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## **Islamic burials in the Netherlands and Belgium. Legal, religious and social aspects**

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# Islamic Burials in the Netherlands and Belgium

Legal, Religious and Social Aspects

Khadija Kadrouch-Outmany

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# Islamic Burials in the Netherlands and Belgium

Legal, Religious and Social Aspects

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# Chapter 1

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*Introduction*

# Chapter 1. Introduction

## 1.1 Exploring the study of death, dying and the institutionalization of Islam in the Netherlands and Belgium

The study of death and burial involves not only events in which individual beliefs and emotions are expressed, it also brings to light situations that reveal social relationships and the shaping of identity in a community. In this regard Gardner (1998, 507) states that: ‘The meanings and practices which surround death are [...] the products of particular social, cultural and historical circumstances. Since these rituals are central to the identities and meanings which groups construct for themselves, they can be viewed as windows, which open out to the ways societies view themselves and the world around them.’

The particular interest of this study are the frameworks of the national legislations and the Islamic regulations within which Islamic burial practices have to be performed. Islamic tradition offers a body of burial rites practiced by Muslims worldwide. These rites accompany the process from the deathbed up to the mourning and memorial gatherings. Death in the context of migration is a more intense event because people are challenged in their dealing with practical problems, their needs and values in a different environment to that which they are used. In this context Muslims also have to deal with national burial laws that might not comply with their own needs and values or indeed the prescriptions of their religion. This problem is not one-sided: just as Muslims are challenged, so are the legal systems of countries. Both national laws and Islamic law have been subject to reconsiderations as a result of Muslim presence in non-Islamic countries.

Through the discussion of the legal and social context of the Netherlands and Belgium, including the Islamic religious prescriptions and the experiences of Muslims themselves, this study will analyze what impact these changing circumstances have had and are having on how burial rituals are performed and experienced. Using the practice of death rituals and regulations as a window, I shall elaborate on the fact that the observance of burial prescriptions and the choice of burial location are not *only* a matter of being well-informed about what is possible or impossible from the practical, legal and religious point of view. It is also a matter of how Muslims view themselves and the society of which they are part. The sense of belonging and the myth of returning to the

home countries, as discussed by Gardner (2002) and Anwar (1979), are part of the theoretical framework of this study. In the light of its multidisciplinary character, this study will not only involve social science and legal research, but also the science of religion and it will emphasize the religious value people ascribe to the practice of rituals as an expression of faith, as is also discussed by Beck (Beck 2010).

The study commences with a discussion on the institutionalization of Islam in the Netherlands and Belgium. This process includes the establishment of organizations and institutions for the purpose of continuing the experience and practice of the Islamic religion by Muslims in a non-Islamic environment. Chronologically, it would seem fitting to study burial practices among Muslims at this particular moment in time; after mosques and educational institutions have been realized, the emergence of national and local Islamic organizations, the supply of *halâl* food and products and the emergence of an Islamic chaplaincy in hospitals and prisons (De Koning 2011; Fadil 2011). It also seems a timely research subject at a moment in which we are witnessing a sharp rise in an aging Muslim population, presaging a growing number of deaths.<sup>1</sup> However, the importance of burial practices is not only part of the institutionalization of Islam in chronological sense, but also because such practices form a decisive point with regard to the sense of belonging and to the question of returning to the home countries (Gardner 2002; Anwar 1979; Bolognani 2007). The choice of a specific burial location implies much more than being a place for the disposal of the dead according to certain rules and regulations. Both from a Muslim point of view as well as from a societal point of view. This argument will form an important consideration in the course of this study, especially in the third and fourth chapters.

In this chapter I present the background and context of this study. Because Islam and its adherents cover a very colorful spectrum, Section 1.1 presents some demographic data on Muslims in the Netherlands and Belgium, as well as data on the various denominations, and on the relevance of Church and State relations in the

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<sup>1</sup> There are no exact numbers available on aging Muslims, but estimates are made on the basis of ethnicity. In the Netherlands among the Moroccan, Turkish and Surinamese communities, estimates show that the number of people who reached the age of 65 and older in 2011 was respectively 17,000, 18,000 and 21,000. The estimates for the year 2050 show a rapid growth in aging among these communities to respectively 138,000, 145,000 and 129,000. These estimates indicate that in 2050 seniors would make up for 27%, 29% and 35% of the total population of these ethnic communities in the Netherlands (CBS 2011, 24-26). Similar developments have been noted in Belgium. In 1970 the estimated number of seniors was 35,322, whereas in 2007 it consisted of approximately 106,000 seniors of south European, North African and Turkish background (KBS, 2012, 12).

institutionalization of Islam in both countries. With this study I hope to contribute to the wide scope of academic research on Islam and Muslims in Western Europe, of which a bird's-eye view will be given in Section 1.2. I have chosen to emphasize research on Islamic burials. This research is very recent within the social sciences and has tended to concentrate mainly on social cohesion, the performance of the ritual and group identity (Jonker 1996; Chaib 1996; Tan 1996). Little attention has been paid to the role of (religious) rituals as an expression of faith and in the process analyzing the 'multilayered message conveyed by ritual practices.' (Beck 2010, 195). The essence of rituals is to entail various functions and convey multilayered messages. Beck states that, 'they may be aimed at social cohesion and identity. They may be employed as a way to achieve power or as a strategic tool to realize a certain objective (...) but in the multicultural, religiously pluralist context of the Netherlands, where "the other" may be Muslim but also non-Muslim, ritual practices can have the primary function of expressing individual belief, not only towards non-Muslim others but especially towards Muslim ones.' (Beck 2010, 208). This point will recur throughout this study. The available theological studies on death and dying focus mainly on the eschatology and the rules and regulations governing burial, whereas national laws on the disposal of the dead are principally concerned with the maintenance of public order, urban planning and rules for a proper disposal of the deceased. The need to bring these disciplines together in one methodological framework will be the subject of Section 1.3 that explains the approach and methods of this study. In this last section, the theoretical and methodological framework of this study will be presented, followed by an outline of the sources on which this study draws, a brief account of the fieldwork and the chapter outline of this dissertation.

## **1.2 Muslims in the Netherlands and Belgium**

### **1.2.1 Demography**

The demographic figures on Muslims living in Western Europe vary greatly in number, depending on the method of data gathering. Some countries register religious adherence in their statistics, usually self-defined, but the majority of researchers use national data on nationality and ethnicity or both to deduce some form of reasonable and reliable estimates (Nielsen et al. 2011, 4). The estimated number of Muslims in 2011 in the Netherlands varied between 857,000 and 950,000 and between 410,000 and 628,000 in Belgium (De Koning 2011, 401; Fadil 2011; 69; Berger 2012a, 7; Forum 2012, 6-8;

Hertogen 2008, 1-4). Muslims in both countries vary in their ethnic and cultural backgrounds, in their adherence to different Islamic denominations, schools of law (*madhhâhib*, singular *madhhab*), and in their sympathy for various modern Islamic ideas. Today, Moroccan and Turkish ethnic groups account for the majority, approximately 80 per cent, of the Muslim population of both countries. The remaining 20 per cent are from various countries and regions such as Surinam, Indonesia, Iraq, Iran, South Asia, the Balkans and Sub-Saharan Africa. To these can be added small groups of Dutch and Belgian converts (De Koning 2011, 401-402; Fadil 2011, 70; Forum 2012, 8; Sunier 2010, 115). The geographical distribution of the Muslim populations in the Netherlands and Belgium is quite uneven. In the Netherlands, most Muslims live in the western part of the country with large concentrations in the cities of Amsterdam, Rotterdam, The Hague and Utrecht (Berger 2012b, 2). In Belgium more than 40 per cent of the Muslim population lives in the Brussels-Capital Region (Fadil 2011, 71). Muslim residents in the Brussels-Capital Region account for 17 per cent of the population and make Brussels one of the cities in the Western world with the largest Muslim population (Fadil 2011, 71).<sup>2</sup>

Approximately 85 per cent of the Muslims worldwide are considered to adhere to the Sunni branch of Islam and this might also be the case in the Netherlands and Belgium (Shadid and Van Koningsveld 2008, 38-48).<sup>3</sup> Besides the Sunnis, Shiite, Alevi and Ahmadiyya denominations are also found in both countries. Shiites form an important part of the Iranian and Iraqi communities. Alevi Muslims are an important part of the Turkish community, whereas those who belong to the Ahmadiyya branch are mainly part of the Surinamese and Pakistani communities.<sup>4</sup> In the Netherlands the number of Shiites varies between 50,000 and 90,000 (Neijenhuis 2008), the number of

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<sup>2</sup> Hertogen (2011) says that Muslim residents in Brussels account for 25.5% of the population

<sup>3</sup> Sunni Muslims accept the legitimacy of the first four successors of Muhammad, Abu Bakr Al Siddiq, Umar ibn al Khattab, Uthman ibn Affan and Ali ibn Abi Talib (Esposito 2003, 306). Whereas Shiite Muslims believe that Muhammad's religious and political authority was passed on to his descendants beginning with his son-in-law and cousin Ali ibn Abi Talib and his sons Hasan and Husayn. The defining event of Shiism was the martyrdom of Husayn in Kerbela (Iraq) in AD 681 (Esposito 2003, 292).

<sup>4</sup> Alevi is a term which is used to cover a number of heterogeneous socio-religious communities in Turkey and the Balkans, who in the twentieth century began to share a common trans-regional Alevi identity called Alevism. Alevism seems to have developed as a branch within Shia Islam (Dressler 2013, 1). The Ahmadiyya is a controversial messianic movement founded by Mirza Ghulam Ahmad in Qadian (India) in 1889. This denomination consists of two branches: the Qadiani who claim that Ghulam Ahmad is a non-legislating prophet with a divine mandate for the revival and renewal of Islam. The Lahore branch considers the founder to be a renewer of the faith rather than a prophet. The Ahmadiyya were declared non-Muslims by a Pakistani law passed in 1974 because of their opposition to the mainstream belief in the finality of Muhammad's legislative prophesy (Esposito 2003, 11-12)

Alevi between 60,000 and 90,000 (Shadid and Van Koningsveld 2008, 47); the number of Ahmadiyya is estimated at approximately 10,000 adherents (Shadid and Van Koningsveld 2008, 39). In Belgium the number of Shiite Muslims is estimated at between 10,000 to 15,000 (Fadil 2011, 70), the number of Alevi at 16,000 (Shadid and Van Koningsveld 2008, 48) and the Ahmadiyya has approximately 2,000 adherents (Saifullah 2008, 34).

Besides adhering to different denominations, Muslims can also follow the teachings and opinions of a specific school of law (*madhhab*). In Sunni Islam there are four major schools, Maliki, Ḥanafī, Hanbali and Shafī‘ī. In Shiite Twelver Islam we are dealing within the scope of this study with the Ja‘fari school only. The disagreement among the Sunnite law schools about what are known as subsidiary matters (*furū‘*) extends to a large variety of topics, including burial practices and regulations. Present-day belonging to a *madhhab* is principally determined on the basis of association with a country or community that adheres to a specific *madhhab*. Moreover, it should be remembered that many leading scholars of contemporary Sunnite Islam reject madhhabism in principle, as they want to return to an original doctrine of Islam that can be shared by all Muslims. Their position predominates in many of the *fatāwa* (or fatwas, pl. scholarly opinions, singular *fatwa*) issued within what is known as Jurisprudence for Minorities (*Fiqh al-Aqalliyyât*), to be discussed in Chapters 3, 4 and 5.

Besides ethnic and religious variations, Muslims in the Netherlands and Belgium can also sympathize with modern *Salafī* ideas, most of which emerged in the twentieth century during and after the decolonization process.<sup>5</sup> Nowadays *salafism* seems to have been split up into two directions. The first direction is the reformist trend that is intellectual and modernist in nature and works to ‘assert the validity of Islam in modern times, prove its compatibility with reason and science, and legitimize the acquisition of Western scientific and technological achievements.’ (Esposito 2003, 275). One of the leading Islamic scholars and head of the European Counsel for Fatwa and Research, Yusuf al Qaradawi, is considered to be the product of this trend. This council issues *fatwas* concerning the specific situation of Muslims living in Europe, known as *Fiqh al Aqalliyyât*. Various of their *fatwas* concern questions arising from the burial of Muslims in Europe. These will be dealt with in Chapters 3, 4 and 5.

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<sup>5</sup> These ideas find their origin in the Egyptian reformism that began with Jamal al-Din al-Afghani (d. 1897), Mohammed Abduh (d. 1905) and Rashid Reda (d. 1935).



The second direction is a more conservative and rigid trend of *salafism*, known as Wahhabism, nowadays principally associated with the way it has developed in Saudi Arabia as well as its Salafist branches in various parts of the Muslim world.<sup>6</sup> These ‘Salafist’ scholars oppose the infiltration of foreign influences creeping into Islamic thought from other cultures and traditions (Al-Atawneh 2010, 56). They are well known for championing a puritanical (or ‘Protestant’) form of Islam and, in contrast to the reformers, they legally condemn all that is deemed non-Islamic. Generally speaking, their *fatwas* are imbued with, for example, an anti-mystical stance and they prohibit and condemn the visiting of graves, including the tomb of the Prophet, the use of gravestones and the veneration of saints (Van Koningsveld 2007, 10).<sup>7</sup> The emergence and spread of these different trends of *Salafi* ideas are relevant to the scope of this study, since their publications are widespread among European Muslims, and their pamphlets and books have been translated in many languages and can be found both in print and online (De Koning 2008, 368).

### **1.2.2 The establishment of Muslim communities in the Netherlands and Belgium**

The national debate on the integration of Muslims and their position in society forms an important starting point in the study of Muslims in both countries.<sup>8</sup> Three phases can be identified in each country. The first phase occurred during the large-scale settlement of the people known as ‘guest workers’ (*gastarbeiders*) in the 1960s and this phase was followed by family reunions in the 1970s, during which national policies were premised on the temporality of their stay. The principal goal of these national policies was to ‘provide an agreeable environment.’ (Shadid and Van Koningsveld 2008, 11). It consisted mainly in providing suitable housing and payment. Creating Islamic cemeteries did not fall within the scope of this policy per se, although there was an

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<sup>6</sup> During the 18<sup>th</sup> century, the founder of the first Saudi dynasty in Arabia, Muhammed ibn al-Saud (d. 1765), formed a politico-religious pact with the founder of Wahhabism, Muhammad ibn Abd al-Wahhab (d. 1792). The former assumed a role in political and military leadership, whereas the latter served as religious advisor, which is still the case among the heirs.

<sup>7</sup> In Saudi Arabia graves are not marked by gravestones but by a simple rock at the head end of the grave. Furthermore, women are strictly forbidden to visit graveyards. An exception is made for visiting the tomb of the Prophet, although people are encouraged not to tarry at the tomb of the Prophet and to move on quickly. Outside Arabia, the offensive by Wahhabism caused important Shiite centers of pilgrimage in Najaf and Kerbala to be plundered and ransacked in 1801 (Van Koningsveld 2007, 10; Esposito 2003, 333).

<sup>8</sup> For other but quite similar overviews see Sunier 2010; Dessing 2001; Strijp 2010

Islamic burial plot in the Netherlands as early as 1932, established for the Indonesian community that consisted largely of seamen and domestic servants (Ryad 2012).

In the 1980s interest in Islam and Muslims grew, not only on the national political agenda but also among academics. This interest, that can be considered the beginning of the second phase, was stimulated by several international factors, namely, the Islamic Revolution in Iran in 1979 and the Rushdie affair in 1989. In this phase, the question of the integration of Muslims in the Netherlands and Belgium was put on the political agenda and was closely linked to worries about what has been called religious 'fundamentalism'. In both countries commissions were established to advise the government in matters related to the integration of Muslims, including the realization of mosques and the founding of various religious organizations.<sup>9</sup> In the Netherlands, it was during this phase that the Law on Burial and Cremation (*Wet op de Lijkbezorging*) was slightly revised to meet Muslim burial requirements. Consequently, the number of Islamic burial plots began to increase. The pace was slower in Belgium, where there were only had a handful of Islamic burial plots (Shadid and Van Koningsveld 2008, 172). Belgian law and policy in general were reticent in the creation of separate religious parcels. It was not until the end of the 1990s that a shift began to occur in this debate, and parliamentary questions were tabled about the matter of Islamic burial plots in Belgium (to be discussed in more detail in Chapter 4).

The last phase in the national debates about the integration of Muslims covers the period from the end of the 1990s up to the present time. In response to some international events such as the attacks in New York (2001), Madrid (2003) and London (2005), a shift occurred in the debate about Muslims and it became centered on themes such as Islamic terrorism. In both the Netherlands and Belgium the idea of and the need for a national form of Islam began to take root among policy makers who viewed it as a way to discourage potential fundamentalist tendencies that might arise among Muslim residents. Representative bodies of Muslims were established in both countries.<sup>10</sup>

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<sup>9</sup> The *Koninklijk Commissariaat voor het Migrantenbeleid* was established in 1989 with the specific task of advising the Belgian Government on issues related to the integration of migrants, including the establishment of mosques in Belgium. The *Commissie Waardenburg* in the Netherlands was established in August 1982 for the purpose of advising the government on the desirability of the granting of government subsidies for the provision of premises for religious minorities.

<sup>10</sup> In the Netherlands the Muslim Contact Agency (*Contact Moslims Overheid*, CMO) and the Contact Group Islam (*Contact Groep Islam*, CGI) were established as representative bodies. In Belgium, the representative organ required since 1974 is the Executive for the Muslims in Belgium (*Executieve voor de moslims van België*, EMB). The main thrust for the establishment of these organs came from the Dutch and Belgian governments in their search for an official spokesperson on behalf of Muslims.

However, on account of their various backgrounds, both ethnic and religious, Muslims in Europe have had to struggle with the establishment of one spokesperson for all of them, as desired by the national governments of both countries. The representation issue has also dominated the discussion on and request for Islamic burial plots in both countries, where it is closely related relations between Church and State.

### **1.2.3 Dutch and Belgian Church and State in the context of Islam**

Discussions on Church and State relations in the Netherlands and Belgium are very apposite to this study, as they can shed light on the differences in the institutionalization of religiously based cemeteries and burial plots. Within the scope of this study, I commence with a brief discussion on this subject in the nineteenth century when these countries adopted quite different approaches with regard to their Church and State relations.

The separation between Church and State in the Netherlands was introduced in the Constitution of 1848 and institutionalized more firmly in the revised Constitution of 1983. The balance and interaction of the constitutional principles to a large extent define the legal space granted for religious life in the Netherlands and have been inspired by the ‘pillarization system’ (*verzuijing*). The Dutch pillarization system gave religious and non-religious groups the right to establish some of their own infrastructures based on creed, philosophy of life or political ideology for which they were accorded government subsidies. This system was founded at the end of the nineteenth century as an outcome of the ideological struggle between liberal and confessional adherents, initiated by Roman Catholic and Protestant factions. Besides confessional schools, similar forms of pillarization were also created in many other sections of Dutch society, including religiously based hospitals, trade unions and broadcasting stations. This system of pillarization is what made the current realization of Islamic schools and state-funded Dutch Islamic broadcasting possible, not to mention the creation of Islamic cemeteries and Islamic burial plots in public cemeteries (Shadid and Van Koningsveld 2008, 19).

The principle for the relationship between Church and State in Belgium is found in the Constitution of 1831 and has currently been restated in the Constitution of 1994 (Torfs 2005, 10). Belgium has a system of ‘recognized religions’ that clearly marks the difference in the relationship between Church and State in comparison to the

Netherlands (Fadil 2011, 74).<sup>11</sup> When a religion is recognized by the State, the legal personality is not attributed to the ‘Church’ or ‘Church structure’, but to the ecclesiastical administrations (*kerkfabrieken*) which are responsible for the ‘temporal needs’ of the (regional or local) religious communities, including the stipends for ministers and chaplains. One of the major obstacles which emerged after the recognition of Islam by law in 1974 was the specific lack of such a hierarchically structured religious ‘ecclesiastical’ administration.<sup>12</sup> The organization of Muslims in Europe is often arranged along the lines of ethnic and religiously based differences, that makes the realization of one single institutional body very difficult, if not impossible. The upshot is that the organization of Muslims in Belgium has remained problematic and is a constant source of tension. The stumbling block casts its shadow over relations between the state and the various Muslim communities and among the Muslim communities themselves (Fadil 2011, 74).<sup>13</sup> The representative organ of Islam was established in 1999 and is called the Executive for Muslims in Belgium (EMB, Fadil 2011, 75).<sup>14</sup> The main task of the EMB is the compilation of dossiers that are submitted by local Islamic communities in return for legal acknowledgement by the regional governments. Since 2007, Belgium has witnessed a rapid growth in the acknowledgement of local Islamic communities.<sup>15</sup> This acknowledgment has led, for example, to the payment of stipends to imams and the appointment and payment of chaplains in prisons and hospitals. In the matter of Islamic cemeteries and burial plots, the EMB can serve as a mediator between Muslims and municipalities. However, the role of local municipalities in the organization of Islamic burial plots is far more important than that of the EMB, which will be discussed in Chapter 4.

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<sup>11</sup> For the concrete criteria requisite for recognition see: *Questions and Answers*, Chamber 1999-2000, 4 September 2000, 5120 (Question 44, Borginon). *Questions and Answers*, Chamber 1996-1997, 4 July 1997, 12970 (Question 631, Borginon).

<sup>12</sup> *Wet van 19 juli 1974 tot erkenning van de besturen belast met het beheer van de temporalien van de islamitische eredienst*, BS 23 August 1974.

<sup>13</sup> It was not until the mid-1980s that such a representative body for Muslims in Belgium emerged as a political issue. Until then, as discussed earlier, Islam was mainly perceived to be foreign to Belgium. (Fadil 2011, 74-75; Kanmaz 2002).

<sup>14</sup> Royale Decree of 3 May 1999 acknowledging the Executive of Muslims in Belgium, BS 20 May 1999.

<sup>15</sup> In Flanders 17 communities were acknowledged, in Wallonia 43 and in Brussels 8 (Fadil 2011).

### 1.3 Characteristics of research on Islam in Western Europe

The bulk of the research on Islam as a social phenomenon in Western Europe has been conducted since the 1970s. The approaches in different European countries vary considerably.<sup>16</sup> Following the work of Dassetto (1996), I also distinguish between *five different categories* in the research on Muslims in Europe. The aim of the *first* category of research is to quantify and describe the social demography of the Muslim presence in Europe by ascertaining, for example, the numbers of Muslims living in each country, their countries of origin and the numbers of mosques (cf. Nielsen et al. 2011; Maréchal and Asri 2012; Maréchal 2002). The *second* category is composed of research focusing on the relationship between Islam as a religion on the one hand and the State in European countries on the other (cf. Robbers 2005; Shadid and Van Koningsveld 2008). The *third* category of research examines the institutional and juridical integration of Muslims in Europe. Studies dealing with the establishment of Islamic schools, the training of imams, the opening of Islamic cemeteries and research on (the jurisprudence of) family law in relation to International Private Law are the subjects of research in this category (cf. Jonker 2004; Ghaly 2008; Buskens 1999; Buchler 2011). Publications dealing with the presence of what are stigmatized as Muslim fundamentalist groups in Europe and the threat that they are supposed to pose to European society fall into the *fourth* category of research (AIVD 2009; NCTB 2006; Fennema 2002). *Finally*, of a more interpretative character are those publications dealing with the importance of Islam in the formation of a religious and ethnic identity of its adherents in Western Europe. One important goal of these publications is to provide an analysis of the various degrees and forms of religiousness observed among Muslims in Western Europe (De Koning 2008; Foblets and Cornelis 2003; Phalet and Ter Wal 2004). The main focus of this bird's-eye view on the characteristics of research on Islam in Europe has concentrated on questions of direct socio-political importance. Little attention has been paid to Islamic religious practices performed in European context (cf. Dessing 2001). Furthermore, so far there has been a dearth of research that combines disciplines and establishes comparative connections.

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<sup>16</sup> In France, for example, the research on Islam has been strongly governed by the concepts of citizenship, the separation of religion and state and the compatibility of Islam and the ideal of *laïcité* (Dessing 2001, 2-3; Frégosi 2002, 74-75). Whereas in Britain the study of Islam tends to have been conducted in the disciplines of anthropology and sociology, in relation to ethnic and race relations research (Dessing 2001, 2-3; Nielsen 2002, 164-165). See also Berger 2012b for an elaborate discussion on the development of the study of Islam and Muslims in the Netherlands

In its study of Islamic burials in the Netherlands and Belgium, this study relates to and draws upon several sources. *First of all* there are the theological accounts on death, dying and the Hereafter that are present in large numbers and circulate in various translations among Muslims in Europe. These accounts are often summaries of larger collections that give a very vivid impression of the image of death, life in the grave, the Day of Judgment and the Hereafter and are illustrated with many Quranic verses and prophetic traditions (*hadiths*) (cf. Ibn Qayyim al Jawziyya 1996, 2005; Sujuti 2002; Ibn Kathier 2006). Besides these theological accounts, some academic studies also give in-depth insight into Islamic eschatology (Smith and Haddad 2002; O'Shaughnessy 1969). Furthermore, Islamic death rituals have been pretty thoroughly described in the large corpus of *hadith* (traditions) and *fiqh* (Islamic jurisprudence). Generally these collections include a book or a chapter on burials (*Kitâb al Janâ'iz* or *Bab al-Janâ'iz*). These chapters or books can differ from each other in content, focus and style, but they do tend to cover similar topics related to burial prescriptions and preparations. For the purpose of this study I have relied on the generally recognized comparative overviews of jurisprudence (cf. Al Jaziri 2009; Ibn Rushd 1994; Bakhtiar 1996; Ibn Qudamah 2003). Only where these works were not sufficient to understand the issues concerned did I consult other works, such as classical works on traditions and life after death and more contemporary Shiite and Ahmadiyya works (Bukhari 1997; Al Ghazali 1989, Al Ghazali 1979; *Kitâb Ahwâl al Qiyâma* 1872; Sistani 1997; Mohammed Ali 2005). In my contemporary research on Islamic burial regulations, I focus primarily on contemporary discussions concerning the situation of Muslims in non-Muslim countries and its consequences for ritual practices, including burial practices. These discussions are part of several collections of *fatâwa* issued in response to questions asked by Muslims living in the West. This is a new genre of *fiqh* that has developed as a result of Muslim presence as a religious minority, and is known as the *Fiqh al Aqalliyât* (cf. AbdelQadir 2003; Al Qahtani 2007; Al Sistani 1999; Al Qaradawi 2003).

*Then* there is the genre of death studies in the social sciences. Death and dying have become subjects of systematic research in the social sciences, especially in the aftermath of the Second World War (Small 2001, 21). Earlier studies were mainly anthropological accounts of death customs in 'primitive' societies. In the field of anthropology, death and burial rituals were studied in an attempt to understand the social organization of societies and as a transitory life scheme of a *rite de passage* (Hertz 1907; Van Gennep 1909; Durkheim 1912). There have also been explorations of

death from the psychoanalytic school that have tended to focus on the grieving process (Freud 1917). By the 1950s this pattern had changed, as Benoliel states: ‘In the aftermath of war, interest in death and dying as subjects for scientific investigation was stimulated by a number of factors: the rapid expansion of organized sciences and societal funded research; the appearance of the mental health movement with a central focus on suicide prevention; a depersonalization of many aspects of human existence associated with new technologies; and a powerful death anxiety that has been attributed to the use of atomic weapons at Hiroshima and Nagasaki.’ (Benoliel 1994, 4). In his historical overview Small (2001, 23-25) distinguishes five phases in the emergence of death and dying as a field of research in the social sciences.<sup>17</sup> In the scope of this study the fifth phase, especially, in which death studies were related to the wider scope of culture and religion, propounded by Small is relevant. Small called this phase the ‘revival of death and continuing bonds’ and stated that the theory on continuing bonds developed by Walter (1996) challenged the thus far prevailing idea of the bereaved having to break the bonds with the deceased and move on in life as part of a successful mourning process (Small 2001, 34). The theory on continuing bonds, that will be discussed in more detail in Chapter 5, was embedded in a wider consideration of the culture of grief.

*Finally*, there are few studies that have been done about the practice of Islamic burials in a context of migration, focusing mainly on the ritual itself and its performance. These studies either tend to discuss the dynamics of the ritual

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<sup>17</sup> The first phase dates from 1940-1960 and is considered to be the phase in which the field of death and dying in research was opened, with pioneering studies during the 1940s on children’s awareness of death and acute grief processes of survivors of a nightclub fire (Anthony 1940; Lindemann 1944). During the 1950s there were three main areas in which the first steps to research on death and dying were made; first, a critical perspective exemplified in Gorer’s work on the avoidance of death in 1955, second, empirical studies on London widows like that of Marries in 1958 and third Feifel’s contribution that legitimized work on death, via an appeal to its multidisciplinary relevance and potential for empirical verification in 1959 (Small 2001, 22). The second phase dates from 1960-1970 and was characterized by an expansion of concern about the care of dying people. Different works have been published on service provision and service providers (Hinton 1967; Saunders 1969; Kubler-Ross 1969; Quint 1969; Bowlby 1969). All of which have had lasting impacts on service providers, doctors and nurses. It was also in this period that self-help groups emerged, for example Widow to Widow in Boston in 1967 (Small 2001, 22-23). The third period from 1970-1980 is characterized by a formalization of networks and further building on past accomplishments. For example The International Work Group on Death and Dying was set up, with an international membership. Building on the former contribution of Bowlby (1969), Parkes for example published research based on widows in 1970 and on the psychology of grief in 1972 (Small 2001, 23). The fourth period from 1980-1990 was an expansion into the areas of ethical and legal concerns. In the United States for example, standards and certification for death education and counseling were established. Academic journals of death and dying also emerged within this period; *Omega* and *Death Studies* (Small 2001, 23).

performance and their changing in a context of migration or the question of identity and belonging. In the first category are found Tan's *Wandlungen des Sterbens und der Traurritualen in der Migration* (1996), Cirh Zan's study on the changing funeral practices of the Alevi (2012) and several publication by Jonker that afford insight into the performance of death rituals, mainly by Turkish Muslims in Germany (Jonker 1996a, 1996). Of a more comparative and systematic nature is the study by Dessing (2001) on lifecycle rituals among Muslims in the Netherlands, in which the author provides a chapter on the death practices of Turkish, Moroccan and Surinamese Muslims. Her focus seems to be on the changes these practices undergo and the new organizational infrastructure that is developed in a situation of migration. More recently, Venhorst (2013) has added to this genre a study on death ritual dynamics as performed by diverse Muslims in a variety of roles in the specific migration context of Venlo in the Netherlands. Studies that relate more specifically to the question of the identity and belonging of immigrants are those of Chaib (1988, 1996) who discusses the burial practices of Muslims in France and their sense of belonging to their countries of origin. Gardner (1998, 2002) has also produced several studies relating to the situation of Muslims in the United Kingdom and the question of returning to Bangladesh to be buried after death. In the works of both Gardner and Chaib, the relationship between burial location and the sense of belonging plays a very important role. This relationship will recur throughout this dissertation. Besides these works, there are some studies that emphasize the legal reconcilability of Islamic burial prescriptions with the national legal context of, for example, France as in the study of Aggoun (2006). Van den Breemer and Maussen (2012) incorporated an emphasis on the Church and State relations in both France and the Netherlands in their study of the establishment of Islamic cemeteries in both countries. Although these studies provide valuable insights into the practice of Islamic death rites in a context of migration or into the legal possibilities of Islamic burials in European countries, they do not share the methodologically comparative character of the current study that will be explained in more detail the next section.



#### 1.4 Theoretical approaches, research methods and techniques

In studying Islamic burials in the Netherlands and Belgium, it is important not only to focus on the changes that occur in death rituals as a result of migration or on rituals as 'primarily serving social cohesion and identity' (Beck 2010, 198). It is essential to include Islamic scholarly opinions and traditions that focus on the meaning of religion and faith in the individual performance of burial rituals. In this study the emphasis will lie on the situation of Muslims in a non-Muslim environment and the scholarly opinions offered in the genre of *Fiqh al Aqalliyât*. Because of its multidisciplinary character, this study also includes matters concerning the institutionalization and juridical integration of Muslims in both countries. These matters cover both the historical developments in Church and State relations and the institutionalization of Islamic burial plots and cemeteries within the current legal frameworks. In its multidisciplinary methodological and comparative approach, this study distinguishes itself from the few other studies on Muslim burial practices in Europe. Its purpose is to contribute to this field of knowledge by offering a systematic and methodologically comparative study of the burial practices performed by Muslims in the Netherlands and Belgium in relation to national law, religious prescriptions and the implications choices of a burial location have in relation to identity and the sense of belonging.

The question of identity and belonging frequently arose throughout the fieldwork. Cemetery managers would often tell me of their expectation that the majority of future generations of Muslims in Europe would opt for burial in Europe *because* of a diminishment in their sense of belonging to the countries of origin. However, it was exactly this sense of belonging to the countries of origin that formed a prominent motive for respondents in their choice for burial abroad. Younger generations of Muslims whom I interviewed did not necessarily feel a stronger sense of belonging to the Netherlands and Belgium as opposed to the countries of origin. Especially in matters of burial location, the sense of belonging to their 'home countries' was heavily emphasized by respondents. This seems to run counter to the general expectation among cemetery managers.

The majority of the guest workers who arrived in the Netherlands and Belgium during the 1960s and 1970s were male laborers who planned to work, save money and return to their countries of origin. When their stay was extended, this intention to return gradually turned into, as it now appears, a 'myth of return' (Gardner 1996; Gardner 2002; Bolgnani 2007; Chaib 2000). This 'myth of return' was also a central feature in

Dutch and Belgian policies to do with the settlement of guest workers who were considered to be members of a temporary labor force who would eventually return to their countries of origin (Shadid and Van Koningsveld 2008, 10-11; Sunier 2010, 121). However, large-scale family reunifications in the 1970s and 1980s refuted this presumption. As a result, the number of Muslims increased considerably. For the majority of these Muslims returning might still be their intention, but it has remained just a myth. For the first generation of Muslims in the Netherlands and Belgium the idea of returning to their home countries provided an ideological justification for their residence in Europe. The return to home countries was only attainable once the capital needed to return had been accumulated (Bolognani 2007, 73). Nevertheless, this return rarely took place permanently while the person was still alive, as opposed to the return to countries of origin after death. The idea of returning also seems to be very much alive among younger generations of Muslims in the Netherlands and Belgium, even though the majority of the respondents has been born and raised in Europe. The paradox of this idea of returning in relation to the sense of belonging will be discussed in Chapter 4.

#### **1.4.1 Research question, methods and techniques**

In order to answer the research question about the views Muslims have of death, dying, burial rituals, and their experiences and desires with regard to Islamic burials in the Netherlands and Belgium, explorative research was conducted in both countries. The principal goal of the explorative research is to gain insight into and discover new ideas about phenomena. This approach is very suitable to this current research because it is flexible and leaves room to explore research questions that have not been frequently studied (Bernard 2002, 205). In order to address the above-mentioned research topics, semi-structured face-to-face interviews were conducted among a sample of thirty-five Muslims, eighteen male and seventeen female.

The respondents were selected by using a purposive sampling technique (or judgment sampling). There is no minimum or maximum number of people required for a purposive sample to be successful, as long as the required information is obtained and the criteria for selection are covered, making this method the most suitable for the research carried out in this study (Bernard 2002, 176-182). This type of sampling made it possible to select respondents who have had experiences with Islamic burials in their circle of relatives and acquaintances in the Netherlands, Belgium and/or in the countries of origin. In order to preclude communication problems, respondents were mainly

young Muslims, aged between twenty and forty-five, and either born in the Netherlands or Belgium or had come to these countries before turning twelve. The sample included Muslims from four Islamic religious denominations; Sunnites, Shiites, Ahmadiyya and Alevi. In order to offer some representative results, respondents were selected from within these religious communities, to tally with the number of their presence in both countries. Many pieces of research dealing with Muslims in Europe often limit themselves to research among the largest Islamic communities, that is, Turks, Moroccans and Surinamese (cf. Dessing 2001; Jonker 1996; Chaib 2000). Although this approach might be useful for policymaking, from an academic point of view it is impossible to ignore the smaller communities, especially in a discussion of religious practices. Between July 2012 and January 2013, twenty-two Sunni, six Shiite, four Alevi and three Ahmadiyya respondents were interviewed.

As mentioned before, semi-structured interviews were used to gather the empirical data required. These interviews were open-ended, but did cover a list of topics and follow a general script (Bernard 2002, 203). There are several advantages in using semi-structured interviews; for example, the potential to overcome the poor rates of a questionnaire survey. People might, for example, feel hesitant about writing down their experiences of such a sensitive topic in a questionnaire, as opposed to a situation in which they are talking about it when motivated by an interviewer (Barriball and While 1994, 329). Unquestionably, a personal interview is well suited to the task of exploring attitudes, values, beliefs, ideas, opinions and motives when faced with such a personal and sensitive issue as death and burial (Barriball and While 1994, 329). This method also provides the opportunity to evaluate the validity of a respondent's answers by observing non-verbal signals. Picking up on these is useful when discussing such sensitive issues as death and burial (Barriball and While 1994, 329). Moreover, the diverse educational and personal characteristics of the sample would have made the use of a standardized interview schedule very difficult. Because of their ethnic diversity, respondents did not all share the same vocabulary or assign the same meaning to words. The use of semi-structured interviews made it possible to adjust key-concepts to the vocabulary and language of the respondent involved.

Respondents were found through key persons such as imams, representatives of Islamic organizations and undertakers. After the first interviews, respondents themselves introduced others who could be interviewed. Interviews were held at a place preferred by the respondent, who came from various ethnic backgrounds: Moroccans,

Turks, Surinamese, Sudanese, Iranian, Iraqi, Afghani, Pakistani and Indonesian. Data was also collected by interviewing three imams (two Sunni and one Ahmadiyya), five cemetery managers in both the Netherlands and Belgium and four managers of funeral funds and assurance companies. Besides these, in the course of this research several organizations were contacted for more information about Islamic burials and the development of Islamic plots in the Netherlands.

As a Muslim I experienced both advantages and disadvantages in the course of this research. My personal network proved very helpful when I began my fieldwork. It made it relatively easy for me to attend such personal and intimate gatherings as the washing of the deceased. Throughout the fieldwork, I found myself developing new friendships and acquaintances as a result of the many personal stories people shared with me during the interviews. Respondents opened up to me and shared their innermost private ideas and feelings. The rare disadvantages occurred, for example, the time that I was kindly requested to leave an Islamic burial plot in The Hague, since it was clearly not a place for a Muslim woman. Surely, so I was told, I should have known better than to ventured there.

Another technique for collecting the relevant data was through participant observation. During the fieldwork period I attended four burials as an observer (two in the Netherlands, one in Belgium and one in Morocco), participated in three corpse washings and the shrouding (in the Netherlands, Belgium and Morocco) and attended three funeral prayers (two in the Netherlands and one in Belgium).

In order to obtain relevant data about the practice of Islamic burial in municipalities, between 2010 and 2012 I conducted a survey among all Dutch and Belgian municipalities asking about their local burial regulations and practices of Islamic burials in particular. Of all 439 Dutch municipalities that were invited to participate in this study, 327 (74.5%) responded, of which 297 have one (or more) municipal cemeteries. To complement this work I studied the local acts of all Dutch municipalities and compared them to one another. If questions were not adequately answered by studying these local acts, the municipalities were again contacted asking for clarification. At the time of research Belgium had 589 municipalities that fell under the legal jurisdiction of three regions: Wallonia, Flanders and Brussels. Of all the municipalities invited, 212 (36%) responded. All the answers involved the situation in public cemeteries. In addition to the questionnaire, the federal and regional laws were studied and the results will be presented in this study.

As this multidisciplinary research is qualitative in nature, my aim is not to generalize the results to Muslims in the Netherlands and Belgium. My primary purpose is to ensure as much variation as possible and to describe and explain specific opinions and practices concerning death, dying and burial. These aims tally with the definition of qualitative research as given in the literature on methodology of social research. Qualitative research is defined as ‘a form of systematic empirical inquiry into meaning.’ (Shank 2002, 5). As a qualitative researcher I am interested in understanding how people make sense of their world and the experiences they have (cf. Merriam 2001, 13). Besides explaining respondents’ views on the afore-mentioned topics, I have also focused on whether the opinions and practices found correspond to some variables such as: ethnic background, religious denomination, age and gender. It should be borne in mind that such correspondences will be looked at by searching for trends rather than by presenting statistical evidence, as the sample size is too limited to allow such statistical correlations.

#### **1.4.2 Chapter outline**

Every chapter in this study consists of four integrated parts that represent the multidisciplinary character of this study: social science research, Islamic scholarly opinions, national legal regulations and the results of fieldwork. The chapters are divided into the main themes that are concerned with Islamic burials in the Netherlands and Belgium.

Chapter 2 discusses the views on dying and death. The chapter begins with Section 2.1 with the legal discussions and the development on the definition of death and brainstem death. The focus in this chapter are the views held by Muslims about eschatology, which will be discussed in Section 2.2, and connected to the views developed among Islamic scholars in Section 2.3. The role of the grave and its physical location plays an important part in these eschatological views. The socio-cosmological views held by Muslims in relation to belonging to the Islamic community and its effect in the Hereafter will also be dealt with in this chapter in Section 2.4.

Chapter 3 discusses the theory and practice of Islamic burial preparations. The chapter commences with Section 3.1 by situating burial preparations in the theory of *rites de passage* as developed in the field of social sciences. Section 3.2 discusses the existence of funeral insurances and funds and their role in the administrative procedure that precedes burial. The following sections (3.3 to 3.6) discuss the burial preparations.

The washing, shrouding, funeral prayer and funeral procession will be discussed both on the basis of the results of the interviews and from the frameworks of Islamic scholarly opinions and the national laws.

The burial practices of Muslims in the Netherlands and Belgium are discussed in Chapter 4, that begins with a brief overview of the legal history of the creation of (religious) cemeteries in the context of the current national burial landscape. Islamic burial facilities are subject of Section 4.2 and will be discussed from the perspective of Islamic scholarly opinions as well as from the results of the municipal survey and interview data. Section 4.3 contains a description of the Islamic burial prescriptions in connection to national laws, scholarly opinions and the interview data. Section 4.4 elaborates on the choice of burial location among Muslims in the Netherlands and Belgium.

Chapter 5 presents the practices and processes of mourning and grief. The chapter commences in Section 5.1 with the discussion on the existence of private mourning and public mourning. This discussion is presented both in connection with Walter's theory on continuing bonds and with the interview data. Section 5.2 discusses the rituals of condolences and mourning from an Islamic scholarly view in relation to the interview data gathered. In this section, national laws and case law of the Netherlands and Belgium on the permissibility for employees taking leave of absence in the event of the death of a family member and the emergence of a special 'mourning leave' in both countries will also be included. Finally this chapter deals with rituals performed at mourning gatherings, and the personal and individual ways in which Muslims give meaning to their grieving process in Section 5.3. In this section I also pay attention to the rise of Salafi ideas which seem to reject and ignore the practices performed in traditional Islam.

Lastly, the conclusions of this study are presented in Chapter 6. In Section 6.1 I begin by presenting the conclusions of this study in relation to the theory of the multilayered messages of ritual practices as explained by Beck (2010). In Section 6.2 some remarks on the (im)mutability of ritual practices and on European trends with regard to Islamic burials are made. In the last section, the possible implications of this study for policy and some recommendations for future research are made.

# Chapter 2

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*On death and eschatology. Islamic developments and socio-cosmologic ideas*

## Chapter 2. On death and eschatology. Islamic developments and socio-cosmologic ideas

Eschatology is a central element in primary Islamic sources.<sup>18</sup> Belief in the Last Day (or Day of Judgment) is considered to be one of the articles of faith.<sup>19</sup> It is seen as a Muslim's ultimate end and goal, and is considered to be their guiding factor in life (Q 4:136; Shaltut 1980, 41). The Quranic emphasis on a *post-mortem* existence connects one's actions in this life to the final judgment in the Hereafter, and this teaching inevitably entails responsibility and accountability. Besides Quranic verses and *hadiths*, eschatological manuals describe and interpret the various episodes that are considered to occur from death to resurrection in exquisite detail. In this regard it is possible to distinguish between the 'classical' and 'contemporary' eschatological views held by Islamic scholars and shared by Muslims. Classical scholars seem to use particular references to God and the Afterlife to illustrate the nature of God rather didactically. In contrast, contemporary scholars are less concerned about teaching the particulars and more with preaching the message about the meaning of death and resurrection.

Before discussing the practice of death rituals for Muslims in the Netherlands and Belgium in the following, this chapter provides a meta-discussion on eschatology as an organizing principle in the practice of separate death rituals. Bearing this discussion in mind, it is possible to describe and interpret the various death rituals in the course of this study. I shall argue that the different ideas that are held by Muslims about death, dying and the Afterlife correspond with contemporary and classical scholarly views on Islamic eschatology. Importantly, these ideas correspond to an idea of a socio-cosmology in which one's community after death corresponds with the community one belonged to while still alive. This continuity of belonging is expressed, among other ways, in the physical location of the grave. Although the Islamic eschatological narrative has been thoroughly studied, little attention has been paid to

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<sup>18</sup> Eschatology refers to the study of the last things. Epistemologically the term stems from the Greek word *eschatos*, which means last.

<sup>19</sup> The Prophet is believed to have answered the following to the question on the meaning of *imân* and *islâm*: Articles of faith or *arkân al imân*: Belief in God, His Angels, His Messengers, His Book and the Last Day (Bukhari Vol. 1, Book 2, 47). Some scholars also add belief in fate (*qadar*) as the sixth article, other add the *jihād*. The pillars of Islam or *arkân al Islâm*: *shahâda* (witnessing the oneness of God and the Prophet-hood of Mohammed ), *ṣalât* (daily prayers), *zakât* (almsgiving), fasting during the month of Ramadan (*Siyâm*) and the pilgrimage to Mecca (*hadj*) (Esposito 2003, 136, 247)



the way the eschatological views are expressed and ritualized by Muslims in a context of migration (cf. Venhorst 2013).

This chapter commences with Section 2.1 that contains a brief elaboration on the relevance and meaning of Islamic and national legal definitions of death. As a consequence of medical developments in the last century, different definitions of death have emerged. In Section 2.2, the process of dying and the occurrence of death are dealt with. These situations are accompanied by several rituals performed by those surrounding the dying person. Section 2.3 will deal with the eschatological narrative in Islamic theology (*kalâm*). An overview will be given on the steps that are believed to occur from the moment one dies until the soul's final sojourn in Paradise or Hell, as explained by respondents and elaborated on by classical and contemporary Islamic scholars. My concern is not so much to provide an interpretative discussion of the development of *kalâm* or of ideas about eschatology, but to look at the influence classical and contemporary scholarly views are having on the ideas currently held by Muslims that they express when referring to dying and eschatology. In Section 2.4 the significance of the grave in relation to the Afterlife will be discussed. One of the most debated subjects in eschatological narratives concerns the period between death (or burial) and resurrection that has become known as the *barzakh*. This matter also came up during the interviews in which the grave and its physical location seems to play an important role for people's identities. These identities were related to the socio-cosmological ideas people held about life and the Afterlife.

## **2.1 Determining death. Legal and Islamic views**

In a study of burial practices among Muslims, it is important to determine the exact moment of death. Both legal and social relations are involved with the moment at which death occurs. Legally death raises questions about filing a last will and designating the heirs. This subject is left outside the scope of this study. From a social point of view, the determination of death marks the beginning of death rituals that have to be performed by members of the Muslim community within an eschatological framework and form the focus of this study.

At first sight determining death might seem to be a simple diagnosis. However, for centuries diagnosing death remained controversial and there was no universally accepted idea of when a person was considered dead. Both in Western history and among Islamic scholars, the criteria determining death were traditionally defined by the

expiring of the bodily functioning, especially respiration and heartbeat (Russel 2000, 1-3; Krawietz, 2003, 199; Hedayat 2001, 969). In his historical overview of the idea of death, Russel indicates that the eighteenth century brought the first changes in determining the criteria for death (Russel 2000, 3-7).<sup>20</sup> It was during this period that the first attempts were made to intervene in the dying process medically by the use of artificial respiration techniques and electroshocks. Nevertheless, it was the twentieth century that really challenged the thus far prevailing criteria for death, with the introduction of electro-encephalogram (EEG) and the first successful human heart transplantation (Russel 2003, 18).<sup>21</sup> A new definition of death became essential.

During the last few decades, this new definition of death has become centered on the concept of brain (stem) death.<sup>22</sup> Brain death is the legal definition of a situation in which there is a complete and irreversible cessation of all brain functions.<sup>23</sup> As a result of this new definition of death, countries worldwide have established legal protocols to determine the procedure for diagnosing brain(stem) death. The Netherlands and Belgium are no exception. The question of organ donation above all others made it legally, medically and ethically imperative to have a clear protocol on brain(stem) death.<sup>24</sup>

Death in Islam can be explained as both a physical and a metaphysical process. Both are inevitably intertwined. Metaphysically the criteria for death in Islam were determined by the Quran in relation to the departure of the soul (*rûh*) (Q 39: 42). The *rûh* is considered to be the principle of life that leaves the body at the moment of death,

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<sup>20</sup> Some scholars seem to suggest otherwise: 'Prior to the middle of the twentieth century, there was no major dispute over the criteria for death.' (Cranford 1995, 529)

<sup>21</sup> The first successful heart transplantation was performed by Christiaan Bernard on December 3<sup>rd</sup> 1967 in Cape Town, South Africa.

<sup>22</sup> The idea of brain death was first introduced by two French neurologists, Mollaret and Goulson, in 1959 as a *coma dépassé*. (Cranford 1995, 529). In 1968, the Ad Hoc Committee of the Harvard Medical School formulated this situation as brain death or irreversible coma. For more on the development of this definition see Belkin 2003.

<sup>23</sup> Universal Determination of Death Act, 1980, Article 1. I shall not dwell on the legal, medical and ethical discussions that led to this definition. These are discussed, for example, in Cranford 1995 and Capron 1978.

<sup>24</sup> Both the Netherlands and Belgium have legal protocols on brain(stem) death. For the Netherlands see 'Hersendoodprotocol, 30 June 1997, Stb 1997, 306'. Since the realization of this first protocol however, discussions on brain death in relation to organ transplantation have still been the subject of medical, ethical and legal commissions. See, for example, 'advies Hersendoodprotocol, Health Council of the Netherlands, 11 April 2006'. Furthermore, in the jurisprudence on euthanasia, several examples of cases in which the court rules on the meticulous and careful research and norms that doctors should follow with regard to the diagnosis of brain stem death are to be found. See, for example, the case of a doctor who was found guilty of the negligent treatment of one of his patients: HR 9 November 2004, NJ 2005, 217.

and was traditionally considered to occur when the heartbeat and respiration ended and the body grew cold. This was not a divine or prophetic tradition, but an empirical observation of the physical process (Kamal 2008, 100; Hedayat 2001, 969; Karawietz 2003, 39). During the 1980s Islamic scholars gradually showed a tendency to be influenced by medical developments in determining the criteria for death and the discussion on brain death. This resulted in various declarations and *fatwas* by Islamic *fiqh* councils and scholars accepting brain(stem) death as a form of death in relation to organ donation and the cessation of medical life support (IFA MWL 1987; ECFR, 37). Brain death is accepted as an indication for the de-escalation of intensive medical support because of the irreversible cessation of all brain functions. Importantly, brain death is considered a physical form of death when the matter of organ transplantation arises. However, in terms of death rituals, brain death is not to the equivalent of death since there is still cardiac activity and the body has not grown cold. Death rituals are not performed until both respiration and cardiac activity have ended. Consequently, it should be emphasized that, while many Shiite and Sunni scholars have accepted brain(stem) death as a form of death, it has certainly not yet attained general consensus among Islamic scholars nor is it generally accepted by Muslims (Sistani, Q&A Medical Issues, 2).

The majority of the respondents (85%) referred to death only as the cessation of cardiac activity and respiration. Only 15 per cent indicated brain death as a form of death. All of them associated brain death with the withdrawal of medical life support. Among these respondents, there seemed to be an agreement that medical life support would not be beneficial if there was no brain activity. Therefore, the body was to be considered dead, as was explained by a respondent:

I knew a man whose wife was in the intensive care. She was on medical life support because her husband refused to give permission to stop the life support. He explained to me that her heart was still beating and her body was still warm. I told him “No, your wife is dead. The *rūḥ* has left her body!”. It was only the machine that kept her heart beating and her blood circulating. (Amira, personal interview, October 10, 2012)

The respondent went on to explain that it was only after the medical life support had been stopped the body did indeed die, that is, the heart and respiration stopped. At this moment Muslims consider the person to be dead and several ritual obligations must be

observed. These will be discussed in Chapters 3 and 4. In the following section, the importance of guiding the person through his dying process will be considered. This process entails both collective and individual obligations from those surrounding the dying.

## **2.2 The process of dying. Collective and individual rituals**

In Islamic *fiqh* literature, the book of *janâzah* (consisting of burial prescriptions) often begins with recommendations about what to do for the dying person and how the people present should act. The process of dying is considered to take place on God's order, that is instrumental in removing the soul from the body. A process that is often described as accompanied by feelings of desolations and loneliness. Therefore, it is heavily emphasized that a dying person should not be left alone and the people present should do their very best to accompany the dying person every step of the way in his process. This includes the act of encouraging the dying person to look forward, full of confidence, to meeting God (Sayyid Sabiq 1991, 15; Al Jaziri 2009, 669). Family, friends and acquaintances are recommended to visit the dying person and to make supplications on his or her behalf (Al Jaziri 2009, 669; Sayyid Sabiq 1991, 15-16; Al Baghdadi 2005, 190-191). Various scholars also recommend the reading of the *Sûrat Yâsîn* (Al Jaziri 2009, 669). This is disputed by others who claim that there is no basis for reading the *Sûrat Yâsîn* specifically (Philips 2005, 4; Albaanie 2011, 198).

Visitors are prompted to remind the dying person to pronounce the *shahâda* (the Islamic creed *Lâ ilâha illa lâh-* 'There is no God but God'- known as *talqîn*). One should make sure these words are the last the dying person will pronounce or hear, as one can also whisper the *shahâda* to the dying person (Al Jaziri 2009, 668; Sayyid Sabiq 1991, 16; Ibn Rushd 1994, 259; Al Ghazali 1989, 48; Bukhari 23, 80; Al Kafi 13/276). Shiite Muslims emphasize furthermore that the dying person is encouraged not only to pronounce the *shahâda* but also the names of the Twelve Imams (Sistani 1999, 135). Any person present can perform these rituals. Therefore they are referred to as collective rituals.

The way one dies (alone or in company of others), and also the place where one dies can be considered to be a sign of a 'good' or a 'bad' death (Tan 1996, 110; Gardner 1998, 511-513; Lemmen 1999, 9). As examples of good deaths, in the literature we come across departing one's life at such sacred places as Mecca, Medina, Kerbela or Najaf, or dying at home (or in home countries) surrounded by close relatives and

acquaintances. A death that occurs on a Friday is also considered to be a sign of a good death (Tabatabai 2001, 178; Lemmen 1999, 12-13; Heine 1996, 12; Chaib 1988, 339-340; Gardner 1998, 511).

Similar qualifications were also given by respondents during the interviews in which they recounted their stories of deceased relatives or acquaintances. Among those who did not die in accidents, most of the stories were about death occurring in a hospital or at home. Respondents emphasized that the relevance of people being with the dying person lay in the contribution they could make by reading from the Quran, for example the *Sûrat Yâsîn*. Apart from this, they could make supplications on behalf of the dying in order to ease the process and to assure him or her that he or she has not been left alone. Prompting the *shahâda*, giving the dying person water to drink and turning him or her in the direction of the *Qibla* (*ihtidâr*) were mentioned by respondents as collective rituals that can be performed by anyone who happens to be with the dying person. Turning the dying person in the direction of the *Qibla* (*ihtidâr*) is an act that is considered by some scholars to be part of the *sunna* of the Prophet (Al Jaziri 2009, 668; Al Sistani 1999, 135). While others state that *ihtidâr* is a practice only to be performed when the deceased is placed in the grave (Philips 2005, 4). Of all respondents, a third had actually turned the dying to the direction of the *Qibla*, either at home or in the hospital. Those who had not performed this act reported that it had not been possible on account of the layout of the room, or because they had not wanted to disturb the dying person in his process of dying.

It is believed that a dying person suffers from intense thirst. Offering water to the dying person was mentioned by respondents in relation to the visit by the Devil, who tries to seduce the dying into denying the articles of faith in exchange for water. This is a popular subject in classical eschatological manuals, in which the feeling of desolation and loneliness experienced by the dying person is considered to make him a prime target for temptation (Al Ghazali 1979, 24). One of my Turkish respondents emphasized her comfort in knowing that her father drank water on his deathbed and hence had not given in to the Devils temptation. He managed to swallow some, even though in the previous months he had not be able to eat or drink anything at all because of a tumor in his esophagus.

Another issue frequently reported by respondents was the facial expression of the dying person that reveals, so almost half of the respondents believed, that the dying person was being shown a preview of where his or her final abode will be. This subject

also recurs in eschatological manuals. For example, Al Ghazali states: ‘Watch for three signs in the dying man. If his forehead sweats, his eyes shed tears and his lips become dry, then the mercy of God (Exalted is He!) has alighted upon him. But if he should choke like a man being strangled, and if his colour should turn red, and if he should foam at the mouth, then this is from the chastisement of God which has befallen him.’ (Al Ghazali 1989, 47).

Both classical and contemporary eschatological manuals go into the vocal and facial expression of a dying person in some detail: ‘The soul sees other souls but thinks they are living because it is actually still seeing living people... the clarity of both worlds depends on the degree of the soul’s exit from his body. If the soul has slipped away to more than half of its strength, it sees other souls more clearly than the living people. If the opposite is true, it sees the living more clearly. Therefore, a dying person often talks to the dead, calls them, or smiles at them. Talking, calling and smiling are nothing more than an expression of the degree of communication between the soul and the body or their separation. In the case of smiling, the vision of the souls is not fully clear; in the case of calling it is clearer though from a distance, and in talking it is clear and close and therefore the moment of transition is at hand.’ (Abd al Razzaq Nawfal in Smith and Haddad 2002, 120).

When these two positions are linked to the results of the interviews rather lively reports about the moment of death emerge. These particularly involved narratives about the extra-ordinary way death occurred and the facial and vocal expressions of the dying person. Sunni and Ahmadiyya respondents tended to report the individual facial and vocal expression of the dying person. For example, in the story of one of the Sunni respondents reporting the death of his father:

My father had already been unconscious for three days. We would always make sure someone was there with him at his bedside to read the Quran, we read the *Yâsîn* but we also did a *khâtîm* (reading the entire Quran). While we were there, all of a sudden he sat up straight in his bed and smiled. He sat like that for several seconds and then fell down on his back again. We began prompting the *shahâda* but he had already died. He died with a smile on his face. I am sure he saw his next abode and that it made him smile reassures me. (Serdar, personal interview, October 19, 2012)

Other respondents referred to the dying persons as being in ‘another world’ and able to see things that people present could not see. Sharing the story of her father’s death a Sunni respondent reported that her father screamed out ‘I see *al haqiqa* (the truth)’ before he passed away. She mentions how she was shocked by her father screaming, but at the same time it reassured her knowing that he really saw what his next abode would be.

Shiite and Alevi respondents emphasized the role of Imams and *dedes* in the dying process. They are believed to guide the dying person through this process. In sharing the story of his wife’s death, the following report was given by a Shiite respondent:

A week before she actually died, I knew she was already in another world. She would sit down on her bed and put on her headscarf, when no one was there but me. I knew then that she saw others whom I could not see. While seated on her bed she would say “Number 7”. I never understood that until after she had died. We believe in the Twelve Imams, she called out to Number 7 because she died on a Monday as did our seventh Imam, Jafar al-Sadiq.<sup>25</sup> I believe that she saw him and that makes me glad, because the Imams will be guiding us to Paradise. (Mansour, personal interview, January 8, 2013)

Both the facial expressions and vocal utterances of the dying seemed to be able to reassure the people present of the next abode of the dying person. None of the respondents reported the dying person experiencing any hardship during the death process. All of the stories involved positive situations.

Besides the collective rituals, respondents also mentioned individual rituals that are a matter between a specific individual and the dying person. The individual rituals were considered by respondents to exert a direct influence on how the dying person would enter his or her final abode. Asking for forgiveness and settling debts came up in this regard.

Respondents found it of the utmost importance, if still able, to have the dying person grant and ask forgiveness from those present. The idea behind it is that if a person has not forgiven his fellow humans for any injustice that he or she might have done or had done to them, God would also not forgive. One of the Turkish respondents explained this issue while sharing the story of her father’s death:

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<sup>25</sup> Gregorian calendar 4 or 5 December 765

Before he died my father asked us all in, one by one. When I was called in he began telling me about his possessions in Turkey; what parts of it were to be mine and what was to be for my siblings. He asked me to forgive him for anything he might have done to harm me. I said of course I forgive you and he said that he forgave me. He didn't want us to have quarrels about his possessions or other things after his death. One day our neighbor, a good friend of my father's, dropped by and my father summoned him to his room. He told him about an illegal water pipe that he had constructed in our garden and asked the neighbor to remove it after he had died. The neighbor did so, just a couple of days after my father's death. Nothing should stand in his way in the Hereafter. Debts and people not forgiving you might stand between you and a better abode in the Hereafter. (Yusra, personal interview, June 12, 2012)

Referring to this asking and giving forgiveness, Turkish respondents especially also pointed out a ritual after the funeral prayers, *helal etmek*, which will be discussed in more detail in Chapter 3.

Another subject mentioned concerned paying off one's debts which were explained by almost 25 per cent of the respondents being both financial and religious debts, such as the fasting days omitted in Ramadan, performing the pilgrimage to Mecca and even giving alms on behalf of the deceased. As a respondent explained:

Debts are to be paid by the family of the deceased. Otherwise the deceased will have to pay them off on Judgment Day by giving away some of his good deeds. Omitted fasting days should also be recovered and even the *ḥadj* if the deceased was *wājib* (obliged) to go. My aunt had written down all these issues in her will and she had appointed specific people to take these tasks upon themselves. (Zaineb, personal interview, September 14, 2012)

These individual obligations seem to reveal a form of responsibility that specific people had to undertake on behalf of the deceased.

Along the same line of thought, familial responsibilities are believed to have an impact on the deceased long after his or her death. The significance of relatives praying for their deceased is stressed in various *ḥadīths*, for example, the following: 'It is related from Abu Qalaba that he saw in a dream a cemetery, and it was as if the graves were split open and the dead came out of them. They sat on the edges of the graves and each one had before him a light. He saw among them one of his neighbors with no light in front of him and he asked him about it, saying, "Why do I not see any light in front of you?" The dead person said, "These others have children and friends to pray for them



and give alms for them and their light is produced by that. I have only one son and he is no good. He does not pray for me and does not give alms on my behalf, therefore I have no light. And I am ashamed of my neighbors”. When Abu Qalaba woke up he called the man’s son and told him what he had seen. So the son said, “I will mend my ways and will not more do what I have been doing.”(...) When Abu Qalaba saw the graveyard in his dream [again] he saw the same man with a light brighter than the sun and greater than the light of his companions. And the man said, “O Abu Qalaba, may God reward you well for me. Because of what you said to my son I am saved from shame in front of my neighbors”.’ (*Kitâb ahwâl al qiyâma*, 28; Smith and Haddad 2002, 61). The deceased can be burdened by shame and pride as a result of actions performed by the living. In this example, the continuing feeling of belonging to a family and community is extended into the Afterlife. It is this socio-cosmological idea that was emphasized by respondents in relation both to the Afterlife and the grave. Before turning to the latter, I shall first look at the meaning Muslims attach to death in relation to the Afterlife.

### **2.3 Death and the Afterlife. Classical and contemporary Islamic views**

Many Quranic verses portray the close relationship between the concepts of death and life (Q 80:17-22), death and creation (Q 56:57-62) and death and resurrection (Q 23:12-16), making them one of the major Quranic themes.<sup>26</sup> Although the Quran describes the Final Judgment and the final abodes in exquisite detail, it makes little mention of the intermediate state between death and resurrection; the *barzakh*.<sup>27</sup> The *barzakh* came to be known both as the time every individual must wait between death and resurrection and the abode of this waiting (Ibn Qayyim 2010, 14; Sayyid Sabiq 1991; 95).

The idea of the *barzakh* became the subject of the eschatological narrative that developed among Muslim Sunni and Shiite scholars involved in studying and defining Islamic theology (*kalâm*) in the early centuries after the death of the Prophet

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<sup>26</sup> For more on the study of the meaning of death in Islam and in the Quran see Brandon on Judgment or Predestination in Islam (1967), O’Shaughnessy on the Quranic data on death (1969), Bowker on The meaning of death within in Islam (1991), Welch on Death and Dying in the Quran (1977) and the in-depth analysis on the Islamic Understanding of Death and Resurrection by Smith and Haddad (2002)

<sup>27</sup> This meaning of *barzakh* is taken from Quranic Verse 23:100, that expresses the inability of deceased to return to Earth ‘behind them is a barrier (*barzakh*) until the day when they are resurrected.’ The term *barzakh* is also mentioned in Quranic Verses 25: 53 and 55: 20.

Muhammad.<sup>28</sup> In their descriptions, the nature of death, the process of dying, the events in the intermediate period between death and resurrection, the Day of Judgment and the final abodes, the eschatological manuals provide detailed elaborations. Some of the most popular of these classical manuals are by Ibn Qayyim al Jawziya (*Kitâb al-rûh*) and Abu Hamid al-Ghazali (*al-Durra al-fâkhira fi kashf 'ulûm al-âkhira* and *Kitâb dhikr al mawt wa ma ba'dahu*), both of which have been translated into various languages and also circulate among Muslims in the Netherlands and Belgium.<sup>29</sup> Among Shiites there is, for example, the authoritative *hadîth* collection of the *Kitâb al Kafi* (Kulayni d. 941), that includes many traditions about the events that follow death. Later Ahmadiyya scholars also became involved in this study, for example, the well-known scholar Mohammed Ali (Mohammed Ali 1950). Although the descriptions given in these manuals might seem to be in the nature of actual predictions, one should not overlook the point that, 'they seem most clearly to be set forth as warnings and reminders to the living of the necessity of seeing their daily acts in an eternal framework.' (Smith and Haddad 2002, 45).

Earlier in this chapter I mentioned that a number of classical and contemporary scholars have written on eschatology. The classical Islamic scholars seem to use particular references to the Afterlife to illustrate the nature of God and His justice rather didactically. Unlike the classical scholars, contemporary Islamic scholars have tried to revitalize Islamic theology by addressing modern philosophical and scientific issues and by tackling the Western emphasis on rationalism, human accountability and responsibility. They are less concerned with teaching the particulars and more with preaching the message of the meaning of death and resurrection. In fact, the majority of contemporary Islamic scholars have chosen not to discuss issues about the Afterlife at all and simply affirm the reality of the Day of Judgment and the human accountability, without providing details or interpretative discussions (Smith and Haddad 2002, 100; Ryad 2-3).

Though it is a thorny issue to position the various contemporary scholars in matters of eschatology, academics have succeeded in distinguishing various categories of scholars. On the one hand, there are Smith and Haddad who distinguished between

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<sup>28</sup> There are various branches within Islamic theology, for example, the *mu'tazilah* and the *ashari*. See Esposito 2003, 26, 222

<sup>29</sup> Ibn Qayyim, *The soul's journey after death* (1998). Ibn Qayyim, *De reis van de ziel na de dood* (2010). Al Ghazali, *The Precious Pearl* (1979), Al Ghazali, *La perle précieuse* (2002), Al Ghazali, *The Remembrance of Death and the Afterlife* (1989).

‘three fluid and certainly not always mutually exclusive’ categories of modern thinkers; traditionists, modernist and spiritualists (Smith and Haddad 2002, 100-101). Traditionists are contemporary writers who contribute to the genre of eschatological narrative by addressing the classical Islamic view on Afterlife as perpetually valid that cannot be added to or subtracted from (for example Ahmad Fa’iz and Al Bayjuri). Modernists, on the other hand, prefer a more interpretative analysis of life after death in which they are concerned with such issues as ‘science and the immediate life after death, the possibility of continuing human development, and the reaffirmation of the Quranic stress on ethical responsibility.’ (for example Al Mawdudi d.1973 and Mawlana Muhammad Ali d.1951). Under British colonial rule representatives of the spiritualist trend flourished and were exposed to many of the European and American spiritualist writings. In their works, they spent a great deal of time responding to the accusations leveled by Orientalists and missionaries that Muslims have a sensual and material conception of life after death (for example Tantawi Jawhari and Ahmad Fahmi Abul Khayr).

In contrast, the work of Ryad provides much greater elaboration on the various streams within and in addition to the categories of Smith and Haddad. The author presents multifaceted views about eschatological issues by examining key texts that are not considered by Smith and Haddad. Ryad begins by discussing the modern Indo-Pakistani scholars who are considered to have been influenced by mystical and philosophical ideas. Their common emphasis is that the physical body does not play a role in the immediate life of an individual after death. Ryad illustrates this position by quoting the works of, for example, Shah Wali Allah (d.1762) and Muhammad Iqbal (d. 1938). An important part of Ryad’s work is taken up by a discussion of death and resurrection in the ideas of Islamic Reformism. This approach seems to stress the ethical values of eschatological ideas for Muslims in this life. In this approach it is also possible to detect that the author has consulted the ideas of classical scholars, for example, Ibn Qayyim. Mohammad Abduh (d. 1905), Rashid Rida (d.1935) and the well-known contemporary scholar Yusuf al Qaradawi (1926-) are furthermore discussed as illustrative in this approach. The last part of the discussion on modern Islamic theology is ‘bolder’ and has tended to gain recognition among elite intellectuals who have taken its ideas on board. These neo-modernists do not seem to have been concerned with attempting a reconciliation between the validity of Islamic traditional eschatological ideas and modern ideas. Examples that illustrate this position are the works of Fazlur

Rahman (d. 1988) and Hasan Hanafi. The latter has explained eschatology as a projection that does occur not inside Islam itself, but has been introduced from outside. 'Outside' being something Hanafi invariably seems to categorize as 'folklore fantasy' (Ryad, 36).

Although these categorizations do give us an idea of the development of Islamic theology, any elaboration on them falls outside the scope of this study. I shall refer to these various approaches and opinions when I discuss the views of Muslims on the meaning of death and resurrection. I have structured this discussion according to the topics that happened to come up during the interviews about death and resurrection. These topics were principally concerned with the meaning of death and the departure of the soul.

### **2.3.1 The meaning of death**

Among Muslims in the Netherlands and Belgium, it has been possible to establish that there is a broad spectrum of ideas about the events that occur from the moment one dies to the sojourn in the final abode of the soul, Paradise or Hell. With regard to the nature or the meaning of death for individuals, three categories of answers can be distinguished: death as a terrifying occurrence; death as the next phase in the logical order of existence; and death as a stimulus for living a 'good' life on Earth. A minority of the respondents (14%) thought of death as something frightening, something of which they had no idea when, where or how it would approach them. The idea of being judged as individuals with no help from relatives and friends was the most dominant part of this fear. These respondents also believe that death itself is a very painful process:

When you die you feel as if your skin is being ripped off your body, that is the kind of pain you feel when your soul is leaving the body. You can no longer do anything about it; when the process begins you are on your own. It is a lonely state. (Mansour, personal interview, January 8, 2013)

This view of death as a terrifying occurrence represents only a minority in the results of the interviews, but was nonetheless an answer given by a variety of Muslims: 'secular', Sunni and Shiite. The idea of death as an agony and a fearsome ordeal seems

to correspond with both classical and some contemporary scholarly views (cf. Ibn Qayyim 2010; Rashid Reda in Ryad 19-24).

The majority of the respondents consider death either as being the next phase in the logical order of existence, that is everything that is born will die (49%), or death as a stimulus in being aware of the fact that everything one does in this world will have a direct effect in the Hereafter (37%). The latter clearly indicates an idea of continuity in one's actions and a sense of human responsibility and accountability. This is also the idea behind many of the eschatological manuals, especially as these are interpreted by contemporary scholars.

That death was not the end, but the beginning of a new phase was the scarlet thread that runs through the reports of the interviews. How this new phase would occur and in what form elicited a variety of ideas and opinions. The idea that all life, from the present to the final eternal abode, is seen as a continuous process was widely represented among respondents. A view which is also found in modern contemporary works on Islamic eschatology (al Mawdudi in Smith and Haddad 2002, 106). *This* view of continuity, however, does not mean a continuity of life as we know it on Earth namely, the idea of continuation held by classical scholars. The latter implied that life after death (at least in the grave) was to be considered to be a continuation of the kinds of activities in which the deceased had also engaged while still alive; the souls can carry on general forms of social intercourse with other souls and life continues much as it does for those still on Earth (Ibn Qayyim 2010, 18; Smith and Haddad 2002, 107).

The nub of the question is that the continuum to which most respondents referred, and is likewise explained by some contemporary scholars, entails a continuity of life whose character will be different from life on Earth (Mawlana Muhammad Ali 1950, 271). A respondent reported:

It is a different world. How can God explain something to us that we have not seen, except in our own human terminology? We tend to confuse the literal meaning with the metaphorical. I do not think we shall live the same way as we did on Earth, but I do believe we shall be able to experience joy and happiness, or sadness and grief. (Mamduh, personal interview, September 13, 2012)

The different character of life after death also intimates limitations in describing and understanding the Afterlife in human terminology. In whatever way death was

perceived and explained, all the respondents connected the meaning of death with the presence of angels.

### **2.3.2 Occurrence of death and the departure of the soul**

In describing the event of death, Islamic eschatological manuals often describe how the dying person is visited by angels. At the moment of the cessation of individual life, it is Izrail (the Angel of Death – *malak al mawt*) who is considered to appear, as God’s instrument, to the one whose soul is to be taken (Ibn Qayyim 2010, 3; Al Kafi 13/298; Q 32: 11). Besides Izrail, scholars also mention four other angels descending to the dying person to take away his soul, each one of them pulling the soul by each of its arms and legs (Al Ghazali 1979, 21).

The view on death coinciding with the arrival of an angel or angels was an important subject in the way respondents shared the story of the death of their relatives, referring to this angel either as Izrail or *malak al mawt*. Some respondents distinguished between the Angel of Death as the one who brings about death and other angels accompanying him to carry away the soul. They connected the appearance of the angel(s) to the way a person had lived on earth. If they appeared black this portended a negative message, whereas white was a positive sign. Again respondents emphasized the continuing consequences of one’s actions on earth.

The angel(s) who come(s) to take away the soul are reported by respondents to be already aware of what the dying person’s final abode will be. An illuminating answer was given by a respondent when sharing the story of his wife’s death:

When the Angel of Death comes, you will die. He will take your soul as it leaves your body with your last breath from here (pointing to his Adam’s apple). He will take the soul through the Seven Heavens and on their way the other angels will ask “to whom does this delightful fragrant soul belong” and the Angel of Death will answer them and refer to you as a good soul. Conversely, angels can also ask “to whom does this stinking, putrid soul belong” and the Angel of Death will answer and refer to you as a bad soul. During this journey, the Angel of Death will show you either Paradise as your future, final abode or Hell. (Mansour, personal interview, January 8, 2013)

Another respondent told a similar story and added that:

When God is pleased with the soul He will say, *Yâ ayyatuhâ al-nafsu al-mutma'inna, irji 'î ilâ rabbikî râḍiyatan marḍiyâh. Fadkhulî fi' ibâdî wadkhulî jannâtî* (But ah! Thou soul at peace! Return unto thy Lord, content in His good pleasure! Enter thou among My servant! Enter thou My Garden. Q 89:27-30). The soul then quickly returns to the world to see how the body will be prepared for burial. (Amira, personal interview, October 10, 2012)

Both respondents have clearly been influenced by a classical view of the moment of death and the role of angels (Ibn Qayyim 2010, 6). The afore-mentioned journey through the different heavens seems to be based on or related to the *mi'raj* journey of the Prophet Mohammed. The Prophet is believed to have traveled (in what has been described as both a physical and a spiritual journey) from Mecca to Jerusalem and from Jerusalem through the Seven Heavens in the course of one night, known as *isrâ'* and *mi'raj*, after which he returned to Mecca (Smith and Haddad 2002, 39). The immediate trip that the soul of the deceased undertakes shows him or her the fruits of his or her religious duties. Afterwards the soul returns to the body to experience how burial preparations and the actual burial are being performed. Alevi respondents reported similar stories, but (again) emphasized the relevance of the *dede* and the Imams. As one Alevi respondent reported:

When Izrail comes to take one's soul, one should not fear, because those who guided you in life, will also guide you to God in the Hereafter. When Izrael takes you to God, you will be accompanied by the *dedes*, by Imam Ali, and Imam Hussein. If you have followed their path in life, they will guide you on your path in the Hereafter. (Zeki, personal interview, December 11, 2012)

Although respondents could speak very vividly about how the Angel of Death will take the soul away and how death will occur, the idea of the soul departing the body and the abode of the soul was a subject to which they had various answers. They often shared the stories they had learned, heard or read about. However, their own ideas did not always tally with these stories. Although the stories were deemed real in their beliefs about the occurrence of death, they tried to connect them to their own personal ideas. An illustration of this process was given by a respondent who emphasized that he knew that the idea of reincarnation is rejected in Islam:

After my wife was buried, we went back to the house. The children were crying because it was so hot [burial took place during the summer in Iraq]. All of a sudden a beautiful white pigeon appeared at the window. The children began to laugh and wave to the pigeon. I knew then that it was her, it was my wife, her soul came to us in that pigeon to make the children smile. (Mansour, personal interview, November 16, 2012)

When sharing the story of her husband's death, another respondent explained that souls of those who die at a young age remain in this world. They wander around in this world and might take the shapes of other people, even animals:

He was only 32 years old when he died and our son was 3 months. My grandmother passed away several years ago and her soul has gone away, to the waiting period. There is a difference in the abode of the soul of a young person and that of an older person. I see my husband's soul in other people and sometimes in animals, like a cat or a bird. (Nassira, personal interview, May 23, 2012)

These remarks seem to suggest the development of Muslims' personal ideas about the abode or the journey they believe the soul makes after death, without rejecting classical or contemporary views about the occurrence of death and the role of the angels. The process through which these ideas develop among Muslims seems to be a rather personal one. Respondents indicated that they were loath to share their ideas too quickly with others for fear they might be declared to have 'non-Islamic' ideas on death and dying by friends and family. An important factor in this trend seems to be the ready availability of Salafi-Wahhâbi pamphlets and books on death and eschatology that have often been translated for laymen both in print and online. These books often include a part about innovations in ideas about death and dying. Examples of these innovations are the idea that the soul of the deceased might wander around in this life or reincarnate (al-Albaanie 2001, 198).<sup>30</sup> It seems that because the Islamic primary sources provide hardly any information on the period between an individual's death and resurrection, this gap became filled in with later eschatological narratives developed by generations of scholars and teachers. It is also this part in which Muslims shape and express their own ideas and perceptions about the abode of the soul. Sometimes these ideas clearly

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<sup>30</sup> On the whole, Islam rejects the suggestion that human souls will or could be reincarnated in different bodies for the purpose of improving their record of actions (Smith and Haddad 2002, 8)



correspond to either classical or contemporary scholarly views. Nevertheless, all too often however respondents included and expressed their own ideas that did not necessarily connect with the previously discussed classical and contemporary views.

Although these views might be presented as individual trends among Muslims, I have found similar stories in Islamic *hadiths*. The idea of souls returning as birds or cats is not unknown in traditional Islam. Various *hadiths* speak of souls returning as an animal and there are even some theologians ‘who admit the transmigration of souls into the bodies of animals.’ (Pellat 2013, 2). Respondents who have these ‘traditional Islamic’ ideas did not refer to them as being Islamic but as being their own private thoughts, and some even feared they might be harboring non-Islamic ideas. The influence of Salafi views and dogmas about death and eschatology seem to have played a great role in this fear of respondents. There is a ready availability of Salafi pamphlets and books about death and the Afterlife that present a clear-cut eschatological view, one that disregards the rich Islamic tradition on this topic, dismissing them as either ‘folklore’ and ‘pagan’ traditions or simply innovations (*bid‘a*) (see for example the list of innovations of Albaanie 2011, 198-200).

#### **2.4 The grave: waiting, resurrection and re-union**

After death, Islamic scholars distinguish three major stages; the ‘Inter-world’ (*barzakh*), the Day of Resurrection and the final abodes (Hell and Paradise) (Chittick 1992, 136). These three stages will be discussed in this section that investigates how Muslims perceive these stages and in what way the grave and its physical location play a role.

The general view presented in various classical Islamic eschatological manuals is as follows:<sup>31</sup> During the first night in the grave the deceased is visited by two angels who became known as Munkar and Nakîr. These angels interrogate the deceased on matters of his faith. They ask him about his God, his religion, his books and his *Qibla*. Shiite and Alevi also include a question about the Imams (Al Sistani Q&A Death Related Issues, 132). After this interrogation, the situation in which the deceased finds himself will be pleasant or unpleasant, depending on his answers. It is believed that the deceased will remain in his grave until the Day of Judgment and will experience the

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<sup>31</sup> This general narrative on eschatology is presented in various works related to this subject (cf. Al Ghazali 1979; Muhammed Ali 1950; Ibn Qayyim 2010; Chittick 1992; Welch 1977; Bowker 1991; Smith and Haddad 2002) and by the different imams who were interviewed.

grave as either a paradisiacal garden or a hell pit. This juncture is a much-debated topic among contemporary theologians, since many reject the idea of the soul remaining in one place and being capable of experiencing any kind of pleasure or pain (Sayyid Ahmad Khan and Muhammad Iqbal in Ryad 8-14).

The entire period between death and the Day of Resurrection is the Inter-world, or *barzakh*. Although the *barzakh* has been thoroughly discussed in eschatological manuals, it is still an issue often raised among contemporary scholars. The *barzakh* (or life in the grave) will come to an end with what are called the Signs of the Hour that will entail various frightening events signaling the complete destruction of the Earth and all that lives on it. At the Day of Resurrection (*Yawm al Qiyâma*), that is vividly described in many Quranic verses, the souls are resurrected from their graves and gathered in front of God (*hashr*- Q 99: 1-8). The Books (*kutub* or *suhuf*- Q 69: 18-26) containing all the acts of that person will be given to every individual. In the enactment of the Final Judgment, these acts are balanced in a pair of scales (*mîzân*- Q 21: 47). Every individual is judged according to his own deeds. To reach one's final abode, one is expected to walk across a bridge (*şirât*- Q 37: 23-24) over the fires of Hell, described as being as thin as a hair and as sharp as a sword. The faithful will cross the bridge easily, whereas the unfaithful will fall into the fires of Hell. After the Judgment, everyone will be assigned an everlasting abode in either Hell or Paradise, although the eternality of Hell is still a much debated topic among theologians (Smith and Haddad 2002).

This narrative clearly underlines that God has the sole authority over the beginning, duration and ending of all things. A person's lifespan is set for a fixed term (*ajal*- Q 10:49; 15:4-5) and takes place within the context of collective time that will come to an end on the Last Day. Although this narrative seems to be presented more or less coherently, in practice it is much more fragmented. Furthermore, individual Muslims tend to focus on certain elements within the narrative. In the interviews respondents concentrated on the idea of life in the grave, the *barzakh*.

#### **2.4.1 The waiting-period of the *barzakh***

As mentioned earlier in this chapter, *barzakh* is known as both the time every individual must wait between death and resurrection and the abode in which this waiting takes place. Little is mentioned about the *barzakh* in the Quran, in which the term appears only three times (Q 25: 53, Q 55:20 and Q 23:100). The concept of the *barzakh* is

especially explained in eschatological manuals and in the *ḥadīths*. Several stages are perceived to occur during the putative life in the grave that begins with the burial of the body.

Turning to the practice of Muslims in Belgium and the Netherlands, almost 75 per cent of the respondents attached great value to the grave and its physical location as the first station in the Hereafter, a classical Islamic idea (*Kitāb Aḥwāl al Qiyāma*, 24). Some of them pointed out the grave and its physical location as the precise spot from where resurrection will take place. These accounted for 46 per cent of the respondents and included a majority of Alevi, Shiite and a minority of the Sunni and Ahmadiyya Muslims. Others said that it does not matter how, where and when you are buried, your resurrection will not be a literal waking up from the grave. These were mainly Sunni respondents and accounted for approximately half of the respondents.

Classical Islamic scholars especially state that two occurrences take place in the *barzakh*: the questioning by Munkar and Nakîr and the punishment meted out in the grave (*‘adhâb al-qabr*). On both subjects respondents had opposing opinions. There were those who clearly made connections to the classical conceptions of life in the grave and those who had adopted a more contemporary eschatological view.

A more classical view on the questioning and the punishment in the grave was that given by Shiite respondents. Illustrative in this regard is the story shared by one of the Shiite respondents:

When you are buried in the grave, you try to get up three times. Then Munkar and Nakîr come to you ask you questions about your God, your religion, your *Qibla* and your Imams. At burial the imam who leads the prayer whispers the answers to you at the head of your grave (*talqîn*). So when Munkar and Nakîr come you will not feel afraid, you know the answers. After you have given the right answers, your grave will become enlarged and you feel the air coming in from Paradise. If you give the wrong answers, however, the grave will crush you and the mother’s milk you drank as a baby will come out of your body and the other deceased will be frightened by the screams that come out of your grave. You will remain in this situation until the Day of Resurrection. (Mehmet, personal interview, December 19, 2012)

As a rule, Ahmadiyya respondents referred to a more contemporary view in which the story of Munkar and Nakîr is taken to be a mental state, a situation resembling a dream. As one of them shared his view:

I have never understood the story of Munkar and Nakîr, I mean God already knows whether you are a good person or not? I think your soul or your consciousness talks to you. As in life, when you do something during the day, you have a nightmare about it at night or you have a very nice dream. I think that is what life in the grave is. It is not a physical state, only mental one. (Rashid, personal interview, November 27, 2012)

This view corresponds very much with the views held by for example by the modern Indo-Pakistani scholars Shah Wali Allah and Muhammad Iqbal (Ryad, 3-14).

Talking about the questioning of Munkar and Nakîr, an Indonesian Sunni respondent recalled the quarrel that occurred at her father's funeral about the *talqîn* and the idea of Munkar and Nakîr. This quarrel clearly shows the several views on eschatology within one family:

When my father was buried, the imam wanted to sit down at the head of the grave to perform the *talqîn*. As far as I was concerned it didn't matter that he did this, but my uncles opposed it. They are always very strict about observing Islamic rules. They said there was no such thing as the *talqîn* and the questioning by Munkar and Nakîr. It was rather awkward but the imam performed the *talqîn* anyway. (Ena, personal interview, November 20, 2012)

However, the most surprising answers were found in the category of respondents who had integrated several views into their own, resulting in an individual view on life in the grave. These respondents were mainly Sunni. When relating to me his own ideas on life in the grave one of the Sunni respondents reported:

I do not say that there are no such things as Munkar and Nakîr, but I just can't imagine them as [they are] in the stories. I do not believe the grave is the abode of the soul, it is not a hotel! The grave is merely an important place for the bereaved and a resting place for the deceased body. We respect the grave as part of whom the deceased was: it expresses his identity as a Muslim and his name and those of his parents are mentioned on the tombstone. The grave is most important to those who are alive; they can see it and imagine the person who is buried in that grave. It is like your *carte visite*, the grave resembles who you were and where [to which community] you belong. When we visit a grave, we pray for the person we knew. The grave is the place where we caught the last sight of the body. (Mamduh, personal interview, September 13, 2012)

It is surprising to see that although this respondent does not reject the idea of Munkar and Nakîr, he does give the grave a completely different meaning; not as an abode of the soul, but as being a *carte visite* of the deceased. Two other Sunni respondents were also expressing their own personal beliefs when they stated a clear rejection of Munkar and Nakîr. This rejection was tied in with the grave and their own personal identity. One of them said:

I do not believe in Munkar and Nakîr or in anything taking place in the grave. There is nothing going on in the grave. When I die I want to be cremated. I did not belong to one city or to one country, I belong to the whole world! I want my ashes to be dispersed over the ocean. But as long as my parents are alive, I shall never tell them that I want to be cremated. They would simply not understand that I would want that as a Muslim. I do believe in resurrection and that everyone will have to bear responsibility for their deeds no matter how the body was disposed of. (Gulsah, personal interview, June 21, 2012)

Respondents elaborated in great detail about the *barzakh*. This was the part of the eschatological narrative in which many respondents felt free to incorporate their own ideas and wishes. Nevertheless, those who did so did not openly say what they thought to relatives and acquaintances. It seemed to be a rather individual and private process. Whatever people's ideas, classical, contemporary or a 'fusion', the grave and its physical location is valuable to Muslims in many ways, quite apart from being a resting place for the deceased body. In some cases the connection that respondents made between the grave and their identity and their belonging to a community was also continued when they talked about resurrection. This socio-cosmological idea held by Muslims in life seems to be extended to what happens after death (see also Platenkamp 2009, 12). Thinking along the same lines, respondents expressed their idea that resurrection occurs as the process that re-unites the deceased with those they belonged to in life.

### 2.4.2 Resurrection and re-union

When expressing their ideas about the Day of Resurrection, all respondents reported thoughts that tallied with the general narrative presented earlier in this chapter. Specific details were not brought up, since the majority reported that this was a fact, a reality, described vividly and in detail in Quranic verses. Respondents spoke about the Day of Resurrection as both the moment at which people will know their final abode, and as the moment of re-union with loved ones. The emphasis was invariably on the moment people would gather in the Face of God to be judged as individuals. Part of the reward for believing in Islam is considered to be the fact that one will be united with one's loved ones and relatives. In this context, several respondents referred to the grave as the starting point for resurrection and this union. Stories verging on the mythical or idealistic were shared by several respondents, and in these great emphasis was placed on belonging to their own community.

Just as mentioned earlier, both Alevi and Shiite respondents stressed the role of the Imams, also when they spoke about resurrection. As one Shiite respondent reported:

When the end of time comes and Imam Mahdi appears, we shall be resurrected from our graves and gathered in front of God as an Islamic community. I imagine that resurrection will take place from the abode in which you were buried and with the people who were buried next to you. (Mehmet, personal interview, December 19, 2012)

For this reason, many Shiites wish to be buried in Najaf or Karbala. These are considered to be holy cities because Imam Ali and Imam Hussain are buried there. Alevi respondents stress the role of the *dede* alongside that of the Imams on the Day of Resurrection:

If you have believed in the Imams and followed the *dedes*, they will guide you on the Day of Judgment. The Prophet, Ali, the Imams and also the *dedes* will be with us. That is why my brother wanted to be buried next to our *dede*. He wanted to be resurrected with him on the Day of Judgment. (Mevlut, personal interview, December 7, 2012)

Ahmadiyya respondents very much emphasized the Day of Resurrection as a day of justice. In her story one of them stressed the lack of understanding and the injustice done to his community:

When I die, I want to be buried in the cemetery of my Ahmadiyya community. We belonged together in life, and we belong together in death. On the Day of Resurrection, the Sunnis will see that we believed in the same religion! We shall stand together, my Ahmadiyya community and me in front of God. (Sarah, personal interview, November 27, 2012).

Generally speaking, Sunni respondents talked about the classical narrative as mentioned earlier in this chapter. When they spoke of belonging, they referred to their Islamic community, not specifying their Sunni denominational adherence:

On the Day of Judgment everyone will be self-involved and say *nafsi nafsi* (myself myself), except for the Prophet Mohammed. He will say *ummati ummati* (my community my community). He will perform *shafa'a* (intermediation) for us because we believed in him and followed his *sunnah*, died with his *sunnah* and were buried according to his *sunnah*. (Amira, personal interview, October 10, 2012)

Although in various academic studies, the Islamic eschatological narrative tends to be presented as a complete, unified and coherent story, this rounded whole is not how respondents perceive it. Respondents seemed to be familiar with the general narrative but tended to single out certain aspects and elaborate on them extensively. From the results of the interviews, it turned out that they chose to concentrate principally on the *barzakh* and the Day of Resurrection in relation to the grave and their identity. However, these personal views and ideas were not readily shared with others. Being aware that their own contribution to the popular narrative might be perceived as contradictory to the general narrative, respondents frequently emphasized that they kept their ideas to themselves.

## **Conclusion**

The views and ideas of respondents in response to questions about death and the Afterlife seem to have developed in the direction of an allegorical interpretation and tend to emphasize the continuity of one's earthly actions in the Hereafter. Individual views about death did include the possibility of reincarnation and cremation. Examining the ideas on reincarnation, I would argue that these are not as individual as the respondents tended to emphasize. A rich tradition exists in Islam in which the idea of souls returning in the shape of animals is not unknown. Although Salafi views about

death and eschatology tend to emphasize a uniform, clear-cut image on this topic, nothing could be farther from the truth. Both in theory and in practice, we find a rich tradition of different Muslim ideas about death and eschatology that are not in any way uniform.

By and large, respondents perceived the Day of Resurrection to be the completion of all phases, since on it man will be allotted his final abode (birth-life-death-burial-*barzakh*-resurrection-final abode). In this phase of completion, their emphasis is on the re-union with not only their relatives but also with their religious community. Although generally speaking respondents spoke about the re-union of the Islamic community (*ummah*), they also elaborated on this unity in the form of a specific religious community, namely Sunni, Shiite, Alevi and Ahmadiyya. It appears to be a way of identifying themselves strongly with a specific community and distinguishing themselves from others, who might be both Muslims and non-Muslims. Especially in the context of migration, this chapter has shown that Muslims tend to identify themselves, albeit for different reasons, strongly with members of their specific religious community. This identification is extended to ideas about dying and resurrection. A situation which also emerges in the practice of burial preparation to be discussed in the next chapter.



# Chapter 3

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*Theory and practice of Islamic burial preparations*

### **Chapter 3. Theory and practice of Islamic burial preparations**

Keeping the eschatological framework of the previous chapter in mind, the theme of this chapter are the Islamic burial preparations performed by Muslims in the Netherlands and Belgium. I shall argue that these sorts of burial preparations as performed in a migration context are inevitably subject to change, set in motion by either the social or the legal context. However, migration is not the only catalyst of the changing rituals. The diversity among the Islamic communities, that is expressed in various ethnic and denominational backgrounds, also plays an important role in this process. The mutual influence between a context of migration and the diversity among the Islamic communities induces an interchange in the performance of rituals and in the religious views of these rituals and how they should be performed. This tended to emerge most often in why, how and by whom the burial preparations were to be performed. The logical consequence of this was the inclusion and exclusion of individuals on the basis of gender, ethnic background or religious adherence. In conforming to the set practice of the burial preparations, a person's religious identity and their belonging in relation to non-Muslims, as well as toward fellow Muslims, was emphasized. In analyzing this pattern, I relate my findings to Beck's theory of the multi-layered message of rituals (Beck 2010, 210).

This chapter commences in Section 3.1 with a discussion of Islamic burial preparations as *rites de passage*. Death rites are part of this specific genre of rituals that mark the changes, shifts and transitions in the human life-cycle. Burial preparations can be categorized into the three major phases distinguished by the French anthropologist Arnold van Gennep (1960). I shall pay special attention to the second phase, that of transition, which has become known as the phase of being 'betwixt and between' because of its ambiguous character. Section 3.2 contains a discussion of the existence of funeral funds and insurances. Initially, these institutions were mainly foreign, but nowadays Dutch and Belgian funeral funds have adjusted their policies to meet Muslim demands. The following four sections are dedicated to the discussion of the separate burial preparations: the washing of the corpse (3.3), the shrouding of the corpse (3.4), the funeral prayer (3.5) and the funeral procession (3.6). In each section, the discussion will be carried out from looking at the matters from different angles, beginning with the

perspective of Islamic scholars, followed by looking at the interview data and at the relevant national legislation. From a religious scholarly point of view, Islamic burial preparations are regarded as a *fard kifâya*, a communal obligation. This means that if these obligations are undertaken by a sufficient number of Muslims, the rest of the community is excused. How these rituals are to be performed, by whom and where is thoroughly discussed in the various *fiqh* manuals.

Cogently, the national law and government regulations have been challenged by the performance of these burial preparations and in some cases the law has been adapted to meet Muslim demands. The upshot of this adaptation has been the emergence of both national and municipal differences in the Netherlands and Belgium. Finally, the interview data reveals interesting results about how Muslims perform, experience and adjust the burial preparations in a context of migration. Using these results, I shall explore whether the opinions and practices relate to a number of variables, among them ethnic background, religious denomination and gender.

### **3.1 Burial preparations as *rites de passage* and as an expression of identity**

Islamic burial rituals are not fixed for eternity in their form and content and this very circumstance makes them difficult to define. Hence in this chapter, it is not my object to present a clear-cut definition, but simply to try to explain the burial preparations as rituals within a specific genre, that of the *rites de passage*. I shall use this approach to look at the Islamic burial preparations as rituals performed in a ‘liminal phase’, during which the deceased is considered to be ‘betwixt and between’: Belonging neither to the living, nor to the dead.

As mentioned earlier, death rituals form part of a genre usually referred to as *rites de passage*. These are life-cycle rituals that mark changes of place, state, social position and age during a person’s life. The French anthropologist Arnold van Gennep found a tripartite form inherent in all *rites de passage*: the phase of separation, the phase of transition and the phase of incorporation. The first phase includes behavior that emphasizes the detachment of the individual or group from ‘either an earlier fixed point in the social structure, from a set of cultural conditions (a ‘state’), or from both.’ (Turner 2002, 359). During the phase that follows, the transition, the characteristics of the subject (undergoing the ritual) are ambiguous, as he or she belongs neither here nor there. The third phase is that in which the ritual subject is incorporated into his new state. Islamic burial preparations, as they will be discussed in the following sections,

can be considered rituals performed in the phase of transition. The various rituals are performed in order to guide the deceased through his or her transition from one world to the other. Those involved in performing the rituals are very much aware of the deceased's vulnerability and emphasize the need for a rapid and correct effectuation of the burial preparations.

Building upon the work of Van Gennep, Victor Turner (1969) elaborates on the threefold structure by emphasizing the dynamic structure of *rites de passage*. Turner has characterized the second phase, that of transition, as an autonomous and sometimes enduring phase in which people are 'betwixt and between', hence extremely vulnerable. In this 'liminal' phase, entities do not have a status. Therefore it seems to be highly desirable to keep this phase as short as possible. This liminal phase is very apparent in the practice of burial preparations among Muslims. The principal aim of Islamic burial preparations is directed toward guiding the deceased from this world into the next.

In this perilous journey, the washing, the shrouding, the funeral prayer and the funeral procession are various obligatory elements that precede the actual burial, that determines the next stage of the deceased into the Hereafter. In Van Gennep's terms, the actual burial (see Chapter 4) can be placed in the phase of incorporation. As long as a person lies unburied, he or she is considered to be 'betwixt and between'; belonging neither to this world, nor to the Hereafter. Herein lies the principal reason why Muslims tend to emphasize the correct and rapid effectuation of burial preparations and of the actual burial itself. From a religious perspective, the soul will not rest until the body is buried and enters into its next phase; that of incorporation. The longer the period between death and burial lasts, the more heavily the burden of the deceased lies on the bereaved. Usually the burial preparations are performed within a very short period of time (usually within twenty-four hours after death), in order to overlap this precarious liminal period, in which the burial preparations have to be performed correctly and quickly. Because it involves the loss of a person, this phase is also marked by an explosion of emotions, conflicting expectations and various opinions about how the rituals should be performed.

Besides being *rites de passage*, burial preparations can also be an activity that express a strong sense of belonging to a specific denomination. Certain people are allowed to perform the rituals, while others are not. Their acceptance is attributable not only to their knowledge and expertise, but also to their religious background. Again, just as in Chapter 2, the question of identity is raised during the performance of burial

preparations. The inclusion and exclusion of people from these rituals is the outcome of various decisions that have to be made within a very short period of time. In the 'liminal period', the burial preparations are not the only important social aspect, it is also a time in which identity is emphasized and expressed in either belonging or not belonging to the same Islamic denomination. This leads to various solutions, conflicts and situations engendered by being 'betwixt and between' in another sense. Betwixt and between not in the same sense as the deceased, but in the assessment of being a person who is not allowed to attend or perform the burial preparations, yet may be present. I shall present these various situations when I discuss the practice of burial preparations in the following sections. Before I talk about the burial preparations, in the next section I shall first examine the role of funeral funds and insurances.

### **3.2 Funeral funds and insurances**

From a national legal view the burial preparations cannot commence until a death certificate has been granted by a physician or coroner.<sup>32</sup> If the deceased had a funeral insurance, the bereaved contact the insurance company which will subsequently take care of the administrative procedure set in train after death. One of the requisite documents is the permission for burial which is granted by the municipality. In Belgium, this permission can be granted 24 hours after death has taken place, in the Netherlands the term is set at 36 hours. However, both countries offer possibilities to apply for an exemption to this rule. In the Netherlands, exception to this rule can be granted under Article 17 of the Burial and Cremation Act, by the mayor in consultation with the public prosecutor: 'After having heard from a doctor [about this matter] the mayor of the municipality in which the dead body is located can set another term for the burial or cremation. Nevertheless, he shall not permit burial or cremation within 36 hours of death, except after agreement with the public prosecutor.' In Belgium, there is no federal law to cover this matter that is regulated by various regional and municipal acts.

During the time the bereaved are waiting for permission, the burial preparations are usually performed. Depending on the type of funeral insurance the deceased had, these burial preparations can also be taken care of by the funeral organizations. The

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<sup>32</sup> In the Netherlands only the deceased's doctor (*behandelend arts*) or the municipal coroner can perform the post mortem examination. In Belgium any doctor can do this (Das and Van der Wal 2002, 2044)

burial preparations are usually performed in the Netherlands and Belgium when a death has occurred there, regardless of where the burial will take place. In only three cases (8% of all respondents) in this research were the burial preparations performed abroad, in the place to which the deceased had been repatriated for burial. This means that the deceased was transported in a coffin that was opened at arrival at its destination, so that it could be washed, shrouded and buried. All cases involved Shiites being repatriated to Iran and Iraq respectively. The explanation given by the respondents was that, as there was no family here, relatives abroad wanted to make sure the burial preparations were performed correctly. Therefore they conducted the burial preparations after repatriation.

Funeral funds and insurances among Muslims in the Netherlands and Belgium are institutionalized mainly among the Moroccan and Turkish Muslims. Moroccan funeral insurances are provided by national Moroccan banks such as the *Banque Populaire* (also *Banque Chaabi*) or the *Atijari Wafa Banque*. The *Banque Populaire* was the first Moroccan bank to open a branch outside Morocco, in Paris in 1972.<sup>33</sup> When Moroccans living abroad opened an account at this bank (in order to be able to transfer money back to their home countries), they would automatically also be provided with a funeral assurance that included the repatriation of the deceased to Morocco. The current annual charges for this insurance range between € 19 and € 93. This repatriation insurance covers the costs for the repatriation of the corpse and two flight tickets for family members to accompany the deceased. Originally these insurances were offered for repatriation only and did not cover the costs for burial in the Netherlands and Belgium but now this policy is changing to suit the times.

The possibility of burial in the Netherlands and Belgium has now been included into *Banque Chaabi*'s terms of insurance and is covered up to an amount of € 2,800.<sup>34</sup> The change in the insurance policies offered by the Moroccan banks has actually been put into practice. One of the Belgian respondents had her baby son buried in Belgium. He had died only a month after he was born. Because his parents already had an insurance with the *Banque Populaire*, their son was also included in the policy. The costs of the burial, transferring the deceased from the hospital to the mosque and from the mosque to the graveyard were covered by the insurance company.

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<sup>33</sup> Interview Omar el Bardai, Hassan II Fondation, Rabat 29 June 2010.

<sup>34</sup> Article 21.4, Injad Achamil Europe. 2013

Ten of the eleven Moroccan respondents had an insurance with the *Banque Populaire* and one had an insurance at *Atijari Wafa Banque*. The insurance company is called immediately after a death has taken place and it will take care of the administrative procedure and the transport of the deceased from the house or hospital to the mosque for washing and prayers, and from there either to the morgue, the airport or the graveyard. Unlike the Turkish funeral funds, discussed below, the *Banque Chaabi* does not employ its own professional washers who can be summoned to attend the deceased. Among Moroccan Muslims in both the Netherlands and Belgium, this is a task which is principally assumed by local mosques. These also provide the shroud and have a group of volunteers who wash the deceased.

In the case of Turkish Muslims, religious organizations rather than banks provide funeral funds. For instance, both *Diyanet*, the Presidium for Religious Affairs in Turkey, and *Milli Gorus* have established funeral funds for Turks living abroad. The *Diyanet* fund was established in 1985 and that of the *Milli Gorus (Yeni Cinar)* was founded in 1992. The differences between these Turkish funds and the Moroccan insurances is that the funds calculate the annual charges at the end of each year. Over a whole year, all the costs are covered by the fund. At the end of the year, the fund distributes the costs among all its members. Both the *Milli Gorus* and the *Diyanet* fund emphasize that they are not a profit-making organization and therefore charge their members only the costs that are actually made. Because this amount can vary from year to year, the yearly contribution also fluctuates. Between 2008 and 2012 the yearly contribution to *Diyanet* varied between €35 and €51 and at *Milli Gorus* it fluctuated between €40 and €55.<sup>35</sup> The funds cover the costs of the administrative work and the repatriation of the deceased, including a flight ticket for a family member who accompanies the deceased.

Both *Diyanet* and *Milli Gorus* have also included the option for burial in the Netherlands and Belgium. In its rules and regulations, *Diyanet* has included a clause stating that in that case the burial expenses are covered up to an amount of € 2,500.<sup>36</sup> The choice of burial location is left to the bereaved. The funeral fund of *Milli Gorus* does not state a maximum amount, but covers only the costs of a grave that is granted

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<sup>35</sup>[http://diyanet.nl/wp-content/uploads/haberler/2012/02\\_SUBAT-2012/Yillara%20gore%20katilim%20pavi.pdf](http://diyanet.nl/wp-content/uploads/haberler/2012/02_SUBAT-2012/Yillara%20gore%20katilim%20pavi.pdf) (accessed 20 September 2013); Interview M. Erdogan, Yeni Cinar, 19 November 2012 Rotterdam

<sup>36</sup> Reglement stichting Diyanet van België. Fonds van wederzijdse hulp, solidariteit en repatriëringen van lijken, Article 25.

for a limited period of time (see Chapter 4). Nine out of the twelve Turkish respondents had an insurance with *Diyamet* and one with *Milli Gorus*, two had no insurance at all. Although *Diyamet* is a strict Sunni organization, the fund does not seem to register religious denominations as it turned out that the Alevite respondents were also insured at *Diyamet*. The conditions for membership only insist that the person should be bound to the Islamic faith.<sup>37</sup> The funds are called immediately when death occurs. They arrange the dossier either for repatriation or burial in the Netherlands or Belgium. The funds also provide their own professional washers, who wash and shroud the deceased with the help of family members. The shrouds are provided by the funds and the funeral prayer is held in a mosque according to the choice of the bereaved.

National insurance companies in both the Netherlands and Belgium have also responded to the need for Islamic funeral insurances. Several insurance companies have developed special Muslim or multicultural funeral insurances, with options covering flight tickets, arranging washers for the ritual washing and covering the burial costs.<sup>38</sup> It is also possible to opt for a policy that is paid out in cash instead of in kind, an option which is not possible with the Moroccan and Turkish funeral funds. All of the Ahmadiyya respondents were insured through the national insurance company Dela. As were my Indonesian, Sudanese, Iraqi, Afghani and Pakistani respondents. As a group they accounted for 20 per cent of the respondents. Depending on the content of the insurance policy, the monthly charges at Dela can range from €7 up to €45.<sup>39</sup>

Of all respondents, 31 per cent was insured with a Moroccan bank, 28 per cent with a Turkish funeral fund, 20 per cent at a national (Dutch or Belgian) insurance company and 20 per cent did not have any insurance at all. Very often in these latter case, the necessary funding for either repatriation or burial in the Netherlands and Belgium will be collected by members of the Islamic communities: through mosques, family and acquaintances, or with the help of consulates and charitable organizations. Instances in which repatriation could not be paid for by the bereaved occurred in the case of three out of six Shiite respondents. A case in point was that of a female Shiite respondent who shared the story of her deceased father's wish to be buried in Iran.

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<sup>37</sup> ISN Reglement ondersteuningsfonds ingeval van overlijden, Article 2.1a

<sup>38</sup> See for example Dela and Monuta. <http://www.multicultureleuitvaartverzekering.nl/>, <http://www.monuta.nl/uitvaartverzekeringen/welke-uitvaartverzekering-past-bij-mij/multiculturele-uitvaartverzekering/> (Accessed 17 September 2013)

<sup>39</sup> See <http://www.bokhorstverzekeringen.nl/terugnaarhuis/multiculturele-uitvaartverzekering-buitenland.html> for a calculation of the monthly charges. (Accessed 20 September 2013)



Because he did not have any funeral insurance, her mother did her very best to seek the cooperation of the Embassy of Iran. A week after his death, it was arranged that all the administrative procedures and costs for repatriation would be covered by the Embassy. The travel expenses of family members who accompanied the deceased to Iran and the costs of the morgue had to be covered by the bereaved.

Because of the difficulties that have arisen in collecting funds for the burial and also in some cases for the repatriation of someone who did not have a funeral insurance, several private initiatives have emerged to complement the more ‘formal’ solutions to which an appeal can be made. One of the examples of a private initiative is the Alwafat Fund.<sup>40</sup> The aim of this fund is to come to the financial aid of those who have died and cannot afford to be buried or repatriated. Although more formal channels are offered by embassies, foundations that represent their nationals living abroad also offer possibilities. One example of this is the *Fondation Hassan II* in Rabat, Morocco. It receives applications from Moroccans all over the world requesting financial assistance in repatriating a deceased relative and it covers the costs of thirty-five to fifty repatriations annually. Over the period of 1999-2008, the Foundation assumed the financial responsibility for nine repatriations from the Netherlands and seven from Belgium.<sup>41</sup>

It seems that funeral insurances and funds are much more institutionalized among Sunni, Alevi and Ahmadiyya Muslims than among the Shiite community. This might be because the majority of Shiite respondents are from Iranian, Iraqi and Afghani backgrounds and they, as mentioned in Chapter 1, have established themselves in the Netherlands and Belgium much later than their Moroccan, Surinamese and Turkish counterparts. Despite the different ways Muslims are insured, after death various rituals are obligatory before the actual burial can take place. These rituals are subject of the following sections.

### **3.3 Washing the corpse (*Ghust al-mayyit*)**

In various *fiqh* manuals, the washing of the corpse is described in detail, with some variation between the different Islamic denominations and the *madhâhib* and these are the subject of this section. Just as the other burial preparations, the washing of the corpse

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<sup>40</sup> <http://alwafatfonds.nl> (Accessed 20 September 2013)

<sup>41</sup> Interview Omar el Bardai, *Hassan II Fondation*, Rabat 29 June 2010.

is considered to be a *farḍ kifāya*. The Islamic community has a collective obligation to perform this duty for any deceased Muslim. If a sufficient number of people turn up to perform the washing, the rest of the community is excused from this obligation.

The washing should be performed by a Muslim who knows the precise procedure that has to be followed. Although the *fiqh* especially calls upon direct family members to perform the ritual, in practice the washing is often done by volunteers from within a ‘washing group’ of the local mosque. Several respondents (36%) referred to the obligation of having the washing and the other burial preparations performed by someone of their own denomination. In a few cases (16%), the respondents even specified that the person performing the washing should be of the same (Ḥanafī) *madhhab*. The washers can either be men or women. As a rule, deceased men are washed by men and deceased women are washed by women. An exception to this rule is the possibility of spouses washing each other (Sistani 1999, 137; Al Jaziri 2009, 673). This exception is derived from prophetic traditions such as the following: ‘Aisha reported that when the Prophet returned from a funeral at al-Baqee,<sup>42</sup> she was suffering from a headache and said, “Oh my head.” The Prophet replied, “No, it is I who is in pain from whatever hurts you. If you were to die before me, I would wash you, shroud you, pray for you and bury you”.’ (Philips 2005, 33). The Ḥanafites argue that this is not permissible as the death of the wife ends their marital bond and therefore her husband is not permitted to wash her. Conversely, when the husband dies, it is permissible for his wife to wash him because she is still considered to be in her ‘*idda*’ (Al Jaziri 2009, 672-673; Ibn Rushd 1994, 263; See Chapter 5 on ‘*idda*’). This situation also turned up among the Turkish respondents, most of whom belong to the Ḥanafī *madhhab*. When sharing the story of his mother’s death, a Turkish respondent told me how much he regretted not being able to wash the body of his deceased mother since he was her son. He also went on to say that his father was not permitted to wash the body of his deceased wife, since her death had ended their marital status. They therefore asked his mother’s sisters to perform the task assisted by professionals from within the mosque.

Although there is no religious obligation to wash a non-Muslim deceased, there are various opinions among scholars about the desirability of doing so. The Malikites

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<sup>42</sup> Al Baqee cemetery (*maqbarat albaqi*‘) is an ancient cemetery located in Medina, Saudi Arabia. It was established during the time of the Prophet.

forbid the washing of a non-Muslim, even next-of-kin, whereas Shafi'ites hold that there is no objection to washing a non-Muslim next-of-kin. Their difference in opinion stems from whether the act of washing a deceased belongs to the category of worship or to the category of cleanliness. In the first case, the washing of a non-Muslim is not permitted, whereas in the latter case it is (Ibn Rushd 1994, 261-262; Al Jaziri 2009, 671).

Before the washing, those who will undertake the task perform *wuḍū* (ablution) and express their intention (*niyya*) to wash the deceased. This intention is either pronounced out loud or done silently (Al Jaziri 2009, 682). During the washing, that has to take place in a screened-off area, the corpse is laid down, the clothes are removed and the *'awra* is covered with either a sheet or towels (*'awra* being the area from the navel to the knees in the case of a man, and the whole body of a woman with exception of the hands and face; Al Jaziri 2009, 672; Sabiq 1991, 29). Shafi'ites argue that the washing should take place under the clothing. Other scholars disagree as there is no consensus on the question of whether the washing of the Prophet under his clothing should be regarded as *sunna* or as something specific to him alone (Ibn Rushd 1994, 264). Those who are of the opinion that this was something specific to the Prophet himself and that looking at a deceased person with the exception of his or her *'awra* is not prohibited permit the washing to take place without clothing. Those who consider this practice as *sunna* argue that the deceased should be washed under his clothing (Ibn Rushd 1994, 264).

The washers begin by gently pressing on the stomach of the deceased to empty the intestines of any impurities. Next the washers wash the private parts of the deceased (*istinjā'*), after which they put a piece of cloth around their hand and perform the ablution (*wuḍū*) on the deceased (Al Jaziri 2009, 680-684). The *wuḍū* consists of washing the hands and arms up to the elbows, feet, face, ears and wiping over the head. The washers put a piece of cloth over their hand to wipe the teeth and nostrils, instead of rinsing the mouth and expelling water through the nostrils (Al Jaziri 2009, 678). The *madhâhib* differ on the performance of the ablution on the deceased, as the Ḥanafī school rejects this custom. The various opinions are the result of the discussions on obligations that apply to the living and to the dead. If the deceased is exempted from such obligations as worship, then no ablution has to be made for the deceased, since ablution is the purification prescribed for the purpose of worship (Ibn Rushd 1994, 265). Hence, according to this opinion, if the deceased is exempted from the obligation to

pray, then he is also exempted from the condition for prayer which is ablution. This reasoning even suggests that, if the washing of the deceased had not occurred in the prophetic traditions, then this too would not be obligatory for the deceased (Ibn Rushd 1994, 265).

After the *wuḍū*, it is time for the *ghusl* that consist of washing the entire body. The *ghusl* always commences from the right side of the body and the washers work from head to feet and continue the same process on the left side. The entire body must be washed at least one time. If it is not clean after the first washing, the washers can decide to repeat the washing an odd number of times (Al Jaziri 2009, 670). This prescription is based on a *ḥadīth* of Umm Atiyya: ‘Allah's Apostle came to us and we were giving a bath to his (dead) daughter and said, “Wash her three, five or more times with water and *Sidr* [lotus leaves] and sprinkle camphor on her at the end; and when you finish, notify me”. So when we finished, we informed him and he gave us his waist-sheet and told us to shroud her in it. Aiyub said that Hafsa narrated to him a narration similar to that of Muhammad in which it was said that the bath was to be given for an odd number of times, and the numbers 3, 5 or 7 were mentioned. It was also said that they were to start with the right side and with the parts which were washed in ablution, and that Umm Atiyya also mentioned, “We combed her hair and divided them in three braids”.’ (Bukhari 1997, 289). The Ja‘farites say that the body of a deceased has to be washed at least three times, the first time with water and lotus (*sidr*), the second time with water and camphor and the third time with plain water (Sistani 1999, 136; Bakhtiar 1996, 44). The use of camphor or lotus, to be added during the last washing, is also recommended by other *madhāhib*. Various respondents indicated the use of camphor, lotus plant leaves (*sidr*) and rosewater.

Lukewarm water is used during the washing and the washers must handle the deceased very carefully, as if he were still alive. It is a general belief that the deceased is still aware of what is going on around him and is able to feel the washing as it is performed. A well-known *ḥadīth* in this context is mentioned in the *Kitāb Aḥwāl al-Qiyāma*. It tells the story of the Prophet explaining to his wife Aisha the difficulties that the deceased will encounter in the process of leaving his children, his loved ones and watching the washers preparing him for burial: ‘By God, O washer, take off my clothes gently, for I have just escaped the torture of the Angel of Death (...) By God, O washer, do not make the water too warm or too cold because my body has endured much pain when the *rūḥ* left her (...) By God, O washer, do not hold me too tight for my body has

suffered much when the *rûh* left her (...) By God, O washer, do not tighten the *kafan* around my head so that I can see the faces of my family and my children and my relatives (...).' (*Kitâb Aḥwâl al-Qiyâma*, 26).

In this context a washing I attended was very interesting. Before we began the washing, I remember the washers quietly expressing their apologies for the trouble they had when moving the deceased woman from in the coffin onto the washing table. The washers emphasized that the deceased is in a vulnerable state after the painful process of dying. If a washing is to be performed easily there have to be enough people to turn the deceased gently on his or her side. Under no circumstances should the deceased be turned face down (Al Jaziri 2009, 680).

After the washing is performed, the body is dried carefully. Then the seven parts of the body that touch the floor when one prostrates are rubbed with camphor, an action which is known as *tahnît* or *ḥunût*. The forehead, the two palms of the hands, the knees and the two big toes are rubbed with camphor (Al Jaziri 2009, 677). Jaʿfarites hold that the *tahnît* should also be applied on the nose (Sistani 1999, 137).

From the results of the interviews, it turned out that Muslims of all denominations perform the ritual washing of the deceased. Approximately 40 per cent of the respondents had actually been present when the corpse of their deceased was washed. Those who did not attend this ritual were prevented by the fact that the deceased was of the opposite sex (30 %) or because they were physically absent (20%). Others (10%) did not attend because of the psychological shock they experienced after the loss of their loved one. Respondents who were present at the washing indicated that a professional washer or someone who had previously performed the washing was always present during the ritual to make sure that it was performed correctly. Their own role was mainly assisting when necessary and doing what they were told to do by the professionals. The remaining washers were either relatives or others who had been called upon, for the most part from within a mosque. Respondents indicated that the washing took place in a funeral parlor (37%), in the hospital (40%) or in a special washing room in the mosque (23%). The washing of the corpse was generally described by respondents as an overall washing of the body with water and soap, during which the corpse is covered with a cloth. No differences were found in the interview data with regard to the various Muslim denominations. Only a few of the respondents could tell

me in detail how the washing should be performed, the majority referred to the *ghusl* of a deceased as being similar to the *ghusl* of the living.<sup>43</sup>

From a national legal point of view, the washing of the corpse is not in any way restricted, besides it having to be in accordance with national ordinances governing health, safety and the public order. Usually this means that a body cannot be washed by just anyone and anywhere if the deceased has happened to die of a toxic or contagious disease.<sup>44</sup> Specific procedures are to be followed in these situations, and the family might find itself unable to perform the washing until the Health Inspector has cleared the deceased. I came across no such situations during the fieldwork. In the normal course of events, after the washing is completed the body is dried and covered with white shrouds, the *kafan*.

### 3.4 Shrouding the corpse (*takfîn*)

Just as the *ghusl*, the shrouding of a deceased (*takfîn*) is considered to be a *farḍ kifâya*. The requisite shroud (*kafan*) for Sunni, Shiite and Ahmadiyya Muslims consists of at least one cloth that covers the entire body (Al Jaziri 2009, 684; Sistani, 31; Mohammed Ali 2005, 354). However, preferences for which the various denominations and *madhâhib* have formulated different numbers of cloths and descriptions of the *kafan* can be followed. It is obligatory that the cloths are clean, plain white and un-sewn. The *kafan* includes a large piece which covers the body from head to feet (*lifâfa*), a piece that covers the body from the shoulders to the upper leg (*qamîs*) and a loincloth covering the body from navel to the feet (*izâr*). These numbers of cloths are based on a *ḥadîth* from Aisha on this matter: ‘Allah’s Apostle was shrouded in three pieces of cloth which were made of white *Suhul* [white cotton] and neither a shirt nor a turban were used.’ (Al Bukhari, 293). This *ḥadîth* especially has prompted Hanbalites and Shafi‘ites to argue that the *kafan* for a man should not include a *qamîs* or a turban (Al Jaziri 2009, 684-688). Should the deceased be a woman, Malikites, Shafi‘ites, Hanbalites and Ja‘farites add a headscarf (*khimâr*) and an extra *lifâfa*, and Ḥanafites also add a breast cloth (Al Jaziri 2009, 684-688; Sistani 1999, 137-138). The number of cloths used for women is based on various *ḥadîths*, for example, the following: ‘I was among those who bathed Umm Kulthûm, the daughter of the Messenger of Allah (God’s peace and

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<sup>43</sup> For the living, the *ghusl* is obligatory after sexual intercourse, ejaculation and menstrual or post-partum bleeding (Esposito 2003, 95).

<sup>44</sup> Inspectierichtlijn Lijkbezorging VROM, 99-01.

blessings be upon him). The first thing that the Messenger of Allah (God's peace and blessings be upon him) gave me was the lower garment, then the upper garment, then the head covering, then the cloak, and then later she was placed in another garment.' (Ibn Rushd 1994, 267).

Disregarding the various nuances, the shrouding procedure might be described to take place as follows. The garments are laid down one on top of the other, the largest garment at the bottom. The deceased is then placed on top of the garments to be enshrouded. Before shrouding, a piece of cloth with some fragrance is placed between the buttocks to prevent any impurities seeping out onto the *kafan* (Al Jaziri 2009, 687). The shrouding begins with the *izâr* and *qamîs*. In the case of a woman, the headscarf is put on. Then the larger *lifâfa* is wrapped around the body from the right side to the left side. The garments are tied together at the head and feet and some additional bindings are also tied at intervals along the body.

Islamic *fiqh* prescribes that the *kafan* be purchased with the deceased's own money (Al Jaziri 2009, 634). In practice, it is usually provided by a mosque organization or by the funeral director. During one washing and shrouding I attended, the *kafan* was made on the spot from a large roll of fabric. Measuring the height and width of the deceased woman, we cut the five pieces of her *kafan*.

Respondents who had attended the washing were also present at the shrouding and indicated that it took place in the same place the corpse had been washed. They informed me that the *kafan* itself was provided either by the bereaved family, by the mosque or by an Islamic undertaker. Some respondents indicated that the deceased had already prepared the *kafan* while alive, acquiring the material mainly from holy places such as Mecca and Kerbala. One of the male respondents reported that when he shrouded his son, he used the *kafan* he had acquired in Mecca when he performed his *hadj*:

We laid down the three parts of the *kafan* over the coffin, one on top of the other. I and three other men from the mosque performed the washing. When we were done, we raised my son onto the *kafan* and into the coffin. While he lay in the coffin, we wrapped the shrouds around him. Islamic rules prescribe that you always have to begin from the right side and then move on to the left side. We covered his whole body from head to feet. Not just anyone can wrap the *kafan* correctly around the deceased. You always have to make sure a professional is present to instruct you. (Rashid, personal interview, November 27, 2012).

Shiite respondents especially indicated that the *kafan* could be adorned with writing. One respondent told me about the *kafan* used for his father, which he received from their friends in Karbala and was adorned with Quranic verses written with sand from Karbala. Another female Shiite respondent spoke about a practice performed while they were shrouding her aunt. The woman in charge of the *takfîn* pulled out a piece of the *kafan* on which all the women present wrote down their names. If forty Muslims had written their names on that piece of *kafan* and testified that she was indeed a good Muslim, she could show this piece of *kafan* to Munkar and Nakîr (see Chapter 2). The Sunni, Ahmadiyya and Alevi respondents did not share this tradition of writing on a *kafan*. All respondents who had not attended a shrouding said that they knew the *kafan* should consist of white cloths, but had not been informed about the number of cloths or on the manner in which the shrouding should take place. The majority felt that this was not information that just any Muslim should know, but specialist knowledge about which the imam could be approached or read about if a person desired to know more.

The issue of shrouding has caused quite a stir and attracted plenty of legal attention in both the Netherlands and Belgium. The problem is not so much the shrouding itself, but more specifically the burial of Muslims in shrouds without a coffin. According to Islamic *fiqh*, the deceased should be buried in his shroud and not in a coffin. It is considered *makrûh* (undesirable) to bury the deceased in a coffin, unless there is some reason to do so. This necessity might occur if a person is obliged to do so by the authorities of his country or when the ground is not stable enough to be buried in without a coffin (AbdulQadir 1998, 287; AbdulQadir 2003, 123; Tabatabai 2001, 177; Sistani 1999, 139; Qahtani 2007, 89; Al Jaziri 2009, 715-716; Abu Sahlieh 2001, 106 ). Since 1991, the Burial and Cremation Act of the Netherlands no longer requires the deceased to be buried in a coffin. This amendment of the law was introduced in order to remove all unnecessary obstacles for Muslims as well as adherents of other religions and beliefs: ‘This meets the wishes of those who have a preference for burial in some covering other than a coffin. However, burial in a coffin is regarded as the normal procedure, if no other wishes of the deceased or their relatives has been made known by them.’<sup>45</sup> Muslims can therefore choose to be buried in their shrouds without

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<sup>45</sup> Explanation Article 3 Burial and Cremation Regulation



a coffin.<sup>46</sup> In all Dutch municipalities it is legally possible to be buried without a coffin. When the choice to be buried without a coffin is made, the cemetery might offer the possibility of arranging for the grave to be shored up with wood or concrete if the soil is considered too unstable.

The Belgian national law provides other options. On account of the many revisions it has passed through since 1971, the Federal Law on Cemeteries and Burial became very vague and unworkable. Therefore, as of 2001, the regions were authorized to develop their own legal regulations to govern the use of cemeteries and the disposal of corpses (see Chapter 4). The upshot is that the three regions of which Belgium is composed differ in the options they offer for burial in shrouds. At the moment this is only possible in Flanders.<sup>47</sup> In Wallonia and Brussels, a coffin is still prescribed at burial. It is expected that this will soon be amended and in Brussels a bill has already been submitted to make burial without a coffin possible.<sup>48</sup> Be that as it may, after the corpse is washed and shrouded, the last ritual to be performed, before the actual burial takes place, is the funeral prayer.

### **3.5 Funeral prayer (*Ṣalât al-Janâzah*)**

Praying for the deceased is considered to be a collective obligation for Muslims. The conditions are the same as for the obligatory daily prayers. Participants should be in a state of ritual purity, they should cover their *'awra* and stand facing in the direction of the *Qibla* (Sayyid Sabiq 1991, 38). Shiite scholars state that ritual purity of the participants is not a condition for the validity of the prayer (Sistani, Dialogue, 5). The prayer for the deceased, unlike the obligatory daily prayers, is not held at fixed times (Sayyid Sabiq 1991, 38). It can be performed at any time but in practice it is usually preceded by one of the five daily prayers.

There are a few general conditions that should be met for a funeral prayer to be obligatory. First and foremost, the deceased should be a Muslim. There is no funeral

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<sup>46</sup> Article 3 of the Burial and Cremation Regulation states the rule that a corpse should be buried in a coffin: 'A body is buried in a coffin', Article 3 Burial and Cremation Regulation. Section 2 of this article mentions that burial can also take place without a coffin, if the body is placed in another kind of covering, which is suitable for burial: 'Burial may take place without a coffin as long as a body is contained in another covering. This covering must be intended for the aim of burial.', Article 3 Section 2 Burial and Cremation Regulation

<sup>47</sup> Article 11 Flemish Decree on Cemeteries and Disposal of Corpses: 2004

<sup>48</sup> Voorstel van ordonnantie tot wijziging van de wet van 20 juli 1971 op de begraafplaatsen en de lijkbezorging om de plaatsing van het stoffelijk overschot in een ander lijkomhulsel dan een doodskist toe te staan. Brussel Hoofdstedelijk Parlement, 20 July 2012, A-314/1 – 2011/2012.

prayer for a non-Muslim (Al Jaziri 2009, 695; Bakhtiar 1996, 49-50; Ibn Rushd 1994, 276). Furthermore, the body of the deceased should be present at the funeral prayer. The body should have been ritually washed and shrouded and the deceased should be laid in front of the people who will perform the prayer (Al Jaziri 2009, 695-696). Shafi'ites and Malikites say that the funeral prayer should also be performed over a fetus that has cried upon being born. This rule is also applied if questions about establishing inheritance are raised. The Hanbalites and Hanafites consider the funeral prayer obligatory for every fetus that has completed four months in the womb (Bakhtiar 1996, 47). The Ja'fari school considers the funeral prayer not obligatory for a fetus (Sistani, Dialogue, 3). The reason for the disagreement stems from various contradicting *hadiths* on this matter. There is a *hadith* from al-Tirmidhi stating that the Prophet said: 'An infant is not to be prayed over, nor is he to inherit or be inherited from, unless he was heard crying at birth.' (Ibn Rushd 1994, 278). Another *hadith* on this matter comes from al-Mughira and in this the Prophet said: 'The infant is to be prayed over.' (Ibn Rushd 1994, 278). The various views among Muslim scholars have been extrapolated from these various prophetic traditions.

During the fieldwork, I came across one case involving a stillborn baby. Although the fetus was washed, shrouded and buried, no funeral prayer was held. The Sunni respondent explained that this was not necessary because the baby had not lived outside the womb. This view seems to correspond with the Shafi'ite and Maliki views referred to above. The respondent herself was an Indonesian Shafi'ite.

### 3.5.1 Prayer *in absentia* (*Ṣalât al-ghâ'ib*)

There are various scholarly opinions about the prayer for the deceased *in absentia*. The tradition of the Prophet which describes how he held a prayer for the deceased Negus (the ruler of Ethiopia) when he was informed of the latter's death is considered to be the basis for the prayer *in absentia*. 'Allah's Apostle informed (the people) about the death of An-Najashi on the very day he died. He went towards the *Musalla* (praying place) and the people stood behind him in rows. He said four *Takbîrs* (i.e. offered the Funeral prayer).' (Bukhari 2:23, 337). In the eyes of some scholars, this tradition is sufficient to consider the *ṣalât al-ghâ'ib* permitted. The Maliki, Hanafi and Ja'fari Schools say that the prayer *in absentia* is not permitted (AbdulQadir 1998, 289; Lemmen 1999, 19) They state that had it have been a custom, the Prophet would have also performed it later after this single instance when he performed it for the Negus. In

practice, the prayer *in absentia* is performed among Moroccan Maliki Muslims in both the Netherlands and Belgium. In the Netherlands, I attended a *ṣalât al-ghâ'ib* in a Moroccan mosque known for its strict Maliki adherence held for a Moroccan women who had died during a holiday in Egypt. The prayer was obviously performed without the deceased being present but in exactly the same manner as it would have been performed had she been present.

### 3.5.2 Description of the funeral prayer

The schools of law have all formulated a slightly different interpretation of the prayer for the deceased, although there are some essential parts. It commences with the intention. Although the *madhâhib* agree on this condition, they differ with regard to the exact description (Al Jaziri 2009, 691). Secondly, there are the four loud pronouncements of *Allâhu akbar*, including the *takbirât al-ihrâm* (the first *takbîr*). An exception on this matter are the Ja'farites who argue that there should be five *takbîrs*, corresponding to the five daily prayers (Sistani 1999, 138; Bakhtiar 1996, 50; Al Jaziri 2009, 689-691). Thirdly, the prayer for the deceased is a prayer in which there are no bows or prostrations; it is performed standing (Bakhtiar 1996, 50; Al Jaziri 2009, 692; Sayyid Sabiq 1991, 38). The prayer for the deceased is led by an imam who stands in front of the participants facing the deceased. The majority of scholars agree that the imam should stand in front of the head in case of a male and in front of the waist in case of a female (Al Jaziri 2009, 689-691; Ibn Rushd 1994, 272-273).

Some scholars state that the *Sûrat al-Fâtiḥa* should be read after the first *takbîr* (Sayyid Sabiq 1991, 39). Others, including Maliki, Ḥanafî and Ja'fari scholars, argue that this is not obligatory (Al Jaziri 2009, 689-691; Ibn Rassoul 1997, 729; Sistani 1999, 138). This difference of opinion stems from the question of whether the term *ṣalât* also encompasses the prayer for the deceased. Those who argue that this is the case are bearing in mind the words of the Prophet: 'There is no prayer without the *Fatihah* *al Kitab*', and hence this should be recited during the prayer for the deceased (Ibn Rushd 1994, 271-272). Those who do not recite *Sûrat al-Fâtiḥa* after the first *takbîr*, recite the *du'â al-istiftâḥ* instead.<sup>49</sup> Ja'farites read the *shahâda* after the first *takbîr* (Sistani 1999, 138). Maliki, Ḥanafî and Ja'fari respondents who were able to say something about the

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<sup>49</sup> *Subhânaka allâhumma wa bi-ḥamdika wa tabâraka ismuka wa ta'âlâ jadduka wa jalla sanâ'uka wa lâ illâha ghayruka*. Praised be You O Lord praised be You highly, blessed be Your Name, Your Majesty is exalted, Your Splendor is great and there is no God but you.

formulations of the prayer stated that in fact there is a recitation of the *Sûrat al-Fâtiḥa* after the first *takbîr*, preceded by either the *shahâda* or the *du‘â al-istiftâḥ*. After the second *takbîr*, a prayer with a blessing for the Prophet is read (Sistani 1999, 138; Sayyid Sabiq 1991, 44).<sup>50</sup> After the third *takbîr*, a supplication is made for the deceased (Al Jaziri 2009, 692-695).<sup>51</sup> In the case of the Ja‘farites, the third *takbîr* is followed by a supplication for all believing women and men (Sistani 1999, 138; Bakhtiar 1996, 51).<sup>52</sup> After the fourth *takbîr*, a general supplication is made for the Muslim community or a silence is observed (Al Jaziri 2009, 691). Ja‘farites pronounce a supplication for the deceased after the fourth *takbîr* and observe a silence after the fifth *takbîr* (Sistani 1999, 138; Bakhtiar 1996, 51). The prayer comes to an end with salutations to the right and left (*taslîm*), in the same way as the daily prayers are drawn to a conclusion, only during the prayer for the deceased the salutations are made while standing (Al Jaziri 2009, 692-695). Besides the recitation of the *Sûrat al-Fâtiḥa* after the first *takbîr*, the description of the *janâzah prayer* as it is presented here, corresponds with my findings. Sunni and Ahmadiyya respondents all indicated that the funeral prayer consists of four *takbîrs*, whereas the Shiite respondents pronounced five *takbîrs*. Furthermore, respondents indicated that the *du‘â* read after the *takbîrs* can and may vary. Although only a third of all the respondents could tell me about the exact formulation of the prayer, they all indicated that the core of the prayer was to perform several *du‘â* for the deceased and for the Islamic community in general. As one of the respondents explained:

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<sup>50</sup> There are various *du‘â* that can be recited with blessings for the Prophet, but one well-known one is the Abraham prayer that runs as follows: *Allâhumma ṣalli ‘alâ Muhammadin wa ‘alâ ‘âli Muhammadin kamâ ṣallayta ‘alâ Ibrâhîma wa ‘alâ ‘âli Ibrâhîma. Innaka ḥamîdun maġîdun. Allâhumma bârik ‘alâ Muhammadin wa ‘alâ ‘âli Muhammadin kamâ bârakta ‘alâ Ibrâhîma wa ‘alâ ‘âli Ibrâhîma. Innaka ḥamîdun maġîdun.* O God, grant Muhammad and the family of Muhammad salvation as You have granted salvation to Abraham and the family of Abraham. You are praiseworthy and exalted. O God, bless Muhammad and the family of Muhammad as You have blessed Abraham and the family of Abraham. You are praiseworthy and exalted.

<sup>51</sup> Various denominations recite different *du‘â* in this regard. One well-known one runs as follows: *Allâhumma ghfir li-ḥayyînâ wa mayyitinâ wa shahidinâ wa ghâ‘ibinâ wa ṣaghîrinâ wa kabîrinâ wa dhakarînâ wa unthânâ. Allâhumma man aḥyaytahu(-hâ) minnâ fa-aḥyihî(-hâ) ‘alâ-l-islâmi wa man tawaffaytahu(-hâ) minnâ fa-tawaffahu(-hâ) ‘alâ-l-imân. Allâhumma lâ taḥrimnâ ajrahu(-hâ) wa lâ taftinnâ ba‘dahu(-hâ).* O Lord, forgive the living and the dead, those of us who are present and those of us who are not, our youngsters and our elderly, our men and our women. O Lord, let him (or her) of us whom You have endowed with life, live according to Islam and let him (or her) of us who is taken to you, be taken in faith. O Lord, do not deny his (or her) reward and please do not put us after him (or her) to the test.

<sup>52</sup> *Allâhumma ghfir lil mu‘minîna wal mu‘minâti wal muslimîna wal muslimâti, al ḥayyi minhum wal amwât tabi‘baynanâ wa baynahum bil khayrâti innaka mujîbu da‘wa innaka ‘alâ kulli shay‘in qadîr.* (Sistani, 34)

The *janâzah namaz* (funeral prayer) is the prayer that others perform for you. It consists of several *du'â* but no prostrations. People stand in rows and the imam leads the prayer. This prayer lets us see how life is connected to death. When a child is born, the *adhan* is whispered in its ears, but there are no *namaz* (prayers). When a person dies, prayers are held, but the *janâzah namaz* has no *adhan*. The *adhan* that you hear as a newborn, is followed by the prayer when you die. (personal interview Norah, 27 April 2012).

Alevi Muslims perform the burial prayer in a similar style. Depending on the various streams within Alevism, the content of the prayer can differ from that of the Sunni, Shiite and Ahmadiyya Muslims. Alevi respondents reported that the prayer was not held in a mosque but in a *cemhouse*, the people present stood behind the *dede* who led the prayer. The prayer was not held in silence, and there were no *takbîrs*. After several *du'â*, the people present would answer with *âmîn*. If and when the prayer for the deceased was held in Turkey, however, the same Alevi respondents reported that the prayer would be held in a square outside the mosque and that it would be led by an imam. Half of the Alevi respondents stated that the reason for this lay in the absence of *cemhouses* in Turkey at that time.<sup>53</sup> The other half reported that, because the prayer was arranged by Sunni relatives in Turkey, it took place in the mosque.

For Sunni and Alevi Turkish respondents, an integral part of the prayer for the deceased is the *helal etmek*. In this ritual, the imam or the *dede* asks those present three times how they knew the deceased (*Bu canımızın üzerinde hakkınız varsa helal eder mi siniz*). With their reply 'We know that he did good' (*helal olsun*), that is repeated three times, those present absolve the deceased of any possible harm that he or she might have done to them. It is possible that some of the people present are unwilling to give the expected answer. They might answer with 'I do not agree' (*helal etmiyorum*). When this happens, the family of the deceased discusses the matter with them, so that eventually the deceased can be forgiven.

### **3.5.3 Location of the funeral prayer**

According to a majority of the Islamic scholars, the funeral prayer can be held in the mosque. Nevertheless, some hold divergent views on this subject, among them the Maliki and H̄anafi scholars (Ibn Rus̄hd 1994, 280; Bakhtiar 1996, 51; Al Jaziri 2009,

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<sup>53</sup> The Alevi respondents shared stories about the death of their relatives in the period between 2002 and 2012.

705; Sayyid Sabiq 1991, 53). The reason for their disagreement stems from conflicting traditions to do with this matter. There is a tradition from Aisha in which she states that the Prophet, 'did not pray over Sahl ibn Bayda but in the mosque.' (Ibn Rushd 1994, 280). Another tradition is that of Abu Hurayra in which the Prophet had said, 'He who prays over the dead in a mosque gains nothing.' (Ibn Rushd 1994, 280). A majority of the scholars also allow the funeral prayer to be said at the grave, even if there has already been a funeral prayer before the burial of the deceased (Sayyid Sabiq 1991, 51-52; Ibn Rushd 1994, 275-280). A question on this issue was raised also by a Dutch Muslim. It involved the matter of whether the remains of a deceased are ritually pure and if prayers for the deceased in the mosque are allowed. A Moroccan imam answered the question and stated that the remains of a deceased are considered ritually pure and the funeral prayer for a deceased should take place in the mosque. He did, however, mention the opinion of some Maliki scholars who state that prayers for a deceased should not take place in the mosque. This Moroccan Maliki imam however did not agree with them on this matter (El Moumni 2002, 124).

The interview data indicates that, in most cases, the funeral prayer in the Netherlands and Belgium was performed in the mosque or outside in a square near the mosque (57%). Some respondents indicated that these prayers were held at a funeral parlor (20%) or at the cemetery (23%). The attendance of women at the funeral prayer is an ongoing discussion among Muslims, and the Netherlands and Belgium are no exception (cf. Dessing 2001, 156-157). The majority of the women I interviewed did participate in the funeral prayer, although they did not attend the washing and shrouding. Ten out of the seventeen female respondents attended the funeral prayer. Two of the remaining seven women were strictly forbidden by relatives to attend the funeral prayer. Both of these were Sunni (Ḥanafī and Maliki) women. The other five were absent during the prayer as they were either abroad or mentally unable to be present as they were so distressed by their loss. The discussion about the attendance of women seems to be especially lively among Sunni Muslims. Among the Shiite, Alevi and Ahmadiyya respondents, the attendance of women at the funeral prayers and at the actual burial was emphasized to be the normal course of events.

The attendance of women is not the only bone of contention, the attendance of Muslims from other denominations is also cause for debate. Especially among those Surinamese respondents adhering to Sunni and Ahmadiyya denominations, this issue arose in every interview. A Sunni Surinamese respondent stated that the funeral prayer

is preceded by a collective gathering. During this gathering, that was held either in a funeral parlor or at a mosque, everyone present could say their farewells to the deceased, among them neighbors, colleagues and friends of the deceased not necessarily all of them Muslims. However, when the imam (or whoever is to lead the prayer) announces the performance of the *janâzah* prayer, those who are not Muslim and in some cases also the women were asked not to join in the prayer. The Sunni respondent explained that the Ahmadiyya adherents were also mentioned in this announcement, even though in many cases they were direct blood relatives of the deceased:

When the imam announces the funeral prayer, he also requests all women, non-Muslims and Ahmadiyya to refrain from joining in this prayer. When the men gather to perform the prayer we women are asked to leave, although we are family. I think it is not common for women to attend the funeral prayer but I never really asked anyone about it. For our Ahmadiyya family members, it is always a very painful situation. Everyone knows who is Ahmadiyya and who is Sunni. When my grandfather died, his sister was also present but she was not allowed to join the prayer, because she is Ahmadiyya. (Norah, personal interview, April 27, 2012).

This story corresponds with the reports of Ahmadiyya respondents emphasizing the great injustice that is done to them by Sunni Muslims. In public, the Ahmadiyya members of the family would not only be forbidden to take part in the funeral prayers, they would also be set apart. This example clearly shows the relevance of Turner's theory in relation to Islamic burial preparations. This is an illustrative situation of conflicting opinions and rulings, that allow family members to be present at the ceremony, but then being forbidden to participate: they are excluded from both the religious denomination and the performance of the ritual, left feeling being betwixt and between. The upshot of these incidents is that Ahmadiyya Muslims tend to emphasize that they belong to the Ahmadiyya community and emphasize that they have their own mosques, their own burial plots and their own funeral organizations.

There are two possible answers to the question of whether the prayers for the deceased can be performed more than once. Ḥanafites and Malikites consider the practice of performing the funeral prayer twice undesirable. It is only recommended that the funeral prayer be performed a second time if the first time it had been uttered by one person alone. On the other hand, Shafi'ites and Hanbalites state that the funeral

prayer can be performed a second time even, after the burial of the deceased has already taken place. However, it is considered improper for a person who has already attended the first prayer to be present at the second funeral prayer (Al Jaziri 2009, 705). In practice, second funeral prayers tend to be conducted among Turkish Ḥanafī and Moroccan Maliki respondents, especially when the body is repatriated for burial. In other cases of repatriation to such destinations as the Sudan, Iran and Iraq, without exception my respondents also indicated that the funeral prayer would be performed again in the country where burial is to take place. Their personal explanation was that all family members should have the opportunity to join in the funeral prayer, hence those living abroad should not be deprived of this opportunity.

From the national legal point of view, there are no regulations governing the performance of the funeral prayer. As far as the law is concerned, the funeral prayer is not subject to any sort of restrictions beyond the fact that it must present no threat to safety and the public order. For example, the prayer cannot be held if it is going to obstruct the traffic.

### **3.6 The funeral procession (*Janâzah*)**

Accompanying the *janâzah* of a deceased is seen as an obligation Muslims owe their fellow Muslims, just as is visiting the sick (Muhammad Ali 2005, 354; Al Baghdadi 2005, 192). A *ḥadīth* on this matter runs as follows: ‘Visit the sick, and follow the funeral procession, for it will (help) remind you of the Hereafter.’ (Sayyid Sabiq 1991, 54). Just as there is a certain etiquette that should be followed during the funeral procession, other actions are definitely frowned upon. Generally speaking, the procession should proceed at a fast pace and, apart from this stipulation, various scholarly opinions can be consulted about the correct behavior expected of people joining in the procession. One such requirement is that the bearers of the coffin and participation in the procession that accompanies it to the graveyard is recommended only for men. On the matter of the attendance of women, scholarly opinions vary greatly and these disparities will also be discussed in this section. It is important to note here that in Islamic countries the funeral procession usually forms up at the deceased’s house and from there proceeds to the grave either on foot or by vehicle. The procession is a public occasion since it moves through the streets of the city or village to the cemetery. In the Netherlands and Belgium, some modification have occurred and the procession in these countries commences at the cemetery. It is only after the mourners have reached



the cemetery that the deceased can be actually carried to his grave and the procession can begin. What takes place in the Netherlands and Belgium therefore is only the last part of the procession: from the cemetery to the grave.

Some scholars have distinguished between three levels of attendance in the *janâzah*. The first is to do no more than join in the prayer for the deceased. The second is to attend the prayer and afterwards to join the funeral procession to the graveyard and to remain there until the deceased has been buried. The third level is to do both these things plus remaining in the graveyard after the deceased has been buried in order to make supplications on his or her behalf (Al Baghdadi 2005, 192).

As said, it is recommended that a funeral procession proceed at a good pace. Various *hadîths* on this matter form the basis for this decision. One of these is: ‘Walk briskly while carrying a coffin, for if the deceased is righteous, you would be taking him or her to something better, and if he or she is an evil person, then you will be getting him or her off our necks.’ (Sayyid Sabiq 1991, 54). It is considered distasteful for those in the funeral process to recite in a loud voice, or indeed to raise their voices in general, to carry blazing torches, to sit down before those who have been carrying the coffin have put it down or to remain seated when a funeral procession passes by (Ibn Rushd 1994, 269; Al Jaziri 2009, 712-713). In respect of the latter, a well-known tradition is that the Prophet stood up for a *janâzah* of a non-Muslim, a Jew: ‘Once when a funeral procession was passing by, the Prophet, peace be upon him, stood up for it. And when told that it was [the] funeral procession of a Jew, he exclaimed: “Does he (a Jew) not possess a soul?”.’ (Sayyid Sabiq 1991, 58; AbdulQadir 2003, 129-130; Majlis 2002, 139). From this tradition, some scholars extrapolate that it is also permissible for Muslims to follow the *janâzah* of a non-Muslim (Majlis 2002, 139). Some Shiite scholars even encourage Muslims to do so since it sets a good example (Tabatabai 2001, 180; Sistani Q&A Funeral Prayer, 1). Other scholars of a more Salafî-Wahhâbi orientation limit the obligation of Muslims toward non-Muslims only to burying them if no one else can perform this task. This means that there is no obligation to wash, enshroud or to follow the *janâzah* (Al Qahtani 2007, 91).

In the Netherlands a Muslim asked his imam a question on this issue. His neighbor, a non-Muslim, had died and he had been asked to participate in the funeral ceremonies. He did so and went along to the church and attended the funerary rites. Afterwards he wondered whether he had done the right thing. The (Sunni) imam who answered his question stated that scholars allow Muslims to attend the funeral rites of

non-Muslims if, for instance, they had been neighbors, friends or colleagues. If, after his actual attendance at the funeral rites the Muslim intends to maintain the social relationship between himself and the deceased's family, he is allowed to join. Nevertheless, the relationship between the deceased and the Muslim ends with death. The imam therefore concluded that a Muslim is allowed to attend the funeral rites of a non-Muslim, but only by being present and by offering condolences to the bereaved family. He should join in neither the liturgy nor in any religious rituals, either in church or at the graveyard (El Moumni 2002, 10). The opposite situation was raised several times by respondents: the attendance of non-Muslims at the *janâzah*. As was said earlier in the discussion of the funeral prayer, in some cases non-Muslims and Muslims of other denominations were strictly forbidden to participate in the funeral prayer but this prohibition did not extend to the funeral procession. As a rule, respondents indicated that people who wanted to come to the cemetery (if the burial was being carried out in the Netherlands and Belgium) would also walk along to the grave where burial would take place. In only one case that will be mentioned later did the imam who was in charge of the funeral procession and subsequent burial ask all women and non-Muslims to leave. In all other cases, if there were any non-Muslims present they simply participated in the funeral procession.

Earlier I mentioned that the people accompanying the funeral procession are not supposed to recite loudly or indeed to raise their voice. Salafi scholars are especially vehement in their condemnation of these acts they abhor as innovations (*bid'a*) that have no basis in Islam (al-Albaani 2011, 80-83). In almost half of the cases, respondents did indicate that recitations were uttered out loud during the funeral procession. These recitations consisted of Quranic verses and *du'â* (30%), the *shahâda* (40%) or lamentations (30%). The last was raised especially by Alevi and Shiite respondents, whose lamentations were accompanied by weeping and wailing. These seem to be a very common and accepted way of expressing grief, especially among the Alevi and Shiite Muslims, but are also not unknown among more traditional Sunni Muslims (see Chapter 5).

### **3.6.1 The attendance of women**

When my husband died, I joined in the funeral procession. I walked along in the cemetery as his coffin was being carried to his grave by his brothers, friends and father. There were a lot of men present, family members of course but also colleagues and neighbors. My sister also

participated, as did several of my best friends and my mother. My family had no difficulty with the presence of women and non-Muslims in the funeral procession. However, the imam who led the procession objected. I still see him before me, yelling at all the women and non-Muslims to leave the cemetery! For a moment there, I thought of throwing *him* into the grave! You just cannot deal with those kind of people at that particular moment. There I was, in my twenties, with my newborn baby, burying my husband. I just wanted to say farewell to my husband without that imam upsetting everything. On the spot, my father politely requested the imam to leave and we proceeded without the imam. (Najima, personal interview, May 23, 2012).

Various opinions about the attendance of women can lead to distressing situations such as the one that my respondent had to endure. It is in such situations that the vulnerability of the liminal phase as explained by Turner is exposed. It is a good example of the contradicting opinions about the presence of women and non-Muslims in a funeral procession. Without much hesitation, the respondent's father decided to intervene and ask the imam to leave, prompted not only by the emotionally charged situation of conducting a quarrel in a cemetery, but also by the fact that the imam's opinions were clearly not the same as those held by the bereaved family. The imam was a Surinamese Ḥanafī, whereas the bereaved were Moroccan Maliki adherents.

Hanbalites and Shafi'ites hold the opinion that it is undesirable (*makrûh*) for women to participate in the funeral procession. Should it be feared that they might be 'a cause of temptation', their attendance is actually even forbidden (*ḥarâm*) (Al Jaziri 2009, 712; Sayyid Sabiq 1991, 59). Ḥanafites, on the other hand, are absolutely convinced that the attendance of women at the funeral procession is undesirable, under all circumstances to the point of being entirely forbidden (Al Jaziri 2009, 713; Sayyid Sabiq 1991, 59). The Malikites say that there is no objection to old women participating in the funeral procession. It is the Maliki opinion that a young woman may also accompany a funeral procession without raising any disapproval, provided that she is well covered and that her presence in the procession will not lead to any temptation (Sayyid Sabiq 1991, 59). Ahmadiyya scholars have reached the conclusion that women are not forbidden to accompany the funeral procession, but their attendance might be considered undesirable only if the women are unable to control their emotions (Muhammed Ali 2005, 354). Nowadays, the Salafi-Wahhâbi scholars strongly condemn the participation of women in the funeral procession (al-Albaanie 2011, 79). Although there are various *ḥadīths* on this subject, many are open to various

interpretations and do seem to express a dislike rather than an outright prohibition: ‘Umm Ateeyah said, “[Allaah’s Messenger] forbade us to follow the bier, but he did not demand that we obey”.’ (Philips 2005, 46).

More than half of the female respondents (53%) had attended a funeral procession, and the remaining 47 per cent had not. In the latter group, two Sunni women, adherents of the Maliki and Ḥanafī *madhâhib*, had been strictly forbidden by relatives, even though they themselves had wanted to attend. The other respondents were either not present in the same country or did not want to attend the funeral procession. Those who did attend the funeral procession accounted for all of my female Shiite, Alevi and Ahmadiyya respondents and a third of my Sunni female respondents.

Both in theory and practice it seems that, among Sunni Muslims, the attendance of women is less accepted than it is among their Shiite, Alevi and Ahmadiyya co-religionists, although the winds of change are beginning to blow. Instances of this change have occurred very strikingly as shown in various examples given by several of my Sunni female respondents who had accompanied a funeral procession. They emphasized that, although it was made very clear to them that they were unwelcome in the funeral procession, they had decided to attend anyway.

## **Conclusions**

Although in theory Islamic death rites might be considered to be very strictly governed by rules, in practice people mingle these rituals with their own social customs and infuse them with their own personal input. Just as in the examples discussed in the last chapter, this chapter again shows that identity of Muslims and their adherence to various denominations is clearly expressed in the way they practice rituals. Decisions about including and excluding non-Muslims and Muslims of other denominations sends out a clear message about who belongs to the same denomination and who does not. This situation not only stresses a person’s Islamic adherence in relation to non-Muslims, but more specifically a person’s adherence to a specific Islamic denomination in relation to other Muslims.

Recent trends and the spread of Salafi publications have also played a role in this development. Just as noted in the last chapter, these pamphlets seem to present Islamic burial preparations as being uniform and as having remained untouched by either tradition or culture. Neither in theory nor in practice is this the case. On the one hand, the burial preparations as performed by Muslims are deeply influenced by the

social and legal context in which they are performed. On the other hand, the Islamic denominations to which Muslims adhere also play an important role in setting the course of what happens. This was the case, for example, when the participation of women in the funeral procession and the volume of the recitations during the funeral procession were discussed. Although these two acts are strictly prohibited by Salafi scholars, Muslims do allow them and have women participate in them as part of their Islamic tradition.



# Chapter 4

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*Burial practices of Islamic communities in the  
Netherlands and Belgium*

## Chapter 4. Burial practices of Islamic communities in the Netherlands and Belgium

After discussing burial preparations in the previous chapter, this chapter will focus on the burial ritual itself and the practices that surround it. As has already been mentioned in the introduction, death, dying and burial are not matters restricted to the experiences and emotions of an individual, they are also social events. The rituals that accompany these events are central to the identities and meanings that groups construct for themselves. They can be viewed as windows that open out onto the ways societies view themselves and the world around them (Gardner 1998, 507).

One of the themes this chapter takes up is that of the enforcement of legal and religious regulations with regard to death and burial among Muslims in the Netherlands and Belgium. If the practice of burial rituals and regulations is used as a ‘window’, this opens the way to make an elaboration of the established fact that the choice of where to be buried is not *only* a matter of being well-informed about all the practical, legal and religious possibilities and impossibilities. It is also (or maybe more so) a matter of how Muslims view themselves and the society of which they are part. Regarding the latter, a sense of belonging and the myth of returning to their home countries were often mentioned by respondents in explaining their choice of their burial location (Gardner 1998; Gardner 2002; Anwar 1979; Bolognani 2007).

In Section 4.1 I shall consider how Islamic burials are facilitated by Dutch and Belgian public policies. In this discussion, I shall deal with how the current national burial landscape is shaped by offering a brief overview of the legal history of the creation of (religious) cemeteries. Both countries adopted quite different approaches in reaching their current burial landscape.

Islamic burial facilities in the Netherlands and Belgium, which might have to do with both Islamic plots in public cemeteries and the creation of private Islamic cemeteries, are subject of Section 4.2. This section also includes the discussion current among Islamic scholars about the burial of Muslims in non-Islamic countries. From a municipal point of view, some quite interesting solutions have been developed to cope with the diversity of Islamic communities. As far as the actual burial is concerned, the fact of the matter is that Sunni, Shiite, Ahmadiyya and Alevi Muslims all want to be buried either in Islamic plots or in an Islamic cemetery. This raises challenges that



Dutch and Belgian municipalities have to overcome to come to grips with the various demands Muslims make about including or excluding certain Islamic denominations. Section 4.3 will offer a description of the observation of Islamic burial prescriptions among Muslims in both countries, ranged in different categories: the obligation of burial as opposed to cremation, the construction of the grave and the internment, the question of clearing out graves and the importance of visiting graves. These categories have been derived from what came up in the interviews and they will be linked to Islamic scholarly opinions and the national legal frameworks. In Section 4.4 I elaborate on Muslims' choice of a burial location, with an emphasis on the 'emotional aspect' in this choice. The personal experiences Muslims in the Netherlands and Belgium have had with the death and burial of relatives provide fruitful ground for a discussion of their choices about where they themselves wish to be buried, how these choices are put into effect and the extent of the role of national and Islamic rules and regulations in the making of these choices. Besides explaining and describing respondents' views, I shall focus on whether their practices and opinions actually relate to some variables including ethnic background, age, gender and religious denomination. It has to be borne in mind that such relationships will be looked at by searching for trends rather than by the presentation of statistical evidence. The sample size was too limited to allow such statistical correlations.

#### **4.1 Legal possibilities for religious burials in the Netherlands and Belgium**

As a matter of national public policy, burial is subject to certain legal regulations. The national law sets the standards for a proper burial, hygiene and public order, whereas municipal regulations deal with urban planning, esthetics and soil requirements. In this section, I shall delve briefly into the historical developments that have shaped the current Dutch and Belgian burial landscape. This section discusses only those historical events that have definitively influenced and shaped the current legal possibilities for religious burials in the Netherlands and Belgium.

##### **4.1.1 Legal organization of religious cemeteries and religious plots**

In the Netherlands, cemeteries can be either public or private. Since 1827 municipalities have been obliged to provide a public cemetery. This legal obligation was tightened in Article 13 of the first Burial Act in 1869, that stated that every municipality should have

a public cemetery in which everyone, regardless of their confession, could be buried.<sup>54</sup> The enactment of the Burial Act was also the result of the acceptance of the Constitution of 1848 in which the separation of Church and State was introduced. In this Constitution the position of the Dutch Reformed Church as the state church officially came to an end, but it still continued to exercise its influence. Although secular attempts have tried to abolish the establishment of religious cemeteries, it was due to the influence of the religious communities that the right to establish religious cemeteries (Article 14) and plots in public cemeteries for those who could not afford a private cemetery (Article 19) was secured:

Public cemeteries are constructed in such a way that, upon the wishes of the management of a religious congregation that does not possess its own cemetery, the bodies of the members of this religious congregation can be buried in a separate part intended exclusively for them. Every such part should have a separate entrance, except for the single main entrance which can serve the whole cemetery. The layout of each of these parts is arranged by the municipal council, after it has listened to the management of the religious congregations involved.<sup>55</sup>

These articles were governed not only by ideological but also by financial considerations. The new legal requirement to set up a cemetery in every municipality raised objections in many municipalities protesting about the high costs involved. Therefore the law also provided for the possibility of the establishment of a municipal plot in a confessional cemetery. This provision accommodated many of the financial concerns, because it allowed municipalities to take advantage of the already existing confessional cemeteries. Another important goal of this act was to make sure that graveyards would no longer be established within the built-up area or that people could be buried in churches.<sup>56</sup> Article 16 of this act stated that a graveyard could not be laid

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<sup>54</sup> 'Elke gemeente heeft ten minste ééne algemene begraafplaats.' Article 13, Begraafwet 1869, Stb 65

<sup>55</sup> 'De algemeene begraafplaatsen worden zóó aangelegd, dat, op verlangen van het bestuur eener kerkelijke gemeente die geen eigen begraafplaats bezit, de lijken van de leden dier kerkelijke gemeente in een afzonderlijk, uitsluitend voor hen bestemd gedeelte kunnen worden begraven. Ieder zoodanig gedeelte heeft een afzonderlijken ingang, behoudens dat één hoofdingang voor de geheele begraafplaats kan dienen. De inrigting van elk dezer gedeelten wordt door het gemeentebestuur geregeld, na daarop het bestuur van de betrokken kerkelijke gemeenten te hebben gehoord', Article 19, Begraafwet 1869, Stb 65

<sup>56</sup> 'Geene begraafplaats wordt aangelegd dan op den afstand van ten minste 50 meters van elke bebouwde kom eener gemeente.' Article 16, Begraafwet 1869, Stb 65

out at a distance of less than 50 meters from a built-up area. Before this ordinance, it was common to bury the deceased in the church or on private land.

In light of this study, the above cited Article 19 is of great importance. These rights applied to Roman Catholics, Protestants and Jews and thereby seem to emphasize the space for religious plurality in the Netherlands. Nowadays the same article is also appealed to by Muslims and by adherents of other religions. The burial landscape in the Netherlands presents a wide range of options, as a consequence of the historical development undergone in the process of realizing the Burial Act of 1869. The possibilities include different religious cemeteries, separate religious plots in municipal public cemeteries and also public municipal parts in religious cemeteries (Van den Breemer and Maussen 2012, 283).

Currently, cemeteries are primarily regulated by municipal regulations, cemetery regulations and the Burial and Cremation Act 1991 (*Wet op de Lijkbezorging 1991*). The latter is a revision of the Burial Act of 1869. During the preparations for the revision of this act in the 1980s, discussions arose about adapting the law in order to remove all unnecessary obstacles for Muslims as well as for adherents of other religions (Shadid and Van Koningsveld 2008, 170). One of the results of this discussion is the legal possibility of burial without a coffin and within 36 hours, both of which are Islamic burial prescriptions. Consequently the number of Islamic burial plots began to increase. Van den Breemer and Maussen say that currently only one third of all cemeteries is owned, administered and paid for by municipalities (Van den Breemer and Maussen 2012, 283). Therefore, two-thirds of the cemeteries are *bijzondere begraafplaatsen* (special cemeteries), owned by different religious groups or by private legal entities.

In the case of Belgium, the most important changes and developments affecting religious burials also occurred during the nineteenth century and trace their origin to the Napoleonic Imperial Decree of 12<sup>th</sup> June 1804 (Lamberts 1984, 785; Pasinomie 1836, 24-26). This decree lays down that, besides the Catholic Church, municipalities obtained the legal right to establish cemeteries and the supervision was made their responsibility.<sup>57</sup> Nevertheless, the Roman Catholic church still retained the authority to consecrate every cemetery, at time overwhelmingly Catholic. The larger cities,

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<sup>57</sup> Article 16: 'Les lieux de sépulture, soit qu'ils appartiennent aux communes, soit qu'ils appartiennent aux particuliers, seront soumis à l'autorité, police et surveillance des administrations municipales.'

Brussels, Ghent and Antwerp, were the first to establish municipal cemeteries (Lamberts 1984, 887).

On the basis of Article 15 of the Napoleonic decree, it became possible to create various cemeteries in municipalities in which different religious communities resided. The main groups affected were Protestants and Jews. The other option was to divide the cemetery internally into different plots.<sup>58</sup> In the effectuation of this Article, the cemeteries developed a ‘dual character’; both the Church and the municipal government had the responsibility for a municipal cemetery divided between them. This dual character inevitably caused problems, the principal source of trouble being how the different compartments in the cemetery were to be developed. The decree did not provide any possibility for those who did not belong to any church and for those who were denied a Christian burial by the Church for canonical reasons to be buried in the cemetery (the ‘unworthy’; Lamberts 1984, 786). They were buried at a separate plot that was located as far as possible from the church, somewhere on the outskirts of the cemetery, a place derogatorily known as the ‘dog’s hole’ (Lamberts 1984, 786).<sup>59</sup> The interpretation of Article 15 varied from municipality to municipality, but the common practice seemed to be that municipalities raised no objections to ‘unworthy’ deceased being buried in the ‘dog’s hole’ (Lamberts 1984, 788).<sup>60</sup>

The issue of separate plots was seriously questioned mid-way during the nineteenth century under the influence of a growing liberal political movement (Lamberts 1984, 786). As the liberal movement gained strength, one of its tenets was that the municipal government should not be involved in who was and who was not worthy to be buried at the cemetery. No religiously based judgments about whether the deceased should be consigned to the ‘dog’s hole’ or not should be supported by the municipal government. To avoid such situations arising, the liberal discourse pleaded for the secularization of cemeteries, transforming them into places in which everyone could be buried alongside each other regardless of their religious background. This would mean that the Church would no longer consecrate an entire cemetery in one fell

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<sup>58</sup> Article 15: ‘Dans le communes ou l’on professe plusieurs cultes, chaque culte doit avoir un lieu d’inhumation particulier, et dans le cas ou il n’y aurait qu’un seul cimetière, on le partagera par des murs, haies ou fossés, en autant de parties qu’il y a de cultes différents, avec une entrée particulière pour chacune, et en proportionnant cet espace au nombre d’habitants de chaque culte.’

<sup>59</sup> ‘trou des chien’ or ‘coin des réprouvés’.

<sup>60</sup> The consecration of graves separately, became possible after approval of the Pope in 1890. *Annales Parlementaires, Chambre, Session 1861-1862, séances du 22, 23 et 24 juillet 1862*, p. 1849-1871, 1891-1897

swoop, but individual graves would have to be consecrated separately (Lamberts 1984, 787).

From the 1860s the secularization-trend was a well-established fact in the larger cities and the principle of non-compartmented cemeteries became the common practice. This trend aroused vehement resistance on the part of the Church that claimed its right to establish Roman Catholic cemeteries, in doing so appealing to its rights under freedom of religion. The Church also stated that the cemeteries were sacred places that should not be desecrated by the burial of those who did not belong to any church and by the 'unworthy'. The Church commenced a campaign of refusing to consecrate new developed municipal cemeteries, if a 'dog's hole' had not been provided (Lamberts 1984, 788).

This whole situation reached its zenith in 1873 in what is often referred to as the 'war of the graveyards' (*kerkhovenoorlog*). In Ghent a new non-compartmented cemetery was developed and this elicited a powerful resistance among the Roman Catholics. The cemetery in Ghent became known as the 'infidels cemetery' (*Geuzenhof*) and was boycotted by the Roman Catholics, because the cemetery as a whole was not consecrated, but this act was performed for each individual grave (Lamberts 1984, 789).<sup>61</sup> Deceased Roman Catholics were buried in the nearby cemetery in the municipality of Mariakerke.<sup>62</sup> When in 1878 the liberals came to power, they decided the matter in their advantage. Through the enactment of different governmental decisions and circulars, the promiscuity of graveyards was enforced in different cities. Especially important in this regard was a judgment handed down by the Court of Cassation, that put an end once and for all to the open interpretation of Article 15. From now on, Article 15 should be interpreted in its most restrictive way sense. The 'unworthy' and those who did not belong to any church in particular should and could be buried at the cemetery just as anyone else. Municipalities that still maintained or established compartments for those categorized as 'unworthy' or churchless were prosecuted (Lamberts 1984, 790). A century later, the same matter blew up again. This time it was the Muslims who were pleading for compartments in public cemeteries. Opposition to returning to the period of the war of the graveyards has a strong voice in

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<sup>61</sup> *Geuzenhof* is now called the Western Cemetery (*Westerbegraafplaats*)

<sup>62</sup> In 1874, 808 deceased Ghent people were buried at the consecrated cemeteries and only 53 were buried in the *Geuzenhof*.

the current debate about Islamic burial plots in Belgium. This will be discussed in the next section.

Currently cemeteries in Belgium are regulated by the Law on Cemeteries and Corpse Disposal of 1971 (*Wet op de begraafplaatsen en lijkbezorging 1971; La loi sur les funérailles et sépultures du 20 juillet 1971*). This law was revised a number of times (1973, 1980, 1989, 1998, 2001) and in the process had become very vague and impracticable. The 1973 revision was mainly concerned with cremation, the scattering of the ashes and the building of crematoriums (Velle 1992, 57-58). The revisions of 1980 and 1989 involved many textual changes, and also covered the possibility of taking the ashes home after cremation, instead of scattering them at a plot designated for this purpose. The most important revision of the 1971 Law happened in 2001, as the result of what has become known as the *Lambermontakkoord*. From this time, issues concerning burial and cemeteries became regional matters.<sup>63</sup> The three different Belgian regions (Brussels, Flanders and Wallonia) were authorized to issue their own rules and regulations with regard to corpse disposal in their region. In 2004 Flanders was the first region to issue its regional rules about corpse disposal,<sup>64</sup> followed by Wallonia in 2009<sup>65</sup> and Brussels in 2011.<sup>66</sup> These different regional acts offer different options and rulings in different regions and these are the subject of the next section.

## 4.2 Islamic burial plots in the Netherlands and Belgium

Islamic burial plots exist in both the Netherlands and Belgium but the legal possibility for the establishment of these plots differs considerably. In this section I shall investigate the legal and practical realization of Islamic burial plots in both countries.

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<sup>63</sup> Bijzondere wet houdende overdracht van diverse bevoegdheden aan de gewesten en de gemeenschappen, 13 juli 2001. Belgisch Staatsblad, 223, 3 Augustus 2001. The *Lambermontakkoord* is an umbrella term for three political agreements (Hermesakkoord, Lambermontakkoord and Lombard-or Brusselakkoord) that were established in 2000-2001 and have to do with the adjustment of the federal state reform.

<sup>64</sup> Ministerie van de Vlaamse Gemeenschap, Decreet op de begraafplaatsen en de lijkbezorging, 16 januari 2004.

<sup>65</sup> Waalse overheidsdienst, Decreet tot wijziging van Hoofdstuk II Titel III van Boek II van Deel I van het Wetboek van de plaatselijk democratie en de decentralisatie betreffende de begraafplaatsen en de lijkbezorging, 6 maart 2009.

Service Public de Wallonie, Décret modifiant le Chapitre II du Titre III du Livre II de la première partie du Code de la démocratie locale et de la décentralisation relatif aux funérailles et sépultures, 6 mars 2009.

<sup>66</sup> Ministerie van het Brussel Hoofdstedelijk Gewest, Ordonnantie tot wijziging van de wet van 20 juli 1971 op de begraafplaatsen en de lijkbezorging, 19 mei 2011.

Ministère de la Région Bruxelles-Capitale, Ordonnance modifiant de la loi du 20 juillet 1971 sur les funérailles et sépultures, 19 mai 2011

Of utmost interest in this section is the coming together of various Islamic denominations in one burial plot. Before delving into this matter, I shall first address the discussion among Islamic scholars about the permissibility of the burial of Muslims in non-Muslim countries.

#### **4.2.1 The burial of Muslims in non-Muslim countries. Opinions of Islamic scholars**

Among Islamic scholars, the burial of Muslims in a non-Muslim country usually comes up in discussions about the general situation of Muslims in these countries. The choice that arises with regard to burial is either a preference for repatriation to an Islamic country or for the quick burial of a Muslim in a non-Muslim country. As discussed earlier, from a religious point of view burial should take place as soon as possible. A difficulty arises when there are no Islamic burial facilities in the country in which the deceased passed away. The views of Islamic scholars on this matter can be divided into three categories.

There are those who express a preference for the quick burial of a deceased Muslim. This option implies that the deceased is allowed to be buried in a non-Muslim country, preferably in a plot reserved for Muslims but otherwise in a non-Muslim cemetery, making sure that as much of the religious prescriptions (washing, shrouding, funeral prayers) are observed. These scholars argue that transportation of the deceased was not common during the time of the Prophet and therefore not preferable (Heine 1996, 14-15). This position can also be found in the prophetic traditions on this matter: ‘Jaabir ibn ‘Abdillaah said, “On the day of the Battle of Uhud, the dead were being carried [back to Madeenah] for burial in al-Baqee, when the Prophet’s announcer called out: Allaah’s Messenger orders you to bury the dead where they die. This [announcement came] after my mother had already tied my father and uncle to the sides of her camel in order to bury them in al-Baqee. However, she returned them to where they were killed [for burial]”.’ (Philips 2005, 16).

Other scholars prefer the transportation of deceased Muslims to an Islamic country to a quick burial. They argue that Muslims are prohibited to be buried alongside non-Muslims, for example, because of the punishment to which the latter are subject in their graves. If Muslims were to be buried next to them, they would be harmed and disturbed by their proximity to this punishment (Abdulqadir 1998, 288; Abu Sahlieh 2001, 101). Only if transportation is absolutely impossible, do these scholars allow for Muslims to be buried in a non-Muslim country. They argue that this is in line with the

principle of necessity (*darurât*), that can be interpreted to mean that God does not place a burden on people greater than they can bear. Nevertheless, in this case burial is only permissible in a separate section of the cemetery (Abdulqadir 1998, 288; Qahtani 2007, 89-90; Tabataba 2001, 177-179).

In the middle position are those scholars who actively urge Muslims living in non-Muslim countries to develop their own Islamic burial plots and cemeteries. They emphasize that this would be in line with the policy of religious equality, since Jews and Christians also have their own cemeteries. In this middle position are scholars, including the earlier mentioned al-Qaradawi, who prefer Muslims to be buried in the countries in which they lived, even if this is a non-Muslim country. These scholars argue that the development of Islamic cemeteries and burial plots is part of the integration of Muslims into these societies (Al Qaradawi 2003, 45). The same position was expressed by the imams of the various denominations and *madhâhib* whom I interviewed. They all stated that, if burial is possible according to the religious prescriptions in a separate plot or cemetery, this should be preferred to transporting the deceased to another country. These views were also found among respondents when they explained their own choice of burial location, which will be discussed in Section 4.4.

#### **4.2.2 Islamic plots in the Netherlands**

Islamic plots in public cemeteries have existed in the Netherlands for decades. As discussed in the previous section, the realization of separate burial plots seems to have been a common feature of the Dutch ‘pillarization’ tradition. The very first of these Islamic plots was established in 1932 and is located at the Kerkhoflaan Cemetery in the municipality of The Hague (Ryad 2012, 293).

My research shows that approximately 25 per cent of the Dutch municipalities provide an Islamic plot in one of their cemeteries. Among them 5 per cent have not had anyone buried there yet. Some municipalities are even thinking about closing the plot if no one is interested in being buried there, one such example being the municipality of Meerssen:

In view of the above and given the lack of space that is occurring in the cemeteries, we are thinking about discontinuing this section in the future; when this will happen has not yet been



determined. (Email correspondence with M. Schattenberg, municipality of Meerssen, 12 January 2011).

In 6 per cent of the other municipalities it is possible for Muslims to be buried facing the direction of the Qibla, but not in a separate plot, and in 2 per cent they can be buried in the public part, but not specifically facing the direction of the Qibla. In two municipalities opportunities for the burial of Muslims were offered in a Christian cemetery, one was the municipality of Helmond, where an Islamic plot was set up at the Roman Catholic cemetery in 2011.<sup>67</sup> In the municipality of Laarbeek there is no Islamic plot, but the Protestant cemetery offers the possibility for Islamic burials in the cemetery in graves that face the direction of Mecca and even the granting of permission for a grave in perpetuity is negotiable. The last category that should be mentioned here is the presence of Islamic graves in military cemeteries, for instance in the municipality of Kapelle. Islamic plots are usually separated from the rest of the cemetery by a hedgerow, and the graves face the direction of Mecca. The rules that apply to the Islamic plot are the same as those governing the public part of the cemetery, namely *de gemeentelijke verordening* (the municipal act) and *het begraafplaatsreglement* (the local cemetery regulation). In contrast to an Islamic cemetery, a public cemetery cannot deny anyone access to be buried there. However, discussions have taken place among Muslims about whether adherents of certain Islamic denominations should be granted access to the Islamic plots and these contentions have led to some quite interesting solutions.

One such instance is the Islamic plot in the municipal graveyard of *Westduin* in The Hague, that was established in 1994 and has been divided among seven different Islamic organizations belonging to three different Islamic denominations. The municipality argued that these Islamic organizations have the right to their own plots, since they cannot be considered one religious community. The single Islamic plot consists of seven separate subplots that are divided internally from one another by paving stones or by a hedgerow. The different subplots are separate sections for Sunni, Shia and Ahmadiyya Muslims, required by their refusal to be buried next to each other in the same plot. Only members of the specific organizations can be buried in ‘their’

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<sup>67</sup> The situation in Helmond is quite special. This municipality has a very small public cemetery, where one can only be buried if either cremation or burial in a religious cemetery are not possible (Email correspondence with J. Polak, Municipality of Helmond, 24 November 2010)

plot. Muslims who do not belong to one of these seven organizations, but nonetheless want to be buried in the Islamic part of this cemetery, can be interred in the ‘public Islamic part’ of the Islamic plot that does not belong to any Islamic organization in particular. The same situation can be found in the *Zuiderbegraafplaats* in Rotterdam. In the Islamic plot different parts belong to five different Islamic organizations; Pakistanis, Ahmadiyya, Javanese Westward Worshippers (see Section 4.2.2.1), Javanese Eastward Worshippers (see Section 4.2.2.1) and Sunni Muslims. The plots are exclusive to the members of these organizations. As is the case in The Hague, Rotterdam also has a ‘public Islamic burial section’ in the Islamic plot for Muslims who are not a member of any of the five Islamic organizations. The different plots are divided internally from one another by a hedgerow.

The data reveal that four municipalities provide separate Islamic plots for different Islamic communities. This seems to be characteristic of the Netherlands (as shall be seen later Belgium does not provide separate plots), because of a historical tradition of separate plots for different religious denominations, discussed earlier in this chapter. The majority of the municipalities does not pay attention to the different Muslim communities that exist in the Netherlands, at least not as far as granting them separate plots is concerned. However, when visiting Islamic plots in the Netherlands it is impossible to ignore the existence of denominational variation among the different Islamic communities. Choosing to overlook these differences when deciding to grant plots to an Islamic community can also be construed as ignoring the religion-based differences among these communities and therefore tantamount to not giving them an equal right to an Islamic plot that meets with their wishes.

The results of the interviews indicate that 40 per cent of the respondents would prefer to be buried in a plot that is reserved for Muslims of the same denomination. These respondents accounted for 18 per cent of the Sunni, 66 per cent of the Shiite, 75 per cent of the Alevi and all of the Ahmadiyya respondents. It seems that especially those Muslims who belong to the smaller Islamic denominations, prefer to be buried in a plot which is especially reserved for their denomination.

Besides Islamic plots, the Netherlands also has one Islamic private cemetery. This first and so far only Islamic cemetery was established in 2007 in the municipality

of Almere by Muslims the majority of whom have a Surinamese background.<sup>68</sup> They were able to buy a piece of land next to the existing public cemetery and to develop a private Islamic cemetery with a private entrance and its own rules and regulations.<sup>69</sup> In the Islamic cemetery graves are granted exclusively for an unlimited period of time, a rare occurrence because of the pressure on space in the Netherlands. Furthermore, only those deceased who ‘are Muslims according to the Islamic religious law’ can be buried at this cemetery. To whom this stipulation refers is to be determined by the board of the organization. In case of doubt, the board can ask its *mufti* (Islamic scholar) for advice. So far, what has been clear is that there is a strict prohibition on members of the Ahmadiyya being buried in this cemetery: ‘Ahmadiyya are considered non-Muslims and should therefore not be buried in an Islamic cemetery.’ (personal interview Dilorosun, 22 March 2012).

Although the establishment of Islamic plots seems to be on the increase, the founding of private Islamic cemeteries seems to have stalled. Earlier studies suggest that this can be attributed to the fact that ‘Muslims prefer burial in a public cemetery instead of investing resources in a private (and costly) cemetery.’ (Van den Breemer and Maussen 2012, 287). I argue that a sense of belonging and the wish to return to their country of origin also play an important role in this choice. The fact that the first (and so far only) Islamic cemetery was created by an Islamic organization that consists of Muslims of whom the majority is from a Surinamese background suggests that these Muslims have a stronger sense of belonging to the Netherlands and do not wish to return to their home country after death. This corresponds to the results of the interviews that show that all Surinamese and Indonesian respondents bury their deceased in the Netherlands. This is in contrast to other respondents from various backgrounds who stated that their country of origin plays a much more important role in their choice of burial location than does the legal possibility of Islamic burial in the Netherlands. The motives behind this choice of burial location will be analyzed in Section 4.4.

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<sup>68</sup> The Islamic cemetery in Almere was inaugurated in 2007 and is owned by a Sunni organization SAMAR *Stichting Almeerse Moslims Al Raza* ‘Al Raza Foundation of Almere Muslims’

<sup>69</sup> Private cemeteries do have to observe national regulations laid down in the *Wet op de Lijkbezorging* ‘Burial and Cremation Act’

#### 4.2.2.1 Facing the *Qibla* eastward or westward

Ethnic and religious diversity among Islamic communities has inevitably led to differences in burial and burial rituals, and this extends to the determination of the *Qibla*. As discussed in Chapter 3, one of the preparations for an Islamic burial is the obligation to turn the deceased into the direction of the *Qibla*, the direction Muslims also face during their five daily prayers. My research results show various situations in which the *Qibla* had been wrongly determined, meaning that it differed by some degrees to the 'correct' *Qibla*. This occurred, for example, in the municipality of Rotterdam when the *Qibla* had to be determined during the design of the Islamic plot. Some Islamic organizations claimed that the *Qibla* was wrongly determined. In 2010 the municipal cemetery determined the *Qibla* (again) with approval of the Islamic organizations concerned. The inaccurate determination of the *Qibla* also caused quite a bit of commotion in the municipality of Hengelo in the Netherlands. In the Islamic plot, graves were organized lengthwise in the direction of the *Qibla*. The upshot was the deceased could not be buried in a grave facing the *Qibla*, unless they happened to be buried in an upright sitting position. When it determined the *Qibla*, the municipality of Hengelo did not consult any Islamic organization and assumed that there was no difference in opinion among Muslims about this subject.<sup>70</sup>

A completely different situation arises when the determination of the *Qibla* can be toward two opposite directions; the *east* and the *west*. The eastward-worshippers are those Muslims who have determined the *Qibla* to lie in an easterly direction. From the Netherlands and Belgium, Mecca is naturally regarded as located to the east. However, after their migration from Indonesia to Surinam, and even after their migration from Surinam to the Netherlands some of the Surinamese Javanese Muslims have continued to observe the custom of directing their prayers to the west (Dessing 2001, 17). Therefore, their graves face the exact opposite direction to those who lay the body with its face toward the east. They have become known as the westward-worshippers, as opposed to the eastward-worshippers. This is clearly visible in the following pictures, head and feet are facing opposite directions.

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<sup>17</sup> 'Foundation regrets burial mistake', [www.stichtingibw.nl/m/index.php?option=com\\_content&task=view&id=60&Itemid=59](http://www.stichtingibw.nl/m/index.php?option=com_content&task=view&id=60&Itemid=59), (Accessed 19 May 2011)



### 4.2.3 Islamic plots in Belgium

In 1992 the Belgian Loubna Benaissa was kidnapped from her hometown in Brussels. After five years her body was found near her parental home. After her body had been found, a public ceremonial service was held for Loubna on the 8 March 1997 in the Grand Mosque of Brussels. More than 2,000 people followed the ceremony on a screen outside the mosque and over 2 million people watched the ceremony on television.<sup>71</sup> When burial arrangements had to be made the bereaved family found out that there was no place for Loubna in Brussels to be buried according to the Islamic burial rituals. ‘Because her home country did not provide an Islamic burial facility, on the 8 March 1997, Loubna’s body left to be buried in the country of her parents near the city of Tangiers, where the Islamic burial regulations could be carried out.’ (Benaissa 1997, 138-139).

After her death questions about Islamic burial sites were raised in the Belgian Senate.<sup>72</sup> As opposed to the Netherlands, Belgium (no longer) had a tradition of separate religious plots. Issues such as a burial without a coffin, graves in perpetuity and separate cemeteries were addressed to the Senate in relation to Islamic burial facilities. At that time (1997), the Minister of the Interior made it very clear that no exceptions to the statutory articles with regard to the obligation to be buried in a coffin and the abolition of graves in perpetuity were possible. The Law on Cemeteries and Corpse Disposal of 1971 was in force at that time. The discussion about Islamic plots in Belgium was clearly influenced by the historical background of graveyards and cemeteries in Belgium, discussed in the previous section. During these parliamentary proceedings, the Minister of the Interior made his point on several issues about Islamic plots unequivocally. The realization of plots in public cemeteries could be made possible for religious communities only if it were borne in mind that the plot should not be divided

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<sup>71</sup> ‘Bittere aanklachten kenmerken gebedsdienst voor Loubna.’ Trouw, 10 March 1997

<sup>72</sup> Belgische Senaat, Parlementaire Handelingen, Vergaderingen 15 June 1997

from the rest of the cemetery, no one should be denied access to burial in this plot (this includes non-Muslims who wish to be buried on this plot) and no compromises were to be made with regard to the obligation to be buried in a coffin and the prohibition of a grave in perpetuity.<sup>73</sup> The Minister went on to state that the Islamic community was not allowed to set up private cemeteries; this right was reserved to monasteries only.<sup>74</sup> In conclusion the Minister issued a warning to not ‘de-secularize this matter,’ referring to the secularization of cemeteries during the nineteenth century and the fact that Belgium adopted the principle that from that time cemeteries were removed from the religious sphere.<sup>75</sup> This parliamentary session that took place after Loubna’s death seems to have been the starting point for the political discussion on Islamic plots in Belgium. Nevertheless, some cemetery managers have said that at the time of Loubna’s death Belgium did offer the possibility for Islamic burial in the municipality of Liege.<sup>76</sup>

During the last few decades, more Islamic burial plots have been realized at municipal cemeteries in Belgium. Two important legal matters are considered to lie behind this development. Firstly, a circular issued by the Minister of the Interior in 2000 that dealt extensively with the matter of the setting-up of Islamic plots in public cemeteries.<sup>77</sup> This circular reminded municipalities of the three fundamental principles that should characterize the cemeteries: the municipal character of the cemeteries, the

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<sup>73</sup> Minister of Interior Vande Lanotte in: Belgische Senaat, Parlementaire Handelingen, Vergaderingen van woensdag 25 juni 1997 ‘Bijgevolg, als een gemeente een begraafplaats [perceel K.K.] reserveert voor moslims en de graven naar Mekka laat richten dan mag die plaats enigszins, maar ook weer niet te veel worden afgesloten. Bovendien mag geen enkele instantie controle uitoefenen op de echtheid van de religieuze overtuiging van de personen die toegang willen hebben tot deze begraafplaats [perceel K.K.]... Dan is er nog het probleem van de eeuwigdurende concessie en dat van de bekisting. De eeuwigdurende concessie wordt ofwel aan iedereen ofwel aan niemand toegekend... In België is een kist voorgeschreven... Ik denk dat de executieve van de moslimgemeenschap zich ervan bewust is dat ons standpunt over de eeuwige concessie en de bekisting niet zal wijzigen.’

<sup>74</sup> Minister of Interior Vande Lanotte in: Belgische Senaat, Parlementaire Handelingen, Vergaderingen van woensdag 25 juni 1997 ‘Er bestaat een uitzondering voor privébegraafplaatsen. Deze uitzondering is echter alleen bedoeld voor kloosters. Sommigen hebben verkeerdelijk gedacht dat men via deze uitzondering voor de moslimgemeenschap aparte begraafplaatsen kon inrichten.’

<sup>75</sup> Minister of the Interior Vande Lanotte in: Belgische Senaat, Parlementaire Handelingen, Vergaderingen van woensdag 25 juni 1997, ‘Ik wil echter waarschuwen voor het de-seculariseren van een materie die pas na eideloze discussies werd geseculariseerd. Begraafplaatsen waren eeuwenlang een godsdienstige aangelegenheid. Pas op het einde van de negentiende eeuw vond men dat begraafplaatsen uit de religieuze sfeer moesten worden gehaald... Met de reactie van aparte moslimbegraafplaatsen zou dit nog niet zo lang verworven principe worden ondergraven.’

<sup>76</sup> ‘Het was overdeven! In Brussel was er geen mogelijkheid, maar in Luik bestond er allang een mohammedaanse begraafplaats (...) een perceel.’ Interview L. Beckers, Intercommunale voor de teraardebestelling, Brussel. 6 April 2012. I. Qureshi from the Muslims Executive also indicated that this cemetery in Liège was the only place where Muslims could be buried at that time. Interview, 10 April 2012, Brussels.

<sup>77</sup> Ministeriele Omzendbrief 27 januari 2000 betreffende de toepassing van de wet van 20 juli 1971 op de begraafplaatsen en de lijkbezorging, gewijzigd bij wet van 20 september 1998. B.S., 10 February 2000

neutral character of the cemeteries and the fact that no municipal authority should decide who is and who is not to be buried in the cemetery. Nevertheless, the same circular also emphasizes that it would not be incompatible with these principles for a municipality to provide separate plots for religious communities, such as the Islamic community. In this circular, it was unequivocally stated that the current national law did not exclude the possibility of setting up separate plots, on the condition that no authority should decide who is and who is not to be buried at this plot and that the plot is not isolated from the rest of the cemetery.

Secondly, the abovementioned Law of 2001, that authorized regions to develop own rules with regard to burial and cremation, also played an important role. As of 2001 municipalities could decide whether or not they would provide such a separate plot. Of all the municipalities that participated in this research, 17 per cent did offer a separate Islamic plot in which graves are organized in such a way that they face the direction of Mecca. Among these municipalities, 20 per cent have a separate Islamic plot in which no burials have yet taken place, for example, in the municipalities of Herselt, Kortenberg, Berlaar and Messancy. In 2 per cent of the other municipalities, graves are organized in such a way that they face the direction of Mecca, but they are not situated at a separate plot. Finally in 3 per cent Muslims have been buried in the public part of the cemetery not facing a specific direction.

Of those municipalities that do not offer a separate plot for Muslims, 4 per cent are actually preparing to set up such a plot in their cemetery. Still other municipalities have clear explanations of why they do not offer a separate plot, often referring to the neutrality of their cemetery. This is the case, for example, in the municipalities of Dilsen-Stokkem and Bouillon:

The municipality attempts to have an open and neutral attitude toward everyone. Every person, no matter their religious background, is to be buried according to the same possibilities and conditions. Equal treatment of all religious communities is considered something of great importance. (Email correspondence with K. Hermans, municipality of Dilsen-Stokkem, 14 October 2011).

In addition, the lack of space in most of the cemeteries in Bouillon and the management of cemeteries as advocated by the Ministry of the Walloon Region does not allow the allocation of a plot exclusively for the burial of a religious community or the exclusion of others to be

buried there. No favouritism is to be applied in the cemeteries of Bouillon. This situation would damage public interest and would set a dangerous precedent. (Email correspondence with F. Adam, municipality of Bouillon, 17 October 2011).

As opposed to the situation in the Netherlands, none of the Belgian municipalities with an Islamic plot indicated that a distinction between different Islamic denominations is made in the plot. They argue that it is not up to any authority to decide who is and who is not a Muslim. If an Islamic plot exists, anyone who claims to be a Muslim can be buried there (Personal interview L. Beckers, 6 April 2012). This argumentation, which is also found in the circular, has obviously been influenced by Belgian history with regard to the Roman Catholic Church deciding and the municipality approving of who is and who is not worthy enough to be buried in the Roman Catholic cemetery.

It is remarkable to see that different municipalities that were very explicit in rejecting the creation of separate Islamic plots, have now reconsidered their statement. This is the case, for example, in the municipality of Ghent. The Alderwoman of Ghent currently responsible for this matter indicated that the municipality was against the setting up of a *separate* Islamic plot, but had no objections to the laying-out of a part of the cemetery where graves would face the direction of Mecca. This is exactly what has been realized in 2009, a plot where graves are organized in the direction of Mecca but which is not reserved exclusively for Muslims. It is called a ‘Mecca-orientated’ plot as opposed to an ‘Islamic plot’, that would indicate that it is reserved only for Muslims. If the latter were the case, the state would interfere in religious matters and therefore be in violation of the Belgian Constitution (Telephone interview Catherine Seger, Alderwoman Ghent, 11 April 2012). When visiting this plot in Ghent, it is noticeable that it is not visibly separated from the rest of the cemetery by hedgerows. In the discussion about Islamic burials in Ghent, several references were made to the situation during the nineteenth century. The terms ‘ghetto’, ‘neutrality of the cemetery’ and ‘distinction in plots on the basis of religion’ were raised as arguments against the setting-up of separate Islamic plots. These are the same issues that came up before and during the ‘graveyards-war’ in the nineteenth century. Among Belgian policy makers, it is obvious that there is a very strong resistance to returning to a period in history in which burial was a matter of religious institutions, as a result of which non-religious people or other religions were discriminated.



In contrast to the Netherlands, there are no private Islamic cemeteries in Belgium. The realization of private cemeteries is no longer possible under the conditions set out in Article 16 of the 1971 Law.<sup>78</sup> Some cemetery managers are satisfied with this situation since it prevents discrimination, again referring back to Belgian history with separate cemeteries:

There is no possibility for realizing private cemeteries anymore. Cemeteries now always have to be public, but I don't think that this is a loss. Everyone has the right to be buried in a public cemetery, otherwise we would have learned nothing from our history. Private cemeteries are a form of discrimination, everyone should be treated on equal terms. (Personal interview L. Beckers, 6 April 2012).

In this section, it has been shown how different historical developments have contributed to the current burial landscape in the Netherlands and Belgium. The system of pillarization made it possible not only to have private Islamic cemeteries and separate Islamic plots in the Netherlands, but also to negotiate about various separate Islamic plots within one and the same cemetery. In Belgium, however, the secularization of cemeteries meant that the discussion of Islamic burial plots centered on such themes as 'discrimination', 'neutrality' and a resistance against returning to a period in which religious institutions decided who was religious enough to be buried at a cemetery.

#### **4.3 Islamic burial rituals. Theory and practice**

When the deceased is brought to his or her final resting place, several Islamic prescriptions must be followed. National laws in the Netherlands and Belgium also stipulate several conditions that have to be met before interment can take place. How law and religion relate to the actual practice of burial of Muslims in both countries is the theme of this section. Four different categories will be discussed, that have been derived from the interviews about the practice of Islamic burial prescriptions: cremation (4.3.1), the construction of the grave and the interment of the deceased (4.3.2), clearing out graves (4.3.3) and visiting graves (4.3.4).

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<sup>78</sup> Article 16 Law on Cemeteries 1971. 'Burial may only take place on a municipal or inter-municipal cemetery.'

### 4.3.1 Cremation in Islam

In general, Islamic scholars seem to agree that there is a prohibition on cremation and that burial is obligatory. Burial is made obligatory on the basis of the Quran: ‘Have We not made the earth a receptacle, both for the living and the dead.’ (Q 77:25-26; Ibn Rushd 1994, 281; Sistani 1999, 138). Besides its Quranic foundation, the prohibition on cremation is also based on various prophetic traditions. In some cases the cremation of a body is related to Hellfire, that is the punishment only to be assigned by God: ‘Narrated by Abu Huraira: Allah's Apostle sent us in a mission (i.e. an army unit) and said, “If you find so-and-so and so and-so, burn both of them with fire.” When we intended to depart, Allah's Apostle said, “I have ordered you to burn so-and-so and so-and-so, and it is none other but Allah Who punishes with fire, so, if you find them, kill them”.’ (Bukhari, Vol 4, Bk 52, nr 260). Other *hadiths* on the other hand, emphasize the Almightyness of God and the fact that the cremation of the body will not prevent Him from resurrecting the deceased on the Day of Judgment: ‘Narrated Abu Huraira: The Prophet said, “A man used to do sinful deeds, and when death came to him, he said to his sons, After my death, burn me and then crush me, and scatter the powder in the air, for by Allah, if Allah has control over me, He will give me such a punishment as He has never given to anyone else.” When he died, his sons did accordingly. Allah ordered the Earth saying, “Collect what you hold of his particles.” It did so, and behold! There he (the man) was standing. Allah asked (him), “What made you do what you did?” He replied, “O my Lord! I was afraid of You.” So Allah forgave him.’ (Bukhari, Vol 4, Bk 56, nr 688).

Some scholars agree that in exceptional cases cremation is allowed. Such was the case during the SARS epidemic in China and Hong Kong in 2003. The deceased were cremated to prevent the epidemic spreading any farther. Even though this was an exceptional case and the washing and shrouding of the deceased was not possible, the obligation of the prayer for the deceased had to be performed (Brahmi 2007, 136).

Among Muslims, it seems that the discussion on cremation is still at a very early stage. Only 8 per cent of the respondents did not object to cremation. Nevertheless, they did admit that, as long as their parents were still alive, they would never publicly announce that they would choose cremation. The majority (71%) clearly rejected cremation as a non-Islamic custom, their primary objection being the resemblance to Hellfire and the impossibility of visiting a grave.

In the Netherlands, the matter of the cremation of a deceased Muslim was even brought to court.<sup>79</sup> In 2007 Habiba Yaakoubi, a Dutch female police agent of Moroccan descent, died while carrying out her duty. After her death, her boyfriend announced that Habiba had wanted to be cremated. She had filled in a questionnaire from an undertaker on which she marked the option of cremation after death. This form was not a last will or a codicil, but Habiba had signed it with her signature. When her (Muslim) family heard about this form, they questioned its legality and claimed that their daughter would never have opted for cremation since she was a Muslim. Habiba's mother therefore took this matter to court. The judge argued that, although the questionnaire was not a last will, it could be assumed that by filling in the questionnaire and signing it, Habiba had made her last wish very clear. The family claimed that it was not possible for her to be cremated, since this was prohibited in Islam. This argument was not accepted by the judge. Therefore, in his first judgment the judge ruled that Habiba was to be cremated, even taking into account the religious argument brought up by the family.<sup>80</sup> However, the family decided to appeal against this first judgment. The ceremony of Habiba's cremation was interrupted and the body was again taken into custody by the Public Prosecutor, acting on the information that the family questioned the legality of the signature placed at the questionnaire. They had reported a forgery to the police.<sup>81</sup> After an investigation by the Dutch Forensics Institute (NFI), questions did arise about whether the signature was indeed Habiba's. The final verdict in this case was at the hands of the mayor of the city of Vlaardingen who, three months after her death, stated that Habiba was to be buried.<sup>82</sup> This decision was to the great relief of the family who stated that they were Habiba's family and therefore knew what she would have wanted after her death and that her boyfriend had interfered in this matter too much.<sup>83</sup>

Although among Muslims the discussion on cremation is still in an early stage, cremation among the population in general has become more popular than burial, both in the Netherlands and Belgium. In 2008 48.3 per cent of the Belgian population and 57 per cent of the Dutch opted for cremation.<sup>84</sup>

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<sup>79</sup> Rechtbank Rotterdam, LJN AZ8839, 16 February 2007

<sup>80</sup> Rechtbank Rotterdam, LJN AZ8839, 16 February 2007

<sup>81</sup> Algemeen Dagblad, 22 February 2007, 'Justitie geeft lichaam van agente Habiba vrij.'

<sup>82</sup> Het Parool, 4 May 2007, 'Burgemeester velt salomonsoordeel.'

<sup>83</sup> Algemeen Dagblad, 2 May 2007, 'Burgemeester velt oordeel in zaak Habiba Yaakoubi.'

<sup>84</sup> <http://statbel.fgov.be/nl/statistieken/cijfers/bevolking/andere/crematies/>, (Accessed 2 July 2012)  
[http://www.uitvaart.nl/infotheek/achtergronden/crematiecijfers](http://www.uitvaart.nl/infotheek/achtergronden/crematiecijfers/), (Accessed 2 July 2012)

### 4.3.2 Interment and grave construction

Islamic law prescribes that burial should take place as soon as possible, preferably not later than the day of death (Abu Sahlieh 2001, 106-107). As discussed in the previous chapter, national law requires a permission for burial that is granted by the municipality. In the Netherlands this leave can be granted 36 hours after death and in Belgium 24 hours after death. Both countries offer the possibility of an exemption to this rule. In the Netherlands an exception to this rule can be made under the terms of Article 17 of the Burial and Cremation Act, by the mayor in consultation with the public prosecutor: ‘After having heard a doctor [on this matter], the mayor of the municipality where the dead body is located can set another term for the burial or cremation. However, he does not permit burial or cremation within 36 hours of death except in agreement with the public prosecutor.’ In the case of Belgium, there is no federal law regulating this matter, but instead there are several municipal acts that state the exception to this rule.

After permission for the burial is granted, the deceased can be taken to the cemetery. Before the actual burial takes place, Shiite Muslims recommend that the coffin in which the deceased has been brought to the grave be placed on the ground three times before reaching the grave. It is placed on the ground a first time, followed by a second and a third, before it is lowered into the grave as the fourth time (Rules about the burial of a dead body, 2). This idea was also shared by my Shiite respondents. This practice is not performed among Sunni, Alevi or Ahmadiyya Muslims. They carry the deceased in the coffin to the grave where burial takes place.

An important issue in Islamic burial rituals is the attendance of women. This is an ongoing discussion among Muslims when they talk about the funeral procession, as seen in the previous chapter, and the same is true of the attendance of women at the actual burial. In answer to the question of whether women should be allowed to attend the burial, 77 per cent of the respondents indicated that women are and should be allowed to attend. Only 23 per cent (all male Ḥanafī and Maliki Sunnites) stated that women are not allowed to attend the burial. The most frequent reason given was the inability of women to control their emotions during burial ceremony. More than half of the female respondents (53%) had actually attended the burial, as against 47 per cent who had not. In the latter group, two women had been strictly forbidden by relatives, even though they had personally wanted to attend. Both were Sunni, adhering to the Maliki and Ḥanafī *madhâhib*. The other respondents who did not attend the burial were physically not able to be present during burial or they did not wish to attend it. Those

who did attend, accounted for all the female Shiite, Alevi and Ahmadiyya respondents and a third of the Sunni female respondents.

#### **4.3.2.1 Burial in a coffin and the construction of the grave**

Muslims are usually buried in shrouds. Islamic scholars seem to agree that there is no objection to burial in a coffin, but only when there is a necessity to do so. When no necessity exists burial in a coffin is considered *makrūh* (AbdulQadir 1998, 287; AbdulQadir 2003, 123; Tabataba'i 2001, 177; Sistani 1999, 139; Qahtani 2007, 89; Al Jaziri 2009, 715, 716). This necessity might be entailed when national law insists that the deceased be buried in a coffin, or when the soil is not stable enough to be buried without a coffin (AbdulQadir 1998, 287). When burial takes place in a coffin, Islamic scholars state that the deceased should be placed on his right side in the coffin and preferably some soil should be placed underneath the deceased's right cheek (Tabatabai 2001, 177; Sistani 1999, 140; AbdulQadir 1998, 287). As already discussed in Chapter 3, the national law in the Netherlands and Belgium provides for the possibility to be buried without a coffin. More than half of the respondents (54%) reported that their deceased loved ones were buried in a coffin. The majority of these burials took place in Morocco, the Netherlands and Belgium. In 46 per cent of the reports, burial had taken place without a coffin and most of these involved burial in Turkey, Iran and Iraq.

Because the use of a coffin was not common in early Islam, two types of grave constructions became generally accepted. The first one is the *lahd*. This is a grave in which at the *Qibla* side a niche into which the body is placed is dug out. The *lahd* became very popular, since the Prophet was said to have been buried in such a niche. A *hadīth* on this matter is reported by Ahmad and Ibn Majah on the authority of Anas who said: 'When the Prophet, peace be upon him, died, there were two grave-diggers. One usually dug the *lahd* and the other a regular dome-like grave. The Companions said: "Let us seek guidance from our Lord." Then they asked each of them to dig a grave, and decided the grave of the one who finished first be chosen for the burial of the Prophet's remains. The one who dug the *lahd* finished first, so they buried the remains of the Prophet, peace be upon him, in a *lahd*.' (Sayyid Sabiq 1991, 63). The *lahd* is only used when the ground is stable enough (Al Jaziri 2009, 715; Abu Sahlieh 2001, 106). This is not always the case in the Netherlands and Belgium. The construction of the *lahd* in these countries is therefore not much practiced.

The second type of grave construction is called a *shaqq*, that is a deep vertical grave in which a niche is dug at the bottom of the pit. In both constructions the deceased is placed in the grave on his right side facing the *Qibla* (Al Qaradawi 2003, 44; Sistani 1999, 138; Bakhtiar 1996, 52; Al Jaziri 2009, 715; Abu Sahlieh 2001, 104-105). After the deceased is placed in his grave, the *kafan* at the head and the feet of the deceased is loosened and his right cheek is positioned to touch the soil (Sayyid Sabiq 1991, 63). Islamic scholars hold that it is part of the *sunnah* for the person who is placing the body into the grave to say: ‘In the name of God, and in accordance with the religion of God’s Messenger.’ (Al Jaziri 2009, 715; Sayyid Sabiq 1991, 63). Both types of graves are covered with flat bricks before piling the soil on top of it. This is to prevent the body of the deceased coming directly into contact with the soil (Abu Sahlieh 2001, 106).

Among respondents, the description of the interment varied greatly. As mentioned earlier, the use of *lahd* graves is not common if burial takes place in the Netherlands or Belgium. The reason is that the deceased is often buried in a coffin, or because the soil is not stable enough.

In the normal course of events only one body is buried in a grave. Exceptions do exist and the conditions for this differ among the various *madhâhib*.<sup>85</sup> The majority of them claims that it is possible to bury more than one deceased in a grave if it is necessary to do so (Al Jaziri 2009, 719-720). In the prophetic traditions there are cases in which the Prophet allowed for more than one body to be buried in a single grave, in the event of war and battles: ‘Reported by Nasai and Tirmidhi from Hisham ibn Amer who said: We complained to the Prophet, peace be upon him, on the day of the battle of Uhud, saying: “O Allah’s Messenger! Digging a separate gave for every body is a very hard job.” The Prophet, peace be upon him, said: “Dig, dig deeper, dig well, and bury two or three bodies in each grave.” The Companions asked him: “Who should we put in the graves first?” The Prophet, peace be upon him, said: “Put those more learned

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<sup>85</sup> Al Jaziri presents the views of the Sunni *madhâhib*: ‘According to the Ḥanafites, it is undesirable to bury more than one deceased person in a single grave unless there is some need to do so, in which case it is acceptable. According to the Malikites, several deceased persons may be buried in one grave in case of necessity, such as a situation in which the graveyard is too small to accommodate the necessary number of individual graves. It is also permissible for different deceased persons to be buried in the same grave at different times, as, for example, when a grave is reopened after the initial burial in order to bury someone else. However, if there is no necessity involved, it is forbidden to bury different deceased people in a single grave at different times, while it is undesirable to do so at the same time. As for the Shafi’ites and the Hanbalites, they hold that it is forbidden to bury more than one deceased person in a single grave unless it is required by some necessity, for example, by there being a large number of dead and the fear that they may begin to emit a stench, or due to a need, such as the need to avoid causing undue hardship for the living.’ (Al Jaziri 2009, 719-720)

in the Qur'an first" (Sayyid Sabiq 1991, 62). In some cases scholars have also referred to the situation of Muslims in a non-Muslim country when space is limited as an exception allowing the burial of more than one body in a grave (Abu Sahlieh 2001, 108).

In the Netherlands and Belgium, people are offered various choices in the types of graves which raises the possibility of being buried in a grave together with one or two other deceased. The possibilities in grave types vary in each municipality. In this regard, it is of the utmost importance to be well-informed. For example, in the Netherlands, public graves are constructed for a maximum of three deceased who are buried on top of each other. These public graves are also to be found in the Islamic plots and are often much cheaper than the private graves. Furthermore, a public grave is granted for the legal undisturbed grave term of ten years, and cannot be renewed as opposed to a private grave.

Most Dutch cemeteries grant private graves for a period of twenty years (45%) or thirty years (30%). The municipal cemeteries of Eemsmond and Zandvoort even grant graves for a hundred years. The Dutch Corpse Disposal Act only states that a private grave should be granted for a minimum of ten years and does not set a maximum. Therefore, the municipalities have the freedom to decide in their local acts the length of the period private graves may be granted. Private graves can also be renewed. Our research indicates that 75 per cent of the Dutch cemeteries have an extension period of ten years, and the same applies in Belgium. A grave without a concession (public grave) can be granted for the legal undisturbed grave term, which lies between ten and fifteen years. The graves with a concession are granted for fifty years (36%) or thirty years (33%), with the possibility of extension after this period has ended. More than half of the Belgian municipal cemeteries offer an extension period of thirty or fifty years on graves with a concession. Among my Dutch and Belgian respondents who reported burial in these countries, all indicated that the graves were private graves granted for a limited period of time. None of them had yet been confronted with negotiating an extension of the granted period.

When the deceased is placed into the grave, people present might help to fill the grave with soil. It is desirable to throw three handfuls of soil into the grave while reciting: 'Out of this have We created you, and into it shall We return you and out of it shall We bring you forth once again.' (Q 20:55; Al Jaziri 2009, 716; Sayyid Sabiq 1991, 64). The grave is filled with soil, and piled up to the height of a 'camel's hump' (Al

Jaziri 2009, 719). The majority of my respondents did not recall the practice of throwing three handfuls of soil into the grave. Only 17 per cent, half of whom were Ahmadiyya, referred to this as a common practice during burial.

#### 4.3.2.2 *Talqîn at the grave*

Immediately after the interment a prayer is held to entreat forgiveness for the deceased. Various prophetic traditions refer to this occasion. One occurs in a *ḥadīth* reported by Uthman: ‘After burial the Prophet, peace be upon him, would stand by the grave of the deceased and say: “Seek forgiveness for your brother and pray for his acceptance, because he is now being questioned about it”.’ (Sayyid Sabiq 1991, 64). The interrogation mentioned in this *ḥadīth* refers to the questioning by Munkar and Nakīr, which has already been discussed in Chapter 2. To guide the deceased through this questioning, some Islamic scholars prefer to teach or ‘prompt’ (*talqîn*) the deceased with the correct answers to these questions. The answers correspond to the articles of faith that the deceased is considered to know and be able present during the interrogation by Munkar and Nakīr. The imam or someone else may perform the *talqîn* that can vary in content depending on the different Islamic denominations. Sunni Muslims may prompt the deceased using a variation of the following *ḥadīth*: ‘At-Tabarani reported that Abu Amamah said: When one of your brethren passes away and you have leveled the ground over his grave, you should stand by the grave’s head and say: “O so and so, son of so and so,” for the deceased will hear him, but he cannot respond. Then he should say “O so and so, and son of so and so”, whereby the deceased will sit up in this grave. Then he should say: “O so and so, son of so and so”, at which the deceased says: “Guide me, may Allah be merciful to you”, but you cannot hear him. Then he should say to the deceased: “Remember the faith with which you left this world, and remember to bear witness that there is not god but Allah and Muhammad is His servant and Messenger, and remember that you have accepted Allah as you Lord Islam as your religion, Muhammad as your Prophet and the Qur’an as your guide”.’ (Sayyid Sabiq 1991, 65). Shiite and Alevi Muslims add to this the *talqîn* on the Twelve Imams.<sup>86</sup> Furthermore, among Shiite and Alevi Muslims the practice of *talqîn* is accompanied by holding the shoulders of the deceased and shaking him gently as he

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<sup>86</sup> The Twelve Imams are: Ali ibn Abi Talib, al-Hasan, al-Husayn, Ali Zayn al-Abidin, Muhammad al-Baqir, Jafar al-Sadiq, Musa al-Kazim, Ali al-Rida, Muhammad al-Jawad, Ali al-Hadi, al-Hasan al-Askari and Muhammad al-Mahdi (Halm 2004, 30).



lies in the grave, simultaneously prompting the articles of faith and the Twelve Imams (Rules about burial of the dead body, 2).

Ahmadiyya respondents report that they do not practice the *talqîn*, they classify this ritual as a Sunni tradition. It should also be noted that not all Sunni *madhâhib* recommend the *talqîn* at the grave. The Shafî'ite *madhhab* considers the *talqîn* recommendable, but Hanbalites and Malikites consider prompting the deceased at the grave reprehensible (*makrûh*). A minority of the respondents (20%) mentioned the *talqîn* as a ritual that should to be performed at burial, the majority of them are Shiite, the rest was composed of Alevi and Sunni Ḥanafite Muslims. The *talqîn* can take place after everyone has left, but more often happens in the presence of those who have attended the burial. The *talqîn* is believed to be more than just of interest to the deceased, it also a lesson for those still alive.

### 4.3.3 Graves in Perpetuity

A much debated topic in relation to Islamic burials in the Netherlands and Belgium is the question of graves in perpetuity and the clearing out graves after a certain period of time has passed.

Although the standard Islamic point of view that burials are for all time, the granting of graves for an indeterminate period of time is rare in the Netherlands. Less than 10 per cent of all municipalities, the municipalities of Apeldoorn, De Bilt and Utrecht, offer the possibility of a graves in perpetuity. Since the law does not require that graves might be used in perpetuity, cemeteries are free to determine whether or not they will want to offer this possibility. In Belgium, graves are not granted in perpetuity at all (Article 7 Law on Cemeteries and Corpse Disposal 1971). As stated in the previous section, Belgian cemeteries only offer graves for a fixed period of time, with the possibility of an extension.

After the granting period has come to an end and no application for an extension has been submitted, the cemetery has the legal right to clear the grave. The clearing out of graves means that the remains of the bodies are removed to be reburied in a large collective grave (*knekelput*) or cremated. It is also possible to rebury the remains in the same grave at a lower level (*schudden*) (Van Strijen 2009, 80). To clear out a grave, the permission of the rightful claimant, a person or a legal body to whom or to which the

rights of a private grave have been granted, is required.<sup>87</sup> The right to clear out a grave without this permission is possible only when the statutory term has expired and no steps have been taken to renew it (Van der Putten 1993, 163).

Among Islamic scholars there are various opinions about the question of the legality of clearing out graves (Sayyid Sabiq 1991, 77; Al Jaziri 2009, 719; Bakhtiar 1996, 53). They agree that the grave of a Muslim should not be disturbed if there are remnants of flesh, bones or other body parts still present in the grave (Sayyid Sabiq 1991, 77-78; Al Jaziri 2009, 720; Bakhtiar 1996, 53). If the body has decomposed and has turned into soil and dust, the majority of the scholars hold that it is permitted to dig up the grave and to use the land for agriculture, for building or for other useful ends (Sayyid Sabiq 1991, 77-78). Some other scholars, including Maliki jurists argue that, when the body has decomposed the grave can be dug up, but the land can only be used for the burial of other bodies and not for other purposes (Al Jaziri 2009, 720). Not all scholars agree on this latter point, as is clearly illustrated in a *fatwa* issued in 1990 in answer to a question put by a Muslim living in the Netherlands. He asked whether graves that had existed for more than eighty-four years could be used as a location for a children's playground. The scholar who issued the *fatwa* argued that there is no legal prohibition on the emptying of graves but the remains must be buried in another location according to Islamic prescriptions and the remains must be treated with dignity (Azhar 1990).

The same national legal rules that pertain to clearing out graves in the public part of the cemetery apply to the Islamic plots in the Netherlands and Belgium. Some municipalities, among them Delft, have not had to deal with the clearing out of graves yet, because there is no shortage of space in the Islamic plot. Other municipalities are thinking ahead about this issue.<sup>88</sup> Different regulations pertaining to the clearing out of graves in the Islamic plot are found in the municipality of Heusden, where a statutory regulation has been adopted into the local regulations governing the use of municipal cemeteries. It states that Islamic graves are not to be cleared out at all.<sup>89</sup> So far this is

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<sup>87</sup> Rightful claimant: natural person or legal body to whom an exclusive right to a private grave, or a private memorial has been granted, or the person who might be reasonably supposed to have taken his place. Cemetery Management Regulation Model, VNG (*Association for Dutch Municipalities*), 2011

<sup>88</sup> 'Thus Muslim graves may not be evacuated. However, in connection with a possible lack of capacity this might be necessary in the future. We are considering how to deal with this.' Email correspondence with J. van der Sluis, municipality of Alphen aan den Rijn, 8 December 2010

<sup>89</sup> 'After the lapsing of the grave rights to an Islamic grave, it is forbidden to remove the remains from the grave. For the purpose of a new granting of the grave, the remains will be buried deeper in the same grave', Article 19 Paragraph 5 Local Act on Municipal Cemeteries in the Municipality of Heusden

the only municipality that had altered its regulations about the clearing out of graves in the Islamic plot.

Among the respondents who reported a burial in the Netherlands or Belgium, none had yet been confronted with the clearing out of the graves of their loved ones. Nevertheless, cemetery managers told me that the clearing out of graves has also happened in the Islamic plots. Most of these were public graves granted for the undisturbed legal grave term, but also private graves for which no extension had been made. The cemetery does not clear the graves until the rightful claimant has not reacted to either letters of notification or a notice placed on the grave giving information about the expiry of the granting period.

#### **4.3.4 Visiting graves (*ziyârat al qubûr*)**

Visiting graves is recommended in Islam because this act reminds people of death and the Hereafter. This recommendation is based on various prophetic traditions. These traditions seem to indicate that in early Islam there was a prohibition on the visiting of graves, whereas later the Prophet did recommend it to Muslims. ‘Buraydah related that Allaah’s Messenger said, “I forbade you from visiting graves, but you may now visit them, for in visiting them there is a reminder of death”.’ (Philips 2005, 91). This recommendation seems also to have included women, just as the earlier prohibition also included women without mentioning them explicitly (Philips 2005, 91). Again the solution to this matter is not clear-cut as in the different Islamic denominations opinions between scholars with regard to the permissibility of women visiting the graves differ. Ḥanafites and Malikites state that only women whom it is feared might give rise to temptation are forbidden to visit graves. A stricter line is followed by the Hanbalites and Shafi‘ites, who state that women are forbidden to visit graves in principle. Whether young or old, unless they dress and behave in such a way that it can be certain that their going out will not lead to temptation in any way (Al Jaziri 2009, 722). Shiite scholars have no objection at all to women visiting graves (Sistani, Q&A Graves). Nor do the Ahmadiyya scholars. Only one of the female respondents (a Surinamese Ḥanafî)

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2004. ‘The remains of corpses present in a grave which is being evacuated are reburied in a section of the cemetery indicated by the management body. The management body can grant permission to the person entitled to their own grave to have the remains of those deceased that are in the grave with the exclusive right, reburied in another grave. This article does not apply to Islamic graves, see Article 19 Clause 5’, Article 24 Paragraph 1 and 2 Local Act on Municipal Cemeteries in the Municipality of Heusden 2004

explicitly mentioned that she was not allowed to visit graves. All the other female respondents did visit graves (regularly).

When they do visit graves, Muslims are recommended to make supplications (*du'â*) for the deceased and read from the Quran. Almost a quarter of the respondents indicated that this is exactly what they do at a grave, say *du'â* and read from the Quran. A far greater majority of the respondents also brought along flowers or plants (40%), halva and dates (11%, mainly Shiites and Alevi respondents) and water to wash the grave (25%).

Respondents attached great importance to visiting graves especially if it was thought that this would benefit the deceased. They visited the grave either to pray for the deceased (46%) or to remember the deceased, just as if they were visiting the living at home (26%). Others (26%) mentioned that visiting a grave is for their own benefit as it helps them through their mourning process and is a constant reminder that death is a reality. Only three respondents (8%) had not (yet) visited the graves of their deceased loved one.

Although a grave can be visited at any time, Islamic scholars recommend visiting the graves on Fridays and on religious holidays, occasions on which people also visit living relatives and acquaintances. (Al Jaziri 2009, 722). Many respondents (37%) also indicated that they would (want to) visit graves on such significant days as *Eid* and Fridays. Other days that were mentioned by respondents as days on which they would (want to) visit graves include the anniversary of the death (11%), the birthday of the deceased (10%) and Thursdays (17%). The birthday was especially mentioned by Ahmadiyya respondents, whereas the Thursday was mainly mentioned by Shiite respondents. The remaining respondents (27%) did not mention a preference for a specific day. Only the Iranian Shiite respondents mentioned New Year's Day as a preferred day for visiting graves:

On the 21st March spring begins. This is a day on which most people visit graves to assure the deceased that they will also be remembered in the New Year. (Personal interview Jafar, 5<sup>th</sup> December 2012).

#### **4.4 The choice of a burial location**

Chaib argues that people's identities are formed to a significant extent by where they are buried (Chaib 1988, 338). He explains the choice people make about where they

will be buried as proof of commitment to a specific community. Therefore, this choice is considered to be about belonging to a community that can be formed through familial lines but also along village or even country lines (Chaib 1988, 338). This author postulates that the grave itself can be seen as a symbol of returning to ‘the mother’s womb’, to the county of origin (Chaib 1996, 150).

In the choice of burial location among the respondents, four different categories of motives could be identified: social, financial, religious and emotional. A few examples will be highlighted, but the focus will be mainly on the emotional motive.

From the social point of view, answers such as being buried among deceased relatives or being buried near living relatives were given. A third of the respondents thought it extremely important to be buried near living relatives so that the latter could visit their grave. For example, a Surinamese respondent who buried her son in the Netherlands said she did so because she wanted to keep him close to her:

I buried him here! He lived here, we live here and his children live here. It was never an option to have him buried in Surinam. He should be buried among his relatives. (Djamila, personal interview, October 18, 2012).

Burial of deceased relatives in the Netherlands and Belgium was reported by 26 per cent of the respondents. They included all the respondents with a Surinamese or an Indonesian background. This trend seems to have been emerging for at least the past ten years, since these findings correspond with the work of Dessing (Dessing 2001, 160-161) and the work of Shadid and Van Koningsveld (Shadid and Van Koningsveld 1995, 99). The latter suggest several other reasons Muslims who have settled in Europe in the wake of decolonization bury their deceased in Europe more frequently. Among the motives which prompt them are naturalization, the distance to the countries of origin and the availability of Muslim cemeteries or Islamic plots in public cemeteries (Shadid and Van Koningsveld 1995, 99). A visit to Islamic burial plots, especially in the Netherlands, does indeed reveal a great majority of Indonesian and Surinamese Muslims buried in them. Hence it could be argued that for Indonesian and Surinamese Muslims, burial in the Netherlands has become the standard:

My father always said that the whole world belonged to Allah. It doesn’t matter where you are buried. He had lived in the Netherlands for such a long time, he no longer even knew his

relatives in Indonesia. We [his children] are here. Therefore he never wished to be buried outside the Netherlands. (Ena, personal interview, November 20, 2012).

Colonial history and the presence of large numbers of relatives and acquaintances in the Netherlands, coupled with the distance to their home countries were emphasized by Indonesian and Surinamese respondents as the motives behind their choice of a burial location. In Belgium, an important point is the relatively new development of Islamic plots. A visitor to Islamic plots in Belgium finds above all that the people buried there are Belgian converts, asylum seekers and Muslims from mixed marriages. Sadly also many children are buried in them. In Brussels, a significant section of the Islamic plot is taken up by deceased Albanian Muslims.

The existence of a funeral fund, the financial motive, was most frequently mentioned by respondents with a Turkish and Moroccan background as a reason for the repatriation of the deceased. In all the cases that were shared by respondents, 26 per cent involved repatriation to Morocco, 34 per cent to Turkey and 14 per cent to Iran, Iraq or the Sudan. For a small annual fee that had been paid for decades, respondents indicated they were assured that all burial costs would be covered by the funeral funds and therefore chose to have their deceased relatives buried abroad. Respondents with a Turkish and Moroccan background especially stated that graves in Morocco and Turkey are practically free of costs which is certainly not the case with burial in the Netherlands and Belgium.

The costs of a burial in the Netherlands and Belgium vary greatly. The most important difference between these two countries is that Belgian cemeteries provide free public graves, whereas in the Netherlands public graves have to be paid for. The costs may vary. In the municipality of The Hague, the cost of a public grave that is granted for ten years is € 677, whereas in the municipality of Dokkum a public grave costs € 1,011.50. Great differences exist between the two countries when the choice has fallen on a private grave. Burial costs in the Netherlands seem to be much higher than in Belgium. A significant part of the higher costs in the Netherlands is composed of the charges for maintaining the grave and the public garden and shrubbery in the cemeteries. In Belgium these costs are mainly covered by municipalities, whereas in the Netherlands these costs are charged. Another difference is that people in Belgium who have not lived in the municipality in which they want to be buried are charged a considerably higher price than those who have lived in the municipality. For example,

in the Belgian municipality of Antwerp the cost of a private grave (twenty-five years) for a resident of the municipality is €500, whereas someone from outside Antwerp pays €1,000 for the same grave. The burial costs in the Netherlands are much higher still. The municipality of The Hague charges €3,566, including €1,140 for the maintenance of the grave and greenery, for a private grave for thirty years.

The religious motive, which included burial in an Islamic cemetery without having to fear that the graves would be emptied, was mentioned by Muslims from various ethnic backgrounds: Moroccan, Turkish, Iraqi, Iranian and Sudanese. Although during my own fieldwork in Morocco I was informed that graves there are indeed cleared out after an unspecified time, most of my respondents are still under the impression that graves in Morocco are granted for an unlimited period of time. The same was true of the Turkish respondents speaking of graves granted in perpetuity in Turkey, that are in fact also cleared out, especially in the larger cities. Only a few of the respondents actually confirmed that even the future of graves granted in perpetuity is not certain but that the idea, as they explained, of a grave granted in perpetuity is far more current abroad than in the Netherlands and Belgium:

As long as no one says the grave is granted for a determined period, you assume that it is there to stay for all eternity. This is how it works in Morocco. No one in Morocco will ever tell you outright that, “ This grave will be emptied after fifty years”. This is why people feel reassured and want to be buried there. (Louay, personal interview, July 15, 2012).

Estimates show that approximately 90 per cent of Muslims in Western Europe are still being repatriated to their countries of origin for burial (Jonker 2004, 6). When asked why this is the case, the most frequent consideration mentioned by respondents was an emotional one: the sense of belonging to a specific country or village. Many similarities emerge between respondents' choice of burial location and that of the deceased about whom they were talking. As mentioned earlier, in the stories that were shared by respondents 26 per cent of the deceased had been buried in the Netherlands or Belgium, 26 per cent in Morocco, 34 per cent in Turkey and 14 per cent in Iran, Iraq or the Sudan. When asked what their own choice of burial location would be, 26 per cent of the respondents expressed a wish to be buried in the Netherlands or Belgium. A third of them are Ahmadiyya, the others are Sunnites of various ethnic backgrounds and one Belgian Shiite convert. Another 23 per cent wish to be buried in Morocco. These

respondents account for 73 per cent of all the respondents with a Moroccan background. The same was true of the wish to be buried in Turkey, that was expressed by 26 per cent accounting for 75 per cent of all the Turkish respondents. The remaining 19 per cent are still uncertain about their preferred burial location. In the following the emotional motive will be connected to a sense of belonging and to the myth of returning to countries of origin.

The explanation of an actual return to countries of origin to be buried there was referred to by more than half the respondents when talking about their loved ones being buried abroad as well as about their own choice of burial location. Returning to the soil of one's roots was frequently mentioned as an important consideration in respondents' own choice of where they wanted to be buried. One respondent explained her reason for wanting to be buried in Morocco, by emphasizing that it was not a matter of it being an 'Islamic country' or an 'Islamic environment'. Her main consideration was to return to where she had come from and go back to the soil of her roots, even though she had been born in Belgium. She went on to stress that she wanted to leave her children in no doubt that Morocco, not Belgium, is where 'we are from'. When it was all said and done, she explained, she felt a sense of belonging to Morocco.

The sense of belonging is a sentiment that is generated by both internal and external factors. In his discussion on the development of 'the domestication of Islam' in the Netherlands, Sunier indicates the situation in which 'an increasing number of people have serious doubts about the possibility of Muslims becoming fully-fledged citizens while at the same time retain to their religious convictions. Islam has increasingly become associated with undesirable influences from abroad.' (Sunier 2010, 127; see also Berger 2012b, 16-17). This corresponds to the point made by a respondent who explicitly explained that the feeling of not belonging to the Netherlands was a result of current discussions about religiosity, loyalty and nationality. This respondent emphasized the need or certainty to know that he belonged somewhere (else). He stated that, as long as Dutch public discussions about dual nationality and the alleged lack of loyalty of Muslims continued, and as long as he had to keep explaining what brought him to the Netherlands, he would have no doubts about Morocco being the country in which he wished to be buried. This was because, he stated, no one in Morocco would ever wonder why he had been buried in Morocco, that might well be the case if he was buried in the Netherlands.



These considerations expressed and the explanations given by respondents reveal a clear sense of still belonging to the ‘home country’ among many of the younger generations of Sunni, Shiite and Alevi Muslims. It is surprising to see how different situations can affect the sense of belonging.<sup>90</sup> One of the Turkish Alevi respondents explained how she felt very Dutch and loved the Netherlands, but her bond with Turkey was stronger and had strengthened, especially in the aftermath of 9/11. Similar answers were given to me by other respondents, who stressed that, as far as they were concerned, ‘feeling and being Dutch or Belgian’ was a completely different matter to being buried in the Netherlands or Belgium. Being buried here would assume being of Dutch or Belgian descent and returning to Dutch or Belgian soil, to which many of my respondents could not relate. I agree with Bolognani that if the elders’ myth of return was fed by a hope of improving their material conditions in their countries of origin, the youngsters’ orientations seem to be more idealistic and based on their own individual needs, perceptions and anxieties on the one hand (Bolognani 2007, 65), and a feeling of descent, belonging and family reunification on the other hand. Among many respondents decisions about death and burial were considered markers by which belonging to a country is measured and by which the attachment to a ‘home country’ is transmitted from older to younger generations. It might be a step too far to break with that line of transmission, since, as has appeared in this work, many Muslims have a stronger sense of belonging to countries of origin in matters of burial, contrasting to a sense of belonging to the Netherlands and Belgium in ‘everyday’ matters.

## **Conclusion**

During the last few decades, different legal changes have been made that have created the possibility of Islamic burials in both the Netherlands and Belgium. More cemeteries are setting up Islamic plots and trying to accede to the wishes of Islamic communities in the observance of Islamic burial rituals. As discussed in this chapter, a great variation exists in what municipalities offer in the possibilities of Islamic burial options in their cemeteries. Since the national law only covers the broad guidelines, local regulations differ greatly in the types, costs and granting periods of graves. In Belgium, the regulations governing burial and cemeteries have only recently been revised and amended. The upshot is that the current status differs in every region.

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<sup>90</sup> See also Berger 2012b on the interchangeability of multiple identities

Quite apart from national and municipal burial requirements, there is also the great variation in the Islamic communities in carrying out Islamic burial rituals. Dealing with these different denominations and their diverse burial needs seems to be presenting the cemeteries with great challenges.

When speaking about the reasons that underlie the choice of burial location, many of the respondents I interviewed did feel very Dutch or Belgian but they did not want to be buried in either country. The reason was not a lack in the feeling of being Dutch or Belgian, nor was it a dearth of legal, religious or practical possibilities. The decisive consideration in the choice of burial location was an emotional aspect: the sense of belonging and a wish to return to their home countries that respondents also pertinently linked to a feeling of being descended from there.

# Chapter 5

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*Practices and processes of mourning and grief*

## Chapter 5. Practices and processes of mourning and grief

The burial of the deceased marks the end of the liminal phase and, in Van Gennep's terms, the beginning of the phase of incorporation. From a religious point of view, the community has fulfilled its obligations toward the deceased. What follows is the phase of grief and mourning. The theme of this chapter is how Muslims in the Netherlands and Belgium mourn their loss and how memorial gatherings are organized. By using the concepts of mourning and grief, I hope to be able to grasp the complete process of dealing with the aggregate composed of loss, emotions, memories, religious prescriptions and legal norms. When I use the concept of mourning, I am referring to both the emotional process of grief and the formal rituals prescribed for the expression of grief (Small 2001, 20). The Arabic word for mourning, *ihdād*, encompasses not only the emotional state of mourning, but also a certain type of behavior which includes certain rights and obligations and is therefore a much broader concept than grief in a strict emotional sense (Juwayni 2007; Esposito 2003, 206).

I shall elaborate on how the practices and processes of mourning and grief among Muslims in both countries correspond to religious opinions, national law and theories from social sciences. I argue that the practices and processes among Muslims are dynamic and subject to change but this is not just because of the situation of migration. They differ from person to person and can also be a compound of adherence to different denominations, various ethnic traditions and of Islamic discourses within the religious (political) movements that have emerged in the last century. The religious views that have been formulated on the matter of mourning and grief are diverse in the way they offer guidance in governing behavior, duration and obligations. These differences could also be retraced in the results of the interviews.

This chapter begins in Section 5.1 with an elaboration of the general views about mourning in Islam. To help get a grasp on the subject, a distinction will be made between private and public mourning. Attention will be paid to theories from the social sciences which tend to focus primarily on the private process of mourning and grief. I shall look at how and if these models of grief can be used to describe the processes of grief and mourning among Muslims in the Netherlands and Belgium. Throughout this chapter the distinction made by Tan (1996) between the mourning period (*Trauerzeit*) and period of condolence (*Kondolenzzeit*) will be used. The processes of mourning and

grief among Muslims in the Netherlands and Belgium are of necessity divided over two different countries when burial has taken place in the country of origin. The interview data reveal that this raises new challenges for those upholding, for example, the rules governing the mourning period. Furthermore, Islamic scholars have particularly commented on the practice of memorial gatherings on specific days and on the offering of condolences to both Muslims and non-Muslims. The significance of condolence and its importance to the bereaved will be discussed in Section 5.2. The custom of holding memorial gatherings on specific days is the subject of Section 5.3, that will also deal with national legal regulations that affect the mourning period. Although the national law does not prescribe any rules or regulations for mourning and grief, Muslims who are in a period of mourning must obey certain rules that prescribe when and if they may leave the house. These prescriptions might have consequences for going to work and school.

## **5.1 Private and public mourning**

When discussing mourning processes and practices among Muslims, different phases can be distinguished. These phases can be experienced either privately or publicly. The public part is socially orientated and is shared with relatives, neighbors, friends and others. This public part is specified by a certain duration depending on a person's relationship with the deceased. It includes gatherings of condolences and mourning in which the loss is shared and grief is expressed publicly. On the other hand, there is also a private part of the mourning period that mourners want to keep for themselves, in which they can express their grief in their own personal way without a specified beginning or ending. Below both the private and public part of mourning among Muslims will be looked at in more detail.

### **5.1.1 Private mourning**

In the social sciences different models have been developed that set out to attempt to understand processes of grief and the working through of the different stages of the grieving process. A good beginning is the psychoanalysis of Freud, who emphasized the concept of grief work, *Trauerarbeit*, as a means to work towards detachment from the deceased. This has given rise to different approaches to understanding this concept of grief work (Clewell 2004). Among them, the attachment theory (cf. Bowlby 1961, 1973; Parkes 1972) which argues that identity tasks (as opposed to stages) help a person

work themselves through the process of grief (cf. Parkes 1972; Worden 1982; Rando 1993; Kubler Ross 1969). Another theory is that of continuing bonds as opposed to graduated disengagement (Klass et al. 1996). By and large, it could be said that until the late 1990s this body of work more or less presented the purpose of grief in a way that emphasized the mourner as an individual who will finally be able to leave the deceased behind and form new attachments (Walter 1996, 7). Detachment from the deceased therefore seemed to be the purpose and the process by which this is achieved is by working through the grief (Walter 1996, 7).

More recently, new models of grief have been developed in which more attention is being paid to grief and bereavement in different cultures (Stroebe 1997; Stroebe and Schut 1999; Walter 1996). These theories challenge the thus far prevailing idea of working through grief and eventual detachment from the deceased. In analyzing the processes of mourning and grief among Muslims in the Netherlands and Belgium, the theory developed by Walter especially might be of great use (Walter 1996). As opposed to the goal of detachment, Walter's new model of grief proposes the idea that grieving serves the purpose of integrating the deceased into ongoing lives. The process by which this sought-after integration can be achieved is through the construction of a biography, in conversation with others who knew the deceased. Walter indicates it as a part of the Western culture to move on in life without the deceased, to try not to hold on to the deceased and therefore not to talk much about the deceased. Opposed to the Western culture of grief, Walter gives an example of the Jewish seven-day *shiva* during which friends and neighbors visit the house to offer condolences and exchange memories of the deceased as a way of constructing an accurate picture of the dead person together. The *shiva* is not the only example of this communal talking about the deceased, the condolence gatherings held by Muslims in the Netherlands and Belgium also serve this purpose, as will also be discussed in this chapter.

In accordance with Walter's theory, the majority of the respondents experienced it as part of their mourning process and the mourning period to construct an 'enduring and shared memory' of the deceased (cf. Walter 1996). This is in strong contrast to a conscious process of detaching from the deceased, forgetting and moving on. In various personal ways, the deceased will be given a place in ongoing lives and will continue to be remembered each year at during annual gatherings, each week through the visits to graves or every day by looking at photo albums. The story of a Moroccan Sunni respondent illustrates this purpose very well:

After Safwat died, I spent a week at my parents' house. It was good for me. I didn't have to bother myself about anything, besides accepting condolences of people who would drop by the house. I didn't cry much though, maybe because I was surrounded by people every single day. Most of them emphasized that I should not cry because Safwat died as a pure soul and would now be a bird in Heaven. Every evening we had a communal meal, and people would recite from the Quran. After this first week or so I left to go back to my own house with my husband. Safwat's little crib was still there, so were his clothes and his toys. When I returned to my own house, my own mourning began. I made photo albums of Safwat, and began a diary in which I would write every single day about what his life had been like, and I wrote down stories that characterized him. I just did it because it gave me the feeling that I was keeping Safwat's spirit alive. Finally, I was also able to cry unrestrainedly. It felt like a relief. I did not want Safwat to think that I have moved on quickly and forgotten all about him. So I also held a little memorial gathering at his grave with my closest friends and colleagues. We stood at his grave with the photo albums, just looking through them and reading parts of my diary. We concluded with a meal together back at my house. (Hanane, personal interview, 28 August 2012)

Respondents indicated several more examples in which they described how they had expressed their grief in their own personalized way. They 'worked their way through it' and in doing so were finally able to give the deceased a place into their daily lives, rather than detaching, forgetting and moving on.

Because this private way of dealing with loss is not directly related to any specific tradition or religious rules and regulations, respondents stated that they did not share this process with the outside world. Although it is an overwhelmingly personal process, the *fiqh* does offer some religious opinions to do with private mourning processes. In their comments on the holding of mourning gatherings, that will be returned to later in this chapter, different Islamic scholars express their rejection of this practice. Their principal argument is that mourning should first and foremost benefit the deceased and not the bereaved. Those left behind should ask for forgiveness and give alms or perform the *ḥadj* on behalf of the deceased. Sunni scholars especially seem to reject the loud expressions of grief such as wailing or lamenting. They state that this does not benefit the deceased in any way, and might even be harmful (Sayyid Sabiq 1991, 60). In contrast to their opinion, Alevi and Shiites do not reject the expression of grief by wailing and lamentations, either privately or publicly (see Section 5.2).

The results of the interviews indicate that more than half of the respondents do make supplications for the deceased on a regular basis and state that there are no action that benefit the deceased more than doing ‘good’ on their behalf. This can be achieved by performing the *hadj* or giving alms (*ṣadaqa*) on behalf of the deceased. Notwithstanding the various scholarly opinions on the appropriate way to conduct private mourning, respondents indicated that they felt a need of a private form of mourning; one shaped according to their own personal needs and which benefits them personally but not necessarily the deceased.

### **5.1.2 Public mourning**

In the public part of mourning among Muslims in the Netherlands and Belgium, the distinguishing marks are a specified duration, the wearing of mourning clothes and a prescribed way of behaving. The mourning period is specified by a beginning and an end that depend on the degree of relationship with the deceased. By referring to various *hadiths* and Quranic verses, Islamic scholars have set the mourning period for a widow, the ‘*idda*, at four months and ten days, during which time a woman may not have any sexual relations or remarry.<sup>91</sup> For a widow, the period of the ‘*idda* functions both as a waiting period and as a mourning period. As a waiting period, the term ‘*idda* refers to the period of abstention from sexual relations that is imposed on a widow, but applies just as much to a divorced woman or a woman whose marriage has been annulled. Before this period has expired, the women in both these categories may not remarry (Linant de Bellefonds 2013).<sup>92</sup> The primary legal purpose of the waiting period is to ascertain whether or not the woman is pregnant and is therefore of importance in determining paternity. Besides meaning a waiting period, the term ‘*idda* also refers to the duration of widowhood and mourning (Siddiqui 2013). During the mourning period, certain forms of behavior are prescribed and the prohibitions to be observed include refraining from wearing any adornment, including make-up, perfume, henna, jewelry and the like. Furthermore, those in mourning should wear clothes that are not brightly colored (Sistani 1997; Ibn Rassoul 1997, 731; Sayyid Sabiq 1999, 23; Juwayni 2007, 248). In case of the death of relatives other than her husband, a woman’s mourning

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<sup>91</sup> Reference to this period is also made in the Quran 2: 234.

<sup>92</sup> The duration of the ‘*idda* can vary depending on whether consummation of the marriage has taken place, whether the woman is still menstruating and whether the woman in question is pregnant or not (see Motzki: 2013; Siddiqui: 2013; Linant de Bellefonds: 2013)



period during which she may not adorn herself is three days (Sistani 1997; Ibn Rassoul 1997, 731; Sayyid Sabiq 1999, 23; Juwayni 2007, 245-253). In contrast to the *'idda* that is specifically for a widow, the mourning period of three days is thought of as a communal mourning period during which grief is shared with other relatives and acquaintances. The mourning period of three days is explained as an authorization from God to express grief publicly and applies to both women and men (Juwayni 2007, 247).

In the Dutch context, an imam was asked about the prescribed mourning period for women. The imam issued a *fatwa* similar to the rulings mentioned above; a widow should observe a mourning period as long as the *'idda* and, in the case of the death of any other relative, a mourning period of three days (El Moumni 2002, 40-42). The *'idda* is therefore not restricted to any specific geographical area and should also be observed by Muslim women in the Netherlands and Belgium. Along this line of reasoning, it can be argued that the same is true of the observance of the mourning period of three days. This obligation is expected of both men and women after the death of a relative.

Respondents indicated several variations in the way they observed the mourning period and their behavior. The duration of the mourning period varied between three days, seven days, forty days, four months and ten days, and one year. In his description of mourning in Turkey, Tan (1996) distinguishes between the mourning period (*Trauerzeit*) and a condoling period (*Kondolenzzeit*). The first three (or seven) days can be characterized as the condoling period, that will be looked at in more detail in the next section. The mourning period of forty days was indicated by respondents to be more intense than the three days and that it is specifically for family members, both male and female. This corresponds to the findings of Can Zirh (2012). The period of the *'idda* was mentioned as the mourning period for a widow only. The mourning period of one year was observed only by Shiite widows. The custom of mourning for a year among Shiite widows might be based on a prophetic tradition about the widow of the Prophet's great-grandson, Al Hasan, who mourned her husband for an entire year (Halevi 2007, 120).

The practice of mourning for more than three days is criticized by early Sunni scholars (Al Bukhari 1997, 239), and this criticism has recently been revived by Salafi-Wahhâbi orientated scholars who state that a mourning period ends after three days, except in the case of a widow, and that all other periods are innovations (Al Albaani 2011, 199; Al Albaani 1992, 309; Qahtani 2007, 95). The scholars of this Salafi-Wahhâbi stream emphasize the rejection of innovations that are considered to have no

basis in law. As discussed in previous chapters, this Wahhabi stance repudiates a wide range of socio-cultural practices associated with grief and mourning among Muslims. They claim that these are foreign social practices and hence not Islamic (Al-Atawneh 2010, 98-99). However, in traditional Islam, these socio-cultural mourning practices and gatherings among Muslims are deemed very much part of the Islamic practice of mourning and grief. They are often led by an imam or other religious figures who have absolutely no objection to these gatherings or to the mourning practices.

Besides the duration, respondents also referred to the specific clothing and behavior that mark the mourning period. In the case of Moroccan respondents, white clothes were mentioned as the sort suitable to be worn by mourners, whereas Iranian, Iraqi, Afghani, Surinamese and Turkish respondents mentioned the wearing of black clothes. Both variations in the answers seem to correspond to religious views on this matter, namely, the setting aside of wearing brightly colored clothes. Respondents indicated that they also paid particular attention to their behavior, meaning they would refrain from attending festivities and listening to music. Male mourners tend to let their beards grow and to forswear shaving as an indication of their mourning period to the outside world (Aggoun 2006, 38). Although this behavior was explained by respondents as 'Islamic' and therefore religiously based, they also indicated that there is a social expectation of the observance of certain behavior out of respect for the deceased, including not laughing much and not leaving the house in pursuit of pleasurable activities, but only when absolutely necessary. This was the experience of a widow who had buried her husband in Iran:

After my husband had died, we went to Iran to bury him there. I spent almost four weeks in Iran. It was my mourning period so I was not to leave the house at all and I wore black clothes. After I got back to the Netherlands, I was still in my mourning period, but I had to get back to work. I cannot take a year off to stay inside. Moreover, I had to do my grocery shopping. I don't have any relatives in the Netherlands and my children are still young. So I did leave the house here in the Netherlands and I changed my clothes and I got back to work. I was still observing my mourning period, so I did not attend any festivities whatsoever but I could not adhere to the same practices in the Netherlands as I did in Iran. God can see my situation in the Netherlands, I don't think I did my husband any wrong. As a widow, you should respect your deceased husband but, as I see it, staying at home the whole year is more culturally than religiously based. (Fatima, personal interview, 14 September 2012)

No matter the length of the time set aside for mourning, the end of this period is marked by a religious gathering that includes a communal meal.<sup>93</sup> From a religious point of view, the end of a mourning period should be marked by the freedom to do once more all that had been prohibited during it, for instance, it is again possible to wear adornments. In the case of a repatriation and accompanying the deceased from one country to another, the mourning period might begin in one country and end in another country. This is what happened in the stories of many of the Turkish and Moroccan respondents, who would begin their mourning period in the Netherlands and Belgium, accompany the deceased to its country of origin for one or two weeks and come back to finish (mostly) the end of the forty-day mourning period in the Netherlands or Belgium (see also Tan 1996 and Jonker 1996 for corresponding findings).

How the end of a mourning period is shaped depends on various (religious) traditions. Among the Alevi respondents, the structure for the gathering at the end of the mourning period depends on to which Alevi branch the family belongs (Yerden 2010; Dressler 2013). Alevi Muslims will choose to have the gathering led by either a *dede* or by an imam, depending on their adherence to a certain stream in Alevism. When the gathering is led by an imam the Quran will be recited whereas, when the gathering is led by a *dede*, a *sam'a* (sung mystical poetry accompanied by a *saz*) will be organized. Sunni, Shiite and Ahmadiyya respondents all indicated that the end of the mourning period was marked by readings from the Quran by someone who had been specially invited for this purpose and by the sharing of a communal meal. The fortieth day, *qirk* in Turkish, *arba'in* in Arabic or *jaliswa* in Hindi, especially was singled out most frequently by Sunni, Shiite and Alevi respondents as the end of an intense or familial mourning period for both men and women. Symbolically sweets and special meals will be served to indicate that life is resuming its normal course.

As at all liminal events during which life changes are taking place and people are in a vulnerable position, the sharing of food is very important. Who prepares this food varies. There are various religious opinions that disapprove of (*makrâh*) or even forbid (*harâm*) the practice of preparing food by the bereaved for those who come to offer their condolences (Sayyid Sabiq 1999, 23; Al Jaziri 2009, 721; Al Albaani 2011, 207). These scholars recommend that the food should be prepared by neighbors and

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<sup>93</sup> See Aggoun 2006, 38-39 for a description of a ritual among Maghrebi women in the company of a *marabout* after their mourning period, which he calls 'un rite de divination'.

friends and the deceased's family should not have to shoulder this burden alone. The justification often offered for the practice of preparing food for bereaved is based on such prophetic traditions as the following: 'Prepare food for Jafar's family, since something has happened to preoccupy them.' (Al Jaziri 2009, 721). Almost 60 per cent of the respondents indicated that the food during the condolence gatherings was prepared either by relatives or neighbors. This was affirmed by Muslims from all denominations. Only during the memorial gatherings, that will be returned to in Section 5.3, was the bereaved family consulted about what to serve during the gathering.

Besides the communal meals, the end of a mourning period can also be marked by a change of clothes, as was reported by the Iranian Shiite respondents. One of them remembered that, when his uncle died, his aunt had worn black mourning clothes for a year, that re-affirms the idea of the practice of observing a one-year mourning period among Shiites. When the year was up, her closest female relatives bought her new, brightly colored or white clothes and brought them to her as a gift, persuading her to take off the mourning clothes and put on new ones as an indication of the beginning of a new life and the end of grief and mourning. This ritual is observed among both male and female Shiites.

As indicated earlier, another visible way of marking the end of a person's mourning period is to begin to wear adornments to the body again. A Sudanese Sunni respondent reported that she marked the end of her initial mourning period of three days after the death of her daughter, by dyeing her hands with henna. By doing so, she sent out a signal to her environment that the mourning period for all had come to an end and that she did no longer wished to grieve publicly for her daughter. A public message appears to be incorporated in these visible endings of a mourning period. Although Muslims seem to mark the end of their legally prescribed mourning period by making a visible change, this is certainly not to say that the emotional or private part of mourning also comes to an end. The duration of a person's private period of mourning cannot be calculated or measured. What changes is a shift from public to private mourning.

## **5.2 Condolences and mourning**

When discussing the offering of condolences to and among Muslims in the Netherlands and Belgium, it is possible to distinguish several episodes and locations, frequently divided over different countries. These can reveal various behavioral patterns. Below,

these divergent aspects of the offering of condolences will be looked into using the results of the interviews and comparing them to different religious scholarly opinions.

### **5.2.1 Expressing and receiving condolences**

On being informed on someone's death, Muslims are recommended to offer condolences to the bereaved in order to share in their grief and to encourage the bereaved to be patient (Al Jaziri 2009, 720; Sayyid Sabiq 1991, 80). Condolences can be offered to the whole family of the deceased: men, women, and children (Sayyid Sabiq 1991, 80). When it comes to how Muslims should behave when hearing of the bereavement of non-Muslim friends, colleagues and acquaintances the picture is not as clear-cut. Religious views on the permissibility of condoling with non-Muslims vary. Certainly there are scholars who encourage condoling with non-Muslims acquaintances and in-laws. Their views are based on a social motivation, which means that condolences may be offered to anyone who has experienced a loss because he or she is a fellow human being (Sayyid Sabiq 1991, 80; Abdul-Qadir 2003, 128). A tradition frequently mentioned in this regard is: 'Every believer who consoles his brother in distress, will be dressed by Allah in an apparel of honor on the Day of Resurrection.' (Sayyid Sabiq 1991, 80). Inevitably, there are some, more puritanical religious scholars who stress that there is a prohibition on condoling with non-Muslims. They base their view on the prohibition which forbids praying or making supplications for non-Muslims (Al Qahtani 2007, 94-95). The majority of these latter scholars take the Salafi-Wahhâbi stance toward interaction with non-Muslims. In between these two, polarized positions are scholars who hold the opinion that condolences can only be offered to non-Muslims when there is a religious interest at stake, such as their potential conversion to Islam. This middle position might be characterized as 'religious opportunism'. Conversely, accepting condolences from non-Muslims is allowed by the holders of all these disparate religious opinions (Al Qahtani 2007, 94).

Naturally, the sorts of situations discussed above also occur when Muslims live in the Netherlands and Belgium. The interviews reveal that three broad situations in relation to expressing and receiving condolences can be distinguished: condoling with fellow Muslim acquaintances, condoling with Muslim acquaintances of another Islamic denomination and condoling with non-Muslim acquaintances and in-laws. Respondents who found themselves in the first situation indicated that condolences were offered to the bereaved by family, friends and neighbors, stressing the need for those whose loved

one had died to be patient and to indicate that they shared in the distress caused by the joint loss. The second situation occurred most frequently among Surinamese respondents who indicated that some of their family members adhered to either the Sunni or the Ahmadiyya denomination. They had no particularities to report about the offering and accepting of condolences. This differs from other situations as were discussed in Chapters 3 and 4. In the last situation, the condoling of non-Muslim acquaintances and in-laws, respondents indicated a clear difference with condoling with Muslims in the way they behaved. Sending a condolence card was the most frequently mentioned step taken by them. None of the respondents rejected the idea of accepting or paying condolences from or to non-Muslims. Their practice might be said to fall within the previously mentioned scholarly opinions which encourages people to condole with bereaved persons on their loss in general from a social point of view, emphasizing social solidarity. None of my respondents said anything at all about ignoring a death, simply because the person who had died was a non-Muslim. Stressing the need to express sympathy to the bereaved no matter their religious background, respondents stated that they would often sign a book of condolences for their non-Muslim deceased acquaintances and in-laws or send a card to the bereaved family. The latter was common practice also among my respondents with a Surinamese background.

### **5.2.2 Duration and location of condolences**

By and large, Islamic scholars agree on the possibility of condolences being offered from the time of death up to three days afterwards. If a person should not have been present at the time of death or was not informed about it, condolences may be offered later (Al Jaziri 2009, 720; Sayyid Sabiq 1991, 80). Condolences may be offered both before and after the funeral and ideally should only be offered once.<sup>94</sup> Some Islamic scholars carry their ideas to stipulating the actual physical position the bereaved should adopt when receiving condolences and argue that both the expresser and receiver of condolences should be standing. Sitting down is considered to be undesirable by Ḥanafī, Shafī'i and Hanbali scholars. Maliki scholars have decreed that receiving and expressing condolences while seated is acceptable (Al Jaziri 2009, 721; Sayyid Sabiq

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<sup>94</sup> According to the Maliki, condolences should only be offered after the actual burial and the offering of condolences to the same family twice is not undesirable. In this they differ from the Shafī'ite, Hanbali and Ḥanafī schools who are of the opinion that it is undesirable to offer condolences to a family twice (Al Jaziri 2009, 721).

1991, 80). As for prescriptions about location, no explicit surrounding is mentioned by the scholars, although a majority of them does reject the special gatherings held to condole and mourn either before or after burial has taken place. This will be discussed later in this chapter.

Among Muslims in the Netherlands and Belgium, condolences are offered at home, in the hospital, at a funeral parlor, in the cemetery or in the mosque. Respondents stated that the bereaved were either standing or sitting down when receiving their condolences, but without stating the one or the other was forbidden. Following the distinction made by Tan (1996) between period of condolences and period of mourning, from the results of the interviews it is possible to delineate a period of condolence lasting three to a maximum of seven days, as part of a private mourning period which can last up to one year. During the period in which condolences were received, respondents would not leave the house unless this was absolutely necessary, devoting themselves instead to receiving condolences and mourning the deceased. During the first three or seven days after burial, people gather in the house of the deceased, in the mosque or in a funeral parlor to express and receive condolences. On the third and seventh days especially, a joint meal is served by the bereaved family to mark the end of the condolence period. The gathering includes recitations from the Quran. After this gathering, there seems to be a decline in number of people visiting to express their condolences to the bereaved family.

When a repatriation takes place, the bereaved will receive condolences on several occasions because they travel from one country to another. When a death is announced, condolences will be offered in the Netherlands and Belgium, then in the country of origin when the body of the deceased arrives and again in the Netherlands and Belgium when the bereaved return by those whom had not had the chance to express their condolences earlier. The majority of the respondents who had accompanied the deceased to the country of origin did not remain abroad longer than two weeks, and most of the spontaneous visits to offer their condolences by family, friends and neighbors were paid in the first week after burial. All the other gatherings that were held after this first week were organized on the initiative of the bereaved family. This will be discussed in Section 5.3.

The consequences of grief and mourning are not only a subject for the pronouncement of religious scholarly opinions, there are also national laws that have to be considered. From a national legal point of view, the expectation that a mourner might

not be able to carry out his daily work properly has been expressed in several rulings covering a paid leave of absence.<sup>95</sup> During a legally prescribed number of days, a bereaved person is not obliged to work but is still paid his or her salary. In the Netherlands, the law specifies leave of absence at least on the day of death and allows one day to attend the funeral.<sup>96</sup> In Belgium the number of days varies between one and three, depending on the degree of relationship with the deceased.<sup>97</sup> Besides national laws, collective labor agreements might also include additional rules governing leave of absence. How much days leave of absence a bereaved person will actually be allowed by his employer can vary substantially. There are instances in which a death occurs while an employee is on vacation leave. In this case, the bereaved employee will also have the right to a paid leave of absence as discussed, although he is already on a holiday leave. One case concerning this issue was dealt with in 2005. The judge ruled that a special leave, as is the case with death and burial, might not be deducted from the holiday leave.<sup>98</sup>

In many cases, the couple of days leave allowed was not considered sufficient by the respondents. Over and above the legally prescribed leave of absence, the majority took extra days off either to attend the gatherings at which condolences were offered and join in the mourning ceremonies or to accompany the deceased for burial abroad. In recent years in both the Netherlands and Belgium, a discussion has been raised by various members of Parliament and policy advisors about including the right for a ‘mourning leave’ in the national law.<sup>99</sup> This mourning leave would be a noncommittal possibility to extend the already existing leave of absence by a maximum of two weeks. Although the ‘mourning leave’ is not statutory (yet), in 14 per cent of the Dutch collective labor agreements employers have included a clause for additional ‘mourning leave’ that can last up to ten working days.<sup>100</sup>

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<sup>95</sup> The legal terminology is *calamiteitenverlof* in the Netherlands and *omstandigheidsverlof* or *klein verlet* in Belgium

<sup>96</sup> Wet Arbeid en Zorg (Wazo) Article 4:1. The right to a leave of absence in the case of death and disposal exists when the deceased is a roommate, family by blood or marriage in the direct line but in the second degree of kinship.

<sup>97</sup> Royal Decree 28 August 1963; Belgisch Senaat 3-306/1 2003-2004

<sup>98</sup> LJN AT8688, Rechtbank Rotterdam, 5 July 2005

<sup>99</sup> Belgische Senaat, 6 november 2003, 3-306/1, 2003-2004; Cozijnsen and Van Wielink: 2008, 43

<sup>100</sup> Ministerie van Sociale Zaken en Werkgelegenheid: 2007, 23



### 5.2.3 Phrasing and language of condolences

From an Islamic point of view there is no specific formula that should be used when condoling with the bereaved about their loss. Each individual can be consoled with in a manner appropriate to the situation (Al Jaziri 2009, 720). As long as the words used are meant to comfort, 'lighten the distress, induce patience and bring solace to the bereaved.' (Sayyid Sabiq 1991, 80). A frequently used phrase when responding to the loss of a person is *inna lillahi wa inna ilayhi raji'un* (Lo! We are Allah's and lo! Unto Him we are returning. Q 2:156), is used by Muslims in general and can also be said when a non-Muslim dies (Al Qahtani 2007, 87-88). Respondents mentioned various formulas that are dependent on language and tradition. For the Turkish respondents, the formula *başınız sağ olsun* (May the remaining head of the family live long) was most commonly used. Arabic-speaking respondents would condole with a version of *rahmato allahi 'alayhi* (May the mercy of God rest on him), *'addama allahu ajrak* (May Allah grant you a great reward) or *al amar ilak* (May the future life be for you). Indonesian respondents used the formula *saya turut berdukacita* (I am with you in your sorrow) and Surinamese respondents would condole in Dutch saying *gecondoleerd* (with sympathy). No matter what phrasing or the language used, the purpose of condoling is the sharing of a mutual loss. The expression of condolences is considered an act of kindness and compassion from one person to another. Respondents stressed the appreciation they felt toward their visitors for sharing in their grief, whether expressed verbally or by a condolence card.

### 5.2.4 Behavior at condoling and mourning gatherings

The behavior of participants in both the condolence and the mourning gatherings is shaped by the expression of religious practices. These religious practices are full of emotions that can also be perceived to be part of religion. The expression of condolences is often accompanied by demonstrations of grief and weeping. Some scholarly opinions state that weeping over the dead as long as the shedding of tears is silent is accepted, whereas loud wailing over the dead is not allowed and can cause pain and suffering to the deceased (Sayyid Sabiq 1991, 80; Al Jaziri 2009, 714). Weeping over deceased and the shedding of tears is often referred to in prophetic traditions about the death of Ibrahim, the son of the Prophet: 'The eyes shed tears and the heart feels pain, but we utter only what pleases our Lord. O Ibrahim we are aggrieved at your demise.' (Sayyid Sabiq 1999, 21). In these prophetic traditions, references are also

made to the pain that might be caused by crying over the deceased, as in the following *ḥadīth*: ‘(...) At this Umar said: “O Suhaib don’t you know that the messenger of Allah said: A dead person is tormented by the wailing of the living people”.’ (Sayyid Sabiq 1999, 21).

There seems to be some difference of opinion about this issue, that can be placed in the historical discourse on the permissibility of wailing. In his discussion on the early Islamic reactions to the practice of mourning for the dead, Halevi raises the question of the permissibility of wailing for the deceased (Halevi 2007, 114-142). He states that the early Islamic resistance to the ‘pre-Islamic’ rites of mourning was played out in two different places (Kufa in Iraq and Medina in Saudi Arabia). The author makes a distinction between the ‘Kūfan and the Medinese tradition’, and between two different branches of Islam, the Sunni and the Shiite (Halevi 2007, 115).<sup>101</sup> He argues that early Islamic pietists had theological reasons for their offensive against wailing; the prime one was that one had to accept God’s decree with forbearance (*ṣabr*), but they were also opposed the ritual of wailing as part of their campaign against pomp (Halevi 2007, 123). As were iconographic representations, the display of womanly charms, gold and silk, lamentation was deemed unlawful (*ḥarām*). Wailing began to be associated with the pre-Islamic period of the *Jāhiliyya* (period of ignorance) and the tradition was not supposed to be continued, since an Islamic funeral procession was envisaged by Muslims pietists to be characterized by silence, haste and austerity (Halevi 2007, 124-125). Halevi states that by, ‘placing in circulation oral traditions against wailing in order to discourage women from participating in Muslim funeral, proto-Sunni male pietists advanced the most radical solution to these issues. Medinese and Shiite pietists, by contrast, did not endeavor to exclude women from funerals and even found wailing tolerable under certain circumstances.’ (Halevi 2007, 135).

The interviews show that the custom of wailing was most common among the Shiite and Alevi Muslims. The expression of loud wailing and weeping over a deceased and the remembrance of the deceased in lamentations was a central element in the way Shiite and Alevi respondents talked about the gatherings for condolences and mourning. The Turkish word for these lamentations is *ağıt*. In these women often take the lead in recalling all the good memories of the deceased and others then join in the lamentations

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<sup>101</sup> Halevi also goes into discussing all-male and mixed-gender oral traditions on the subject of mourning and wailing (Halevi: 2007, 127)

(cf. Jonker 1996). It is a custom often observed by women not by men, although it is not unusual for men to express their grief by weeping. The lamentation is organized as a collective experience in which people not only cry over one particular deceased, but also remember their own loved ones who have passed away previously. The *ağut* therefore becomes a shared moment of grief, that can be carried out from the moment someone dies until after the burial has taken place (cf. Aggoun 2006; cf. Jonker 1996). Since Alevism is mainly an oral tradition, no direct connections or references to any scriptures were made by respondents from this tradition. Shiite respondents recorded that wailing over a deceased when condolences are expressed to the bereaved is not uncommon. During the expression of condolences, lamentations were uttered and the main purpose was to be allowed to join in the communal wailing. The shedding of tears and wailing was not considered a sign of weakness, Shiite respondents explained. The tradition of wailing and lamentations among the Alevi and Shiite Muslims might be traced to the tradition in these denominations referring to the lamentations over and the grief felt for the martyrdom of Imam Hussain on the day of 'ashura (Halevi 2007; Mehrvash and Melvin-Koushki 2013).<sup>102</sup>

Responding to questions about prescribed behavior, respondents indicated that the condoling period was characterized by religious and devotional behavior that consisted principally in Quran recitations and supplications for the deceased. People gathered in houses, mosques or funeral parlors to condole and read parts of the Quran collectively. The often-mentioned reading of the *Sûrat Yâsîn* was part of this religious behavior. Indonesian respondents called the gatherings for condoling during the first three days the *tahlilan*, during which the *Yâsîn* would be recited. Dessing states that the *tahlilan* consist of the recitation of the *Sûrat Al-Fâtiha*, the verses that commence with *Qul*, the *shahâda* and the verse *Al-Kursi* (Dessing 2001, 177). Surinamese respondents also mentioned such gatherings during the first three days and called the third day the *tidja*, whereas Iraqi respondents called it *majlis Fâtiha* (gathering for the *Fâtiha*). During these three days, the Quran is recited and people have the opportunity to condole if they had not yet expressed their sympathy. Moroccan respondents stressed the seventh day of the period of condolence, the *sab'at ayyâm*, which seemed to mark the

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<sup>102</sup> 'Ashura is the tenth day of the month Muharram and marks the anniversary of the martyrdom of Imam Hussain. It is observed by the Shiites and Alevis with different rites of mourning (Mehrvash and Melvin-Koushki 2013)

end of this period. After this seventh day, as mentioned before, people would no longer visit the bereaved spontaneously. During the *sab'at ayyâm*, religious professionals would be invited to read from the Quran and people would gather to eat a meal together. The same was true of Turkish respondents, who used the term *mevlüt* to mark a day that was, just as the *sab'at ayyâm*, characterized by joint readings and meals. Helva, or *sirni* as Surinamese respondents called this sweet dish, is served to the visitors, to mark the end of the condoling period. The last term that should be added to this list is the one that gives a clear meaning to the seventh day, *majlis al khatam*. *Khatam*, in this regard, means the end of (public) grief. During this *majlis al khatam*, to which an Iranian respondent referred, people will also collect money for the bereaved family to help them cover the many costs for the gathering.

### **5.3 Memorial gatherings**

In the previous section it has been said that the condoling period draws to an end on the seventh day after death. However, after the seventh day, memorial gatherings can still be organized. In these, various episodes and locations can be distinguished, sometimes divided over different countries, and various behavioral patterns are expected of the bereaved. Below, these aspects of memorial gatherings will be discussed, again using the results of the interviews in relation to the different religious scholarly opinions.

#### **5.3.1 Days and duration of memorial gatherings**

Among Muslims, memorial gatherings are held during the condoling period on the third, fifth and seventh day and later, after the end of the condoling period, on the fortieth day, the fifty-second day and the hundredth day, as well as after a year and after a thousand days.

Various Islamic scholars have expressed the undesirability of the practice of memorial gatherings among Muslims. Their objections are based on a number of arguments: emotional, religious and financial. An example of an emotional argument is when scholars say that the re-awakening of pain during these memorial gatherings should be avoided (Qahtani 2007). Those scholars who put forward religious arguments argue that the expression of condolences should be offered only once and this rule is broken by organizing gatherings at which condolences can be offered more than once. Furthermore, scholars argue that there is no reward or grace either for the Muslims who organize such meetings or for the deceased (Van Bommel 1988, 115). Instead of

holding these gatherings, Muslims are encouraged to ask for forgiveness for the deceased, to give alms or to perform the *hadj* on behalf of the deceased. Scholars who reject memorial gatherings on the basis of religious arguments also state that these gathering have no basis in Islam and are an innovation (*bid'a*). They are said to have belonged to the traditions of the Ancient Egyptians (Qahtani 2007, 90; Albaani 1992, 323). The Ancient Egyptians are disparaged as pagans or infidels and idolaters by these scholars. Among their arguments, a Salafi-Wahhâbi stance is particularly noticeable. They claim that these gatherings resemble pagan or polytheistic practices from the pre-Islamic period (the *Jâhiliyya*). In their emphasis on the prohibition on memorial ceremonies because they are innovations in Islam, the Salafi-Wahhâbi orientated scholars rule out a series of memorial gatherings that are traditionally observed by Muslims, such as the fortieth day memorial gathering (Al-Atawneh 2010, 98). As referred to earlier in this work, the Salafi-Wahhâbi stance is criticized by many Muslim intellectuals for its extremely dogmatic and conservative attitude that is considered unsuitable to modern times (Al-Wardani 1998). Finally there are those Muslim scholars who reject memorial gatherings on the basis of financial arguments, arguing that the money that is invested in the communal meals causes the bereaved unnecessary expense (Dar al Ifta 2005, nr 436).

The holding of memorial gatherings is a very common, widespread practice among Muslims in the Netherlands and Belgium and different explanations of the purpose of these gatherings were given by respondents. The Ahmadiyya respondents who clearly rejected the gathering on the fortieth day formed an exception. They repudiated it on the grounds that it was a Sunni tradition, claiming that there is no Quranic or prophetic basis for such gatherings. The Ahmadiyya do not necessarily correspond with the Salafi-Wahhâbi stance, but they do tend to emphasize their denominational identity as opposed to that of the Sunni denomination. Although many respondents doubted the Islamic origin of memorial gatherings, the majority were very familiar with this practice and had also held memorial gatherings after the death of their own relatives. Among the majority of my Sunni, Shiite and Alevi respondents, accounting for 79 per cent of all respondents, the most commonly observed were the fortieth day and the one year anniversary. One respondent referred to the ancient Egyptian origin of this fortieth day gathering tradition. A tradition of which, she claimed, the Prophet was so fond he introduced it among his followers. This interpretation seems to be in direct contradiction to the Salafi-Wahhâbi stance. Alevi

respondents mentioned also a fifty-second day memorial gathering. They explained that on this day people would remember that the flesh of the deceased was separating from the bones. It does not seem to be a practice confined solely to the Alevi, other studies show that Turkish Sunni Muslims also meet on the fifty-second day, to remember ‘that the eyes and nose fell out of the skull.’ (Kremer 1991, 54). In a quest for some elucidation about organizing religious memorial gathering on the fortieth and fifty-second day, a question was put to the Turkish Presidency of Religious Affairs (the *Diyamet*). The Presidency stated that there is no basis in religion for holding these gathering on these specific days. Stating its preference, the *Diyamet* said that it would be more appropriate to have these gatherings on a random evening (Den Exter 1990, 36). In short, this ruling shows that, the *Diyamet* has no religiously based objection to the actual practice of holding memorial gatherings. Its objection is solely to holding these on specific days.

Indonesian respondents indicated the importance of the practice of gatherings after a hundred and after a thousand days. These gathering were not mentioned by any of my other respondents and seem to be specific to Indonesian Muslims (cf. Bahurruddin 1999; Dessing 2001). The memorial gathering held after a thousand days and the *slametan* (communal feast) that was organized on this day was considered to be the most important. It marks the point at which the body is believed to have completely decomposed into dust and the soul to have reached its final station after its journey through the seven heavens. These explanations given by respondents correspond with earlier studies on the practice of *slametan* after a thousand days among Javanese Muslims (Woodward 1989, 176; Geertz 1960, 72).

Whether held after forty, fifty-two, one hundred and one thousand days or after a calendar year, memorial gatherings are usually organized at home, at the mosque or in large halls reserved for these special occasions. In some situations, memorial gatherings might be spread over two countries. Importantly, special food is served at these gatherings and the program followed in the gathering is characterized by various religious recitations. These aspects are the subject of the next section.

### **5.3.2 Behavior at and the location of memorial gatherings**

When the deceased is repatriated for burial, memorial gatherings might be held both in the Netherlands or Belgium and abroad (Tan 1996). Respondents indicated that the first and third day gatherings after death are usually held in the country in which the

deceased died, usually the Netherlands or Belgium. The memorial gathering on the seventh day is usually organized abroad. The fortieth day might be observed separately, by both relatives in the Netherlands and Belgium and by relatives abroad. The gathering after a year was organized, according to 58 per cent of the respondents, in the country in which the burial took place. Whether observed in the Netherlands or Belgium or abroad. All these gatherings are characterized by specific (religious) behavior and communal meals.

On the occasion of a memorial gathering organized by Sunni and Shiite Muslims, an imam or other religious professional will be invited to recite from the Quran. Respondents indicated that during the memorial gathering on the fortieth day and on the anniversary of the death, the whole Quran would be read together. In the case of the Alevi, as mentioned before, the program of the memorial gathering was shaped by whether it is led by a *dede* or by a Shiite imam, depending on the adherence of respondents to different branches within Alevism. When a *dede* was in charge, no recitations from the Quran were read, instead prayers that mentioned the Prophet and the Twelve Imams as well as some other matters were read. Importantly, on the occasion of a memorial gathering a joint meal was organized, at which the *dede* offers a specific prayer.<sup>103</sup> Memorial and condolence gatherings are very much alike in the way they are structured, although the former might involve much larger parties.

## Conclusions

During the interviews the observance of a mourning period and the opportunity to attend condolence and memorial gatherings was presented as part of the mourning process. Both the public and private part of this mourning process have been discussed in this chapter as they relate to religious opinions and theories of mourning borrowed from the social sciences. In the theories developed in the social sciences, the preponderance of attention has been paid to the private part, in which the mourning of Muslims in the Netherlands and Belgium can also be situated. Although the traditional grief models in the social sciences were based on forgetting and moving on, new models of grief seem to challenge this tradition. These developments might turn out to be of great importance to the counseling of bereaved Muslims too. Taking into account the religious aspects of mourning, and in this the memorial gatherings spring especially to

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<sup>103</sup> My respondent indicated that the *dede* would say a prayer expressing the hope that the food would benefit the soul of the deceased.

mind, might be particularly helpful in giving Muslims professional guidance through their mourning process. This runs contrary to the emphasis given to Western practice of emphasizing detachment, that encourages ignoring memorial gatherings as part of the religious mourning practice among Muslims.

Mourning gatherings are shaped by certain behavioral patterns, often traditionally decreed, and by communal meals, a concrete communal way of expressing and sharing grief. Relating these gatherings and the practices observed during these gatherings to different religious views, as done in this chapter, reveals an ambivalence both in those religious views and in the practices among Muslims in the Netherlands and Belgium. The growing influence of the Salafī-Wahhâbi stance seems to be one explanation that that helps to explain this ambivalence among respondents. Traditionally, people have felt comforted and consoled by what is very familiar, the tried and tested, and hence they observe memorial gatherings and follow the mourning practices they have known all their lives. Nowadays, as a result of reading translated books and surfing the Internet on which the Salafī-Wahhâbi stance is widely distributed, they are beginning to have doubts about the Islamic origins of such customs and observances.



# Chapter 6

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*Conclusions*

## Chapter 6. Conclusions

This study set out to explore the theory and practice of Islamic burials in the Netherlands and Belgium. The discussion in each chapter was organized along the four lines of thought embedded in the multidisciplinary approach of this research: the social sciences, Islamic scholarly opinions, national legislations and the results of the interviews. Using this multidisciplinary approach, the study has sought to answer what the legal possibilities consistent with Islamic burial regulations are for Muslims to be buried in the Netherlands and Belgium. The manner in which legal and religious burial regulations were observed was used as a window to explore what they reveal about how Muslims view themselves and the society of which they are part. Furthermore, the work has sought to focus on what impact another legal and social environment has had on the observance of burial rituals among Muslims in both countries and how these changed settings have affected individual choices of burial location. Finally, the observance of Islamic burial rituals in a non-Muslim environment, in which Muslims are confronted with a variety of previously unheard of practices observed by both non-Muslims and other Muslims, was part of the question posed about what kinds of meanings and functions burial practices express and whether they entail a multilayered message.

In this concluding chapter, the results will be collated into the theory of multilayered messages in ritual practices as explained by Beck (2010). In Section 6.1, this theory will be used to pinpoint what different messages might be embedded in the practice of Muslim burial rituals. Beck has stressed the importance of rituals as an expression of faith, both for the individual as a believer and as a member of a collective. These two messages were also found in the results of this study. In addition to Beck's findings, I also detected two other messages in burial ritual practices: rituals as indications of the sense of belonging to a country and ethnic community; and burial rituals in relation to the affirmation of the religious identity of Muslims in a non-Muslim environment.

Some ideas about the (im)mutability of burial rituals and future trends that Islamic burials in the European context might follow will be dealt with in Section 6.2. Possible implications of this study for government policy and some recommendations for future research will be in the theme of the last section.

## **6.1 The multilayered messages of burial ritual practices**

In various studies in the 1980s and 1990s, academic scholars have made fresh attempts to map the various functions and meanings of ritual practices in general (see for example Doty 1986 and Bell 1997 in Beck 2010). The ritual functions and meanings were especially relevant to serving the purpose of creating social cohesion and marking social identity. These findings have been developed in more detail in ritual studies that focus on present-day multicultural western societies. Of great relevance was that the ‘study of rituals in a multicultural and religiously pluralist context has led to the important insight that the “other” or “outsider” can be just as meaningful for a ritual as the “participant” or “insider”.’ (Baumann 1992 in Beck 2010, 197). Changes and developments that occur within ritual practices in a multicultural and religiously pluralist context do so especially as a result of interaction with the ‘other’ (Muslim) or ‘outsider’ (non-Muslim) (Beck 2010, 197). In the study of ritual practices among Muslims in a western, multicultural, religiously pluralist context, the emphasis has tended to be that ‘the “Muslim other” is at least equally important for social cohesion among Muslims, and an own identity, as is confronting and competing with the “non-Muslim other”.’ (Eickelman and Piscatori 1990 in Beck 2010, 197). Being confronted with Muslims from other denominations as well as non-Muslims with different ritual practices leads to a defensive situation in which Muslims emphasize their own denominational ritual practices as the only “correct” forms.

In his study of Muslim ritual practices, Beck (2010) discusses the functions and multilayered messages that rituals convey and states that rituals can indeed be formulated to maintain social cohesion and identity, but forming solidarity is not the only message they convey. He points especially to the relevance of not overlooking that the primary function of ritual practices is to express individual belief, not only to non-Muslims, but even more especially toward Muslim ‘others’ (Beck 2010, 208). He chooses to underline for example the ritual meaning of the headscarf. This piece of clothing has become increasingly popular, especially among highly educated women. Research shows that when these women were asked about wearing the headscarf, they said that, ‘it was their belief in, respect for, and obedience to God that had prompted them to wear it. Pressure from the husband or from people around them, solidarity with Islam, the marking of a particular religious or social identity, or emancipatory purposes were only secondary motives or played no role at all.’ (Beck 2010, 208). In short, they were emphasizing the relevance of the expression of their individual belief. Moreover,

Muslims who do indeed wear the headscarf in a certain way or observe other ritual practices, in the case of this study burial rituals, in a specific way do so while also stressing their denominational adherence. For example, by saying that they are observing a practice within the orthodox mainstream of Moroccan, Turkish, Iraqi or Surinamese, Sunni, Shiite, Alevi or Ahmadiyya Islam. Other Muslims who do not necessarily observe these rituals in the same way are then often referred to as being not 'real' Muslims. This reveals the relevance of the interaction and confrontation with other Muslims in the context of social cohesion and a person's own social identity. This point frequently came up in the course of this study, for example, when the funeral prayer was discussed in Chapter 3. Although respondents did make it clear that there are various ways to perform this ritual according to a person's denominational adherence, they took the opportunity to stress that their own practice was the one that was truly Islamic. This point will be discussed in more detail in Section 6.2.

In this research, four functions and messages clearly enshrined in burial practices among Muslims in the Netherlands and Belgium were identified and they will be discussed consecutively. Burial practices (1) as an expression of individual faith and belief, (2) as an identification with a religious denomination in relation to other Muslims, (3) as an expression of a sense of belonging to a country and ethnic community and, finally, (4) in relation to a person's religious identity as a Muslim in a non-Muslim environment.

*1) Rituals as an expression of individual faith and belief.* Evidence of the importance of this aspect of ritual practices recurred especially in Chapter 2, in which the views about death and eschatology among Muslims were discussed. Respondents from all denominations emphasized that their views on these issues were first and foremost part of their faith and an expression of their individual religious beliefs. Their ideas were based on Quranic descriptions, on prophetic traditions and on stories they have been told within their own religious-social environment. It is remarkable to see that among all denominations respondents emphasized that in the relationship between life, death and resurrection, the individual responsibility and accountability for a person's individual deeds was of the utmost importance. Irrespective of whether or not respondents linked their ideas completely to classic or contemporary scholars of their own denomination, they all shared the same idea that a person would be held accountable and responsible for all their worldly actions in the face of God. Even those who had developed quite personal ideas, for example, with regard to reincarnation and

cremation as discussed in Section 2.3, still emphasized that this would not stand in the way of their accountability in the face of God on the Day of Resurrection. This idea of accountability and responsibility was explained as being part of their individual faith and belief in God and in the Hereafter.

Within this aspect of individual belief and faith, respondents also shared their views on death and eschatology in relation to their denominational identity. The period of the *barzakh* was especially relevant in this respect, as is discussed in Section 2.4. They emphasized their expression of faith and belief as a member of a religious denomination not only toward the non-Muslim environment of the Netherlands and Belgium, but especially toward other Muslim communities living in these countries. For example, Alevi and Shiite respondents emphasized the role of the *dedes* and the Twelve Imams, in relation to both resurrection and the process of dying, as part of their denominational religious beliefs. The Ahmadiyya, on the other hand, did not focus on the role of a religious leader but emphasized that the injustice they have suffered at the hands of Sunni Muslims in this life would eventually lead to justice in the Hereafter. Therefore, the concept of justice was deemed an important part of their religious beliefs. Sunni Muslims spoke about their community in the sense of the Islamic *ummah* that would be re-united in the Hereafter.

In the context of migration especially, this implies that Muslims tend to identify themselves strongly with members of their own religious denomination and a discussion of this emphasis on one's own group follows. Notwithstanding this important part of the message and function of rituals in a migration setting, the fact that ritual practices are primarily an expression of individual faith and belief should not be denied or overlooked.

2) *Rituals as an identification with a religious denomination in relation to other Muslims.* The denominational identification among Muslims expressed in ritual practices is initially discussed in Chapter 2, and is examined in even more depth in Chapter 3 in an elaboration of the performance of burial preparations. This chapter shows explicitly that burial preparations serve to emphasize the sense of belonging to a specific Islamic denomination, one particular of the various Islamic communities, and in some cases even particularizes a specific *madhhab*. This was made explicit in the way burial preparations were performed, but by whom they were performed and who was allowed to participate were of truly overriding importance.

A striking example was the case of the Ahmadiyya Muslims who on several occasions were forbidden to participate in the funeral prayer for a deceased Sunni relative because of their adherence to another denomination. In Chapter 3, I have used the theory of Victor Turner to delineate the liminal phase before burial during which the burial preparations are made, as a phase in which the deceased is considered to be betwixt and between: neither belonging to the living nor to the dead. This idea of hovering betwixt and between is equally relevant to the Ahmadiyya Muslims. They found themselves present at the burial rituals of a relative, but not allowed to participate. Therefore, they were betwixt and between, not belonging to the participants proper, yet none the less present. Although the same can be said about the non-Muslims who were present during burial preparations, the example of the Ahmadiyya clearly shows that in a setting of migration, in which meeting and confronting Muslim others is possible, the specific identification of Muslims with their own denomination is an important message that is expressed by who is and who is not allowed to be involved in the ritual practices. Including and excluding Muslims of other denominations from participation in burial preparations sends out a clear message about who belongs to the same denomination and who does not. This situation especially emphasizes a person's Islamic adherence to a specific denomination in relation to other Muslims and is of less importance in their relationship to non-Muslims.

3) *Rituals as an expression of the sense of belonging to a certain country and ethnic community.* This message embedded in the practice of burial rituals is especially important in the discussion in Chapter 4 about the burial rituals and the choice of burial location. A majority of the respondents indicated that, in their choice of burial location, their sense of belonging to a specific country or ethnic community was the most important motive. This was the case for Sunni, Shiite and Alevi Muslims of various ethnic backgrounds. Among the Ahmadiyya Muslims, the Indonesian and Surinamese Sunni Muslims, asylum seekers and converts burial in the Netherlands and Belgium was the common and accepted practice.

The sense of belonging to a country abroad as a decisive consideration in the choice of burial location was explained by respondents to be a matter that had nothing to do with the legal and practical possibilities for Islamic burials in the Netherlands and Belgium. These facilities do exist in both countries, albeit they are different. As is discussed in Section 4.2, both countries offer the possibility for Muslims to be buried in a separate plot in a public cemetery, in which graves are arranged to face the direction

of the *Qibla*. One important difference between the two countries is the fact that in the Netherlands these plots could be subdivided among the different Islamic denominations, whereas such a subdivision is not possible in Belgium. The same was true of the setting up of private Islamic cemeteries, which is possible and does occur in the Netherlands, whereas the Belgian law does not permit this for any religion. Although in the discussions on the choice of burial location the matter of clearing out graves seems to be presented as an important obstacle to the setting up of Islamic burial facilities, this matter seems to be much more nuanced and is not necessarily seen as an obstacle, either by Islamic scholars or by Muslim individuals. Although none of the respondents had yet been confronted with the issue of the clearing out the grave of a relative, they did not indicate that this issue was a decisive consideration in the choice of burial location.

Interestingly, in expressing their choice of burial location, respondents emphasized that they were not expressing a feeling of loyalty to the countries of origin. On the contrary, on various occasions respondents of the Sunni, Shiite and Alevi denominations from various ethnic backgrounds emphasized that they very much felt Dutch or Belgian. They identified themselves with the Netherlands and Belgium in everyday matters, but this was just not the case in the choice of their future burial location. The reason for this is that they connected the choice of burial location to a feeling of descent. Were they to choose to be buried in the Netherlands or Belgium, this choice would imply that these countries were where their roots lay. This was patently not the case for respondents, and therefore they chose for burial abroad in the country of their ancestors. Most of them explained their choice precisely as returning to the soil of their roots.

Although the choices for burial location were made by respondents autonomously, in some cases this choice had to be abruptly changed. During the fieldwork, I dealt with two respondents who had buried their children in the Netherlands and Belgium. Their choice to bury their child in a cemetery close by, as opposed to repatriation to the countries of origin, was inspired by their feelings of parental responsibility. They wanted to have their children close to them, to be able to visit the graves regularly. Once this choice was made, it also seems to have affected the choice of their own burial location. During the interviews, both these respondents seemed to be aware of the fact that their own choice of burial location had changed as a result of the burial of their children in the Netherlands and Belgium. Both women, of a Sunni

background, stated that, had they not had to bury their child in the Netherlands or Belgium, they would have had no second thoughts at all about being buried abroad themselves. Now, the fact that their child was buried here and their feelings of parental responsibility was instinctively to remain close to their children and this is what has led them to reconsider their own choice of where they wanted to be buried.

The fact that a growing number of Muslim children are nowadays being buried in the Netherlands and Belgium was also noticed by cemetery managers. However, they did not see this as a factor in the choice people make about where they themselves want to be buried. In fact, the cemetery managers often stated their expectation that the majority of future generations of Muslims in Europe would opt for burial in Europe because of a loosening of the connection with their countries of origin. Logical though such an expectation might be, it does not seem to tally with the results of my research, at least not among the second generation to which the greater majority of my respondents belong. Among this group, their connection with their countries of origin still seems very prominent in the decisions that are made about burial location. I would argue that these results give us an important insight into how the sense of belonging seems to be a decisive consideration not only in the question of where a person wants to be buried, but also to what extent it can be flexible depending on whether the sense of belonging concerns 'everyday life' or the choice of burial location.

4) *Rituals in relation to the religious identity of Muslims in a non-Muslim environment.* The public discussions that have arisen during the last decade about the religiosity, loyalty and nationality of Muslims in the Netherlands and Belgium have also exerted a great influence on the message expressed in ritual burial practices. In stating their choice of burial location, respondents emphasized, as discussed above, that although they do feel very much Dutch or Belgian, they did not identify themselves as being Dutch or Belgian Muslims. In other words, they did not connect their religious identity to the Netherlands and Belgium, and hence did not see themselves as being Dutch or Belgian Muslims. On the contrary, their religious identity was connected to either their denominational identity (Point 2) or ethnic identity (Point 3), namely: Moroccan Sunni, Turkish Alevi or Surinamese Ahmadiyya etcetera.

At present, a growing number of Islamic scholars are urging Muslims living in Europe to identify themselves as 'European Muslims' and to leave aside their ethnic and denominational backgrounds. These scholars emphasize that Muslims' sense of belonging to Europe should be expressed not only in theory, but also in practice through



their work, study, political participation etcetera. This should go beyond the building of mosques and the founding of organizations and educational institutions, it should also extend to individual identification with a European form of Islam. One of the leading Islamic scholars and head of the European Council for Fatwa and Research (ECFR), Yusuf al Qaradawi, is considered to be an advocate of this trend. This scholar focuses his work on the integration of Muslims into European societies and considers that part of their integration is also to ensure the provision of proper Islamic burial facilities, as discussed in Chapter 4. In several *fatwas*, he has explained Islamic burial facilities to be a logical form of integration into European societies, following the earlier lead of the Christian and Jewish communities. His reference encompasses both the integration of individual Muslims on a personal level (work, study, political participation) and on an institutional level, for example, by realizing private Islamic cemeteries. If they were to organize such facilities, this step would be a way for Muslims to be able to emphasize their European Islamic identity as being *part* of Europe, as opposed to emphasizing their Islamic denominational and ethnic identity as being something *outside* Europe.

Despite such messages from scholars, among my respondents this identification with a European form of Islam did not feature prominently. Their religious identity was considered in connection to either ethnic or denominational backgrounds. An exception to this rule are the converts who identify themselves as Dutch or Belgian Muslims, even though at the same time they are often being incorporated into another ethnic community. This was the case with a converted Belgian respondent, who identified herself as a Belgian Muslim but felt part of the Iraqi Shiite community, as opposed to the Belgian community, as a result of her marriage to an Iraqi Shiite Muslim.

## **6.2 (Im)mutability of burial ritual practices and future European trends in Islamic burials**

Islamic burial rituals might seem to have been fixed for eternity and to be composed of immutable constants writ large in faith and doctrine. However, as has appeared time and again throughout this study, this hypothesis has to be rejected. Not only did the data reveal several changes beginning to enter ritual practices, albeit as the result of the influence of participants themselves or because of a changed social and legal setting, there have also been alterations in the functions and meanings of ritual practices. This study reveals that the confrontation and competition as the result of the encounter with

the (non-)Muslim other is expressed in both the form and the content given to the ritual burial practices. On several occasions, the Ahmadiyya respondents clearly stated that, as opposed to that of Sunni Muslims, they have their ‘own’ interpretational framework. The same was true of the Alevi Muslims, although they tended to be less vehement about this matter than the Ahmadiyya. On a more orthodox path, Sunni and Shiite respondents emphasized particular ways in which a ritual should be performed according to the rules of *their* denomination and would repudiate all other practices as non-Islamic. In a nutshell, these rituals are subject to change in response to an altered social and legal setting, but also as a defense against the repercussions of confrontations with Muslim and non-Muslim others.

As discussed in Chapters 3 and 4, new laws have been adopted in the Netherlands and Belgium to meet Muslim demands relating to Islamic burial practices. The survey conducted among all Dutch and Belgian municipalities uncovered great variations in the way Islamic burial options are offered by both countries. National laws cover only the broad guidelines, and the pertinent local rules and regulations differ greatly in the granting of graves, the costs and types, and these complications make the actual practice of Islamic burial rituals dependent on what the local possibilities are. In Belgium, the regulations governing burials and cemeteries have only recently been revised and more fully developed. The upshot of this revision is that currently there are great differences in every region. Besides these legal changes, Muslims themselves have also adjusted their burial practices to the changed social and legal settings of both countries, as was the case for example in the discussion of the use of a coffin in Chapters 3 and 4. Both in Belgium and in the Netherlands, Muslims have adapted their ritual of burying a body without a coffin to the legal and social requirements of each country. Nowadays, although the obligation that a body must be buried in a coffin is no longer prescribed by either Dutch or Belgian law, Surinamese Muslims especially still bury their deceased in a coffin.

Nor are what might be called foreign and alien conditions the only mainsprings of change. The confrontation with other Muslims has been equally important in inducing changes in burial practices. Throughout the thesis, this confrontation and competition with the Muslim other has in some cases led to a clear line being drawn between the denominational views on burial practices and in other cases to a ‘fusion’. One example of such a distinction was the case in Chapter 3 in which the manner in which burial preparations were made was discussed. The discussions revealed that

between the various denominations differences had arisen that were based on Islamic scholarly opinions. Quite clearly, their burial rituals are also a way by which the various denominations can distinguish themselves from each other and hence stimulates them to give a specific interpretation to their practice of burial preparations. The fact that Shiite Muslims perform the burial prayer with five *takbîrs*, as opposed to the utterance of four *takbîrs* among Sunni and Ahmadiyya Muslims is an example of this distinction. Another example is the burial practice among Alevi Muslims who make a clear-cut distinction between themselves and the Shiite, Sunni and Ahmadiyya Muslims by performing the burial prayer in a *cemhouse* and not in a mosque. The prayer also has a completely different content.

Furthermore in working out the data for Chapter 3, I found what seems to be an indication of a ‘fusion’ of denominational ideas. To elucidate this the theory of Victor Turner was used as an instrument to indicate the time of burial preparations as a liminal phase, characterized by vulnerability, conflicting opinions and time pressure. In this situation, denominational conflicts can easily flare up and even get out of hand, for example, in the case of the attendance of women at the funeral prayers and in the funeral procession as discussed in Section 3.6. Several women who had been strictly forbidden by their denominational backgrounds either to attend the funeral prayer or participate in the procession were cited. In a changed social setting, in which meetings and confrontations with other Muslims who *did* allow for women to attend, they finally found the strength to express their wish, even their Islamic right, to attend these rituals. These situations demonstrate that the coming together of various Islamic denominations in one country leads to religious traditions being interchanged and rules being adapted. This fusion of denominational ideas and views is much more prominent and visible in a situation of migration, as opposed to in home countries that are much more religiously homogenous.

### **6.3 Future research and policy implications**

This study can be distinguished from the other few studies that have been conducted on Muslim burial practices in a European context by its choice for a multidisciplinary methodological and comparative approach. The approach was chosen as a starting point for the contribution to this particular field of knowledge in order to be able to provide a systematic and methodologically comparative study of the burial practices observed

by Muslims in the Netherlands and Belgium and to see how these can be related to national laws, Islamic prescriptions and the results of fieldwork.

Although previous studies in the field of Islamic burials in the European context have indicated an expected increase in Muslims' choice to be buried in Europe, this study indicates otherwise. The majority of the respondents emphasized their wish to be buried in their countries of origin. This choice did not seem to have been affected by any absolute legal or religious obstruction to the creation of Islamic burial facilities in the Netherlands and Belgium, it was predominantly fueled by growing public discussion about nationality, loyalty and the 'failed' integration of Muslims into Dutch and Belgian societies. These events have conspired to make the younger generations of Muslims, from among whom the participants in this research were drawn, feel 'outsiders' who are unwelcome in spite of their efforts to integrate. The negative view of Islam and Muslims expressed in the public debates naturally seems to have contributed to a feeling of alienation and of being unwanted. Previous research has indicated that the relevance of their Islamic faith might only increase if and when Muslims perceive themselves to be being discriminated against (Berger 2012b). In the current study, feelings of alienation and of being unwanted have certainly served to strengthen the respondents' connections with their countries in which their roots lie. The upshot is that the conditions provided for burial practices in these countries was in many cases even presented as the ideal situation. This is particularly noticeable when the matter of clearing out graves was discussed in Chapter 4. Although clearing out graves occurs in some countries of origin as well, when it happened there it was not deemed as 'strange' as the practice of clearing out graves in the Netherlands and Belgium. The respondents' explanations involved the way information about this matter is presented. In their countries of origin, it was explained, no one would give advance information that the grave would be emptied after so many years. This is the exact opposite of the situation in the Netherlands and Belgium, where from the outset information is provided that the grave has been granted as a lease for a limited period of time, and that it will be cleared out if this lease period was not extended.

As mentioned earlier, in opting for the multidisciplinary methodological and comparative approach this study has sought to give some insight into the various facets involved in burial practices among Muslims in a European context. However, because of the limited sample size my main preoccupation has been to seek only for trends rather than for representative statistical evidence. It will be of the utmost importance to future

research in this field to incorporate larger samples. These would allow formulations of statistical correlations between the various variables to be made in order to test hypotheses and build theories. Furthermore, it might be of importance to incorporate the legal changes that are still being processed in Belgium and to see how they will affect the development of the rituals concerned. Since local regulations governing burials are only very recent, it will be interesting to see how these develop in the future and what references will be made to the much debated matter of the 'graveyards war'.

As a contribution to the formulation of policy on Islamic burials in the European context, this study has hoped to emphasize the relevance of acknowledging the religiously based differences between the many Islamic communities present in European countries. There is no such thing as *one* Islamic community, and therefore there is no *one* Islamic plot or cemetery. Muslims are characterized by their ethnic and religious diversity. In a European context, these Muslims have happened to come together and the differences between them are more visible than people would have been aware of in their countries of origin. If policy makers are indeed interested in providing Muslims with burial facilities, they should not ignore these religiously based differences that also loom very large when burial practices enter any discussion. The majority of the Muslims who are buried in European soil are mainly converts, asylum seekers, Muslims from mixed marriages or from former colonies and children. Among those Muslims who actually have a choice about where they will be buried, this study has shown that the majority still opt for burial in the countries of origin. This does not mean that policy makers and cemetery managers should not invest in providing Islamic burial facilities. The number of Muslims in Europe is increasing as a consequence of family expansions, a growing number of converts, asylum seekers and partners in mixed marriages. Some Muslims feel that there is no specific choice to be made about their burial location. Asylum seekers have often been deprived of the possibility of returning to their countries of origin for burial, whereas converts are already in their countries of origin. With regard to persons in mixed marriages, but also with regard to the burial of deceased children, a feeling of being close to either the living partner or a feeling of parental responsibility that the deceased child should be kept nearby seems to be of much more importance than the sense of belonging to a specific country. Among Muslims, the motives and considerations that underlie the choice of burial location are influenced by a range of motives and considerations. Legal and religious possibilities

have been shown not to be the decisive reasons, as they are overshadowed by emotional feelings of belonging and identity.



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## Summary

This dissertation addresses the issue of legal, religious and practical possibilities for Muslims to be buried in the Netherlands and Belgium. It explores national laws, scholarly opinions and the ideas and views of Muslims on Islamic burials. The results are based for an important part on fieldwork that was conducted in 2010, 2011 and 2012.

Throughout this study I found that legal and religious regulations and possibilities are not decisive in the considerations that underlie the choice of burial location among Muslims in the Netherlands and Belgium. Of much more importance seems to be the sense of belonging to a country, to which many respondents also connected a feeling of descent. I have proposed to use the theory on the multilayered messages of rituals (Beck 2010) to reveal the various functions and meanings that are embedded in the performance of burial rituals in the multicultural, religiously pluralist context of the Netherlands and Belgium. A focus on these multilayered messages reveals that burial practices entail four messages: expressing individual belief and faith, identification with religious denominations, sense of belonging to a country and ethnic community and religious identity of Muslims in a non-Muslim environment. The study of Islamic burials among Muslims in both countries, therefore, reveals much about the feeling of belonging and the intensively debated integration of Muslims into these societies. The choice on where to be buried entails much more than just being a burial location for a corpse.

In the five chapters of this dissertation I discuss the various parts that are related to Islamic burials in the Netherlands and Belgium. Chapter one begins by situating this study into the larger context of the study on Islam and its institutionalization in Western Europe. I present some demographic data on Muslims in both countries, as well as on the various denominations they adhere to. In relation to the already existing scope of research on Islam and Muslims in Western Europe, I explain how this study fills in the gap of a multidisciplinary and comparative approach, by combining social science, religious science and national laws into one methodological framework.

Chapter two discusses the ideas on death and eschatology as held by Muslims and as explained by Islamic scholars. I briefly elaborate on the relevance and meaning of Islamic and national legal definitions of death, which have changed in the last

century due to medical developments. The process of dying itself is accompanied by several rituals that are performed by those surrounding the dying person. Respondents attached much value to the performance of these rituals and explained why these should be performed in a specific way. Furthermore, this chapter provides a meta-discussion on eschatology as an organizing principle in the practice of separate death rituals. I argue that the different ideas held by Muslim with regard to death, dying and the Afterlife correspond with a socio-cosmology, in which one's community after death corresponds with the community one belonged to while alive. This continuity of belonging is expressed, among others, in the location of the grave.

Chapter three presents and discusses the Islamic burial preparations. The washing, shrouding, funeral prayer and the funeral procession are discussed consecutively. I argue that Islamic burial preparations as performed in a migration context are inevitably subject of change, due to a changed social and legal context. Migration, however, is not the only reason for the changing of rituals. The diversity among Islamic communities, which is expressed in various ethnic and denominational backgrounds, also plays an important role. The mutual influence between a context of migration and the diversity among Islamic communities brings along an interchange in the performance of rituals and in the religious views on these rituals. This was mostly expressed in why, how and by who the burial preparations were to be performed. Consequently, this brought along the inclusion and exclusion of individuals, on the basis of gender and religious denominational adherence.

In chapter four I focus on the burial itself and the ritual practices that surround it. I go into the obligation of burial as opposed to cremation, the internment and the construction of the grave, the question of clearing out graves and the importance of visiting graves. The burial rituals seem to be central to the identities and meaning which groups construct for themselves. In this chapter I use these ritual practices as a window to look at the way Muslims see themselves and the society of which they are part. By doing so I elaborate on the fact that the choice for burial location is not only a matter of being well-informed on the practical, legal and religious possibilities and impossibilities. A much more important matter is, as mentioned before, the sense of belonging to a country and what has been indicated as the myth of returning to countries of origin. This chapter, furthermore, provides insights into the legal and practical possibilities for Islamic burials in the Netherlands and Belgium. Both countries offer the possibility for Muslims to be buried at a separate plot in a public

cemetery, where graves are organized in such a way that they face the direction of Mecca. An interesting and important issue with regard to the Islamic plots is the diversity among the Islamic communities in both countries. Where burial is concerned the fact of the matter is that Sunni, Shiite, Ahmadiyya and Alevi Muslims all want to be buried in the Islamic plot. Individual requests from Muslims towards municipalities to either include or exclude other Muslims from burial in an Islamic plot, has led to the existence of several Islamic subplots in one cemetery for Muslims of different denominations. In the Netherlands, furthermore, Muslims have also realized the first (and so far only) private Islamic cemetery.

In chapter five I turn to the discussion on the practices and processes of mourning and grief. I elaborate on how mourning and grief among Muslims correspond with Islamic scholarly opinions, national laws and theories from social sciences. I argue that these practices and processes are dynamic and changeable in a situation of migration and as a result of the adherence of Muslims to different denominations. In this chapter I make a distinction between private and public mourning.

Models of grief as have been developed within social sciences have focused much on the private part of mourning. During the last decades these models have been subject to change and do not seem to focus as much as they did on detaching from the deceased and moving on. These developments are of great relevance for the counseling of bereaved Muslims. Taking into account the religious aspects of mourning such as the annual mourning gatherings, may be very helpful in professionally guiding Muslims through their mourning process. Furthermore the national laws in relation to an absence of leave in case of death are discussed in this chapter. Respondents found it of utmost importance to be able to observe a mourning period and attend condolence and memorial gatherings, as part of their mourning process.

Throughout the dissertation I emphasize the relevance of the many meanings and functions that are embedded in burial ritual practices. The multidisciplinary and comparative approach that I used in this dissertation, proved very useful in illuminating these meanings and functions. Burial practices are not only performed as an expression of Islamic adherence to a specific denomination, but also as part of individual religious belief and faith. The performance of burial practices furthermore emphasizes one's Islamic identity in a non-Muslim environment both to non-Muslims



and to other Muslims as well. The choice Muslims make with regard to their preferred burial location is the result of the various meanings and functions that are embedded in burial practices. It is certainly not only a matter of legal and practical possibilities and impossibilities, but much more a matter of how Muslims see themselves and the society of which they are part. It is a matter of being part of a whole.

## **Samenvatting**

Dit proefschrift onderzoekt de juridische, religieuze en praktische mogelijkheden voor moslims om begraven te worden in Nederland en België. Het behandelt nationale regelgevingen, opvattingen van islamitische schriftgeleerden en de ideeën en wensen van moslims in Nederland en België met betrekking tot islamitisch begraven. De resultaten van dit onderzoek zijn voor het grootste gedeelte gebaseerd op etnografisch onderzoek en enquêtes uitgevoerd onder alle gemeenten in beiden landen in 2010, 2011 en 2012.

In de loop van dit onderzoek kwam ik erachter dat juridische en religieuze regelgevingen en mogelijkheden voor begraven niet van doorslaggevende aard zijn in de overwegingen van moslims in Nederland en België, met betrekking tot de keuze voor hun gewenste begraaflocatie. Veel belangrijker in deze overwegingen zijn het gevoel (meer) te behoren tot een bepaald land, waaraan veel respondenten ook een gevoel van afkomst verbinden.

In deze dissertatie stel ik voor om de theorie van Beck (2010) te gebruiken, met betrekking tot de verschillende betekenissen en functies die in de uitvoering van rituelen verborgen liggen. Deze focus heeft in dit onderzoek geleid tot het onderscheiden van vier verschillende betekenissen en functies in de uitvoering van begrafenisrituelen: het uiten van individuele overtuiging en geloof, identificatie met een religieuze denominatie, het gevoel te behoren tot een bepaald land of etnische gemeenschap en de religieuze identiteit van moslims in een niet-islamitische omgeving. Het onderzoek naar islamitisch begraven in Nederland en België, onthult veel met betrekking tot het gevoel te behoren tot een bepaald land en de daarmee gepaard gaande notie van de integratie van moslims in Nederland en België. De keuze die moslims maken met betrekking tot hun begraaflocatie betekent veel meer dan alleen een locatie voor het begraven van een lijk.

In de vijf hoofdstukken van deze dissertatie bespreek ik de verschillende facetten die aan bod komen in relatie tot islamitisch begraven in Nederland en België. In het eerste hoofdstuk situeer ik deze studie binnen het grotere geheel van onderzoek dat reeds is gedaan naar de Islam en de institutionalisering ervan in West Europa. Ik presenteer enkele demografische cijfers met betrekking tot moslims in de beide landen, en ook met betrekking tot de denominaties waartoe zij behoren. In relatie tot het voorgaande onderzoek dat gedaan is naar moslims in het westen, leg ik in dit

hoofdstuk uit hoe door de combinatie van sociale wetenschappen, religie wetenschappen en nationale wetgeving in één methodologische aanpak deze studie de lacune aan een multidisciplinair vergelijkend onderzoek kan opvullen.

In het tweede hoofdstuk komen de ideeën van moslims met betrekking tot de dood en eschatologie aan bod. Ik bespreek ook kort de relevantie en betekenis van islamitische en juridische definities van de dood. Naar aanleiding van de medische ontwikkelingen op het gebied van beademing, harttransplantaties en orgaandonaties zijn deze in de afgelopen eeuw aan veranderingen onderhevig geweest. Het sterfproces zelf wordt bij moslims vergezeld door verschillende rituelen die uitgevoerd worden door de mensen die bij de stervende aanwezig zijn. Waarom respondenten veel waarde hechten aan een correcte uitvoering van deze rituelen wordt in het hoofdstuk besproken. Verder wordt in dit tweede hoofdstuk de kwestie van eschatologie als een kapstok gebruikt, waaraan de verschillende begrafenisrituelen, die in de volgende hoofdstukken worden besproken, worden opgehangen. Ik betoog in dit hoofdstuk dat de verschillende ideeën die moslims erop nahouden met betrekking tot de dood, sterven en het Hiernamaals, overeenkomen met het idee van een ‘socio-cosmologie’. Hierbij staat centraal dat men in het Hiernamaals tot dezelfde gemeenschap zal behoren als waartoe hij of zij in het leven behoorde. Dit idee van een continuïteit in behoren wordt onder andere tot uitdrukking gebracht in de fysieke locatie van een graf.

De islamitische begrafenisvoorbereidingen, de wassing, wikkeling, begrafenisgebed en de begrafenisprocessie, worden besproken in hoofdstuk drie. Hierin betoog ik dat deze rituelen in een context van migratie onderhevig zijn aan veranderingen, vanwege een veranderde sociale en juridische context. Migratie is echter niet de enige reden voor de verandering in rituelen. De diversiteit onder de verschillende islamitische gemeenschappen, welke uitdrukking vindt in de vele achtergronden qua etniciteit en denominatie, vormt ook een belangrijk onderdeel van deze veranderingen. Doordat we zowel te maken hebben met een migratiecontext als met diverse islamitische gemeenschappen, is er een wisselwerking zichtbaar in de uitvoering van rituelen en ook in de religieuze opvattingen met betrekking tot deze rituelen. Dit werd in het bijzonder tot uitdrukking gebracht in de manier waarop, door wie en waarom de begrafenis voorbereidingen worden uitgevoerd. Als gevolg hiervan worden sommige personen uitgesloten van deelname aan of participatie in deze

begrafenisvoorbereidingen vanwege hun sekse of hun religieuze behoren tot een bepaalde islamitische denominatie.

De begrafenis zelf is het onderwerp van hoofdstuk vier. Hierin ga ik in op de verplichting tot begraven in tegenstelling tot crematie, de begrafenisrituelen, het verloop van de begrafenis, de inrichting van het graf, de kwestie van het ruimen van graven en het belang van grafbezoek. De uitvoering van begrafenisrituelen staat centraal in de manier waarop groepen en individuen identiteit en betekenis construeren. In dit hoofdstuk gebruik ik de begrafenisrituelen als een raamwerk, waardoorheen kan worden gekeken naar hoe moslims zichzelf en de maatschappij waartoe zij behoren zien. Met behulp van deze aanpak probeer ik toe te lichten dat de keuze voor begraaflocatie niet alleen een kwestie is van goed geïnformeerd zijn met betrekking tot de praktische, juridische en religieuze mogelijkheden en onmogelijkheden. Van veel groter belang in deze keuze is, wat al eerder genoemd werd, het gevoel te behoren tot een bepaald land en de mythe van terugkeer naar de landen van herkomst. In hoofdstuk vier worden ook de daadwerkelijke mogelijkheden voor islamitische begraven in zowel Nederland als België besproken. Beide landen bieden de mogelijkheid voor moslims om zich op een apart perceel op de openbare begraafplaats te laten begraven, waarbij de graven in de richting van Mekka zijn georiënteerd. Een belangrijk en interessant onderdeel met betrekking tot deze islamitische percelen, is het samenbrengen of opsplitsen van percelen onder verschillende islamitische gemeenschappen. Wanneer het gaat om begraven, willen immers zowel de Soennieten, als Sjiïeten, Ahmadiyya en Alevieten op een islamitisch perceel begraven worden, maar niet noodzakelijkerwijs samen of naast elkaar op een perceel. Verschillende verzoeken werden en worden in dit verband gericht aan de gemeentelijk begraafplaatsen om een bepaalde categorie moslims de toegang tot het islamitische perceel te ontzeggen. Dit heeft ertoe geleid dat er nu verschillende islamitische sub-percelen bestaan, bestemd voor verschillende islamitische gemeenschappen. In Nederland bestaat er bovendien ook nog een privé islamitische begraafplaats.

In het vijfde hoofdstuk ga ik in op hoe gebruiken rond rouwverwerking onder moslims gerelateerd worden aan opvattingen van islamitische geleerden, de nationale wetgevingen en theorieën vanuit de sociale wetenschappen. Deze gebruiken, zo betoog ik, zijn onderhevig aan veranderingen vanwege de migratiecontext en het behoren van moslims tot verschillende islamitische denominaties. In dit hoofdstuk

wordt een onderscheid gemaakt tussen publieke en private rouw. De modellen en theorieën rond rouw en rouwverwerking zoals deze zijn ontwikkeld binnen de sociale wetenschappen richten zich met name op het private gedeelte van het rouwproces. In de laatste jaren zijn deze modellen aan verandering onderhevig geweest en concentreren zij zich niet meer zozeer op het loslaten en vergeten van de overledene. Deze veranderingen zijn ook van groot belang in de rouwbegeleiding van moslims. Wanneer de religieuze aspecten van jaarlijkse rouwbijeenkomsten in acht worden genomen kan dit van groot belang zijn in het verwerkingsproces van moslims. Daarnaast worden in dit hoofdstuk de nationale wet- en regelgeving besproken met betrekking tot verlof in het geval overlijden van naasten. Respondenten gaven aan het van groot belang te vinden in hun rouwproces, om een rouwperiode aan te kunnen houden en om aanwezig te kunnen zijn bij condoleance en herdenkingsbijeenkomsten.

In de loop van deze dissertatie heb ik telkens weer de vele betekenissen en functies van rituelen benadrukt. De multidisciplinaire en vergelijkende methode die ik heb gebruikt, bleek zeer geschikt te zijn om de verschillende betekenissen en functies aan het licht te brengen. Begrafnisrituelen worden niet alleen uitgevoerd als een uitdrukking van het behoren tot een bepaalde denominatie. Zij zijn ook onderdeel van het individuele geloof van moslims en benadrukken bovendien de islamitische identiteit in een niet-islamitische omgeving, zowel naar moslims als naar niet-moslims toe. De keuze die moslims maken met betrekking tot hun gewenste begraaflocatie is het resultaat van de verschillende betekenissen en functies die in hun begrafenisrituelen verborgen liggen. Het is niet enkel een zaak van juridische en praktische mogelijkheden, maar veel meer een kwestie van hoe zij zichzelf en de maatschappij waarvan zij onderdeel uitmaken zien. Het is een kwestie van behoren tot een geheel.

## **Curriculum Vitae**

Khadija Kadrouch-Outmany (1983) was born in The Hague. She finished her secondary education (MAVO) at Dalton Vatel in 1999, after which she enjoyed both Intermediate Vocational Education (MBO) and Higher Vocational Education (HBO) in Legal Studies. In 2008 she received her Master's degree in Law, followed by a Bachelor's degree in World Religions in 2009 from the University of Leiden. In Leiden she developed an interest in the study of Muslims in Western Europe, with an emphasis on the relationship between law and religion. In 2009 she received a Mosaic scholarship from NWO for a PhD project, which was carried out at the Institute of Cultural Anthropology and Development Sociology at the University of Leiden.