A few weeks ago, I attended a religious wedding in the Netherlands. A Moroccan imam concluded a marriage between a Muslim man and a non-Muslim Dutch woman, both of whom were two grown up sisters. Ten people attended the ceremony: the intending couple, the imam and two members of a local mosque, the woman’s two sons, and the imam’s friends. The event epitomized in many ways what it means to live in a migrational situation where many religious facilities can be taken for granted in Muslim-majority countries must be reconstructed.

According to Islamic law, marriage consists of the exchange of consent by the intending husband and wife or their guardians in the presence of two witnesses. The exchange of consent, that is, offer and acceptance, must take place during a single meeting of the two parties arranged specifically to this end (jub wb qulfil mphis wali). The meeting opens in some of the Islamic studies as an end when the parties separate. If the groom is of adult age and sound mind, he has a global and important task: he attests to an essential condition for the validity of the marriage under Islamic law. According to the Shafiites, Malikites, and Hanbalites, however, the bride’s consent is sufficient, whether in person or by warrant, has no legal validity, even if she has reached adulthood or has been married several times before. In order for the contract to be valid, she must be represented by a guardian (wali) for the giving of consent. The Hanafites hold that it is the responsibility of the guardian of a minor to pronounce that the woman is indeed of age to make a legal agreement, and that she is not obligated to do so.

Further requirements in Islamic law are the stipulation of a bridal gift that the husband must pay to his future wife and the presence of two qualified witnesses. Islamic law requires neither the presence of a registrant nor a religious authority, although the drawing up of a written document on this occasion is a common practice. Non-Muslim institutions such as marriage registration have gained significance in the present-day marriage legalizations of Muslim countries. In Morocco, for example, the Minister of Justice appoints qualified, professional witnesses. The imam checks if all requirements for a religious wedding are present. The imam asked if the intending bride was indeed of age to be married to the man. He also asked about the intended bridal gift. The bride said that she would be happy with a bouquet of flowers. This provoked laughter, as a Moroccan bride normally receives a substantial sum in cash as a bridal gift. The imam asked her to suggest which form of Islamic marriage was a wish, particularly on the part of the groom, to legitimize their new marriage. He then asked the intending bride if the husband-to-be had said that the bride should wear a headscarf during the ceremony. The bride confirmed that this would consist of the ring, which was currently being repaired, and that the groom would present her in due course. The ceremony ended with the recitation of the opening chapter of the Qur’an. The official part had lasted approximately thirty minutes. From then on, the gathering took on an informal character, with conversation and people eating cake and drinking lemon-ade. The meeting ended when the imam, the mosque members, and the groom left the house. The bride and the other women then took off their scarves and talked about the ceremony.

Ritual knowledge and competence
How should we interpret this course of events? Our example shows that the transplantation of a ritual from one context to another that does not support it to the same degree in loses its forcefulness and competence of the ritual actors, and consequently in a considerable degree of improvisation. An imam normally plays no role either in a wedding ceremony, or a religious wedding at a consulate marriage in the Netherlands. The fact that an imam conducted this wedding ceremony was therefore itself a departure from Moroccan marriage practice. No one, however, expressed surprise at the imam’s role on this occasion. On the contrary, the couple felt that his presence was essential to render the ceremony valid. The imam’s understanding of Islamic marriage practice determined the course of events. He said that he had conducted a number of marriages before. From one point of view, however, the formalities of Islamic wedding ceremony were not followed strictly. As far as I could see, the groom was not explicitly asked whether he consented to the marriage. The meeting therefore did not include an exchange of offer and acceptance between the groom and the guardian of the bride – a basic feature of an Islamic wedding. When I checked my recollection with the couple later, they denied this. They said that the groom was indeed asked to give his consent, that he must have missed this exchange. Furthermore, the imam was unclear about the role of the father of the bride in the ceremony. Was he considered her guardian, and if so, did his consent over the telephone comply with the Islamic prescriptions, or should he have been present at the ceremony?

And what would have occurred if the father had been unreachable or unwilling to give his consent to the marriage?

Creativity and improvisation

Through lack of knowledge on the part of the adaptation, there was much uncertainty about the proceedings. Creativity and improvisation were important features in this situation. When the imam, the witnesses, and the groom, and the bride and the female guests did not know whether they were permitted to sit in the mosque, or to be present in the adjoining room, viewing the ceremony through the open doorway. However, the imam decided that the role of the female guests was to be lifelong, and the formalities of the ritual would be halal. He thus clarified the situation for the ritual actors.

There were several other examples of im-