Lived Experiences of Norway’s Regulation of *Mahr* (the Muslim Dower)

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ABSTRACT

This article examines Norway’s regulation of marriage rituals in light of how members of the Iranian diaspora in Norway practise mahr (the Muslim dower). Norway and Iran present conflicting regulations on mahr. In Norway’s regulation of marriage rituals, mahr is not approved as it contravenes “Norwegian law and general gender equality principles” (Bufdir 2015). In Iran, however, mahr constitutes a mandatory aspect in the country’s marriage registration procedure. Hence, individuals involved in transnational Iranian-Norwegian marriages are caught in a dilemma. Building on interviews with members of the Iranian diaspora in Norway and their lived experiences of mahr on the one hand, and documents relevant for Norway’s marriage ritual regulation on the other, I explore the complexities and challenges involved in transnational Norwegian-Iranian marriages. A key finding is that the interviewees’ continued practices of mahr subvert and challenge the mahr interpretation at work in Norway’s regulation of marriage rituals.

Keywords

Regulation of Muslim marriage; *Mahr* (the Muslim dower); Gender equality; Norway; Iran; Interlegality.
INTRODUCTION

*Mahr*, the Muslim dower, represents a central aspect of a Muslim marriage. It refers to the bridegroom’s payment of a specific amount of money or possession to the bride, and should thus not be confused with “dowry” or “bride price”, which refer to payments for rather than payments to the bride (Mehdi and Nielsen 2011; Berger and Sonneveld 2010, 85). Hence, *mahr* is considered the sole property of the wife; no family member or other party involved in the marriage can claim ownership.

Iran and Norway provide conflicting regulations of *mahr*. In Iran, *mahr* constitutes an obligatory marriage practice, and represents particular importance for women in Iranian marriages as it provides leverage and financial security in case of divorce. By forfeiting their *mahr*, women may obtain access to divorce and negotiate rights that are otherwise not guaranteed to women in the Iranian legal system. In contrast to Iran, the practice of *mahr* is not approved in Norway’s regulation of marriage rituals. The main reason for the regulation against *mahr* is that it is seen as a contradiction to “Norwegian law and general gender equality principles” (Bufdir 2015). *Mahr* thus lies at the heart of current marriage regulations in both Iran and Norway, and is key to understanding the challenges of concluding a transnational Shia and Iranian marriage in Norway.

In this article I examine Norway’s regulation of marriage rituals in light of members of the Iranian diaspora in Norway’s lived experiences of *mahr*. The two contexts of Iran and Norway are connected through interviews on how members of Norway’s Iranian diaspora practise and relate to *mahr*. First, I present the challenges of interlegality that individuals of Iranian and Shia Muslim background face when they engage in the conclusion of transnational Iranian-Norwegian marriages in the Norwegian context. Second, I discuss in what ways the interviewees – through their lived experiences of *mahr* – subvert and challenge the interpretation at work in Norway’s regulation of *mahr*. The results of this study show that Norway’s regulation against *mahr* represents a narrow understanding of *mahr*, which in turn leads to a weakening of the interviewees’ legal rights in transnational Iranian-Norwegian marriages. Before I turn to the methods and methodology applied in this study, it is necessary to review the significance and developments that *mahr* represents in Muslim marriages.

THE SHIFTING CHARACTER OF MAHR

*Mahr* is mentioned in the Quran several times (cf. Quran 2:236; 2:237; 4:4; 4:24; 4:25), and is thus seen as obligatory to Shia and Sunni Muslim marriages alike. *Mahr* tends to be divided into a prompt (*muqaddam*) and a deferred (*muakhkhar*) part. The prompt portion – usually gold or jewellery – is paid at the time of the wedding, while the deferred portion – typically money – is paid in the event of divorce. Although a wife may claim her *mahr* at any time during her marriage, it is most commonly paid if the marriage ends or is dissolved. The *mahr* may consist of anything agreed upon by the bride and groom – e.g. gold,

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1. I want to thank the two anonymous peer-reviewers for their effort and useful comments, and Anja Bredal for offering valuable feedback on a draft version of this article.
money, or any other object and/or token of their matrimony. Often, the *mahr* is decided through negotiations between the bride, groom, and the guardian (*wali*) in marriage.\(^2\) Topics such as the social status, class and financial situation of the families involved in the marriage, as well as the wife’s legal security in the event of divorce, are central for negotiations of *mahr*. Both parties involved in the marriage may desire a large *mahr*, as such tends to denote wealth and security.

Despite the mandatory character of *mahr*, its meaning has shifted throughout history (Tucker 1998). At times *mahr* constitutes large amounts of money reflecting a financial and legal security for women in case of divorce, but also through an increase in the practice’s symbolic demands representing ideas of love-marriage instead of selling women into marriage (Moors 2008; Mir-Hosseini 2000, 75). Although disparate, these parallel and somewhat contradictory developments point to shifts in gender relations, class and religion, and reflect *mahr* as a topic that is influenced by major social and economic changes.

**DATA MATERIAL, METHODS AND METHODOLOGY**

In the present study, a combination of document analysis, ethnographic fieldwork and interviews are employed. First, the legal contexts of Iran and Norway are explored with regard to their contradictory regulations of *mahr*. I documented the recent legal developments related to *mahr* in Iran between 2008 and 2011, as part of my PhD research on family law debates surrounding *mahr* (among other topics) in contemporary Iran (Bøe 2015).\(^3\) Article 1078-1101 of Iran’s Civil Code (*Qanun-e Irani-ye Madani*) are dedicated to *mahr*. In addition, singular reforms related to *mahr* are relevant for Iran’s regulation of *mahr* as a mandatory aspect of marriage.\(^4\) The Norwegian state’s sanctioned regulation of marriage rituals has been examined mainly through analysis of documents, such as the criteria relevant for the regulation of marriage rituals, cases of marriage ritual applications from Norwegian mosques, approval cases and complaints addressed to the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir), but also through email correspondence with a representative of Bufdir.\(^5\) I connect these two disparate settings (Iran and Norway) through interviews with members of the Iranian diasporic community in Norway, particularly on how they practise and negotiate *mahr*.\(^6\) In 2015–16, I conducted qualitative in-depth interviews with 27 individuals (22 women and five men) of Iranian background in Bergen and Stavanger,\(^7\) two cities on Norway’s western coast, as part of a wider study of

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2. Wali is the Arabic term for a legal guardian of a woman or a minor in a Muslim marriage (*aqd nikah*).

3. In addition to *mahr*, temporary marriage (*muta*) and polygynous marriage (*chandzani*) were central issues of the Family Protection Law debate in Iran from 2007 until 2011 (Bøe 2015).

4. In particular, the 1992 Amendments to Divorce Regulations (*Qanun-e Eskah-e Talaq*), and the 2007 and 2010 version of the Family Protection Bill (*Layehe-ye Hemayat-e az Khanevodvad*) are important in this regard.

5. Senior advisor at Bufdir; Marija Nissen Roseqvist, email 19 August, 2015.

6. The processing of personal data of the interviewees in this project has been notified to the Data Protection Officer for Research, the Norwegian Centre for Data Research (NSD).

7. Throughout this article, the term ‘individuals of Iranian background’ includes Iran-born persons who immigrated to Norway and Norwegian-born persons born with at least one Iranian-born parent.
mahr among the Iranian diaspora. The interviewees in this study, like most Iranians who have migrated to Norway, came as political refugees at the end of the 1980s (1986–1990) and early 2000s, but a substantial number also came for family reunification, work and education (Høydahl 2014). All interviewees were adults of Shia Muslim background aged between 20 and 60, and were either married, divorced, or in the process of getting married or divorced.

Before turning to the recruitments procedure and method of analysis applied in the interviews, a few remarks about my background as researcher are in order. I have spent longer periods of fieldwork in Iran in 2002, 2008 and 2009 while collecting material for my MA and PhD dissertation (Bøe 2003; Bøe 2012), and I graduated in intermediate courses in Persian at the Dekhoda International Centre for Persian Studies in Tehran, Iran. Although being of non-Iranian background and an outsider to the Iranian diaspora in Norway, I am acquainted with Iranian culture on the basis of the time I have spent in Iran. Through my research I have developed particular competence on Iranian family law, Iranian marriage practices and mahr.

I have connections within the Iranian diaspora community through my network in Bergen and Stavanger that helped me establish contact with interviewees for this study. The interviewees were recruited through snowballing sampling (Repstad 2007). I started with five key interviewees, and they put me in contact with other potential interviewees. The key interviewees represented different backgrounds in terms of age, class, education, and of how long they had been resident to Norway. On this basis, the key interviewees recruited participants of diverse religious and political views, as well as locality and socio-economic background. I also posted information about my research project on different Facebook groups, and asked people who were interested to participate in the project to contact me. Most of the interviewees lived in urban neighbourhoods on the southwest coast of Norway, and belonged to the middle or upper-middle strata of Norwegian society. Furthermore, the interviewees can be divided into two groups in terms of immigration background: those who had come to Norway to seek political refuge during the 1980s and 1990s, and those who had moved to Norway for family reunion, work or education during the 2000s. The interviews typically took place in the private homes or work places of the interviewees, or in coffee shops, small restaurants or other public meeting places in and around the cities of Bergen and Stavanger. During the interviews, I asked the interviewees to elaborate on their own ideas and practices (or non-practices) of mahr. The interviews were usually recorded, transcribed and analysed thematically in order to identify patterns and breaks in the material (Brinkman and Kvale 2009). Recurrent topics in the interviews were accounts of personal background, and experiences related to marriage and/or divorce. Additionally, identity issues were commonly brought up and discussed in the interviews, particularly of what it meant for the interviewees to be Iranian, secular and/or religious. The methodological approach in this study pertains to studying mahr as an expression of lived religion.

9. Throughout this article ‘Shia Muslim background’ is used to refer to individuals who are born Shia Muslim. The term does not, however, necessarily denote an individual's current religious affiliation.
10. The two Facebook groups were ‘Iranians residing in Norway’ and ‘Iranske samfunnet i Bergen’.

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Most research on *mahr* in Western societies merely include the judicial aspects of *mahr*, and several researchers have therefore made a call for more ethnographic studies on how *mahr* is practised in Western pluralistic settings (Shah 2010, 125; Mehdi and Nielsen 2011, 16; Günther, Herzog and Müssig 2015, 34). *Mahr* represents a complex issue with regard to Muslim marriages. In addition to being seen as a mandatory aspect of a Muslim marriage, it is of financial and legal significance for the parties involved in the marriage and, moreover, marriage is also connected to both everyday and formal aspects of marriage. Moreover, *mahr* reports on issues like class, education and gender, as well as cultural, religious and legal pluralism (Mehdi and Nielsen 2011; Shah 2010, 30). These aspects qualify *mahr* as a lens for examining the ‘lived’ experiences that tend to be connected to marriage, which are highly relevant for the study of how *mahr* is regulated in Western pluralistic contexts.

**TWO DIVERGENT LEGAL CONTEXTS FOR MAHR**

Iran and Norway’s legal settings provide the analytical context for the interview material. Hence, it is necessary to provide information about Iran and Norway’s legal contexts and regulations of *mahr* before turning to the interview material.

**MAHR AND THE IRANIAN MARRIAGE CRISIS**

In Iran, a state that was proclaimed an Islamic Republic in 1979, the governance of marriage and family law is based on sharia (Islamic law) through the Shi‘ite Jafari School of law. Since the establishment of the Islamic Republic in 1979, the practice of *mahr* (like many other things) has been affected by the larger socio-economic changes in Iranian society, and made subject to legal regulations in recent years (Bøe 2015). In 2013, a new law on *mahr* was introduced. By setting a maximum limit for *mahr* of 110 gold coins (approximately €31,000), this law sought to address the rising number of Iranian men being imprisoned due to their inability to pay *mahr*. Hence, the 2013 law states that *mahr* claims in excess of 110 gold coins should only be paid if the husband is financially capable. However, if a man is unable to make the *mahr* payment, the court can order him to pay in instalments (Yassari 2016).

The 2013 law is connected to what is often referred to as a marriage crisis in the Iranian society. Despite various initiatives to increase marriage rates and boost the population, young men and women in Iran are not only postponing marriage but even seem to be losing interest in the institution altogether (Haeri 2014, 262). According to the National Organization for Civil Registration (Sazeman-e Sabte Ahval-e Keshvar), in 2009 every 3.8 marriages in Tehran and every 7.1 marriages on a national basis ended in divorce (ibid.). Possible explanations for falling marriage rates include the uncertain future young people in Iran face due to a deteriorating economy and rising unemployment, as well as the rising cost of marriage. In addition, there is also a considerable rise in divorce rates; in Iran today, about 20 per cent of all marriages are said to end in divorce (Reuters 2014). Moreover, the divorce rate increased by 13.8 per cent in 2014, as compared to the previous year (NOCR
Inflation in the value of *mahr* is one consequence of the crisis in marriage and high rate of divorce. Conversely, however, the increase in demands for high-value *mahr* may also be seen as adding to a crisis in marriage due to its contribution to the rise in the general cost of marriage.

Regardless of what may be causing the marriage crisis, it has become common practice for women to make high *mahr* demands to compensate for their lack of rights and uncertain financial situation in case of divorce, due to Iran’s legal discrimination of women in terms of access to divorce. *Mahr* is also significant for defining the relationship between the husband and wife, and the position of the woman during the marriage. Equally important to note is the complexity of *mahr* in the Iranian system. On the one hand, *mahr* can be seen as the sale of women’s sexual favours and availability in marriage. On the other, *mahr* can offer a more favourable position for women in sharia-based legal systems, which tend to be gender-discriminatory, particularly with regard to divorce. In Iran’s legal system, *mahr* has proven significant for the position and rights of women as it can enable women greater access to financial security in the event of divorce. In Iran, *mahr* may also serve as a bargaining tool for women who are willing to forfeit their *mahr* in return for divorce (so-called *khul*) or custody rights after divorce (Mir-Hosseini 2000, 69). In fact, there is an inextricable connection between deferred dower and divorce, conveyed in a Persian proverb that says: ‘I give up my dower to make free my life’ (*Mehram halal janam azad*) (Mir-Hosseini 2000, 82). The saying refers to the importance of *mahr* as a bargaining factor in case of divorce and the fact that many women are willing to give it up in return for divorce. *Mahr* is, thus, not only a mandatory aspect of the Iranian system, but can moreover be significant for the legal and financial security of women after dissolution of marriage.

**MAHR AND MARRIAGE RITUAL REGULATIONS IN NORWAY**

Despite what one might expect, *mahr* is an explicit part of Norway’s marriage regulation procedures. As of 2017, there are two main ways to contract a state-recognised marriage in Norway, following a so-called double track legal system that is common in the Nordic countries (Jänterä-Jareborg 2014). The first is to have the marriage in a court-house according to civil law; the second, to have the marriage contracted by a religious authority. Although not exclusively connected to *mahr*, there is a parallel between a husband’s financial support and a wife’s sexual availability in Muslim marriage (Quraishi-Landes 2013, 194). In return for the husband’s *mahr* payment at the onset of marriage, the woman must make herself sexually available to him. The husband is also required to cover his wife’s basic needs (food, shelter, clothing etc.) through payment of *nafaqa* (maintenance during marriage) (Tucker 2008, 50–1). Correspondingly, if the husband fails to pay *mahr* or *nafaqa*, the wife is not obliged to perform any sexual activities. Thus, there is a parallel between financial support and sexual access in a Muslim marriage (Quraishi-Landes 2013, 180).

There are also cases of *mahr* serving as a bargaining tool in European contexts (Fredriksen 2011).

Until 2012, Norway had a so-called state church, i.e. a state-funded church with a special constitutional role that was integrated in the state administration; this system was discontinued in 2012, however, through a constitutional amendment (*Kirkeforliket*). The dissolution of the state church system led to debates over what kind of religious life rituals the state should approve and authorise. In this vein, debates have swirled around Norway’s current marriage procedures, leading to propositions to abandon state authorised religious marriages (NOU 2013, 1, chap.17).

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or life philosophy community allocated the authority of the state to perform marriages. However, for a religious or life philosophy community to conduct state-authorised marriages, the person actually performing the marriage and the marriage ritual itself must be approved by the state. The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) is in charge of the current approval process. On the Bufdir website, there are three listed requirements for approving marriage rituals. These requirements, it is said, are to ensure that marriage rituals are conducted “(…) in accordance with Norwegian law and general gender equality principles” (Bufdir 2015). Whereas the second and third criteria for approval of marriage rituals are addressed more generally,14 the first criterion is explicitly directed towards the practice of dowry and mahr. It states: “Marriage rituals that include dowry or mahr will not be approved, because agreements on dowry and/or mahr are not a condition for marriage by the [2008 Norwegian] Marriage Act” (Bufdir 2015).

Mahr was added to the requirements for approval of marriage rituals in 2014. Prior to 2014, the first criterion simply referred to dowry, denoting the money or possessions that a woman receives from her parents or relatives upon marriage.15 Primarily, the criterion was thus not linked specifically to Islam or Muslim marriages. According to a representative from Bufdir,16 they were made aware of the distinction between mahr and dowry in the report “Married, but unmarried: On extrajudicial marriages” (Bredal and Wærstad 2014), which was written on assignment to Bufdir in 2014 for the purpose of providing knowledge on religious informal and extrajudicial marriages. In the report, the authors address the distinction between mahr and dowry, and discuss whether mahr can be considered dowry or not (Bredal and Wærstad 2014, 37 footnote 39). The authors conclude that even though mahr differs from dowry as it is paid only from the husband to the wife, mahr still contravenes civil legal criteria for marriage in a similar way to that of practices of dowry.

In an email, a Bufdir representative explained that mahr was added to the criterion against dowry for approval of marriage rituals on the basis of the report, and that prior to reading the report Bufdir was not aware of the problem of mahr, as no religious community had ever included mahr in their marriage ritual (cf. email, August 19, 2015). Further, the Bufdir representative pointed out that state-approved marriage rituals are seen as representing a gateway to the Norwegian Marriage Act and, thus, no gender discriminatory practices can be included in the official regulations of marriage. As agreements on dowry are not a demand of Norwegian law, marriage rituals containing dowry are consequently not approved. On this basis, dowry and mahr are explicitly singled out as practices that will not be approved as part of the marriage ritual. The list of criteria is not exhaustive, but the Bufdir representative added that no other criteria had been considered added in this regard (cf. email, August 19, 2015).

It is, however, important to note that the regulation against mahr in Norway’s criteria for state approved marriage rituals does not entail a ban on mahr as such. Norway’s regulation

14. The second criteria states: ‘Both parties must be asked the same questions during the wedding ceremony’; The third criterion states: ‘It must be stated that the parties are declared rightful persons, pursuant to section 11 of the Marriage Act’ (Bufdir 2015).
15. ’Medgift’ in Norwegian.
16. I contacted Bufdir to inquire into the background for the regulation of mahr and corresponded with senior advisor at Bufdir, Marija Nissen Rosenqvist (email, 19 August 19, 2015).
of marriage rituals targets the civil legal part of the marriage ceremony and is not directed at the religious part of the ceremony, as this is placed outside the scope of the state and is considered part of the religious communities’ freedom of religion. Although the double-track system applied in Norway presupposes a clear distinction between what constitutes the civil and the religious in the marriage ritual, there seems to be some confusion with regard to how this distinction is made: either between a religious and a civil part of the ceremony, or as two separate but parallel ceremonies (Bredal 2018, forthcoming). Regardless of this ambiguity, the government does not interfere if there is a religious ceremony performed in addition to the civil one, as long as there is a clear distinction between the two (Bredal and Wærstad 2014, 39). The Bufdir representative confirms this and, moreover, explains that basically all applications for the authority to perform marriages are approved. If an application is not approved, the religious community is given the opportunity to correct the shortcomings and to submit a new marriage ritual for approval (cf. email, 19 August 2015). Hence, if a marriage ritual is not approved on the basis of including *mahr*, the marriage ritual application may be revised and resubmitted, provided that any referral to *mahr* in the marriage ritual is removed. The parties involved in the marriage ritual are then free to make their own private agreements on *mahr*, as long as it is not mentioned and included in the civil part of the marriage ceremony.

Anja Bredal has conducted a study on how Norwegian mosques authorised by the state to perform marriages conceive of the relationship between civil and religious marriages. Bredal found that the double track system of civil and religious marriage authorisations has a secularising effect on Muslim marriages, and that Norwegian civil marriage certificates tend to replace or suppress the Muslim marriage contract (*aqd nikah*) (2018, forthcoming). Accordingly, agreements on *mahr* were merely made informally and not included in the contracts. The trustees in mosques in the Bergen and Stavanger area with whom I have been in contact report similar practices; couples who wish to include *mahr* in their religious marriage contract tend to do so in a separate document, and prior to signing an official civil marriage contract in a mosque that has the authorisation to conduct civil marriages (cf. interviews, September and December, 2015). A result of Norway’s current regulation of marriage rituals is, therefore, that *mahr* is excluded from the official marriage contracts concluded in Norwegian mosques with the authority of the state to perform marriage. Hence, *mahr* is only registered informally, and not as a specified criterion in the Muslim marriage contract.

**LIVED EXPERIENCES OF MAHR AMONG NORWAY’S IRANIAN DIASPORA**

Iran and Norway’s regulations of *mahr* provide the backdrop for understanding the complexities and challenges involved in contracting transnational Iranian-Norwegian marriages. This study’s interviewees spoke to three main *mahr*-related practices: rejection, transformation and continuation.17 Out of 27 interviewees, only five considered *mahr* to

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17. The three *mahr* practices of Norway’s Iranian diaspora are elaborated on in a forthcoming publication featuring a wider study of *mahr* practices among Norway’s Iranian diaspora (Bøe 2018, forthcoming).
be intrinsic to marriage (four women and one man), while the remaining (18 women and four men) strongly believed *mahr* to be an old-fashioned practice symbolising the sale of women into marriage.

Afsaneh exemplifies most of the interviewees’ view of *mahr*. At the time of our interview, she was in her late forties. Afsaneh had been resident in Bergen since she sought political refuge in Norway in the early 1990s. After a couple of years, she married a man who had also come to Bergen as a political refugee from Iran. Both Afsaneh and her husband identified as Shia Muslims, and they married in a private religious ceremony in the home of a mutual friend. Despite engaging in a Muslim marriage, Afsaneh and her husband agreed not to include *mahr* in their marriage contract. She explained that she considered *mahr* to be an old-fashioned marriage practice, and her reasons for rejecting the practice were both based on her ideological views and her financial needs. Afsaneh said that ever since coming to Norway she had worked and earned her own income. For this reason she was not dependent on *mehrieh* [the Persian word for *mahr*] as financial support after divorce. She said:

*I do not believe in *mehrieh* because I live in Norway, and one of the reasons (...) we have *mehrieh* in Islam is that in the old days women could not manage alone. So they were dependent on their husbands. If they got divorced, the woman had to have something to fall back on. So that is why we have *mehrieh* in Islam. But for me, I did not need *mehrieh* since I was living in Norway* (Interview, September 2015).

In the same way as Afsaneh, the majority of women of Iranian background who reside in Norway have careers and make their own living (Næsheim 2016, 45). Thus, they are not financially dependent on having *mahr*. Afsaneh’s choice of rejecting *mahr* was largely based on her views on gender equality. In her view, *mahr* contradicted her idea of equality as the foundation between a husband and wife in marriage. In contrast to Afsaneh, however, most of the interviewees in this study chose to continue the practice of *mahr* in one way or another. Although many of them shared Afsaneh’s understanding of *mahr*, only five interviewees said they would exclude *mahr* from their marriage contracts; hence 22 interviewees would include some form of *mahr* in their marriage contract. The reasons why the majority of the interviewees continue *mahr* while denouncing the practice are complex. The majority expressed negative views of *mahr* as signifying the sale of a woman and a contradiction to their ideas of gender equality in marriage, similar to that of Afsaneh. Still, a large majority of the interviewees continue the practice of *mahr* in Norway as a way to sustain an ‘Iranian style’ marriage in diaspora (Bøe 2018, forthcoming). Some would maintain the practice of agreeing large amounts of money as *mahr*, as well as its bargaining potential in case of divorce. For others, *mahr* was practised in transformed ways; through romantic tokens of their love marriage by asking for flowers, sweets or the wife’s birth year in gold coins (*bazar azadi*), or it was used to signify the combination of a religious love

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18. According to Statistics Norway, close to 60% of Iranian women who have come to Norway as refugees are employed after 15 years (Næsheim 2016, 45).
marriage by having the husband read a passage from the Quran for the wife, or by going on pilgrimage together to Mecca (hajj) (ibid.). The majority who continue mahr, however, do so as it is mandatory in order for their marriage to be registered in Iran and because they rely on the legal benefits that mahr offers in the Iranian legal system.

MAHR AND THE CHALLENGES OF INTERLEGALITY

Iran and Norway’s legal contexts consist of different regulations of mahr. Individuals who want their marriages acknowledged by both countries are thus caught in uncertainty: to which legal order should they relate? Boaventura de Sousa Santos has described this type of legal limbo as ‘interlegality’: a legal porosity constituted by a plethora of legal systems (i.e. national civil law, international rights treaties, religious norms and regulations) (1995). Interlegality is not only relevant for the kind of legal system citizens, to various degrees, interact with in their daily lives; it is, moreover, decisive for the understanding of what it means for people to live lawful lives.

A plurality of marriages

For Laleh, mahr was not initially a topic of concern. At the time of our interview, she was in her mid-thirties. She had moved from Iran to a European country in the early 2000s, but left for Norway after 13 years to marry an Iranian man. Before meeting her husband, Laleh never thought she would ask for mahr if getting married outside Iran. She explained:

Before I met my husband, I didn’t believe in mehrieh at all. If I was living inside Iran, definitely I would apply for mehrieh. But when I moved to Europe I always said that this [to have mehrieh outside Iran] is strange. You are living in Europe: if you have a house, you divide the house [if you get divorced]; if you have a car, you divide the car. Of course, my mother who is living in Iran, she would have loved for me to have mehrieh. But my husband and I already decided. (Interview, August 2016)

At first, Laleh did not consider it important to conduct a marriage according to Iranian custom, or to have mahr in her marriage. However, she insisted on having the marriage registered in both Norway and Iran. When Laleh and her husband got married, they first had a private ceremony at their house with their close friends acting as their guardians. Although this marriage was informal and extrajudicial without any legally validity in Norway, it was important for the couple to have a religiously sanctioned marriage before they moved in together. Shortly after Laleh arrived in Norway, the couple married at a courthouse so that she could obtain a residence permit and register the marriage according to Norwegian civil law. Subsequently, they started the process of registering the marriage according to Iranian law. This, however, turned out to be a lengthy process. The Iranian embassy in Oslo would only approve the marriage if conducted according to the procedures of a specific Shia mosque in Oslo. Moreover, the couple also had to certify that their marriage was approved by Norwegian law by providing comprehensive docu-
It took two years to complete the process. A *mullah* (Shia scholar) from the Shia mosque in Oslo called them to arrange the marriage over the phone, asking them to list something as *mahr* in the marriage contract. Although they had decided not to include *mahr*, the couple agreed to put a moderate sum of money in the contract.

Laleh’s case illustrates the challenges that many Iranian-Norwegian couples face when concluding transnational marriages. Couples who want their marriage to be approved in both Norway and Iran are required to engage in a plurality of marriages and to have their marriage registered according to the different legal norms. Laleh and her husband, for instance, married three times. First they were wed in a private and informal ceremony at their house, with no official registration. This first marriage was not legally required, but was a way for them to have a religious marriage before living together as a couple. Their second marriage was done at the courthouse in Bergen according to Norwegian law. The third time, a *mullah* recommended by the Iranian embassy in Oslo concluded their marriage according to Iranian custom.

The issue of *mahr* represents a conflicting topic in this regard. *Mahr* is a mandatory part of an Iranian Shia Muslim marriage, whether the marriage takes place in Iran or not. Thus, if a couple where one or both are of Iranian origin and they marry in Norway, they must provide an original Shia Muslim marriage contract (*aqd nikah*) to the Iranian embassy in Oslo in order for their marriage to be registered in Iran. For the marriage to be approved, it must be conducted at a Shia mosque and include *mahr*. On this basis, whether in Iran or the Iranian diaspora *mahr* is a compulsory aspect of Iranian Shia marriage. In Norway, however, state-sanctioned marriage rituals that contain *mahr* are not approved, which has implications for the kind of marriage contracts Norwegian mosques can officially issue. Due to current regulations, Norwegian mosques must leave *mahr* out of their official marriage contracts. As Iran only accepts Shia Muslim marriage contracts that contain *mahr*, this situation causes couples who want to register their marriage in both Iran and Norway to engage in a plurality of marriage contracts. The case of Laleh and her husband shows that the procedure of concluding a plurality of marriages involves a high level of bureaucracy and is a time-consuming process. A much more problematic outcome of engaging in plural marriage contracts, however, pertains to the difficulties many couples experience if they should seek to dissolve their marriage.

**LIMPING MARRIAGES**

In Iran, there is an intrinsic correlation between *mahr* and divorce; a woman can forfeit her *mahr* in order to obtain a divorce (*khul*). Although the interrelation between *mahr* and divorce is prevalent in Iran, it does not necessarily have the same legal validity for Iranian

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19. Before a Norwegian marriage is approved, the Tax Administration must check if the conditions for entering into marriage are met (Skatteetaten n.d.). In addition they need to provide a comprehensive set of documents to the Iranian embassy in Oslo (NOCR n.d.).
marriages in Norway. Parvin has first-hand experience of the correlation between *mahr* and divorce. At the time of our interview, she was in her early forties. Parvin had moved to Norway in the early 2000s after marrying an Iranian man who lived there. The couple conducted a Muslim marriage and Iranian wedding ceremony with their family and friends in a European country. Upon their return to Norway, they also registered their marriage at a courthouse. Parvin and her husband were married for 14 years before getting divorced. They were separated for a year before they could obtain a divorce, as that is the dictate of Norwegian civil law. At the time, Parvin had wanted to remarry. In order to move forward with the new marriage and have it registered in Iran, Parvin had to provide the Iranian embassy in Oslo with proof that her first marriage was dissolved. However, when Parvin wanted to dissolve the Muslim marriage contract according to sharia (Islamic law), her husband refused. Parvin therefore sought the advice of an Imam; and, after two years of arbitration, her husband agreed to grant the divorce. Parvin did not have a *mahr* in her first marriage. However, after her experience trying to obtain a Muslim divorce, she believed that was a mistake. She said:

I come from a family that is rather liberal, and I do not believe in *mehrieh*. I believe that marriage should be 50/50, so there is no reason to have *mehrieh*. But now that I have this experience [i.e. of how difficult it is to obtain a divorce in a Muslim marriage], I am starting to think that maybe it was a bad decision. If I had *mehrieh* it would be much easier to obtain a divorce. So I believe I made a mistake in my first marriage. I do not agree [with the practice of *mehrieh*], but sometimes you need extortion to get a husband to agree to divorce. It [*mehrieh*] is a right you have as a woman in Iranian law. At the time, I was not aware of this right. I was very naive and I did not want to consider negative aspects of the marriage. I was so in love and only focused on the positive things. (Interview, December 2015)

In the Iranian legal system, *mahr* serves an important purpose for women, particularly in case of divorce. In Norway, however, the need for *mahr* is often presented as being obsolete as women and men enjoy the same rights in marriage and can access divorce on an equal basis. However, Parvin's story underlines the challenges many women of Iranian background experience in so-called 'limping marriages'. The term refers to the position of women who are considered married or divorced according to one legal order, but not according to another. For instance, a woman may obtain a civil divorce, but her Muslim marriage may still be considered valid according to sharia (Ferrari de Carli 2008; Bano 2012). Women forced to stay in such limping marriages face a range of difficulties, especially if they want to remarry. In order to enter into a new marriage, they are obliged to provide documentation that they are divorced. Although such women are divorced according to civil law, many continue to be married according to sharia if their husband refuses to grant the divorce. According to Parvin, it might have been easier for her to obtain a divorce if she had had *mahr* as it could provide leverage for dissolution of a Muslim marriage. Hence, Parvin's story exemplifies the relevance of *mahr* for women involved in Muslim marriages in Norway, but also underlines the significance of registering *mahr* as a specified criterion in the Muslim marriage contract (*aqd nikah*).
THE RELEVANCE AND IMPACT OF NORWAY’S MAHR REGULATION

The challenges accounted for in this article are not direct consequences of Norway’s regulation on mahr, and would probably not have been resolved if mahr was approved in the regulation of marriage rituals. Still, the interpretation of mahr that found the basis for the regulation contravenes the lived experiences of mahr that the interviewees report on. The Norwegian regulation relies on a narrow understanding of mahr as a mere gender discriminatory practice. In this regard, Norway’s mahr regulation discounts the leverage that mahr may provide women in Muslim marriages and the financial security it offers in the event of divorce, and ignores the lived experiences of mahr that the interviewees in this study have reported on.

Norway’s regulation of marriage rituals entails a set of challenges due to its narrow interpretation of mahr. First, the regulation presupposes a clear distinction between the religious and the legal aspect in the rituals conducted in a marriage ceremony. Such a distinction is not, however, apparent with regard to mahr, as it tends to serve both religious and legal functions for those who practise it. To view mahr as a marriage ritual is in itself questionable, as it is more of a contractual matter than a ritual one. To disregard its legal and financial functions adds to the regulation’s misreading of mahr. Two consequences of Norway’s current regulation of marriage rituals are that it not only reduces mahr to an informal marriage practice, it also entails mahr not being registered as a specified criterion in the Muslim marriage contract. As a result, the legal significance it holds for women involved in Muslim – and maybe particularly Iranian marriages – is discarded.

Norway’s regulation of mahr conveys a unique approach and a narrow interpretation of mahr. In comparison, the view reflected in the UN Convention Against All Forms of Discrimination Against Women (CEDAW) has shifted from previously seeing mahr as representing the ‘sale price’ of the woman to that of, more recently, representing a possible ‘financial right vital for the economic situation of women’ (Løvdal 2009, 26-27). What is more, mahr is a highly contextual practice, and may represent different functions depending on who and where it is being practised. Although mahr’s primary function may be to provide financial security for women in a Muslim marriage, it can also represent asymmetric economic effects for different groups of women when practised as a legal rule in Western societies. Pascal Fournier, for instance, has shown how mahr not only entails a potential financial bonus for the wife after divorce, but also a moral victory, personal revenge or an act of liberation (Fournier 2010).

Another problem related to the Norwegian marriage ritual regulation is the overt link to Islam, which bears witness of a prolonged problematisation of Muslim marriages. In the course of the last decades, Islam and Muslims have mainly been portrayed stereotypically and problem-oriented in the Norwegian public debate (Bangstad 2011; Bangstad and Elgvin 2017). The media has focused on issues such as unregistered Muslim marriages, arranged and forced marriages, and female genital mutilation (Jacobsen & Leirvik 2013). In the course of the last decade, a set of political and preventive measures has been implemented in this regard (Bredal 2005, Eggebø 2010). Furthermore, Helga Eggebø has found that the regulation of marriage migration deals with forced and arranged marriages as a particular kind of problem that not only threatens the autonomy and freedom of young
women of minority background in particular, but also gender equality as a value and norm in the Norwegian welfare state (Eggebø 2010, 310). In the context of the requirements for approval of marriage rituals, a comparable framing of Muslim marriages and mahr as opposed to ‘Norwegian law and general gender equality principles’ seems to be at work. By the explicit mentioning of mahr, Muslim marriage practices are targeted in Norway’s marriage rituals regulation. Instead of merely referring to mahr, the regulation could make reference to financial transactions between the spouses that contravene Norwegian laws and ideals of gender equality. Alternatively, it could specify the various dower practices relevant for other kinds of religious marriages that are considered problematic vis-à-vis Norway’s legal framework, and not only the one relating to Muslim marriages.

CONCLUDING REMARKS
A main objective in this article has been to examine Norway’s regulation of marriage rituals in light of how members of the Iranian diaspora in Norway practise mahr. In this regard, mahr has served as an analytical lens for examining the lived experiences that tend to be connected to marriage, and that are relevant for the study of how mahr is regulated in Western pluralistic contexts. Although the majority of the interviewees included in this study have a negative view on mahr, most of them choose to practise it as a means to safeguard the legal and financial rights guaranteed for women through mahr in a Muslim marriage. Parvin’s story has served as an example of the importance that mahr represents in cases of dissolution of a Muslim marriage contract, and Laleh’s case has portrayed a situation that many couples who conclude transnational Iranian marriages face. In order for their marriages to be properly registered, either according to the Iranian or Norwegian legal system, or according to their own standards of living lawful lives, they are required to contract a plurality of marriages.

The lived experiences of the interviewees portray some of the complex practices of mahr that are involved in transnational Iranian-Norwegian marriages. In contrast, the interpretation of mahr at work in Norway’s regulation of marriage rituals conveys a narrow understanding of what is at stake. Moreover, as a result of the regulation, agreements on mahr are no longer specified as a condition in the Muslim marriage contract, but merely made informally. A consequence is that the legal rights of women involved in these marriages are weakened. Conversely, the interviewees show that mahr is still relevant beyond that of a gender-discriminatory practice, and that it may even represent leverage in a highly gender-discriminatory system, such as in legal systems based on sharia. Hence, the interviewees continue to subvert and challenge the mahr interpretation at work in Norway’s marriage ritual regulation.
REFERENCES
Bredal, Anja. 2018 forthcoming. “Contesting the Boundaries between civil and religious marriage. State and mosque discourse in pluralistic Norway”.


