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

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# 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 Sahliah 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>70</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 eindeloze 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 tomb-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.