

Religion at the cemetery Islamic Burials in the Netherlands and Belgium

Khadija Kadrouch Outmany¹

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Abstract Death, dying, and burial are not only matters restricted to the experiences and emotions of an individual, but 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, *Journal of Ethnic and Migration Studies* 24: 507–521, 1998). One of the themes this article 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.

Keywords Islam · Funeral rituals · Muslims · Burial · Sense of belonging · Cemetery · Islamic plots

Introduction

In this article, I shall consider how Islamic burials are facilitated by Dutch and Belgian public policies.¹ In this discussion, I shall deal with how the current national burial landscape is shaped by offering a brief overview of the legal history on religious cemeteries and plots. Then, a general description will follow of the observation of

¹This article is based on my own PhD research which was carried out between 2010 and 2015. The dissertation is at the moment only available in a few libraries. K. Kadrouch Outmany, *Islamic burials in the Netherlands and Belgium. Legal, religious and social aspects*. PhD Dissertation, University of Leiden.

✉ Khadija Kadrouch Outmany
k.kadrouch.outmany@gmail.com

¹ Department of Cultural Anthropology and Development Sociology, Leiden University, Leiden, Netherlands

Islamic burial prescriptions among Muslims in both countries, ranged in different categories: the construction of the grave, the internment, and the question of clearing out 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. Finally, I will elaborate on Muslims' choice of a burial location, with an emphasis on the "emotional aspect" in this choice. The personal experiences that 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.

In this article, which is qualitative in nature, my aim is not to generalize the results. Primarily, I aim to ensure as much variation as possible. This allows me to describe and explain specific opinions and practices concerning burial practices among the various Islamic communities. These aims are in line with the definition of qualitative research as given in the literature on the methodology of social research (Shank 2002: 5). As a qualitative researcher, I am interested in understanding how people make sense of their world and what kinds of experiences they have (cf. Merriam 2009: 13). Besides explaining and describing respondents' views, I will also focus on whether the practices and opinions relate to some variables such as the following: ethnic background, age, gender, and religious denomination. One has to keep in mind that such relations will be looked at by searching for trends, rather than by presenting statistical evidence. The sample size is too limited to allow such statistical correlations. Data was gathered through semistructured interviews among 35 Muslims (18 men and 17 women) of various backgrounds, aged between 20 and 77, who adhere to Sunni, Shiite, Alevi, and Ahmadiyya branches of Islam.

The estimated number of Muslims in 2011 varied between 857,000 and 950,000 in the Netherlands and between 410,000 and 628,000 in Belgium. Approximately 85 % of the Muslims worldwide adhere to the Sunni branch of Islam (Shadid and van Koningsveld 2008: 38; Fadil 2011: 69).² For the Shiites and Alevites, both their numbers are estimated at approximately between 45,000 and 90,000 in the Netherlands and between 10,000 and 16,000 in Belgium (Shadid and Koningsveld 2008: 47; Nijenhuis 2008).³ The Ahmadiyya has roughly 10,000 adherences in the Netherlands and 2000 in Belgium (Shadid and van Koningsveld 2008: 39; Fadil 2011: 70; Saifullah 2008: 34).⁴ Beside the interviews, the results of this article are also derived

² Sunni Muslims accept the legitimacy of the first four successors of Muhammad, Abu Bakr Al Siddiq, Umar ibn al Khattab, Uthman ibn Affan, and Ali ibn Abi Talib (Esposito 2003, 306) whereas Shiite Muslims believe that Muhammad's religious and political authority was passed on to his descendants beginning with his son-in-law and cousin Ali ibn Abi Talib and his sons Hasan and Husayn. The defining event of Shiism was the martyrdom of Husayn in Kerbela (Iraq) in 681 (Esposito 2003, 292).

³ Alevi is a term which is used to cover a number of heterogeneous socio-religious communities in Turkey and the Balkan, who, in the twentieth century, began to share a common transregional Alevi identity called Alevism. Alevi is considered by some to derive from Shiite Islam (Esposito 2003, 14).

⁴ The Ahmadiyya is a controversial messianic movement founded by Mirza Ghulam Ahmad in Qadian (India) in 1889. This denomination consists of two branches: the Qadiani who claim that Ghulam Ahmad is a non-legislating prophet with a divine mandate for the revival and renewal of Islam. The Lahore branch considers the founder to be a renewer of the faith rather than a prophet. The Ahmadiyya are declared non-Muslims by Pakistani law of 1974 because of their opposition to the mainstream belief in the finality of Muhammad's legislative prophecy (Esposito 2003, 11–12)

from a survey among Dutch and Belgian municipalities. This survey included questions on Islamic burial practices in the public cemeteries. Of all 439 Dutch municipalities that were invited to take part in this study, 327 actually responded. At the time of research, Belgium had 589 municipalities, of which 212 responded.⁵

In the next section, some of the results of the survey will be presented, which mainly concern the realization of Islamic burial plots. Quite some interesting solutions have been developed by municipalities, in dealing with the diversity among Islamic communities in the Netherlands. The Sunni and Shiite branches represent the two main denominations of Islam, and from their perspective, the Alevi and Ahmadiyya branches are controversial. Where burial is concerned, the fact of the matter is that all these groups want to be buried either at the Islamic plots or at the Islamic cemetery. This brings along challenges for municipalities in dealing with the various demands coming from Muslims concerning the inclusion and exclusion of certain Islamic denominations. To start this discussion, we will first look at the history of legal possibilities for Islamic burials in the Netherlands and Belgium.

Legal possibilities for religious burials in the Netherlands and Belgium

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. 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.

In light of this study, Article 19 is of great importance. It applied to Roman Catholics, Protestants, and Jews and thereby seemed 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

⁵ This survey took place between 2010 and 2012.

(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.

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 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. Nevertheless, the Roman Catholic Church still retained the authority to consecrate every cemetery, at that time overwhelmingly Catholic.

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. 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).⁶ 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).⁷

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

This whole situation reached its zenith in 1873 in what is often referred to as the “war of the graveyards.” 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 “infidel’s 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).⁸ 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

⁶ In French, “trou des chien” or “coin des réprouvés.”

⁷ The consecration of graves separately became possible after approval of the Pope in 1890.

⁸ *Geuzenhof* is now called the Western Cemetery (*Westerbegraafplaats*)

was enforced in different cities. 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 were 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 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 and, in the process, had become very vague and impracticable. The most important revision of the 1971 Law happened in 2001. From this time, issues concerning burial and cemeteries became regional matters. The different regional acts offer different options and rulings in different regions, and these are the subject of the next section.

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. Of utmost interest in this section is the coming together of various Islamic denominations in one burial plot.

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 % of the Dutch municipalities provide an Islamic plot in one of their cemeteries. Among them, 5 % 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 (e-mail correspondence with M. Schattenberg, municipality of Meerssen, 12 January 2011).

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 2011.⁹ In the municipality of Laarbeek, there is no Islamic plot, but the Protestant cemetery offers the possibility for Islamic burials

⁹ 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 (e-mail correspondence with J. Polak, Municipality of Helmond, 24 November 2010)

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 to be discussed in the following.

Dealing with variety: subplots and the determination of the Qibla

An illustrative example is the Islamic plot in the municipal cemetery 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” 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 Zuider Cemetery in Rotterdam. In the Islamic plot, different parts belong to five different Islamic organizations: Pakistanis, Ahmadiyya, Javanese Westward Worshipers, Javanese Eastward Worshipers, 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 survey 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. The majority of the municipalities do 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 % 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 % of the Sunni, 66 % of the Shiite, 75 % 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 of whom the majority have a Surinamese background. 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.¹⁰ 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 are 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 the last section of this article.

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. One of the preparations for an Islamic burial is the obligation to turn the deceased into the direction of the Qibla, the direction that 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

¹⁰ Private cemeteries do have to observe national regulations laid down in the *Wet op de Lijkbezorging* “Burial and Cremation Act.”

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 that 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.¹¹

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. In this situation, head and feet are facing opposite directions. As mentioned earlier, the eastward and westward worshippers do not necessarily want to be buried at the same plot and therefore requested their own plot in both The Hague and Rotterdam.

Belgium

After the death of Loubna Benaissa in 1997 and her repatriation to Morocco for burial, questions about Islamic burial sites were raised in the Belgian Senate.¹² 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, 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 on Islamic plots in Belgium was clearly influenced by the historical background of graveyards and cemeteries in Belgium, which is 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 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. 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. In conclusion, the

¹¹ "Foundation regrets burial mistake," www.stichtingibw.nl/m/index.php?option=com_content&task=view&id=60&Itemid=59 (accessed 19 May 2011)

¹² Belgian Senate, Parliamentary Questions, Meeting 15 June 1997

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.¹³ 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.

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.¹⁴ This circular reminded municipalities of the three fundamental principles that should characterize the cemeteries: the municipal character of the cemeteries, the 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, which 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 % 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 % have a separate Islamic plot in which no burials have yet taken place. In 2 % 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 %, 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 % 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 Bouillon:

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 favoritism is to be applied in the cemeteries of Bouillon. This situation would damage public interest and would set a dangerous precedent (e-mail 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

¹³ Minister of the Interior Vande Lanotte in Belgian Senate, Parliamentary Questions, Meeting 25 June 1997.

¹⁴ Ministerial Circulaire 27 January 2000

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 “graveyard 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.¹⁵

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.

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

¹⁵ Article 16 Law on Cemeteries 1971. “Burial may only take place on a municipal or inter-municipal cemetery.”

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. Three different categories will be discussed, which have been derived from the interviews about the practice of Islamic burial prescriptions: the interment of the deceased, the construction of the grave, and the clearing out of graves.

Burial and the construction of the grave

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). Furthermore, 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 h 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. 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. An important issue in Islamic burial rituals is the attendance of women. This is an ongoing discussion among Muslims. In answer to the question of whether women should be allowed to attend the burial, 77 % of the respondents indicated that women are and should be allowed to attend. Only 23 % (all male 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 % who had not. In the latter group, two women (both Sunni) had been strictly forbidden by relatives, even though they had personally wanted to attend. 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.

Muslims are usually buried in shrouds. Islamic scholars seem to agree that there is no objection to burial in a coffin, when there is a necessity to do so (Khalid 1998: 287; Khalid 2003: 123; Tabatabai 2001: 177; Al-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 (Khalid 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; Al-Sistani 1999: 140; Khalid 1998: 287). 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 % 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 laḥd became very popular, since the Prophet was said to have been buried in such a niche. The laḥd is only used when the ground is stable enough (Al-Jaziri 2009: 715; Sahlieh and Aldeeb 2001: 106). This is not always the case in the Netherlands and Belgium. The construction of the laḥd in these countries is therefore not much practiced.

The second type of grave construction is called a shaqq, which 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; Al-Sistani 1999: 138; Bakhtiar 1996: 52; Al-Jaziri 2009: 715; Sahlieh and Aldeeb 2001: 104–105). After the deceased is placed in his grave, the shrouds at the head and the feet of the deceased are loosened and his right cheek is positioned to touch the soil (Sayyid Sabiq 1991: 63). Islamic scholars hold that it is part of the Islamic tradition 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 (Sahlieh and Aldeeb 2001: 106).

Among respondents, the description of the interment varied greatly. As mentioned earlier, the use of laḥd 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 schools of law (madhāhib). The majority of them claim 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 grave 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 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 (Sahlieh and Aldeeb 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 10 years and cannot be renewed as opposed to a private grave.

Most Dutch cemeteries grant private graves for a period of 20 years (45 %) or 30 years (30 %). Private graves can also be renewed. My research indicates that 75 %

of the Dutch cemeteries have an extension period of 10 years, and the same applies in Belgium, where a grave without a concession (public grave) can be granted for the legal undisturbed grave term, which lies between 10 and 15 years. The graves with a concession are granted for 50 years (36 %) or 30 years (33 %), with the possibility of extension after this period has ended. 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.

Graves in perpetuity and clearing out graves

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.

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 % of all municipalities offer the possibility of 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 or cremated. It is also possible to rebury the remains in the same grave at a lower level (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. 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 Sunni 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 84 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 University 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 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. 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. So far, this is 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 not only 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.

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 not only 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 that it is 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 % 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

10 years, since these findings correspond with the work of Dessing (2001: 160–161) and the work of Shadid and Sjoerd van Koningsveld (1994). The latter suggest several other reasons why 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 Sjoerd van Koningsveld 1994). 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 % involved repatriation to Morocco, 34 % to Turkey, and 14 % to Iran, Iraq, or the Sudan. For a small annual fee that had been paid for decades, respondents indicated that 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. 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. For example, in the Belgian municipality of Antwerp, the costs of a private grave (25 years) for a resident of the municipality is €500, whereas someone from outside Antwerp pays €1000 for the same grave. The burial costs in the Netherlands are much higher still. The municipality of The Hague

charges €3566, including €1140 for the maintenance of the grave and greenery, for a private grave for 30 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 % 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 % of the deceased had been buried in the Netherlands or Belgium, 26 % in Morocco, 34 % in Turkey, and 14 % in Iran, Iraq, or the Sudan. When asked what their own choice of burial location would be, 26 % 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 % wish to be buried in Morocco. These respondents account for 73 % 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 % accounting for 75 % of all the Turkish respondents. The remaining 19 % 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 of 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 2012: 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, which 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. 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

Although Islamic burial rituals might seem to have been fixed for eternity and to be composed of immutable constants writ large in faith and doctrine, this hypothesis has to be rejected. Not only did the data reveal several changes beginning to enter ritual practices, albeit as the result of the influence of participants themselves or because of a

changed social and legal setting, there have also been alterations in the functions and meanings of ritual practices.

In this article, I used the burial practices among Muslims as a window to look at how Muslims view themselves and the society of which they are part (Gardner 1998: 507–521). Various messages and functions can be identified in burial practices among Muslims in the Netherlands and Belgium. Burial practices as discussed in this article not only serve as an expression of the individual faith and belief of Muslims, but also as an identification with a specific religious denomination in relation to other Muslims and as an expression of a sense of belonging to a specific country. Interestingly, in expressing their choice of burial location, respondents emphasized that they were not expressing a feeling of loyalty to the countries of origin. On the contrary, on various occasions, respondents of the Sunni, Shiite, and Alevi denominations from various ethnic backgrounds emphasized that they very much felt Dutch or Belgian. They identified themselves with the Netherlands and Belgium in everyday matters, but this was just not the case in the choice of their future burial location. The reason for this is that they connected the choice of burial location to a feeling of descent. Were they to choose to be buried in the Netherlands or Belgium, this choice would imply that these countries were where their roots lay. This was patently not the case for respondents, and therefore, they chose for burial abroad in the country of their ancestors. Most of them explained their choice precisely as returning to the soil of their roots.

During my research, the cemetery managers often stated their expectation that the majority of future generations of Muslims in Europe would opt for burial in Europe because of a loosening of the connection with their countries of origin. Logical though such an expectation might be, it does not seem to tally with the results of my research, at least not among the second generation to which the greater majority of my respondents belong. Among this group, their connection with their countries of origin still seems very prominent in the decisions that are made about burial location. I would argue that these results give us an important insight into how the sense of belonging seems to be a decisive consideration in the question of not only where a person wants to be buried, but also to what extent it can be flexible depending on whether the sense of belonging concerns “everyday life” or the choice of burial location.

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