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Problems Relating to Archiving *Nikah* Documents in Germany's Arab Mosques

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Abstract

In this contribution, I examine how Arab imams in Germany draw up and archive documents pertaining to exclusively religious Islamic marriages (*nikah*). The absence of a central Islamic authority responsible for registering and safeguarding *nikah* documents in Germany has led to the emergence of a wide range of practices among Arab imams. These include formal registrations of *nikahs* on pre-printed forms kept in files, boxes or a storeroom; non-standardised documents issued and handled in various different ways; and orally concluded contracts with no documentary trail whatsoever. In this article, I describe and analyse the different approaches to and practices associated with conducting and recording *nikahs* among Arab imams. I found that some imams try to formalise the documentary trail with a view to protecting the religious rights of spouses and avoiding internal disputes, whereas others lack experience of institutionalised procedures, thus creating what might be described as archival chaos. I argue that, to reduce the likelihood of unintended consequences, a large number of imams in Germany would benefit from receiving help with professionalising their *nikah* practices and setting up sound mosque administrations and professionally run archives.

Keywords

archives – Germany – imam – marriage registrations – mosques – *nikah*

1 Introduction

Mosques and prayer rooms were among the first institutions Muslims set up in Germany after their migration. However, since they are not officially registered, we have to rely on estimates (Deutscher Bundestag, 2020: 5) to establish how many of them there are, which in the case of mosques and prayer rooms ranges from between 2,350 (Halm et al., 2012: 7) and 2,800 (Schmitt and Klein, 2019: 6). Nearly two-thirds of these belong to one or other of the three major Turkish-based associations, namely the Turkish-Islamic Union for Religious Affairs (*Türkisch-Islamische Union der Anstalt für Religion* or DITIB), the Islamic Community (*Islamischen Gemeinschaft Millî Görüş* or IGMG), or the Association of Islamic Cultural Centres (*Verband der Islamischen Kulturzentren* or VIKZ) (Schmitt and Klein, 2019). Several Arab religious actors whom I met during my fieldwork (see below) estimated the number of Arab mosques and prayer rooms in the country to be between two and five hundred.

In Germany, many imams extend their duties beyond the limited confines of worship to cater for all aspects of Muslim life, including presiding over Islamic marriages (*nikah*) – also called ‘imam-*nikah*’ – and offering advice on divorce (*talaq*) (Jaraba, 2020: 33–4). However, in terms of conducting and archiving *nikah*, some of those imams are unprofessional, and the document trail they produce is neither institutionalised nor centralised. According to the many local actors I interviewed during my fieldwork, drawing up a *nikah* contract tends to be a chaotic process.¹ The fact that there is no central Islamic authority tasked with registering and safeguarding *nikah* documents in Germany has led to the emergence of a variety of practices and patterns. These include the provision of formal documents that are properly archived, the use of slipshod storage practices to house irregular documents, and performing oral ceremonies without any documentary backup.

As I show in this article, the procedures surrounding *nikah* in Germany are based on private and therefore frequently unprofessional practices, which sometimes lead to unwanted outcomes, especially for women. Many Arab imams lack clear guidelines on how to set up even a simple administration and so they fail to secure the interests and religious rights of the parties involved. Also, their practices might well lead to substantial restrictions and challenges. For instance, when *nikah* documents have been lost or damaged, the parties to the marriage might experience difficulty enforcing their marital or religious rights (e.g. *talaq*), or even proving that their marriage ever took place. Women are particularly badly affected by the lack of documentation and archiving.

¹ This topic is frequently discussed in the press. See, for example, Topel (2019).

This is a serious matter because, if their documents are damaged or have gone missing, they will be unable to file for a *talaq* and thus escape from an unwanted marriage (see Jaraba, 2019, 2020). Many imams and religious actors whom I met during my fieldwork refuse to grant women *talaq* if the women do not have a marriage certificate.

Until now, however, there have been no studies devoted to the contracting and archiving of *nikah* in Germany. Most studies of Islamic marriages in Germany have focused on their legal aspects, such as forced marriages (Sütçü, 2009), or the marriages of minors (Schulte-Rudzio, 2020). Since these studies are based on empirical data, few have attempted to examine the legal, socio-cultural contexts (Rohe and Jaraba, 2015) in which *nikahs* take place in Germany, whether in relation to Islamic jurisprudence (Jaraba, 2019, 2020) or in terms of their socio-religious significance (Bentzin, 1998). This article is thus the first attempt to study how a *nikah* in Germany is contracted and archived, how the mosques safeguard their *nikah* documents and what challenges are associated with that. In the context of this Special Issue, our focus lies on the accessibility of the documents, how and where they are safeguarded and by whom. In doing so, the article offers a basis for further questions and research. The subject of civil registration and the legal or religious validity of Islamic marriage, as well as the boundaries between civil and religious marriage are beyond the scope of this article.

After briefly outlining the methods of collecting the research data, I go on to examine the contracting of a *nikah* under Islamic law and the legal status of such a marriage in Germany. In the next section, I examine the heterogeneous practices of *nikah* among imams in Germany and then describe how some imams try to formalise and professionalise the process of archiving *nikah* by adopting clear standards and specific procedural guidelines. Finally, I discuss how the absence of clear institutional and professional rules relating to how imams should draw up and register *nikah* contracts can lead to disorder and chaos or to the 'privatisation' of *nikah* records.

2 Research Data

This article is based largely on my fieldwork in Bavaria and Berlin between 2013 and 2017. As a participant in the PROMETEE (Property in Moslem Transitional Environments)² programme, I visited four Arab mosques in Bavaria in 2014 with a view to studying their methods of conducting *nikah* ceremonies and

² DFG-funding number: DFG-TH1582/1-1.

drawing up *nikah* contracts. During my fieldwork, I was able to access their archives and establish where they stored their mosque documents. In 2015, I studied socio-legal pluralism in Germany, especially the idea of ‘*Paralleljustiz*’ (parallel justice) among a number of minority groups (defined ethnically, culturally and religiously) living in Germany. In addition, I looked specifically at the unofficial roles of religious actors (imams and independent players) in settling family disputes and contracting *nikah* among Sunni Muslims in Berlin. During my fieldwork in Berlin, I managed to access three archives in Arab mosques and three ‘private archives’ that were stored privately by Arab imams. Of the imams I interviewed in Bavaria and Berlin, five were Egyptians, two were Palestinians, two were Moroccans and one was a Syrian. The mosques are usually attended by believers from different Arab countries and Friday sermons are preached in Arabic followed by a German translation for the benefit of non-Arabic-speaking worshippers.

Despite making numerous attempts, I failed to gain access to the archives of the Turkish, Bosnian Herzegovinian or Albanian mosques, although I did manage to interview their imams on several occasions to discuss the *nikah* issue. In the end, I only managed to examine the archives of Arab Sunni mosques. This is because, to access private documents and archives, which invariably include sensitive, private information, it is essential to build trust with imams and mosque administrators alike, as well as a rapport with the members of the community, which entails maintaining a strong and consistent presence among them. In addition, as Arabic is my native language, it helps to communicate with the imams in their mother tongue and thus to build mutual trust. Seven of the imams speak no or only very basic German, and only three of them have advanced language skills.

3 *Nikah* and Legal Standing

Depending on which school of law is referenced, some or all of the following elements must be present to ensure a valid marriage. These are an offer and acceptance, the presence of two suitable witnesses, and the consent of the woman’s guardian (*wali*). There must also be no legal impediments to the marriage (e.g. prohibition on the grounds of consanguinity, affinity, fosterage).³ Official documentation is neither a requirement for nor a guarantee of the validity of the *nikah*. In other words, classical Islamic law ‘contains no specific formal requirements for a marriage contract’ (Rohe, 2014: 107) and the *nikah*

3 See Rohe (2014: 104–6) on the prerequisites for a *nikah*.

contract may be written or solely oral (Hallaq, 2009: 272). In the early Islamic era, the *sahaba* (Companions of the Prophet) were married orally in the presence of two witnesses and Muslims did not document their *nikahs*. As a small emerging community, proof of marriage relied on oral testimony. However, with the expansion of Muslim societies over time and the increased mobility of their members, a demand for documentary evidence of the *nikah* grew and a more formal version of the procedure was introduced (Alim, 2016: 15).

In Europe, where Muslims are in the minority, a variety of practices have been developed. While some European countries (such as the UK, Spain and Norway) recognize a religious marriage if it is performed in the presence of an authorised civil servant and registered with civil authorities, others (for example, the Netherlands) criminalise all the parties who are involved in such marriage ceremonies, if the couple have not first been married in a civil ceremony.⁴ Germany, on the other hand, neither recognises nor criminalises Islamic religious-only marriage. There are no laws or regulations prohibiting *nikahs* in Germany, as these are considered to belong to the realm of religion. However, the German courts only recognise civil registered marriages (*standesamtliche Eheschließung*) that are performed in the presence of a public servant in line with legal procedures as defined in the law and regulations. Therefore, a *nikah*, that is not registered in a registry office, can have significant repercussions insofar as the couples concerned have no legal status or legal claim to the various spousal rights, such as tax benefits, social support or inheritance (Robbers, 2013: 305).

There is no centrally recognised Islamic authority to exercise jurisdiction over *nikah* and *talaq* in Germany (Fournier and McDougall, 2013: 445). Because these processes often occur in informal settings or private places and are not registered centrally, there are no reliable sources or accurate statistics on the actual numbers of *nikahs* that take place.⁵ Although the German courts do not recognize *nikah* as a legal marriage, many Muslims consider it legitimate on religious, moral and social grounds, and women in such marriages are unable to remarry within their religious community without a *talaq*. However, in the absence of a *nikah* certificate, a woman can find it difficult to break her *nikah* contract. While a Muslim husband can divorce his wife at any time, or marry a second wife, a Muslim wife has no corresponding way of ending her marriage. She needs the help of a local representative, but unless her husband agrees to

4 For a recent initiative to criminalise Muslim-only marriages further, see Moors, de Koning and Vroon-Najem (2018).

5 For an estimation and patterns of *nikah* in Germany, see (Jaraba, 2019: 90).

cooperate, such representatives in Germany lack the power to impose sanctions or to help a woman to secure a divorce (Jaraba, 2019: 90).

4 Heterogenous Practices

Because of the risks and lack of legal protection involved in *nikah*, particularly for women, many imams refuse to perform *nikah* ceremonies. I have encountered imams who only agree to get involved in a *nikah* if the marriage is already registered in accordance with German legal requirements. This was evident among Turkish imams working at the Turkish Directorate of Religious Affairs (*Diyanet İşleri Başkanlığı* or Diyanet), several of whom told me that the *nikah* procedures carried out in mosques in Germany fail to comply with either Turkish or German laws. As they are official employees of the Turkish state and are paid by the Diyanet, they are afraid of the consequences that might follow should they become involved in such practices (Jaraba, 2019: 94). Some of them consider a civil marriage at a register office as equivalent to a *nikah* with no further action required. As one of the Turkish imams puts it: 'We explain to the people that civil marriage is similar to *nikah*. They are the same. Civil marriage lacks only the *mahr* (dowry). The spouses can agree informally on that later on' (personal interview, Berlin, April 2015).⁶ Many Bosnian, Albanian and Arab imams go along with these arguments.

The refusal of some imams to perform *nikahs* means that people tend to look for options outside the mosques. Since contracting a *nikah* does not require a particular religious authority such as an imam to solemnise the marriage (Schulte-Rudzio, 2020: 259), family elders, social workers, community leaders and sometimes even undertakers are also frequently called upon to draw up the *nikah* contract and perform the ceremony (see Figure 1 below for an example). Unlike a Christian ceremony, in which a priest is responsible for solemnising a marriage, the validity of a *nikah* does not depend on its being blessed, performed or registered by any religious authority. It is not a religious sacrament but a civil contract between a man and a woman (Alim, 2016: 10).

Although family elders, social workers and community leaders perform *nikahs*, they do not usually keep records of them once they are concluded and, in some cases, the proceedings are entirely oral, and thus devoid of any documentation. On completion of the *nikah*, a copy of the contract is usually handed to the bride and groom, or their proxies, and no further archiving takes

⁶ All names and personal details mentioned in this study are anonymised to assure the interviewees' privacy.



FIGURE 1 The façade of an undertaker's office in Berlin, whose services are also advertised to include the performance of *nikah*

PHOTO: AUTHOR, 26 AUGUST 2021, BERLIN

place. In addition, problems might arise because, although some imams are willing to perform *nikah* ceremonies, they refuse to produce the written documents needed to prove that the proceedings have taken place. For example, when a bride and groom asked to be married in a mosque I visited in 2017, the Arab imam failed to request proof of either identity or marital status, but merely asked two people in the mosque to witness the ceremony. He then quoted some hadiths and verses from the Qur'an and gave a short religious sermon on the importance of marriage and family building in Islam. After the religious rituals, the bride asked the imam for documentary proof of her marriage, but he refused on the grounds that he only performed oral *nikahs*; consequently, the bride and groom had to leave without any documentary proof of their marriage. This was not an isolated case. During my fieldwork, I met several imams who only conducted oral *nikahs* either because they were reluctant to assume any further responsibility or because they believed that marriages during the life of the Prophet Muhammad were entered into without documentation or registration. Some imams I interviewed argued that the presence of two witnesses and a guardian are all that are needed to validate a *nikah*,

and that Islamic law does not require the marriage to be registered or documented. Once the oral *nikah* has been concluded, under Islamic law the bride and groom are considered fully married. However, in the event of a conflict or divorce, oral testimony is often insufficient evidence of a marriage having taken place, especially if the wife or husband cannot recall the names of the two witnesses who participated in the *nikah*, or never knew them in the first place – imams often ask a couple of worshippers in the mosque to witness a marriage. During my fieldwork, I was fairly frequently asked to act as a witness at a marriage, although I never agreed to do so.

In the following three sections, I will describe and explain the archiving of *nikah* in ten Arab mosques and private archives that I was able to visit during my fieldwork. I will distinguish between three different practices: (a) serious attempts at systematic archiving, (b) chaotic archiving practices, and (c) ‘privatisation’ of the *nikah* records.

5 Three Different Archiving Practices of *nikah* Documents

5.1 *Serious Attempts at Systematic Archiving*

Only three imams in the ten mosques and archives I visited actually attempted to formalise the procedures by properly documenting and archiving the *nikah* process. In their interviews, they claimed that formalising the *nikah* procedure provided an important means of maintaining social stability and harmony in Muslim communities and was a way of keeping order. These imams were trying to follow clear and professional guidelines on the documentation and archiving of *nikah* procedures, which usually include the following requirements:

1. Refusing to issue *nikah* contracts unless a civil marriage has already taken place at a registry office.
2. Requiring the consent of the wife’s guardian to avoid disputes within her family.
3. Verifying the personal status of the husband and wife to avoid polygamy.
4. Adhering to the legal minimum age of marriage according to the German law, which is 18 years for both spouses.
5. Ensuring that the bride has freely decided to enter the marriage.
6. Documenting and producing *nikah* contracts.

Although *nikah* contracts have no legal standing, these imams keep copies of *nikah* contracts in a mosque archive as proof of a marriage and to protect the religious rights of the parties in the event of a dispute or divorce. Several imams mentioned *nikahs* in relation to legitimising the couple’s sexual relations on the one hand and protecting their offspring from the taint of illegitimacy on

the other. This is because imams regard the bond of marriage and the creation of families as important factors in ensuring the cohesion and harmony of Muslim communities. For instance, by documenting *nikahs*, Samir, an imam in a central Arab mosque in Berlin, aimed to reduce internal conflicts within the local Muslim community and to protect the rights of a spouse, usually the woman, who may face difficulties terminating her *nikah* (personal interview, Berlin, June 2015). During my fieldwork I came across several unresolved cases of women unable to obtain a divorce without their husband's consent (Jaraba, 2020).

There is no set procedure for archiving *nikah* documents in the three mosques. It depends on the size of the mosque and the availability of financial and other resources. For instance, one mosque I visited in Berlin in 2015 kept marriage and divorce papers locked in a large electronic digital safe with a secret number. A second mosque in Berlin keeps the documents in a so-called 'archive room' in the basement of the mosque, to which only authorised personnel have access. Yet a third, in Bavaria, digitalises its marriage and divorce documents, keeping one copy in a large safe in the imam's office and a second available for easy access electronically.

The following description can be used as an example of good documentation and archiving practices of *nikah*. On several occasions between 2013 and 2017, I visited Al-Rahman mosque, with the intention of studying its marriage and divorce documents. Nevertheless, it was only after having established a trusting relationship with its imam, Ahmad, that I was allowed access to the mosque archive, and then only under certain conditions. To begin with, I was not allowed to make any photocopies or collect personal information and, to ensure data protection, the imam and a second mosque administrator would always accompany me during any visit I made to the archive. From these visits, I established the knowledge that the mosque had been keeping marriage and divorce certificates for more than 50 years.

It can be said that Al-Rahman mosque is one of the few such institutions to keep its archives and the mosque's various documents in a safe and orderly place. There are two rooms in the basement of the mosque, a larger one of about 25 square metres and a smaller one of about 15 square metres, which are used for archiving and storing all files and documents related to the mosque. The small room accommodates a computer and numerous shelves containing files on the mosque's financial matters, including the imams' salaries, maintenance costs, donations to the mosque and others financial issues. I was not allowed to look at these documents, but this did not matter because they were of no interest to my research. My interest was in the big room, which housed the marriage and divorce documents, along with papers on dispute resolution

agreements mediated at the mosque, certificates of conversion to Islam, invitations to engage in interfaith dialogue and news related to the mosque's social and religious activities in the city. During my visits, however, I was only allowed to view the marriage and divorce papers.

In Al-Rahman mosque, I noticed that marriage and divorce certificates were archived in an easily accessible manner, namely by year of marriage and in alphabetical order. For example, Imam Ahmad had no difficulty showing me documents dating back to 1974, which was when the mosque started to offer *nikahs* (personal interview, January 2014). I noticed that, until the mid-1980s, very few *nikahs* were performed. In fact, the total did not exceed 50, which averages out at only five a year. However, thereafter the numbers increased dramatically, with more than 100 *nikahs* contracted in 1987 alone. This corresponded with an increase in the number of refugees at that time, but then, from the mid-1990s to 2014, the numbers declined. On average, approximately 20–30 *nikah* contracts were issued per year. Since 2015, however, the numbers have rocketed again. Imam Ahmad explained to me that the rise in the number of *nikah* is related mainly to the large wave of refugees and consequent increase in the number of Muslims in the city (personal interview, January 2014).⁷

According to Imam Ahmad, performing and registering *nikahs* is a learning process and, since 1974, Al-Rahman mosque has developed a more formal version of its *nikah* contract (personal interview, April 2014). In the 1970s and 1980s, marriage contracts included only very basic information. Most start with an Islamic phrase known as the *basmala*,⁸ followed by confirmation of the full names and dates and places of birth of the bride and groom, plus a statement that they have been married according to Islamic law. Some documents also include further information such as the name of the bride's father, or representative/guardian (*wakil or wali*) authorised to negotiate the marriage contract and agree on the amount of the *mahr* (see Rohe, 2014: 107). The following excerpts from a *nikah* contract issued in Berlin in 2003 may serve as an illustration (see Figure 2).

7 It can also be said that there are different reasons why some couples choose a *nikah*. These might include a religious preference, cultural bias, lack of information about civil marriage, lack of documents, or bureaucratic obstacles. In addition, some imams said that young people sometimes seek a *nikah* to have 'halal sex' before the civil marriage takes place. However, the various reasons why some Muslims fail to register their marriage go beyond this study. For further information, see Rohe and Jaraba (2015: 112–22).

8 The *basmala*, also sometimes called *tasmiya*, is usually translated as 'in the name of God, the merciful and compassionate'.

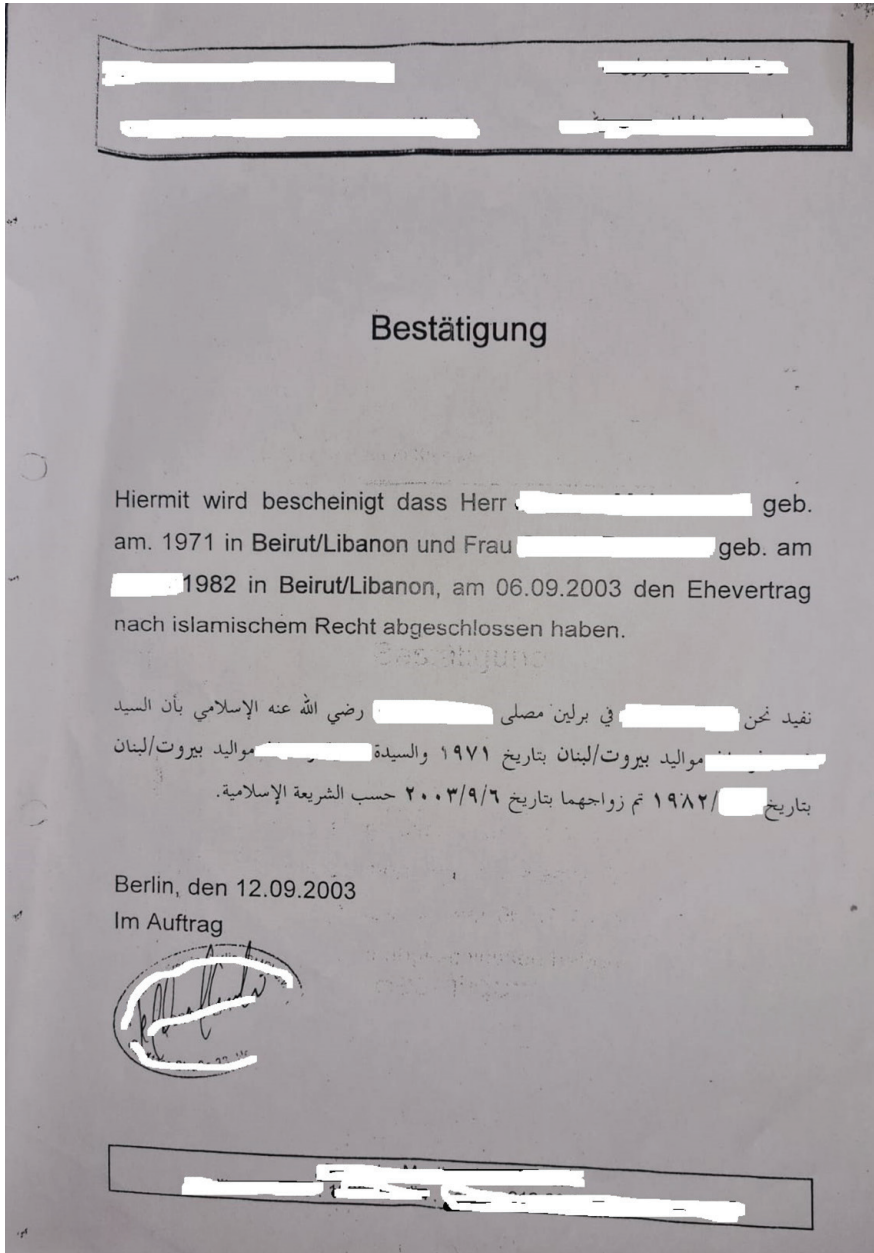


FIGURE 2 During my fieldwork, I came across many such basic *nikah* documents in various mosques. This one was issued in Berlin in 2003

بسم الله الرحمن الرحيم

عقد زواج

تاريخ العقد		مكان العقد	
اسم الزوج و سنه		اسم الزوجة و سنه	
مستندات تحقيق السن و عدم العوانع		المهر و نوعه	
كيفية دفع المهر		المباشران للعقد	
شهود العقد		شروط أحد الزوجين	
الكفيل على الشروط			

(هذا العقد الزواج) صحيح حسب أحكام الشريعة الإسلامية ولكنه ليس بديلاً عن الزواج المدني. و ننصح الزوجين بطرأج أمام البلدية الألمانية)

توقيع الشيخ: _____

الشاهد الأول	الشاهد الثاني	الزوج	الزوجة و وكيل الزوجة
_____	_____	_____	_____

FIGURE 3 A standard *nikah* used by several imams

Imam Ahmad continued explaining that in the 1990s, a more professional, standardised *nikah* contract began to emerge in Al-Rahman mosque, which included full information about the marriage and its conditions (see Figure 3 for an example of such a *nikah* contract) (personal interview, April 2014). According to my field notes on the mosque, the new standardised contract started with the *basmala* and a quotation from the Qur'an 30:21. This was followed by the contract's date and place of issue, detailed personal information about the bride and groom, including full name, mother's name, number and type of identification document, date and place of birth, marital status, religion, occupation, address, telephone number, names of bride and groom's guardians and of two witnesses, the promised and deferred amount of the *mahr*, as well as any other information pertaining to the husband or wife. Many documents also include a personal photograph of both the bride and groom, and a copy of the first page of their passport or other identification document.

To sum up, as described above, some imams are following professional and clear procedures in documenting and archiving *nikah* certificates in a systematic manner in order to guarantee the religious rights of the spouses. Such experiences can be further developed and used by other imams, who are lacking experience and still struggle in documenting and archiving *nikah* certificates properly, as I shall explain in the following two sections.

5.2 *Chaotic Archiving Practices*

The second group includes the archives of four mosques, which can be classified as chaotic and disorderly. For example, I asked Imam Azam, who has been an Arab imam in Berlin since the mid-1990s, if I could study and observe how he compiled and filed the mosque's *nikah* contracts. His immediate reaction, before going on to explain what had recently happened to him, was 'don't expose us!' (personal interview, Berlin, June 2015). Apparently, an Egyptian woman who had undergone a purely religious marriage ceremony in the mosque in the early 1990s had approached him with a request to help end her marriage by means of *khul'* (divorce initiated by a woman). When Imam Azam failed to locate her *nikah* contract, he called her husband, who denied any knowledge of the marriage and, without the contract, Imam Azam was unable to help her get a divorce. The problem was compounded by the fact that the woman could recall neither the witnesses nor their names, so finding evidence of her *nikah* in the mosque archive remained her only chance. Imam Azam knew that old marriage contracts were stored in the basement of the mosque, but when we tried to search through them, he found everything in a mess, lots of the documents damaged, and no evidence of her *nikah*. The elderly director of the mosque had not understood how to organise the documents and the imam who had performed the *nikah* was no longer in Berlin (personal interview, Berlin, June 2015). For the woman concerned, it was a catastrophe as she could not terminate her marriage and had to continue living in an unsettled situation, unless she found her *nikah* document or her husband was willing to cooperate and divorce her.

Imam Azam's case is not an isolated one. During my fieldwork, I visited another three mosques that were experiencing great difficulty documenting and archiving their marriage and divorce documents. Although imams and mosque administrators try to document their records in an organised way, they have no experience or training in archiving techniques. The Arab Imam Amjad explained that it was not his job to archive documents as he had not been trained to do such a thing (personal interview, Berlin, April 2015). Traditionally, an imam's primary responsibility among Sunni Muslims is to lead the Islamic prayer service. In addition, he often acts as a community leader and serves as a consultant in spiritual, religious or private matters, and commands considerable respect from the members of the Muslim communities. However, taking the role of a 'mediator' to resolve a family conflict or contracting and documenting a *nikah*, is a new role for many imams in Germany.

Given that the four mosques are rented and liable to relocate or close, they tend to lack the trained, qualified staff they need to handle and systematically

file details of marriages and divorces. Usually, the imams and board of directors are replaced every few years and the newcomers rarely know anything about the previous administration. The mosque administrators are largely voluntary, with only the imams employed on a part- or full-time basis.

Based on my observations, it can be said that the four mosques failed to follow a clear, professional formula for compiling or archiving *nikah* contracts and that this carries the risk of the following problems:

1. Some documents I have seen in these mosques lack basic information about the marriage such as the dowry, witnesses, the consent of the wife's guardian, or the conditions of the marriage contract. Others only mention that the marriage took place in accordance with Islamic law, with the names of the husband and wife and their dates of birth. No further important information is recorded, such as the names of the witnesses or the amount of the *mahr*.
2. Three mosques do not keep copies of *nikah* contracts. Once the *nikah* has been completed, a copy of the contract is handed to the groom and another to the bride. At this point, the role of the mosque is finished and no further action is taken.
3. One mosque 'archives' the *nikah* documents but in a disordered way. I found that all mosque documents were mixed together in large plastic bags and stored in the basement of the mosque without any attempt to organise or protect them. Some documents get exposed to high levels of humidity and can easily get damage or lost.
4. Another mosque lost part of its records when it was forced to relocate. In 2015, I met Imam Riyad in Berlin, who explained to me that numerous records disappeared during the mosque's move from one location to another. After the ten-year lease contract expired, the owner of the building refused to renew the contract because he wanted to use the building personally. They searched for two years before they found a new location. During these two years, they had to store all the mosque's belongings in private places. When they found a new location, Imam Riyad discovered that many of the mosque's records had been lost during the move to the new location. According to him, the reason for this was that the relocation was carelessly organised by volunteers (personal interview, Berlin, September 2015).

In summary, it can be said that there are still deficiencies among some imams in documenting and archiving *nikah* certificates in an appropriate manner, opening the door to chaotic archiving practices on the one hand, and loss of religious rights on the other. Some imams conduct marriage procedures

without verifying whether a civil marriage has taken place, the ages of the bride and groom, or their former marital statuses. Polygamy is sometimes practised and under-age marriage often tolerated. The *nikah* is even sometimes performed without the consent of the wife's guardian, which could create tensions if her family disapproves of the marriage.

5.3 *'Privatisation' of the nikah Records*

Another challenge related to the archiving of *nikah* contracts in mosques is related to their 'privatisation'. Three Arab imams I interviewed in 2015 regard the documentation they amass as their own 'property'. For example, when the Arab Imam Adham withdrew his services from the mosque, he took all the marriage and divorce contracts he had drawn up and filed with him. His apartment in Berlin then became the new repository for the documents, even though they contained private information and photographs. When I visited him at his home in 2015, I saw these documents lying haphazardly on shelves and in office cupboards, but without any attempt made to file or protect them. Many of the documents I studied were damaged, had pages missing, or were mixed in with the imam's personal belongings and books. Imam Adham said he considered these documents his 'private property' and that he had the right to keep them at home because, if a conflict arose between spouses, they were more likely to consult the imam they knew, rather than turn to the old mosque or a new imam (personal interview, Berlin, August 2015). When I tried to meet the imam again in 2021, I learned that he had returned to his home country. It is unclear what had happened to his documents, but during my fieldwork this was clearly not an isolated case.

Imam Salah in Berlin took also the marriage and divorce contracts from his previous mosque to the new mosque to which he had moved. On meeting him in the new mosque in 2015, I noticed that he had documents with him dating back to the 1990s but bearing the stamp of another mosque. When I questioned him about it, he explained that they were from his old mosque, but that he considered them his own property (personal interview, Berlin, July 2015). Similarly, when Imam Khaled finished his work at a mosque and opened a small business, he took all the marriage and divorce documents with him and put them in his new private office. When I visited him in 2015, he allowed me to look at these documents and copy some of them. Imam Khaled believes that he has the right to keep the documents he made because he does not know what the mosque will do with them after he leaves the mosque (personal interview, Berlin, June, 2015).

6 Conclusion

This article has focused on the question of how Arab imams contract and archive *nikahs* in Germany. Contrary to the widely held belief in public debate that imams tend to violate Germany's established marriage laws by, for example, ignoring the minimum marital age, the data presented here show that this is not necessarily always the case. I was able to collect convincing evidence suggesting that, to avoid the violation of German laws, to protect the religious rights of the spouses (e.g. *talaq*), and to maintain social harmony, some imams follow clear, transparent professional guidelines when drawing up and filing *nikah* documents. Other imams refused to engage in *nikah* whenever a couple could not provide documentary evidence and had not previously obtained a civil marriage at the registry office. A third method to stay within the boundaries of German law consisted of accepting state-registered marriages as also Islamically valid.

The analysis of seven mosques archives and three 'private archives' presented in this article provide a unique insight into the actual practices of contracting and archiving of *nikah* among Arab imams in Germany in the absence of a central Islamic authority. The way *nikah* documents were handled by those imams were ordered in three categories. The first deals with attempts to formalise the process by following clear and professional guidelines. Although *nikah* contracts do not have legal standing in Germany, the imams in this category attempt to protect the religious rights of the spouses and avoid internal disputes. To achieve these aims, they go to great lengths to formalise the *nikah* process.

The second category demonstrated flaws and failures to document and file *nikah* contracts in an orderly and professional manner. This is probably because mosques rely on volunteers and so have no qualified staff. In addition, because these documents are often mixed up with other records, it becomes difficult to identify which are which. This sometimes leads to the loss or damage of mosque records and to unresolvable religious and social problems, including the loss of a family's material and moral rights to lineage, alimony or inheritance. Third, this chaos sometimes leads to the 'privatisation' of archives, even though they contain personal information. This could result in the husband and wife being unable to provide proof of their marital status (such as for dowry, inheritance, alimony or divorce purposes) or to refer to their documents when needed, especially if these documents have been lost.

The findings presented in this contribution suggest that, if we are to safeguard family religious rights and lineages, reduce the likelihood of conflicts and rivalries, increase family security and preserve the stability of society,

mosques need to develop a better system of creating and keeping records. The best way to handle the problem, in my opinion, would be to help imams and mosque administrators professionalise their *nikah* practices, thereby reducing unintended consequences and respecting the religious and cultural dimensions of Muslim life. Professionally-run archives would provide future generations of researchers with reliable evidence through which to examine and understand Germany's Muslim past and to evaluate the community's contributions to the country's social and cultural life. Mosque archives could deliver a useful resource for the study of the community's historical memory and collective identity.

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