Experiencing ‘nikah captivity’ in the West: Gendered conflicts over ending Muslim marriages
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Abstract:
Based on interviews with Muslim minority women and Islamic authorities, this article proposes a step-based model for understanding Muslim divorce processes in diaspora. Such processes are highly dependent on individual women’s embedding in gendered geographies of power: Second-generation women may quite easily end unwanted marriages fully, while first-generation women may end up living in year-long ‘nikah captivity’, unable to have their nikahs dissolved, even though they have obtained a divorce under Danish law. When (ex)husbands keep (ex)wives in such nikah captivity, it can be regarded as a type of post-separation violence facilitated by the migration-induced separation of Muslims from Islamic institutions.

1 Introduction
According to Professor Maurits Berger, the studies addressing the domestic and autonomous Sharia practices of Muslims in the West are ‘still scant and dispersed’ (2018, p. 238). The knowledge of Muslim practices of divorce in Europe is thus presently limited. This article expands our knowledge on such practices based on a recent investigation, conducted in
Denmark. The investigation was based on a total of 85 interviews with divorced immigrant women, Islamic authorities as well as with frontline workers (Liversage and Petersen, 2020).1

The interview material documents that while some Muslim women have little problem fully ending their marriages even in the face of their (ex)husbands’2 resistance, other women find themselves in what Jesper Petersen and I have termed ‘nikah captivity’ (Liversage and Petersen, 2020). This is the Muslim counterpart of the broader term ‘marital captivity’ used elsewhere (e.g., Rutten, Deogratias and Kruiniger, 2019) and occurs when Muslim women are unilaterally able to divorce according to Danish law, but find the dissolution of their nikah (i.e., their ‘Muslim marriage’) much more difficult to achieve.

In this article, I explore Muslim minority women’s experiences of nikah captivity. For my analysis, I utilise Mahler and Pessar’s model of gendered geographies of power (2001) and propose that women’s (and men’s) variable embedding in power hierarchies at different scales is central to understanding the dynamics of Muslim divorce in the diaspora.

In the next sections, I first present my empirical material. Thereafter, I propose a bifurcated model for use in conceptualising the process of divorcing according to Danish law vs. having one’s nikah dissolved. Utilising this model, I then discuss both the vast differences between the divorce experiences of first- and second-generation Muslim women and the hardships that weakly positioned first-generation women may come to face. I end by offering a conclusion.

2 Method and Data
This article builds on interviews with 28 Muslim women with ethnic minority backgrounds3, as well as selected interviews with Islamic authorities. The 28 women were recruited for interviewing through mixed purposeful sampling utilising channels such as NGOs, social media sites and personal networks and via snowballing. We strove to achieve both maximum variation (and hence sought out women with both easy and difficult divorce experiences) and a robust material on the particularly difficult experiences (Suri, 2011).

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1 The study complemented a similar study conducted in 2011 (Liversage and Jensen, 2011; Liversage, 2012a).
2 I use the term ‘(ex)husband’ and ‘(ex)wife’ to denote individuals who can simultaneously be considered married and divorced, depending on the perspective applied.
3 From among the 37 women interviewed, I excluded six women from Sri Lanka and the Philippines as they were non-Muslims. I also excluded three converts to Islam who had a Danish / Western European background, as these women were not part of immigrant families settled in Denmark.
The interviewed women varied in terms of characteristics such as age and immigration background. We thus interviewed marriage migrants, refugees and second-generation women\(^4\). Interviewees’ countries of origin included Iraq, Palestine, Lebanon, Morocco, Pakistan and Afghanistan. We purposefully included Syrian refugees to gain insights into divorce among recently arrived refugees. We also included women from Somalia, as the divorce rate among Somali immigrants in Denmark is particularly high (Liversage and Petersen, 2020: 146). We excluded immigrants from Turkey, as prior research has shown that Turkish immigrants generally consider obtaining a divorce according to Danish law as also dissolving their *nikah*, which reflects Turkish secular family legislation (Liversage, 2012a). All interviewees were informed that their participation in the study was voluntary and confidential, that they were allowed to refrain from answering questions and that they could retract what they had said in the interview. One woman chose to exercise the last option.

The interview format was inspired by Fritz Schütze’s (2008) biographical interview approach, with the women being asked to tell the story of their marriage and divorce (Hollstein, 2019). This approach yielded long narratives of the women’s pathways into, through, and out of, their marriages. As many immigrant women have limited fluency in Danish, multilingual research assistants interviewed a number of the women in their native languages. Interviews were recorded digitally and transcribed (sometimes in a translated form) in either Danish or English. To ensure the women’s anonymity, all were given pseudonyms.

3 Conceptual Approach – Gendered Geographies of Power

The analysis draws on Mahler and Pessar’s model of ‘gendered geographies of power’ (2001). The model draws attention to the fact that individuals are embedded in social locations that situate them in interlocking hierarchies of power. Such hierarchies are ‘created through historical, political, economic, geographic, kinship-based, and other stratifying factors’ (ibid, p. 445–446) on a variety of geographical scales – from the intimate scale of the body to the macroscale of the nation state. Such embeddings may centrally condition the type and degree of agency that individuals are able to exert vis-à-vis significant others (ibid, p.

\(^4\) The designation of generation draws on Crul and Schneider (2010): The ‘first generation’ arrived in Denmark as adults (age 16 or above). The ‘second generation’ were born in Denmark to immigrant parents or immigrated to Denmark before school age. The ‘1½ generation’ immigrated to Denmark during school age.
Furthermore, different hierarchies of power intersect. To exemplify, individuals’ class embedding in the economic geography of the labour market and their state embedding in terms of residency rights may centrally condition how much power they can wield in their intimate familial relations (Del Real, 2018).

The relative position of women and men in gendered geographies of power is also intertwined with understandings of masculinity. While masculinity may globally be associated with ‘claiming privilege [and] eliciting deference’ (Schrock and Schwalbe 2009, p. 281), the status of men also depends on their embedding in hierarchies of for example class, race and sexuality (Connell, 1995). Consequently, some immigrant men find themselves in disadvantaged positions vis-à-vis their wives, for example due to being weakly positioned in the labour market (Kleist, 2010) or dependent on their wives for their immigration status (Liversage, 2012b, 2013a; Del Real, 2018).

Gendered geographies of power may also be shaped by differences in legal codes across geographical space. For example, under Scandinavian law, men and women have equal rights when dissolving their marriages. In other countries, however, women who wish to divorce may face greater legal challenges than men wishing to do so; for example, this has been documented for Muslim women in the Middle East (Moghadam, 2008), Jewish women in Israel (Weiss & Gross-Horowitz, 2013) and Hindu women in India (Holden, 2016).

Regardless of religious denomination, immigrant women may also be weakly placed in gendered geographies of power if, for example, they lack host country language skills (Choi et al., 2012; Menjívar and Salcido, 2002). Such difficulties are sometimes exacerbated by their husbands’ and in-laws’ deliberate acts of keeping immigrant wives from learning the language of their host country and forging social relationships there (Erez et al., 2009; Rees and Pease, 2007). Visa status is also important; marriage migrants may be vulnerable when facing marital discord, if a divorce would risk them losing their residency permit (Adams and Campbell, 2012; McWilliams et al., 2015; Mirza, 2016). Such different types of vulnerabilities may aggregate, making some immigrant women particularly vulnerable to abuse.
Legal Plurality in Diaspora and Challenges for Women

With migration, legal hybridity may arise, as Muslims come to live under conditions that Sally Engle Merry (1988) terms ‘legal pluralism’ – the coexistence of two or more legal systems, understood as ‘normative orders’. While state law in, say, Denmark or the UK, regulates marriage and divorce according to a national legal code, Islamic values and practices often retain importance in immigrant communities.

Pearl and Menski (1998) observed that, from the late 1970s and onwards, the coexistence of such different ways of understanding marriage and divorce led to a growing problem of ‘limping marriages’ among Muslims in the UK. While different types of divorce exist in Islam, a central type is ‘talaq’ – men’s unilateral repudiation of the marriage. Women may initiate a ‘khula’ divorce, but – according to common interpretations – such a divorce requires the consent of the husband (Qureshi, 2016, p. 156). Problems thus arose as women could secure a civil divorce under UK law, but found that they remained in an unresolved situation if their husbands refused to grant them an Islamic divorce.

In the UK, attempts to meet the needs of Muslim women who were stuck in ‘limping marriages’ led to the establishment of a variety of Sharia Councils. To date, a large share of the European research on Muslim women and divorce has been done in this context (e.g., Bowen, 2016; Ali, 2013; Bano, 2017; Shachar, 2011). While such institutions address female needs in diaspora, some consider the presence of such institutions to be eroding the citizenship rights of women (Bano, 2012; Patel, 2017).

Particularly in recent years, studies on Muslim women and divorce have begun appearing from European countries other than the UK, illuminating the situation in countries such as Germany (Jara, 2019a, 2019b, 2020), Holland (Van Eijk, 2019), Belgium (Lecoyer, 2019) and Finland (Al-Sharmani, 2017; Al-Sharmani and Mustasaari, 2020). These countries, however, do not have the established sharia councils that the UK has. The present study adds to this literature based on data from Denmark, which has no sharia councils.

Findings

This article utilises interviews with 28 Muslim minority women and interviews with Islamic authorities. For an overview of the women, see Table 1.
Table 1. Interviewee characteristics of 28 Muslim women

<table>
<thead>
<tr>
<th>Pseudonym</th>
<th>Country¹</th>
<th>Approximate age²</th>
<th>Generation</th>
<th>Experienced physical violence in marriage</th>
<th>Initiative to divorce</th>
<th>Divorced, Danish law</th>
<th>Experienced physical violence after leaving husband</th>
<th>Niked solved</th>
<th>Years in nikah captivity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Rim</td>
<td>Iraq/oth</td>
<td>50</td>
<td>1</td>
<td>Yes (Her)</td>
<td>No</td>
<td>NA</td>
<td>No</td>
<td>NA</td>
<td>0</td>
</tr>
<tr>
<td>2 Selda</td>
<td>Syria</td>
<td>35</td>
<td>1</td>
<td>No (Her)</td>
<td>No</td>
<td>NA</td>
<td>No</td>
<td>NA</td>
<td>0</td>
</tr>
<tr>
<td>3 Haya</td>
<td>Iraq/oth</td>
<td>35</td>
<td>2</td>
<td>Yes (DA)²</td>
<td>No</td>
<td>NA</td>
<td>No</td>
<td>NA</td>
<td>0</td>
</tr>
<tr>
<td>4 Faten</td>
<td>Leb/Pal</td>
<td>50</td>
<td>1</td>
<td>Yes Her</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>19 years+</td>
<td>0</td>
</tr>
<tr>
<td>5 Zahida</td>
<td>Afgh/Pak</td>
<td>50</td>
<td>1</td>
<td>Yes Her</td>
<td>Yes</td>
<td>?</td>
<td>No</td>
<td>15 years+</td>
<td>0</td>
</tr>
<tr>
<td>6 Neha</td>
<td>Afgh/Pak</td>
<td>45</td>
<td>1</td>
<td>Yes Her</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>5 years +</td>
<td>0</td>
</tr>
<tr>
<td>7 Ruwayda</td>
<td>Leb/Pal</td>
<td>40</td>
<td>1</td>
<td>Yes Her</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>5 years +</td>
<td>0</td>
</tr>
<tr>
<td>8 Zohal</td>
<td>Afg/Pak</td>
<td>50</td>
<td>1</td>
<td>No Her</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>4 years +</td>
<td>0</td>
</tr>
<tr>
<td>9 Aya</td>
<td>Leb/Pal</td>
<td>45</td>
<td>1</td>
<td>Yes Her</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>3 years +</td>
<td>0</td>
</tr>
<tr>
<td>10 Hanan</td>
<td>Syria</td>
<td>40</td>
<td>1</td>
<td>Yes Her</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>2 years +</td>
<td>0</td>
</tr>
<tr>
<td>11 Wafa</td>
<td>Iraq/oth</td>
<td>40</td>
<td>1</td>
<td>Yes Her</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>2 years +</td>
<td>0</td>
</tr>
<tr>
<td>12 Ilisa</td>
<td>Leb/Pal</td>
<td>50</td>
<td>1</td>
<td>Yes Her</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2 years +</td>
<td>0</td>
</tr>
<tr>
<td>13 Farah</td>
<td>Syria</td>
<td>40</td>
<td>1</td>
<td>Yes Her</td>
<td>Yes</td>
<td>?</td>
<td>No</td>
<td>2 years +</td>
<td>0</td>
</tr>
<tr>
<td>14 Saaliha</td>
<td>Syria</td>
<td>45</td>
<td>1</td>
<td>No Her</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>2 years +</td>
<td>0</td>
</tr>
<tr>
<td>15 Sara</td>
<td>Iraq/oth</td>
<td>35</td>
<td>2</td>
<td>Yes Her</td>
<td>NA⁴</td>
<td>Yes</td>
<td>No</td>
<td>2 years +</td>
<td>0</td>
</tr>
<tr>
<td>16 Dalal</td>
<td>Leb/Pal</td>
<td>50</td>
<td>1½</td>
<td>Yes Her</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>16 years</td>
<td>0</td>
</tr>
<tr>
<td>17 Samira</td>
<td>Leb/Pal</td>
<td>45</td>
<td>1</td>
<td>Yes Her</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>5 years</td>
<td>0</td>
</tr>
<tr>
<td>18 Khulud</td>
<td>Iraq/oth</td>
<td>50</td>
<td>1</td>
<td>Yes Her</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>3 years</td>
<td>0</td>
</tr>
<tr>
<td>19 Dareen</td>
<td>Leb/Pal</td>
<td>25</td>
<td>2</td>
<td>No Her</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>&lt; 1 year</td>
<td>0</td>
</tr>
<tr>
<td>20 Yasmin</td>
<td>Pal/Leb</td>
<td>30</td>
<td>2</td>
<td>No Her</td>
<td>NA</td>
<td>No</td>
<td>Yes</td>
<td>&lt; 1 year</td>
<td>0</td>
</tr>
<tr>
<td>21 Zainab</td>
<td>Pal/Leb</td>
<td>30</td>
<td>1½</td>
<td>No Her</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>&lt; 1 year</td>
<td>0</td>
</tr>
<tr>
<td>22 Warda</td>
<td>Syria</td>
<td>40</td>
<td>1</td>
<td>Yes Husband</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>&lt; 1 year</td>
<td>0</td>
</tr>
<tr>
<td>23 Astur</td>
<td>Somalia</td>
<td>40</td>
<td>1</td>
<td>No Her</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>&lt; 1 year</td>
<td>0</td>
</tr>
<tr>
<td>24 Dekha</td>
<td>Somalia</td>
<td>40</td>
<td>1</td>
<td>No Husband</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>&lt; 1 year</td>
<td>0</td>
</tr>
<tr>
<td>25 Halima</td>
<td>Somalia</td>
<td>45</td>
<td>1</td>
<td>No Her</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>&lt; 1 year</td>
<td>0</td>
</tr>
<tr>
<td>26 Idil</td>
<td>Somalia</td>
<td>30</td>
<td>2</td>
<td>No Her</td>
<td>NA⁴</td>
<td>Yes</td>
<td>NA</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>27 Manna</td>
<td>Somalia</td>
<td>35</td>
<td>2</td>
<td>No Her</td>
<td>NA⁴</td>
<td>No</td>
<td>Yes</td>
<td>NA</td>
<td>0</td>
</tr>
<tr>
<td>28 Amani</td>
<td>Iraq/oth</td>
<td>50</td>
<td>2</td>
<td>No Husband</td>
<td>NA⁴</td>
<td>No</td>
<td>Yes</td>
<td>NA</td>
<td>0</td>
</tr>
</tbody>
</table>

¹ To protect anonymity, countries of origin are grouped together as follows: Pakistan and Afghanistan (Pak/Afg), Palestine and Lebanon (Pal/Leb) and Iraq, Morocco and a Balkan country (Iraq/oth).

² To protect anonymity, the ages of the women are rounded off to five-year intervals.

³ ‘DA’ refers to ‘Danish authorities’, who told Haya that she had to leave her abusive husband to avoid her children being taken into the authorities’ care. The couple thus lived apart but had not divorced.

⁴ ‘NA’ (= non applicable) for ‘Divorced, Danish law’ indicates that these women had only a nikah and were not married according to Danish law (see also Jaraba, 2019b).
Table 1 is sorted according to the women’s experiences of nikah captivity (i.e., having divorced according to Danish law but having been unable to have their nikah dissolved). To indicate the hardships that some women had suffered, the table also includes information on experiences of partner violence both before and after their divorce according to Danish law.

Table 1 shows that some women not only suffered a bad and abusive marriage for years but also found themselves both stuck in nikah captivity and exposed to post-separation violence when they finally sought to end their marriage. Other women were much less exposed to partner violence, had an easier time ending their marriage and did not end up in nikah captivity (here defined as > 12 months between the divorce according to Danish law and the nikah dissolution). As Table 1 shows, most of the women with problematic experiences of both partner violence and nikah captivity were from the first generation, while most women with less problematic experiences of partner violence and nikah captivity were either from the second generation or originated from Somalia.

Nevertheless, the life story interviews reveal that – regardless of immigrant generation – the overall process of moving from marriage to divorce was largely similar for all the women. I therefore propose Figure 1 as a schematic rendering of the process of Muslim minority women’s divorces.

Aligning with the observation that divorce should be conceptualised as a gradual process rather than a discrete event (DeKeseredy and Schwartz, 2009), the top part of Figure 1 shows the different actions (or steps) that women took as they initially tried to improve their troubled marriages. For example, some of them discussed matters with their husbands or sought support from family or religious authorities. At some point, however, most of the women moved on to step 7 and applied for a divorce according to Danish law. If such a divorce was not considered as also ending their nikah, the women could need to take further action (steps 8–12).
While the process of moving from marital problems to divorce was structurally similar for all the interviewed women, the first-generation women generally faced greater hardships and progressed more slowly than women from the second generation. First-generation women thus seemed to reach a substantially higher threshold of dissatisfaction before deciding to end their marriage. These women might have patiently endured marital hardships for years (step 1) before seeking assistance from their family or religious authorities (steps 3 and 4). If these actions were unsuccessful (as they often were), the women would commonly end up ‘looping back’, trying to endure their marriage for a while longer rather than pressing on towards divorce (see also Chaudhuri et al., 2014; Das, 2010; Qureshi, 2013, 2016).

In contrast, the second-generation women generally had a lower threshold of dissatisfaction with their marriage, and – as they met with less resistance to ending their marriage and could more easily solicit support for doing so – these women moved more quickly towards divorce (Liversage, 2013b; Qureshi, 2016). In the next sections, I use the interview material to
explore in greater depth the differences in the divorce experiences of the first- and second-generation women.

5.1 First-Generation Muslim Women and a High Threshold for Seeking Divorce

Many of the first-generation women told of having endured a bad marriage for years before opting for divorce. They talked about having lived under conditions such as the following:

I could not leave the house without asking him [= husband] for permission. I had to pick up the children from kindergarten daily, so I had to call him and say that I am NOW leaving to pick up the children or I am NOW back. If I wanted to go out to check the mailbox, I had to call him first. If he did not pick up the phone, I couldn’t go out. (Aya, 1st gen.)

The only income I got was child support [a welfare benefit, paid into the mother’s account]. But he [= husband] knew when it was due so he always made sure to walk me to a cash machine so I could withdraw all the money and give it to him. (Faten, 1st gen.)

He [= husband] would make fun of me and berate me. He would say things like ‘Look at yourself! You look like a cow!’ He would tell me that I had gone fat… I would boil inside, but I would keep my lips sealed. And my children were there. They could hear how he was speaking to me. (Ilisa, 1st gen.)

Whenever he [= husband] got angry, he would beat me. He would beat me hard. I went to the hospital twice after he beat me. (Ruwayda, 1st gen.)

From the literature on gender and violence, women such as those quoted above can be conceived as having lived with a ‘coercive control’ regime of gendered violence (Stark, 2007, 2009). Such a regime combines demands (e.g., of female obedience) and surveillance with physical, emotional, economic and/or sexual violence. The brief quotes above were drawn from many long narratives of women who described living under such circumstances. The women generally endured their marriage as best they could. Occasionally, they talked with
their husbands or family members about the need for a change in their marriage. Finding little support, however, the women ended up ‘looping back’, accepting their lot as troubled and unhappy married women for a while longer (Liversage and Petersen, 2020).

To exemplify the difficulties first-generation women had in soliciting support, let us read the words of Samira, a marriage migrant, who lived with a very controlling husband. She tried several times to persuade her parents, who lived in the Middle East, to support her move to divorce him (Figure 1, step 3):

I told my parents about my marriage troubles, but of course they did not think I had a valid reason to seek divorce from my husband. So, my father pressured me not to pursue my plan, saying, ‘We don’t have any daughter who has gotten divorced. So, if you insist on divorcing, you give him [Samira’s husband] the children. They will stay in Denmark with their father, and you will come and stay here, where you cannot go out or do anything.’ Of course, that scared the life out of me. (Samira, 1st gen.)

While she did want to end her marriage, Samira’s unsupportive father contributed to making her ‘loop back’ and remain with her husband for years longer.

5.2 Experiences of Divorce of Second-Generation Muslim Women
In contrast to the first-generation women interviewed, many of the second-generation women said that they had ended their marriages rather swiftly, which, objectively speaking, were much less problematic than the first-generation women’s marriages. The second-generation women were able to do so because of their stronger positions in the gendered geographies of power: they spoke Danish fluently, knew of their individual rights and of the available welfare support measures, and they had family and networks within easy reach. They also had no residency permit concerns. Another factor was the women’s socialisation in a Scandinavian country that prides itself on high levels of gender equality. Below are some examples of the types of problems that the second-generation women reported had led to their ending their marriages.

5 Table 1 shows that among the 10 women who did not experience nikah captivity (nos. 19–28), only one was neither 1½, nor 2.gen, nor Somalian: the first-generation Syrian woman Warda (no. 22). In Warda’s case, however, it was her husband who initiated the divorce. His doing so made Warda seek counsel from the Danish authorities, who erroneously told her that the divorce would make her lose her visa. This information made Warda attempt suicide. Warda’s divorce experience, while differently configured, thus also demonstrates the disempowered position of many first-generation immigrant women.
His [= husband’s] family or mother would often argue with me…. His mother even began calling me names when I answered her back. She wasn’t used to anybody doing that…. And he [= husband] was saying things like ‘That’s my mother, and couldn’t you just…?’ [Every time he’d say that, I’d feel like saying], ‘No!’ So my problem with him was that he couldn’t put his foot down when it came to his family. (Dareen, 2nd gen.)

I met my husband on a holiday in [parent’s country of origin]. We got married a year later. But everything changed when he came to Denmark. He felt like he was nothing. He almost felt that I was the man because I knew the language and dealt with the municipality and all that. Then came the jealousy. As I had more skills than he did, he wanted to prove he was more of a man by yelling at me, especially when I began studying again. We argued a lot. (Zeinab, 1.5 gen.)

I quickly realised that we had very different goals in life…. He [= husband] did not feel at home in Denmark and wanted to move to a Muslim country, so he did not develop his life here in Denmark while I was studying at the university and working at the same time…. We couldn’t agree on that topic [moving to a Muslim country or staying in Denmark] … And he also wanted to bring up our son with some very traditional values rather than with Danish values. (Idil, 2nd gen.)

The foregoing quotes were from strong and self-confident women who could take action if they were unhappily married (Guruge et al., 2010; Qureshi, 2016). In addition, when such second-generation women sought parental support for leaving their husbands (Figure 1, step 3), some of them were able to obtain it, in stark contrast to the first-generation women such as Samira, who were told to remain married or whose parents were too far away to extend any support. For example, second-generation Yasmin received the following response when she, three years after her wedding, told her parents that she wanted a divorce:

My family was not judgmental at all [about Yasmin wanting to leave her husband]. The only thing they criticised me for was that I had endured the marriage for such a long time. (Yasmin, 2nd gen.)
The support that Yasmin’s father extended to her also included negotiating a settlement with her father-in-law. Due to this support, Yasmin did not face substantial problems with having her nikah dissolved.

5.3 Three Cases of Second-Generation Women’s Divorces
Besides initiating divorce based on lesser troubles, the stronger position of the second-generation women compared with the first-generation women can also be gleaned from the former’s abilities to get their nikahs fully dissolved, even in the face of male resistance.

One second-generation woman who divorced was Dareen. Her nikah had been performed in a mosque, which stipulated that prior to the nikah, couples had to be married according to Danish law. Another stipulation was that if a couple divorced according to Danish law, their nikah would also be considered dissolved. Dareen thus first applied for a divorce according to Danish law. As her husband did not support the divorce, the couple went through a six-month separation period, stipulated in Danish legislation. During this time, the couple participated in mediation at the mosque. After six months, Dareen still wanted the divorce. As her obtaining a divorce according to Danish law (Figure 1, step 7) also meant that her nikah was considered dissolved, Dareen did not have to take any more action to fully end her marriage.

Another woman, Zeinab, remained in an unhappy marriage for years, due to pressure from her parents. She thus spent quite a long time ‘looping back’ in the top half of Figure 1. At one point, however, Zeinab decided she had had enough. Without any family support, she applied for a divorce according to Danish law (step 7). She also negotiated a khula divorce, obtained by paying her ex-husband a large sum of money (step 8). While the payment strained her student budget for years, it nonetheless enabled her to have her nikah dissolved rather quickly after she had gained her divorce according to Danish law.

When Idil decided to leave her husband, she first tried to make him give her a talaq divorce (Idil had not been married according to Danish law). When her husband refused to do so, Idil demanded a khula divorce and paid her husband a relatively small sum of money. Even though her husband was against their splitting up and did not accept the khula divorce, and even though Idil met with some family and network resistance, she was nevertheless able to gain support for the view that her nikah was over. Idil was thus also able to fully end her marriage/nikah at step 8 in Figure 1.
Idil’s ability to fully end her marriage can also be tied to her Somali background. As Kandiyoti (1988) points out, Somali women generally seem to hold stronger positions in gendered geographies of power than women from the Middle East, for example. Similarly, the rate of marital dissolution in Somalia is high (Landinfo, 2018), and one Somali proverb even says that women should ‘…rather be divorced 30 times than live in an unhappy marriage’ (Jesuloganathan, 2010, see also Carver, 2021). Such easier access to the full dissolution of marriages may contribute to explaining why Somali women, also of the first generation, seem less prone to ending up in nikah captivity.

5.4 First-Generation Women and their Difficulties in Ending Marriages Fully

As Table 1 shows, first-generation women faced the greatest problems with nikah captivity. One of these women was Wafa⁶. Prior to leaving her husband, she had suffered isolation and abuse for over a decade. When interviewed, she had been divorced according to Danish law for two years. However, her nikah had not been dissolved. In her interview, she shared how this situation has affected her:

When I go out, I look over my shoulder. I can’t just go out or sit at a café, as other women do. I don’t have that freedom, and I will never get it [as long as I’m in a nikah with him]. I don’t feel like I’m in control of my own life because I’m afraid of my husband.... If I get the Islamic divorce, I know he will be out of my life for good. A piece of paper will show that I have become a free woman. (Wafa, 1st gen.)

Wafa had repeatedly tried to persuade her husband to dissolve their nikah (step 8), and she had also contacted numerous religious authorities for help in this (step 9). Her efforts, however, had been in vain. Claiming that she was still his wife, Wafa’s (ex)husband stalked her and demanded to know her whereabouts. Wafa also experienced stigmatisation in the community, as she had left the man she was still seen as belonging to. Such social repercussions left Wafa isolated, as she, like many other first-generation women, lacked Danish language skills.

⁶ For more details on the divorces of the first-generation women Wafa, Samira, Faten and Hanan, see Liversage (2021a, 2021b).
Besides preventing women like Wafa from forging new intimate relationships, an unwanted, but intact, nikah could also prevent women from visiting their countries of origin, as their (ex)husbands were still considered legal husbands there and could thus wield power over their ‘errant’ wives. While (ex)husbands could thus cause their (ex)wives considerable hardships, such men could themselves enter into a new nikah due to Islam’s acceptance of polygyny.

Similar to Wafa’s situation, the first-generation woman Khulud had also been in a bad and abusive marriage for years, during which she had looped around in steps 1 through 6. She applied for a divorce according to Danish law (step 7) only when her teenage son left the dysfunctional home and contacted the Danish authorities. Similar to Das’ study of divorce in Indian families in the UK (2010), it was thus a teenage child that pushed Khulud to divorce, for fear of losing contact with her child. Subsequently, Khulud wanted to terminate her nikah. As her husband refused to give her the talaq, however, she ended up looping around in steps 8 and 9 for years as she unsuccessfully tried to have either her husband or the Islamic authorities dissolve her nikah. Furthermore, with her nikah still intact, her (ex)husband would repeatedly contact her and demand to have sex. Khulud described how the following situation occurred many times:

From the point of view of Islam, I was still his wife, so he would call me endlessly and say he wanted me. He said it was his right as my husband. Honestly, I was in a state of shock…. I cannot describe the state it had put me into when he forced me to come to him. It was as if I was not within my own body. It cannot be compared to anything else I’ve experienced. (Khulud, 1st gen.)

As Khulud had both left her husband physically and obtained divorce according to Danish law, such continued demands can be categorised as a form of post-separation violence, which may occur after women leave abusive and controlling husbands (Stark and Hester, 2019; Thiara and Gill, 2012). In contrast to the general pattern of post-separation violence, however, Khulud’s internalised belief that she had to concede to his demands made her actively participate in her own subordination. She even reported that her husband would sometimes order her to strip naked, only to subsequently say that the sight of her naked body had made him lose his interest in sex. Khulud’s (ex)husband thus demonstrated that regardless of Khulud leaving him, he could still wield massive control over her; He remained
in a position where he – as a ‘real man’ – could be ‘claiming privilege [and] eliciting deference’ (Schrock and Schwalbe 2009, p. 281).

5.5. Islamic Authorities’ Difficulties in Helping Women in Need

Had the first-generation women been in their countries of origin, they could have sought recourse to the local Islamic courts with regard to having their nikahs dissolved. The closest alternatives to such courts in Denmark were local imams and other Islamic authorities (see also [JP’s article]). Such authorities, however, were generally unable to help. The first-generation woman Samira gave the following description of her experiences after she had left her husband and obtained a divorce according to Danish law:

I contacted many mosques. I brought the relevant documents with me, which proved that I had had a Danish divorce. I spoke with a lot of imams and asked all of them to give me a document showing that my nikah had been dissolved, but they all told me they could not do so…. They said, ‘If your [(ex)husband] doesn’t come here and give you the divorce in front of us, there’s nothing we can do’…. I continued doing this for four years, and then I got totally exhausted. (Samira, 1st gen.)

As discussed in greater depth by Petersen (2020), the Islamic authorities in Denmark have no institutional backing and are generally unable to dissolve a nikah against the husband’s will. While Islamic authorities could try to persuade men to freely give their wives a talaq, they could do little if such men did not comply. The Danish situation is thus similar to the situation found in Germany (Jaraba, 2019b). The interviews with Islamic authorities clearly showed how they were repeatedly approached by women who, like Samira, requested a kind of help that the Islamic authorities could not provide. As one imam put it, trying to help women get a nikah dissolved entailed…

…so much trouble and takes so much time. Typically, nobody thanks you. Everybody becomes angry with you and tired of you, and you may face threats and the like. I don’t want to spend my time on that…. You spend an ocean of time on such cases. It can be 10–15 hours, phoning back and forth, mailing and what not, and in the end you just get a finger, you know [he gestures and makes an angry sound]. (Imam M1)
Like several other Islamic authorities, this imam tried his best to dismiss the women who approached him for help. Whenever first-generation Muslim women requested help with dissolving their nikahs, he would use the following line of argument:

My first question is always ‘Where were you married?’ [Woman:] ‘I was married in Pakistan.’ [M1:] ‘Oh, so you have to go to Pakistan and get a divorce there because if I issue a divorce, it will not be recognised by Pakistani law.’ [Woman:] ‘That’s not important to me. I just need to be able to get on with my life here in Denmark.’ [M1:] ‘But dear friend, if you are not divorced in Pakistan, then you’re still married in Pakistan, so you have to…. ’ (Imam M1)

It was exactly such a response that Samira got from several different Islamic authorities. She thus came to loop into and through step 9 for years. Khulud, who had similar experiences, said, ‘I felt that I was going around in circles because no matter where I went or whom I approached, I was just told that they could not help me.’

5.6 Threats and Violence of (Ex)Husbands Keeping Imams from Helping Women

In the foregoing quote, imam M1 mentions ‘threats’ from disgruntled (ex)husbands as central to why he tries to avoid helping women with having their nikahs dissolved. Such threats are yet another way in which individuals may try to exert power and thus affect the outcome of social processes. In the gendered geographies of power within immigrant communities, men’s threats may thus keep women from getting much-needed support, and shore up men’s ability to retain their (ex)wives in nikah captivity for years7.

The interview with another imam (M17) showed how helping Muslim women get their nikah dissolved could indeed be dangerous. For a while, imam M17 had sought to help a few women in grave trouble by issuing a tafriq divorce (annulment of the nikah based on the deeds of the husband) to them. Imam M17 recounted, however: ‘Strongmen came over, threatening me with violence or death. “I will kill you if you dissolve the nikah”, they told me.’ Such repercussions had made this imam stop aiding the women who approached him for help, regardless of such women’s dire need of help.

7 Bowen (2016, p. 101) similarly states that ‘the legitimacy of [Islamic Sharia councils in the UK] is attacked by irate husbands’.
A female perspective on such threats to imams who tried helping women stuck in nikah captivity came from a second-generation woman, Sara. She faced challenges with having her nikah with her violent and criminal (ex)husband dissolved. Pointing to the type of situation described by imam M17, Sara said, ‘All the imams I called up turned me away because my (ex)husband had told them that he would burn down the mosque of whoever would give me a divorce. The imams would not risk that to help me.’

Incidents such as the above made some women (especially of the first generation) realise that having unwanted nikahs dissolved could be impossible. Indeed, three interviewees (Neha, Zohal and Zahida8) said that because they had foreseen the troubles that trying to end their nikahs would most likely result in, they had refrained from taking any action toward ending their nikahs after obtaining a divorce according to Danish law9. While the continuation of their nikah meant that these three women were still tied to their (ex)husbands, they feared that taking further action could provoke their (ex)husbands and their families-in-law, and possibly lead to harm being directed towards themselves and towards their natal families in their countries of origin. These three women thus resigned themselves to living a life where their husbands, whom they had physically separated from, could for instance show up at their new homes any time they wanted (for similar experiences, see Liversage, 2019: 88-89).

Upon realising that neither dialogue with their husbands nor help from Islamic authorities in Denmark could get their nikah dissolved, some women ended up filing court cases in their countries of origin (Figure 1, step 10). By doing this, two interviewees (Samira and Dalal) succeeded in ending their nikah captivity after 5 and 16 years, respectively. Several other interviewed women were pursuing, or had unsuccessfully pursued, similar court cases in their countries of origin. Ending a nikah through such a court case, however, is expensive and demanding, and is thus tied to the resource levels of individual women.

5.7 Desperate Measures to Seek to End Nikah Captivity

Figure 1, step 11 concerns whether women can themselves use force to end a nikah. The interviews showed that a few women tried applying such brute force, when nobody else

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8 Table 1, nos. 5, 6 and 8
9 Furthermore, the interviewees Rim and Selda (Table 1, nos. 1–2) were not divorced at the time of the interview. While they both wanted to leave their husbands, they decided not to when they realised the difficulties leaving their husbands would lead to.
seemed capable of helping them out of a painful state of *nikah* captivity. Khulud made such an attempt after her husband again demanded to have sex with her, this time in her own flat. Khulud said that as part of a subsequent argument, she told her (ex)husband the following: “Either you say it [=give a triple *talaq*] or I will unlock this door and go out to your children as I am right now [naked], to let them see who you really are.”

Similarly, second-generation Sara was exasperated due to her inability to sever her ties to her criminal (ex)husband. He had issued death threats and had violently attacked both her and her family. The man went to prison for his violence against Sara. When he was about to be released, Sara phoned him, telling him the following:

> I said that I had saved up DKK 50,000 [app. EUR 7,000], and if he did not give me a divorce [*a talaq*], I would send someone to rape his little sister. He [Sara’s (ex)husband] had an unwed sister, and I just thought that this was the only way I could get rid of him…. I wouldn’t really do that, and I didn’t even have DKK 50,000 [laughs]…. But I was about ready to commit murder. I was pushed into a corner. I thought to myself, ‘Either I’ll manage to get away with this or I’ll live in peace and quiet in prison.’ (Sara, 2nd gen.)

Khulud and Sara thus both tried to force their (ex)husbands to give them a *talaq* by threatening to harm their (ex)husbands’ ‘significant others’: in Khulud’s case, by threatening to harm her (ex)husband’s relationship with his children, and in Sara’s case, by threatening to have someone rape his younger sister. Such a rape would hurt both the sister and the reputation of the entire family due to the premium placed on female sexual ‘purity’ (Payton, 2015). In both these cases, the threatened men became flustered and gave the women a quick, oral *talaq*, only to subsequently retract it. As a *talaq* should be given voluntarily for it to be valid, such desperate measures were indeed bound to fail. Thus, from the perspective of gendered geographies of power, the women found themselves embedded in positions where they could not get help from anyone and could not improve their situation by themselves regardless of how hard they tried. The women who reached this point had to contend with the fact that they had unsuccessfully tried all available options but were unable to end their predicament (Figure 1, step 12). They thus had to remain in *nikah* captivity for years and even decades, as experienced by Faten, who, when interviewed, had been in *nikah* captivity for 19 years.
5.8 **Health Consequences of Being Stuck in Nikah Captivity**

Experiences of stigmatisation by one’s fellow immigrant community and of harassment and stalking by one’s (ex)husband may take a heavy toll on immigrant women, not only psychologically, but also physically. Some of the interviewed women said the following of their lives after having obtained a divorce according to Danish law but being trapped in their *nikah*:

I lost so much weight, eventually weighing just 52 kilos. And I could not sleep.  
(Hanan, 1\textsuperscript{st} gen.)

I have very high blood pressure and have become really, really ill because of the threats from my (ex)husband. But [the imams] just keep telling me, ‘We cannot give a woman who had acquired a *nikah* in [the Middle East] a divorce.’ I’ve tried to kill myself several times. (Khulud, 1\textsuperscript{st} gen.)

[I got hospitalised] at the neurological ward. The doctor said it had something to do with the brain. He said I had experienced shock or trauma of some sort, and it had hurt my nervous system. (Ruwayda, 1\textsuperscript{st} gen.)

The fact that women could undergo tremendous hardships after leaving and divorcing their husbands could in fact keep other immigrant women from doing so. As Ruwayda said:

Many women say to me, ‘Ruwayda, after seeing how hard your life is now, we no longer want a divorce.’ So they keep quiet [in their marriages] because they think they’ll experience hell if they get a divorce. (Ruwayda, 1\textsuperscript{st} gen.)

Ruwayda had been in *nikah* captivity for five years. She had recently filed a court case in her country of origin, but this had only intensified the pressure that her (ex)husband was putting on her. With deteriorating health, her situation had become so bad that she had recently agreed to let her (ex)husband gain custody over their son. Ruwayda’s realisation that she simply did not have the power to fight her (ex)husband once again points to the importance of gendered geographies of power for understanding Muslim minority women’s experiences of divorce in the West today.
6 Discussion and Conclusion

On the basis of interviews with Muslim minority women and Islamic authorities in Denmark, this article gives insights into these women’s experiences of trying to leave unwanted marriages. Conceptualising divorce as a gradual process rather than a discrete event (DeKeseredy and Schwartz, 2009), the article proposes a step-based model for understanding the divorce process for such women (Figure 1). These divorces may be bifurcated for women who obtain a unilateral divorce according to Danish law but have difficulties having their nikah dissolved.

The interviews show that while women who are second-generation immigrants may quite easily end unwanted marriages, first-generation immigrant women commonly remain in unwanted marriages for many years. When such women finally obtain a divorce according to Danish law, they may face grave difficulties in having their nikah dissolved. This pattern for first- and second-generation immigrant women aligns with observations in the literature (Al-Sharmani, 2017; Littrell and Bertsch, 2013; Liversage, 2013b; Qureshi, 2016) and can be understood by examining the differences in the women’s embedding in gendered geographies of power (Kandiyoti, 1988; Mahler and Pessar, 2001).

The gendered conflicts over Muslim women’s abilities to fully leave their husbands can thus be read into a broader conflict concerning the roles of men and women that arises from migration and the evolution of transnational social spaces. Muslim wives may have few realistic options for leaving unhappy marriages in their countries of origin (Zakar et al., 2012). After migration to Scandinavia, however, wives may more easily leave their husbands. Wives doing so may be regarded as amplifying an often hostile host country environment’s pressure on the masculine identities of immigrant men (Charsley and Liversage, 2015; Darvishpour, 1999; Kleist, 2010). As general research on interpersonal violence shows, men use violence both to assert their power and in attempts to reassert it (Hearn et al., 2016). Viewed from this perspective, Muslim men who keep their (ex)wives in nikah captivity can be conceptualised as performing a specific type of post-separation violence, facilitated by the migration-induced separation of Muslims from Islamic institutions. In this way, men are able to, at least in some measure, claim privilege over and elicit deference from their (ex)wives, whom they feel have scorned them by leaving and divorcing them. Furthermore, while such revengeful actions of (ex)husbands are very hurtful to the (ex)wives, they seem to cost the men little.
As regards being able to end their state of nikah captivity, a central challenge for the weakly positioned first-generation women is their lack of recourse to established institutions. In their countries of origin, Muslim women have access to Islamic courts. While such courts do not give women as easy access to divorce as Danish legislation does, they can nonetheless intervene on the women’s behalf in cases with grave marital problems. In contrast, an ‘Islamic juridical vacuum’ (Petersen, 2020) exists in Denmark, with no authority standing above the women’s (ex)husbands when it comes to pronouncing a talaq and dissolving a nikah. Furthermore, when Islamic authorities in Denmark, who are repeatedly contacted by Muslim women in need of help, make individual interventions on the women’s behalf, they may end up receiving threats from disgruntled (ex)husbands who object to interference in their ‘family matters’. Consequently, even though a number of Islamic authorities in Denmark and Europe espouse the view that a divorce according to Danish law should be considered as also ending a nikah, there are no institutions in place to enforce this view. This results in a situation where the local power dynamics within interpersonal relations and intra-community networks (rather than religious or cultural ‘rules of law’) shape Muslim minority women’s access (or lack of access) to nikah dissolution in the West today. While this situation certainly needs to be addressed, how to do so is a contested and difficult subject.

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