoughts about the Anthropology of Islam, or how to Make Sense of Grand Schemes in Everyday Life." *ZMO Working Papers* 2.

Schultz-Knudsen, Mikele. 2021. *The Complex Interplay between National Law and Practiced Islam: Investigating Emergent Behaviours in Denmark*. Copenhagen: University of Copenhagen.

Scott, James C. 1990. *Domination and the Arts of Resistance: Hidden Transcripts*. New Haven: Yale University Press.

Shah-Kazemi, Sonia Nûrîn. 2001. *Untying the Knot: Muslim Women, Divorce and the Shariah*. London: The Nuffield Foundation.

Sharp, Shane. 2014. "Resisting Religious Coercive Control." *Violence Against Women* 20 (12).

Slot, Line Vikkelsø, Tine Birkelund Thomsen, Sinja Laursen, and Trine Otto Hansen. *Udenlandske kvinder fastholdt i voldelige ægteskaber: Når høje krav til dokumentation af vold får utilsigtede konsekvenser*. Copenhagen: The Danish Institute for Human Rights.

Smith, Jane Monckton. 2021. *In Control: Dangerous Relationships and How They End in Murde*r. London: Bloomsbury.

Soei, Aydin. 2018. *Omar – og de andre vrede unge mænd*. Copenhagen: Gad.

Sonneveld, Nadia. 2012. *Khul' Divorce in Egypt: Public Debates, Judicial Practices, and Everyday Life*. Cairo: The American University in Cairo Press.

Spielhaus, Riem. 2012. "Making Islam Relevant: Female Authority and Representation of Islam in Germany." In *Women, Leadership, and Mosques: Changes in Contemporary Islamic Authority*, edited by Masooda Bano and Hilary Kalmbach. Leiden: Brill.

Stark, Evan. 2007. *Coercive Control: How Men Entrap Women in Personal Life*. New York: Oxford University Press.

Stenberg, Leif, and Philip Wood. 2022. "Introduction: What is Islamic Studies? European and North American Approaches to a Contested Field." In *What is Islamic Studies? European and North American Approaches to a Contested Field*, edited by Leif Stenberg and Philip Wood. Edinburgh: Edinburgh University Press.

Suhr, Christian. 2021. "'Usædvanlig bred og uafviselig dokumentation' – Undersøgende journalistik i danske moskéer." In *Når medierne sætter dagsordenen*, edited by

Vibeke Borberg, Hjarn v. Zernicchow Borberg, Christian Suhr, and Niels Valdemar Vinding. Copenhagen: Djøf Forlag.

Sunier, Thijl, and Léon Buskens. 2022. "Authoritative Landscapes: The Making of Islamic Authority among Muslims in Europe: An Introduction." *Journal of Muslims in Europe* 11 (1):1–19.

Surty, Muhammad Ibrahim H.I. 1991. "The Shari'ah Family Law Courts in Britain and the Protection of Women's Rights in Muslim Family Law with Special Reference to the Dissolution of Marriage at the Instance of the Wife." *Muslim Education Quarterly* 9 (1).

Søndergaard, Britta. 2011a. "Danske Imamer Opretter Egen Skilsmisseret." *Kristeligt Dagblad*, 5 October.

Søndergaard, Britta. 2011b. "Imamer Efterlyser Hjælp til Fraskilte Kvinder." *Kristeligt Dagblad*, 22 September.

Søndergaard, Britta. 2011c. "Politikere Vil Forbyde Imamråd." *Politiken*, 15 October.

Termansen, Jesper. 2006. "Imam: Indfør sharia-råd efter britisk forbillede." *Berlingske*, 13 November.

Turner, Victor. 1969/2008. *The Ritual Process: Structure and Anti-Structure*. Brunswick: Aldine Transaction.

Uddin, Islam. 2020. "Reformulation of Islamic Matrimonial Law: British Muslims, Contemporary Understandings and Normative Practices." *Journal of Muslim Minority Affairs* 40 (1).

Uddin, Islam. 2023. "Muslim Women, Nikah Marriages, Domestic Abuse and Religious Arbitration in England." *Oxford Journal of Law and Religion*.

Udlændige- og Integrationsministeriet. 2017. *Medborgerskabsundersøgelsen 2017: Baggrundstabeller*. Copenhagen: Udlændige- og Integrationsministeriet.

Udlændige- og Integrationsministeriet. 2018. *Medborgerskabsundersøgelsen 2018: Baggrundstabeller*. Copenhagen: Udlændige- og Integrationsministeriet.

Udlændige- og Integrationsministeriet. 2019. Medborgerskabsundersøgelsen 2019: Baggrundstabeller. Copenhagen: Udlændige- og Integrationsministeriet.

Udlændige- og Integrationsministeriet. 2020. Medborgerskabsundersøgelsen 2020: Baggrundstabeller. Copenhagen: Udlændige- og Integrationsministeriet.

Udlændige- og Integrationsministeriet. 2021. Medborgerskabsundersøgelsen 2021: Baggrundstabeller. Copenhagen: Udlændige- og Integrationsministeriet.

Udlændige- og Integrationsministeriet. 2022. Medborgerskabsundersøgelsen 2022: Baggrundstabeller. Copenhagen: Udlændige- og Integrationsministeriet.

Udlændige- og Integrationsministeriet. 2023. Medborgerskabsundersøgelsen 2023: Baggrundstabeller. Copenhagen: Udlændige- og Integrationsministeriet.

Van Kerckem, Klaartje, Bart Van de Putte, and Peter Stevens. 2013. "On Becoming 'Too Belgian': A Comparative Study of Ethnic Conformity Pressure through the City–as–Context Approach." *City & Community* 12 (4).

Vannini, Phillip. 2007. "Social Semiotics and Fieldwork: Method and analytics." *Qualitative Inquiry* 13 (1).

Vibjerg, Thomas, and Martin Johansen. 2015. "Muslimske stemmer: Alle meningsmålingerne." *Jyllands-Posten*, 11 October.

Vikør, Knut S. 2005. *Between God and the Sultan: A History of Islamic Law*. London: Hurst & Company.

Vinding, Niels Valdemar. 2013. *Muslim Positions in the Religio-Organisational Fields of Denmark, Germany and England*. Copenhagen: University of Copenhagen.

Vinding, Niels Valdemar. 2020. *Annotated Legal Documents on Islam in Denmark, Annotated Legal Documents on Islam in Europe*. Leiden: Brill.

Vinding, Niels Valdemar. 2023. "Regulating Islam: Limitations on Freedom of Religion in Denmark." In *Islam, Religious Liberty and Constitutionalism in Europe*, edited by Mark Hill and Lina Papadpoulou. London: Bloomsbury Academic.

Vinding, Niels Valdemar, and Jesper Petersen. 2023. "Regulering af islamiske ægteskabspraksisser i nyere dansk lovgivning." Retfærd 176.

Waardenburg, Jacques. 1978. "Official and Popular Religion in Islam." *Social Compass* 25 (3).

Walker, Tanya. 2016. *Shariʿa Councils and Muslim Women in Britain: Rethinking the Role of Power and Authority*. Leiden: Brill.

Walmsley-Johnson, Helen. 2018. *Look What You Made Me Do: A Memoir*. London: Macmillan.

Wright, Sandra Elhelw. 2022. "Navigating the Disjuncture Between Domestic and Family Violence Systems: Australian Muslim Women's Challenges when Disclosing Violence." *Australian Feminist Law Journal* 48 (2).

Yilmaz, Ihsan. 2003. "Muslim Alternative Dispute Resolution and Neo-Ijtihad in England." *Alternatives: Turkish Journal of International Relations* 2 (1).

Yilmaz, Ihsan. 2015. "Semi-official Turkish Muslim Legal Pluralism: Encounters Between Secular Official Law and Unofficial Shari'a." In *The Sociology of Shari'a: Case Studies from around the World*, edited by Adam Possamai, James T. Richardson and Bryan S. Turner. London: Springer.

Zee, Machteld. 2016. *Choosing Sharia? Multiculturalism, Islamic Fundamentalism & Sharia Councils*. The Hague: Eleven International Publishing.

Žižek, Slavoj. 2012. *Welcome to the Desert of the Real*. London: Verso.

Zubaida, Sami. 2003. *Law and Power in the Islamic World*. London: I.B. Tauris.

Zuhayli, Wahbah. 2001. *Al-fiqh al-īslāmī wa-dillatuhu*. Vol. 2. Beirut: Dar al-Fikr.

Østlund, Bo. 2002. "Småpiger fanges i fup-ægteskaber." *Fyens Stifstidende*, 11 January.

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Based on seven years of ethnographic fieldwork in Denmark this study investigates how Islamic legal processes work before and after the emergence of Islamic divorce councils around 2021. The author begins by laying out a new methodology for the study of sharia, which leads him to several surprising conclusions. The study for example demonstrates that Islamic legal practices constitute an integrated part of how the Danish welfare state operates, that female Muslim leaders play important roles in Islamic divorce processes, and that the demand for Islamic divorce councils is generated as a byproduct of Muslim women's agency.

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