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| **I** | [*Question 1: Can you tell us about the last wedding ceremony you conducted in England and Wales, specifically focusing on the type of*]… ceremony and location, and that’s open to the whole group. |
| **106** | Okay, I’ll go first. |
| **I** | Yeah. |
| **106** | So, my last ceremony was about two weeks ago. It was in a restaurant-type venue. Of course, they followed the guidelines. They had the 15 people there. Small, intimate ceremony. So, over the last few months that’s pretty much what we have been doing. A lot of these smaller ceremonies. Either they’ve been taking place in gardens or marquees, those types of venues. Or in homes. This was actually ... the homes was before the 15 rule, when it was 30. So, going back to last month. But yeah, so the most recent one was, I think, about two weeks ago. As I said, it was in a small restaurant setting. This was in [area], so in [city]. And, yeah, this was a Nikah ceremony. So, it was just the Nikah ceremony that was done. So, the religious ceremony. And as for the civil, I believe they had that booked in for later because of the waiting list, because of COVID it was very difficult for them to book in a slot for the civil. So, I think they’re on a waiting list right now. I know in some places they’ve been told that basically for the remainder of 2020 there’s basically no way that they can register their marriage. So, a lot of couples that I’ve spoken to recently have said, “You know, we don’t want to wait. We want to just get the Nikah done so religiously we’re married. And after that, when it comes to whenever it’s possible to get the civil done, we shall book that in.” So, I think that’s the situation with a lot of couples that I’ve spoken to recently.  |
| **I** | Right. Thank you. Shall I come to … so, if I can ask [105]? |
| **105** | Salaam Alaikum, I’m a teacher by profession in terms of my religious activities. Daytime job I’m actually a lawyer. I don’t conduct Nikah as a matter of routine but often when the need arises, primarily from my student base, from time to time I do conduct a Nikah and given my legal background, I’m extra precautious in what type of … how I conduct the Nikah and the preliminary questions I ask. So, I … the last time I would have done a Nikah would have been way before the lockdown. So, in normal circumstances an example of such would be in a hired hall where, basically, it would be an unofficial Nikah. So, there wouldn’t be any of the registry preliminaries. So, it would just be a Nikah with family and friends but prior to the Nikah I would ensure that I have set seven set criteria. So, I would ask the participants if they are willing to comply with those and if they are, then I would conduct the Nikah. And if you want me to elaborate now or later on, I can explain what are the conditions I set and my rationale behind it. |
| **I** | We’ll come back to that. Thank you. Can I come to … yes? [102]? |
| **102** | Okay. The last time that I conducted the Nikah was about one and a half/two years ago. It was in a manor house in the [name] region of the UK. Now, the way the person wanted to do the Nikah was he had the civil ceremony first and then straight after the civil ceremony we had the Nikah. So, it was the opposite of what I normally would do. We normally have the Nikah first and then they would get the marriage registered. But, on this occasion, he had the civil ceremony first. They left the room and after that I did the Nikah. But it was interesting that the people doing the civil ceremony insisted that they would have to leave the room before I could start doing the Nikah. |
| **I** | Okay. Thank you. Can we come to [101] next? |
| **101** | Salaam Alaikum. [101]. I’m an Imam here in [city]. A lot of you know me and also, I’m a Lecturer in Islamic Studies at [name] University. Also, a social scientist and am aware of this kind of research. The last Nikah that I did … I mean I don’t officiate a lot of Nikahs. It’s just when people ask me, mainly friends for favours. But I do a number of Nikahs through the mosque that I am a Hatib in. So, they have their own kind of system of checking. They’re not registered, and I did ask them once, “why did you not want to become registered?” And then said … which was quite interesting. They said that, “if we become registered then we will have to … we can’t stop gay marriages and things like that. We don’t want to do gay marriages in the mosque.” So … but the last one I did was actually over Zoom. And the bride and groom both of them were up North, but they wanted me to do the Nikah. I couldn’t go down because of lockdown so they said, “we’ll have it over Zoom.” So, it was a Nikah. So, I officiated the Nikah from my … from this very computer here and both of them were present and there were witnesses there and I was very careful to see who the witnesses are. But one of the things that I always mention … whatever kind of Nikah present or physical online that I do, is I always ask them, in front of the witnesses and the congregation, whether … are either of them married in the law to anybody else. And I have to hear them specifically mention that, because I think that, as an Imam, somebody who officiates Nikah, I have a certain responsibility to the people but also to the law. [*Lots of nodding from all participants].* And although I don’t have any official capacity, just me asking them those questions and they’re giving me the responses in front of everyone else, that vindicates me and tells me if they are lying because there’s a whole room full of witnesses. So, I specifically always do mention this question, that “are you married in the law … according to British Law, to anybody else.” Yeah. |
| **I** | Okay. Thank you. So, if I can come to [104] and then we will go to [107]. |
| **104** | Okay, yeah. Sorry, just trying to find the unmute button. So, the last ceremony I did was just under two weeks ago. A Nikah ceremony for a couple in [city] whose civil wedding is set for next Easter, April I think. And originally, they had asked me to do the Nikah around the same time, in fact I think just before or just after the ceremony on the same day. Or maybe a day before or after. I get a lot of requests like that. So, that was the initial plan. But then sadly, the bride’s dad was diagnosed with cancer and fell very ill, so they wished to have it this autumn because basically the prognosis isn’t very good. [*All participants appear to be listening attentively; looking at screen].* And so, we set a date and then the dad was still in hospital, so that couldn’t be done. Then the new lockdown rules came in … were about the come in with the rule of 6 and of course they wanted their brothers and sisters, a large family group of probably 30 or 40. Because of the rule of 6 we tried to get it done on the weekend before the rule of 6 came in so that they could all attend. But, again, the dad was still in hospital. So, that didn’t work. So, then finally we did it two weeks ago in the dad’s home … in his room, actually, because he is basically bedridden or chair-ridden and there was the absolute minimum. So, bridegroom and both their parents. That was 6 people. And I was allowed, as somebody who was working, because obviously I’m not socialising. I was there to do some work for them; just to carry out the ceremony. So, we all agreed that fitted with all the regulations. And I did the Nikah ceremony, which I often do. And of course, I made it very clear that it’s not legally recognised by the Law of England & Wales. I always say that, and I print it on my Nikah certificates as well. It’s a voluntary Islamic religious wedding blessing. That’s how I see it. And even the wording I use, I try to avoid the word marriage or “do you agree to marry”, etc., etc. So, I use wording like, “do you agree to a Nikah with X, Y, Z?” Or, “according to the Islamic tradition of Nikah” or something like that. But, yeah, because of the oppressing law on these matters. So, that was my last one. Thank you. |
| **I** | Okay. Thank you very much. We have just had [103] join us and we are under way, but because we’re still on the first question, I thought it’s fine for you to join at this stage. So, welcome. I’m going to go to [107] first and then come to you on the first question. |
| **107** | Yeah. So, I think the last case before lockdown actually was initiated and was with two people in a mosque locally. In a separate room. It was a very small ceremony. There was only immediate family involved and it was one that was done prior to be registered, with the intent of registering subsequently, which took place I think within about six months. It was one which the couple had known each other for a long time, and I had known both of the people for a similarly equal period of time. So, there was no ambiguity. They were personalities, backgrounds, etc … the nature of the relationship. And they were both people that know fully well what that entailed in both legalities or lack thereof and also legalities of getting a registered marriage.  |
| **I** | Thank you very much. So, if I can come to [103]. I just need you to unmute yourself. Salaam Alaikum. |
| **103** | Alaikum Salaam. |
| **I**  | You don’t know the question. So, the first question that we’re asking is if you can tell us about the last wedding ceremony that you conducted in England and Wales, specifically focusing on the type of ceremony and the location. So, just a very brief answer. |
| **103** | The last, most recent, Nikah ceremony that I conducted was done at home because of the COVID restrictions primarily. It was a Nikah between a Muslim brother and a Christian sister. I spoke to them at length before the ceremony. She is still working to be closer to Islam but in terms of where she was and where she was travelling, I went through the challenges that they would face, and they agreed that they wanted it to be done face-to-face as opposed to online. So, it was a ceremony held at home with minimum number of people maintaining the rule of 6. And I’m getting enquiries for more Skype or Zoom related Nikah ceremonies and I know that there is a difference of opinion amongst scholars with regards to its validity under some circumstances. But I think that is where we are. And I just caught Brother [104] talking about not mentioning the word marriage and he was explaining. I don’t know if I understood it fully, but I make a point of specifying that this is a religious marriage. It is a civil contract, but it’s not recognised, at this moment in time in law. So, for you to be considered husband and wife in law, you need to go through the civil formalities. |
| **I** | Okay. Thank you all very much. So, I will move onto the next question, which is: Is it usual to meet or otherwise communicate with a couple before the wedding ceremony? So, this is just open to everybody. Okay, [101]? |
| **101** | Yeah, so normally most of the requests that I get come through the mosque. So, as a Hatib of the mosque, the mosque do a lot of my ceremonies and give it out to the Imams so it will be whoever is free on the day. So, the mosque will have a pre-counselling session before. The Imam is not involved in that process. It’s mainly the Director of the mosque will ask all of the legal questions and then more of Islamic Nasihat and the rights of the husband and the wife. So, they do that. I’ve never done that actually. So, that’s my answer. But I am a part of that process where, before the Nikah … before I officiate the Nikah, people have been through this communication. If directly not with me, then with the mosque. |
| **I** | Thank you so much. Who would like to go next? |
| **105** | I personally make it a point to make sure that I individually talk to the couple, especially in some Asian settings where males put a representative forward on behalf of a woman in some instances. So, because of the fairly informal setting where I conduct the Nikah, I make sure I request the families that I speak to, both of the couples separately and I explain to them the legal implications of the Nikah and the questions, as I said previously, that I ask these individually to ensure that they understand what they are entering into. So, I make sure that I set up before I actually do the formal Arabic Nikah, I actually talk to the couple and so they understand that they are entering into a contract with free consent. |
| **I** | Okay. Thank you. Yes? [102]. |
| **102** | When I used to be Imam of a Masjid, normally on the day I would not have any planned consultation to the people doing the Nikah and I would just perform the Nikah and that’s it. But when I’ve been doing Nikah informally, not as an Imam in a Masjid, the normal practice that I would meet both the couples prior to the Nikah, explain to them that the Nikah is just a religious ceremony etc and they would need to get them married … registered. So, I make it a point that I see the couples before I do the Nikah, wherever it is, now that I’m not a Masjid Imam. Can’t hear you! [*Moderator is speaking with mute still on. Participant states this – does not shout]* |
| **I** | Sorry. Yes. [103] and then [106]. |
| **103** | I think it’s really important that whoever is conducting the Nikah ceremony not just sees them, but actually talks to them at length. And I’m talking about this from experience where I’ve had a near miss where, because the family say they’re very traditional, she’s secluded from male vision, that the consent needs to be sought from behind the veil and all the rest. And I … one example that sticks to mind in my early days of performing Nikah is that I got suspicious and I insisted that I needed to see the bride to be, to seek her consent, that it’s being sought in my presence. And it turned out that she was underage and that’s why they were trying to shield her. So, it’s really, really important that as good practice as well as to avoid being implicated in any legal proceedings later on, if things turn out untoward, that you have sight and that you actually engage with them and make sure that a) they’re happy and that their consent has been sought properly and I also say, “are there any conditions that she wishes to put in the Nikah contract before we go any further?” And I jest, “do you want a holiday in the Bahamas or a Ferrari?” or something like that, just to make light of it. But I do make sure that the consent has been sought properly and that that is witnessed, the giving of the consent. And then I also ask for a copy of any legal document, a passport or something, which has the name as they want it on the Nikah certificate to make sure. The way I say it is that if you ever go for Hajj or Umrah, and they insist whether you are married and whether you are a Muslim or not, your legal documents need to have the same spelling as the Nikah certificate, which you will get from us. So, it’s really important to meet and communicate before the marriage ceremony and I know of Imams that have got into trouble later on because they’ve just been handed the due diligence stating, which has been done by the mosque committee members, who really haven’t understood the implications of whether it’s a sham marriage or whether it’s a forced marriage or not. So, it’s really important to meet and communicate with both parties before the wedding ceremony. |
| **I** | Okay. Thank you. [104], I can see your hand is up, do you want to respond to that, or shall I come to you after [106]? |
| **104** | I just wanted to … just remember that I’m on the rota, so if you come to me whenever you want. |
| **I** | Sure. Okay, so we’ll go to [106] first and then come to you. |
| **106** | Yeah, so with us, because our Nikah’s don’t come through a mosque or anything … we have our own company, so to speak. So, we make it a point that our communication normally starts off with emails but then once the Nikah is actually booked in, there will definitely be, at the very minimum, numerous telephone conversations that will take place where we not only discuss the logistics of the day, like itinerary and planning and so on, but also there would be, of course, questions from the couple about the Nikah. A lot of the times we try to get them on a conference call so that both of them speak, as opposed to just one … either just the bride or the groom speaking. So, try and get both of them on to clarify anything and take them through the whole process. We even send them a draft copy of the contract and certificate beforehand so that they are completely aware of things. And where it’s possible, we have on many occasions also met up with the couple physically. This is, of course, going back before lockdown where we were able to meet up and have face-to-face consultations as well.  |
| **I** | Okay. Thank you very much. [104] and then we will go to [107]. |
| **104** | Right. So, yeah, very similar to the vast majority … probably 95% of the cases I will speak to and meet the couple beforehand. Just so they are comfortable with each other and to … also, because the vast majority of Nikahs I do, again, probably 90% of more are now inter-faith Nikahs because that’s an increasing trend, obviously, with the globalised world, that is the way British society is and across Europe as well. It’s just natural that that’s going to happen. And I’m quite comfortable doing those. There’s often issues to talk about, to iron out so yeah, I will meet beforehand. Or, of course, nowadays by Zoom because of COVID. I noticed that one of the other Imams mentioned about their difference of opinion. I mean many of us will remember, those of us that are old enough to remember, that in the 70’s and the 80’s in this country, it was very common to have telephone Nikahs, you know? With the groom usually back in India, Pakistan or Bangladesh and so because the consent is there, as long as … there’s no fraud going on, it is perfectly valid and certainly with video conferencing now, with Zoom and Skype etc., I think it’s easier to eliminate fraud in a way. You can ask for ID as well, as I’ve had to do a couple of times. So, Zoom Nikah. So, ever since lockdown started, I’ve probably done about ten Nikahs by Zoom. So, just to give you an idea. But yeah, I nearly always will meet up with the couple beforehand. The only exception to this was the second last one I did, I think, which was a lastminute.com panic situation where the groom’s dad got in touch with me via another email the day before the wedding. Again, this was an inter-faith wedding; Muslim man/Christian woman. And, for some reason, the local Imam refused to do it at the last minute, after having agreed. And I’ve seen this many times, actually. A lot of Imams are not comfortable doing inter-faith weddings because they’re not used to having non-Muslim people there, unveiled women there, that kind of thing. Or they insist, unnecessarily, that the non-Muslim partner has to convert to Islam, which was a sticking point in this case as well. I mean there was another case where one of our colleagues on this focus group was involved, actually, where the chap had converted to Islam. He was a devout Muslim, but the local South Asian Imam told the bride’s family that they shouldn’t marry their daughter to a white man, basically. So, he made a racist objection to the Nikah and they had to travel all the way down from [North England] to [South East England] for me to conduct the Nikah in a mosque in [South East England]. But anyway, what had happened here in this case was they had set the Nikah and the day before the Imam pulled out. So, in panic, they called another Imam who was in holiday and he put them in touch with me. So, anyway, to cut a long story short, I turned up at the time, after a very short conversation with the dad, and so I hadn’t met the couple before. That’s one of the very few exceptions actually. Almost the only exception I can think of in the last 10 years, where I’ve not met the couple beforehand. But usually we have at least one meeting, usually two or three meetings before the Nikah goes forward. Thank you. |
| **I** | Thank you very much. [107], can I come to you and then we will move onto the next question. |
| **107** | Yeah, likewise. Several phone calls and meetings beforehand. I don’t think I’ve never been in a situation where I’ve not known the couple. |
| **I** | Okay, thank you. Right, so the third question … and, again, I’m not going to come to everybody. If you want to respond, then please indicate that you would like to say something and in fact, going through the remainder of the questions, it’s up to you the extent to which you engage with them. So, Question 3: Are the ceremonies that you conduct part of the process towards a legally binding marriage? |
| **103** | I mean I tend to sort of encourage couples that they do go through their civil ceremony first, if at all possible. And I also have experience of some registrars being unhappy if they find out that the religious marriage has been conducted before they are approached for the civil marriage. And whilst there isn’t much that they can do about that, they do … some of them do make the couples feel uncomfortable and they probe and for that reason I try to encourage them to have their religious done … sorry, the civil done if they are planning to do the civil. And if they’re not planning to do the civil, at least I say that when you go and give your notice, if and when, then if you can avoid talking about the religious ceremony, that may be an option that they want to consider. Only to be practical. Because I have known of some registrars getting worked up by the fact that you’ve gone ahead and done a religious ceremony without approaching them first. But ideally if it can be done at the same time, which I have done, the registrar coming out and officiating in the same venue where the Nikah ceremony is held straight after. Can’t hear you right now?  |
| **I** | Sorry, I can see [104]’s hand raised? |
| **104** | I just wanted to add to that. So, I would like to thank Brother [103] for sharing that with us. That’s quite worrying for me to hear that some registrars have kicked up a fuss about this kind of thing. I suppose that I’ve done probably only about three or four in the last ten years … Nikahs … which was immediately before or after a civil ceremony, or in the same location. In fact, I have one coming up in December, which, god willing, will be like that. I’ve not had any … the registrars have always been very happy with the whole idea. I think it’s because we make it clear this is an Islamic wedding blessing, if you like. I think if you term this as a ‘wedding blessing’, people understand that better. In fact, I did another Nikah recently where the Christian side of the marriage actually refused to sign the Nikah certificate. This is a wedding blessing, it’s not a contract. And the Muslim side were saying no to the contract, you have to sign it. But, in the end, they refused to sign, and I said, “that’s fine. You don’t need … I don’t need a signature for the Nikah certificate. You don’t need the Nikah certificate, the verbal blessing is good enough.” So, usually in those cases I would always do the Nikah after the civil ceremony. I usually say that, “look, we prefer that.” In one case that wasn’t convenient for the couple in terms of timing and they agreed with the registrar beforehand that they could have the Nikah first. Actually, I think it was before … they wanted the Islamic ceremony first actually, because that was more important to them than the civil one. And so, I actually did the Nikah ceremony in the presence of the legal registrar. This was actually inside the Houses of Parliament. There’s a room there in the Palace of Westminster, which is registered for marriage, by the way! If anybody wants to use it! And the registrar afterwards, who witnessed the Nikah, was actually very complimentary and very kindly said it was a beautiful ceremony, etc. So, they had no problem with the Nikah. I think it was very clear that we were doing a religious blessing and that the legal part of it was entirely for the registrar afterwards. Thanks.  |
| **I** | Thank you. Anybody else want to respond to the question? Are the ceremonies you conduct part of a process towards a legally binding ceremony? Yes, [102]? You’re muted. |
| **102** | Can you hear me? |
| **I** | Yes. |
| **102** | Good. I had an interesting case just a few days ago where a woman had married her partner whilst he was in prison. So, he had come out on home leave and they have a private Nikah ceremony. But now that the person has been released, the husband is asking for it to be a legal marriage. But the woman is refusing. And when I pressed her as to the reason why she doesn’t want to be legally married, she just wants to control her financial assets. So, it was interesting that here is a Muslim lady not wanting her marriage to be legal simply to protect her financial assets. And the husband, on this occasion, insisting on having a civil marriage. Normally it’s the other way around. |
| **101** | I just want to comment on something that [104] mentioned. So, you know, you’re basically saying that you say to people that this is a Muslim wedding blessing rather than something legal. But, okay, in the UK law it’s not recognised as legal but morally and Islamically it is legal. There are legal implications. So, just to basically say that it is a blessing … I mean that’s watering it down a bit too much. What do you have to say to that? [*101 is assertive but polite in this challenge].* |
| **104** | I would be interested in continuing that conversation with you. But, no, I agree. [*104 leans into the screen but speaks in a calm polite manner].* There are moral implications to it, but I would be interested to discuss with you further about the legal implications. Because if it was recognised by the law … well, there are minor legal implications. But it’s mainly … |
| **101** | By legal implications I’m talking about Islamic [*inaudible* 00:32:11] where there is a transference of money for sexual rights. You know, the Islamic Law under Kabul … Ijab Kabul facilitates that, the Maha, for the transference of … |
| **104** | Yeah, yeah, no, no. So, I would say it becomes a moral issue. Because otherwise you are operating a parallel legal system, which could quite possibly be illegal. And in fact, the wording I’m using is precisely to avoid prosecution because, as you probably know, there are vociferous voices in this country who have called many times for Imams like us, or anybody who does Nikahs like this before a civil wedding, to actually be prosecuted. There are loud calls from one law for all groups, and others actually. Muslim secularists as well. They are some secularists calling for this. |
| **101** | Yeah, yeah. |
| **104** | So, I think you have to be careful. Because one of us could be a test case for this kind of thing, if we’re not careful. This is why I’m welcoming the Law Commission proposals, because I think they’re going in the right direction. So, I think … no, I think the moral aspect is again voluntary. The Sharia stuff that you’re talking about, that’s up to the Muslim couples. You know? It’s voluntary whether they agree to it or not. Legally, I don’t believe … I believe we have to be very careful with the law here and we can’t say things like, “according to Sharia, you have certain requirements” because then, as I said you’re probably conducting … doing something illegal. Operating a parallel legal system. And so just in cognizance of that situation .. it will be completely different situation in a Muslim majority country or where Sharia is recognised or whatever. So, it’s precisely actually … the wording I’m using is precisely to try to solve the fact that we’re caught between a rock and a hard place. And the conclusion I’ve come to, the ijtihad is that actually, in law, effectively it comes to a wedding blessing. And while I’m on, let me just add to the previous question, the one where … my previous answer, sorry. The one where the Christian side refused to sign the certificate actually, originally the Nikah was planned for before the civil ceremony and they actually refused … they didn’t turn up for the same reason. So, the whole Nikah process did eventually help them get the civil registration because then, in the end, they went for the civil registration first because that’s the only way the Christian side was more comfortable. They had the civil wedding and then they had the Nikah blessing, which by this time it was very clear that it was redundant legally. It was a blessing, but they still refused to sign the certificate, for that reason, to keep it as a blessing. So, yeah, no, I see what you’re saying, [101]. It’s an interesting question, the moral and legal kind of … I think for a Muslim couple … |
| **101** | I also think that we are speaking very generically here and obviously we want to not say that there is a parallel legal system working. I want to refrain from that so maybe it’s an issue of semantics but I do a lot of court cases; witness court cases and in a number of court courses I have been actually asked to comment on Sharia marriages and the judges have taken my comments on board. There was one where it was a divorce case. The marriage was not registered at all but because there was a Nikah certificate involved they pursued the Mahram and other financial obligations on the basis of contract law. So, I think it’s not 100% accurate to say that there is no recognition. When we go to individual cases then my own experience is that the aspects of the aspects of the Islamic Law is also taken into consideration when it comes to making a judgement about personal situations. That’s just an observation. |
| **104** | No, thank you for that. I would maintain, though, that the … any claims [*inaudible* 00:36:29] etc., are effectively through civil law. As I said, contract law, you know? And that’s something for the judges, which is what we’re trying to sort out. The law as it stands, in my view is unjust and that’s why we need reform. But there is an issue of legality here, which you have to bear in mind. |
| **I** | Can I ask [103] to come in, because you’ve had your hand raised?  |
| **103** | I think what Brother [104] said is really, really important that it’s not just a matter of us overseeing the exchange of vows, or the exchange of contract between two individuals. It’s also about perception of society and particularly the way this interacts with legal due processes. So, it’s really important that we get the semantics right as well and I appreciate Brother [101]’s comments about the legal ramifications. But I think the way to address this is by way of explanation we say that in Islam the Nikah is a civil contract between two parties, each free to stipulate whatever condition he or she chooses and that forms the basis of a civil contract between the two individuals, making Allah *Azawajal* the primary witness to their committing the civil contract. But, having said that, within British Law, this ceremony has no legal status. That does not mean that it can’t be used in family and ancillary proceedings if there is a dispute about maintenance or childcare, so on and so forth. But we make it clear that this ceremony is not recognised in British Law as marriage. So, you’re covering yourself from the moral aspect. You’re making it clear that this is a civil contract between two individuals. At the same time, you are not making out that this is … as Brother [104] said, a parallel legal system that we’re operating, which could be termed as illegal. |
| **I** | Thank you so much for those contributions. This, actually, leads us on nicely to the next question, which I think you’ve maybe addressed a little bit in your answers. So, we will keep this one brief. How do you perceive your role in advising couples of the legal status of the ceremony you conduct? So, I think most of you have already alluded to this.  |
| **103** | I would say that it’s important that you have that disclaimer clearly so that there is no comeback on you, as an individual facilitating the Nikah. You say that this isn’t recognised in law and that you need to seek your own legal advice and formalise the relationship, if you choose so, through a civil marriage. I think it’s really important as the Imam, because they can come back to you to say, “look Imam, you never said that this wouldn’t be recognised” or “we were under the impression that because it was done in a mosque or by someone that we see as a recognised figure as an Imam that we were led to believe that it was recognised.” So, it’s really important for whoever is facilitating to say that this doesn’t have any legal status. |
| **I** | Okay, can I bring in maybe Imam [107], [105], [106]?] |
| **106** | Yeah, on our part, on the actual Nikah certificate it does say, at the bottom in bold, that this Nikah is a religious ceremony. It does not constitute the legal marriage. So, it says that on the actual Nikah certificate and obviously we make that clear beforehand. And we do usually ask the couple what the kind of progress is with the civil side of things. I mean it’s not a strict requirement for us and we still have conducted many ceremonies without the civil having been done. Like I said, in most cases the couple either have it booked in. In some cases, they have already done it or it’s in the pipeline. I’ve very rarely come across a case where the couple have turned around to me and said, “we have no interest whatsoever … we have no intention to register the marriage.” It’s just a case of, later on when we have the discussions … towards the last question…, I’ll share a few more thoughts on what the implications are on some of the current guidelines around even registering the marriage and so on. |
| **I** | Thank you. Did anybody else want to add anything to that question before we move on? Yes? |
| **105** | Because I only do a selected few marriages, I am making a point for the couple to make the commitment that they will register the marriage. So, there is no legal comeback on me. Because I’m extremely cautious. So, as soon as I get confirmation from them that they will, at some point, register this Nikah, I don’t follow up anything else. So, if there was any comeback, I can say I advised them of this status … of this ceremony and I advised them to do the … go through the registry if they wanted a marriage. In some cases, I obviously, as [103] explained, I explain the legal status of the Nikah that it isn’t recognised in law or anything like that. In some instances, I … after talking to the couple jointly, I have a separate meeting with the bride, in particular, and to then privately explain to her the legal implications, especially in terms of finance and things like that she may not have considered, just to bear that in mind when they decide whether or not to register that it may have implications. So that she is aware of that. So, I just wanted to basically highlight that. |
| **I** | Okay.  |
| **107** | I think also, just as a point, the other side of this is the disentangling of marriage through divorce and I think you can’t really see and understand the nature of how people decide whether to register or not register in Nikah or a marriage without the context of the divorce laws in this country, which are so really, really terrible. The people that I have helped through that process, it is probably more significant as an issue for me. So, I’m sympathetic with individuals, especially women who don’t want to … there’s more a trend of this now by the way on individual women who do not want to get their own wealth … obligations on their wealth as a result of what they see … consequences unintended through registering a marriage. At least that’s the way they perceive it. And I’m sure there are ethical and moral arguments on all sides of that debate. But I’m kind of sympathetic to that understanding. The other side of this is that we are saying it’s not legal and that’s true. It’s not recognised formally as being legal in any way in this country. That doesn’t mean that it doesn’t have legal ramifications. As specifically already mentioned, in other countries which would recognise institutions providing some type of formal recognition of a Nikah as a marriage, which has secondary legal ramifications in other countries if you move over to those countries. So, I think there’s things to consider there. I don’t think it’s that black and white unfortunately, because the lack of clarity about what that means. And, also, I think sometimes people see this as only in the context of Muslim marriages and I think in a slightly different context, I was speaking to a friend of mine who is a Catholic priest who … I know this is very topical, but this is … previously did a ceremony for a famous couple that was just a blessing. It wasn’t actually a marriage, it was a blessing in their church, for that couple because of all sorts of different reasons they couldn’t get formally married. And so, there is an analogy to be made between having moral, spiritual and ethical obligations outside of mandatory legal obligations I think that do exist in other traditions and also legally recognised within the UK context as not being a parallel marriage as such, but a type of spiritual recognition of a relationship. I don’t think that’s as problematic. Especially as in the [*inaudible* 00:45:48] that we might fear.  |
| **I** | Okay. Thank you very much. Right, the next question should be very brief. I’m realising that we are fast running out of time, so forgive me if I speed the pace up a little bit. So, generally, where do the ceremonies that you conduct take place? So, for example, registered buildings, places of worship, outdoors, marriage venues. We’ve already had a few mentioned, so just maybe what is the most usual of those venues?  |
| **101** | Mosques, people’s houses, Zoom, hotels. |
| **I** | Hotels? |
| **106** | Yeah, wedding halls, banqueting halls. |
| **102** | All of the above. Mainly people’s homes for me. |
| **I** | Is that everybody else’s experiences? Mainly at home or at the mosque? |
| **103** | Yeah. For me it’s mainly banqueting halls and public venues. |
| **I** | Okay. That’s great. Thank you. So, the next question is have you seen a change in demand for non-legally binding ceremonies in the past ten years and if so, what do you think the reasons are? Now, obviously these questions are intended to be asked to all celebrants so you may find that a little bit odd in this context. But, in general, do you think … are you asked more frequently now to perform Nikahs where there is no civil ceremony either planned or already having taken place or are things pretty much as they have been? |
| **104****103** | *Sends Group Chat message which reads ‘No change in last 10 years’.*I think there is … I mean I am finding that there is an increase in request for non-legally binding ceremonies and I am finding this more from professional sisters more than men and primarily to safeguard their financial assets. Although I do talk about pre-nuptial agreements and how those assets could be safeguarded. But that’s one of the reasons why some women, or more and more women are choosing that option. And the other is, which is a worrying trend for me personally, is where a lot of couples are saying, “we just want it to be Halal” and there may not be that long-term, full time commitment that traditionally we’ve seen. If things don’t work out, they don’t work out, they don’t want to get into legal wranglings if they go for a civil ceremony and they want to check it out for a few years to live as a married couple and then, if they feel they want to go for a civil, they will go for a civil. And because they’ve become of many acrimonious situations in their close circle of friends. They will have gone through a civil marriage only to find very soon on in the relationship … because there hasn’t been sufficient awareness of “courting” for want of a better word between the couple, that they find the compatibility, which they assumed wasn’t there and then going through the legal maze becomes an issue. So … and in a way refreshing that they have been upfront about it by saying, “look Imam, this is the reason why. It’s not that we aren’t committed but we don’t know how things will pan out. So, we would rather just be going through a Nikah ceremony and receive your blessings and then hopefully we will come back to you. We will organise another event, another feast where we will have a civil ceremony and we will ask you to bless us then as well.” But this is something that is on the increase. |
| **I** | Thank you. |
| **101** | Yeah, I mean I haven’t done enough Nikahs to be able to see a trend, but I do recognise some of the things that [103] is seeing, especially people not wanting to … I mean this is not in … doing the Nikahs but in conversation with people. That people don’t want to go for a registered marriage because they want to preserve their assets. But I haven’t done enough Nikahs to be able to see a trend. |
| **I** | Thank you. Anybody else have any comments on that question? |
| **105** | Can I just ask [103] … so, in that situation, would you still conduct the Nikah? |
| **103** | Yes, I would still conduct the Nikah. Not just in situations where there’s an issue of ensuring that the financial assets are safeguarded but also you get individuals that are in a relationship already. They realise that that relationship is wrong. In some cases, the families are not even aware that they are living as man and wife. And for them it’s a moral dilemma that they want to be doing right in the sight of God. Because they’re doing their prayers. They are practising as they want to be, but that aspect of their life is a secret. In which case, I feel … others may disagree, that if that can be a good steppingstone to some sort of normality and some sort of approaching their families to say, “look, we are serious about this. Will you bless us as a family or as relatives”, then I will perform the Nikah ceremony. I will not insist on being more stringent.  |
| **I** | Okay. Thank you all very much. I have also noted the comment in the chat. Please do use that function if you do have just a brief comment. |
| **103** | Sorry, just one word. As long as they’re not coming and saying, “we want to be married for one month only”, then that’s a no-no for me. But if it’s a relationship that they’re working on or working towards then I wouldn’t hesitate to help them in that process. |
| **I** | Thank you. So, the next question is: why do you think it’s important to conduct these non-legally binding ceremonies? Why is it important for you, as Imams, to be able to conduct the Nikah ceremony? |
| **104** | Can I go first? For reasons of liberty, of freedom which is that Muslim couples wish to have this religious blessing and, in many cases, more important to them than civil. While in terms of occasion, obviously legally the civil marriage has more weight. But it is very important culturally, religiously, traditionally and unfortunately for historical reasons the law in this country, you know, doesn’t recognise … Islamic marriages the way it recognises the … or has some recognition for Jewish or Quaker weddings, for example. But that’s a result of history, you know. That’s fair enough. And hopefully this will be resolved with this Law Commission work for which I would like to thank the Law Commission. So, I think it’s really important that people’s religious rights are respected so we are catering to an essential need, really, or service and we hope the law will change to make is easier for us. Rather than actually being in fear of prosecution, you know, Baroness Cox has been as well, which is one of the reasons I’m grateful to [101]’s comments. I have actually stayed as far away as possible from the legal side of things because I hear these calls for prosecution all the time. But I think it’s an essential point of freedom and liberty and you have religious freedom, individuals’ rights for couples in this country. Thank you. |
| **107** | I have a similar, but slightly different take, which is that I think it is definitely something … religious liberty and individuals to do so. But I am probably someone that sits on the opposite side of this and I really think that absolutely not necessary for Muslim couples who want to have some kind of religious blessing for their relationship. Or, a contract in the eyes of God, that’s to say how people view this. Because it is … to differentiate it from all the strictures of an established marriage, I think the idea one automatically equates with the other I think is really problematic. And I think the approach that was mentioned earlier, that actually many couples see this as a way of having a proper formal relationship before locking it down legally is probably a really sensible approach in the contemporary … in our times today. And I think it’s a very practical thing, that individuals want to be able to have relationships where they can have some intimacy and they can get to know their partners without having the strictures of a legal system come down upon them, which they wouldn’t normally be expecting. If you think about this normally, that would just be an individual having a relationship outside of … not even getting engaged or anything of that nature, which would just be a normal situation we wouldn’t turn around and start thinking about the apparent consequences of this, which are negative. It’s only because there have been some negative consequences of this where people are … apparently are assuming that there’s a legal ramification for the Nikah. It seems that people have thought that was the case and that isn’t always the case. And I think that’s the reason we have this. I think that the other side of that is something that is internally within Islamic tradition. There’s a recognition of, to some extent as well, the notion of having a Nikah where there’s no sexual relations and the differentiation between the two. Even informally. Informally exist within various types of Islamic jurisprudential context. I think it’s just something to bear in mind that it’s not always the equating of Nikah and legally recognised marriages … it’s not necessarily something that I think is the way forward. |
| **I** | Thank you. Can I invite anyone else to add their comments? |
| **101** | I think what Brother [107] mentioned … this actually happens in Egypt where there is a kind of … well, they do a kind of engagement and after the engagement what happens is the couple, they do everything together and they see whether it works. And if it doesn’t work, then they just part their ways and if it works, then there’s a full legal Nikah that happens. Yeah. I just wanted to comment on that. These are practices that are happening in different parts of the Muslim world. |
| **I** | Okay. So, we will then move onto the next question. Has there been any change in your role since you began conducting these ceremonies? So, for example, has there been a change in the form of ceremony you now conduct? So, I guess, maybe I can guide you a little bit on that. So, the form and the content of the ceremony. So, you’ve all alluded to now speaking very much about the legalities, or lack of legalities, attached to the Nikah. Is that something that’s changed over time or have you always ensured that this is an issue you cover? |
| **101** | I think we’ve become more astute. I’m sure [104], there was a point where you were actually … if you were officiating these, you would have just said Nikah or Islamic marriage. I think the … because of the law and these threats of being prosecuted … I think our semantics and our terminologies have been refined slightly to wedding blessings or Nikah blessings, rather than marriages. Is that a right observation, [104]?*104 Visually puts his thumb up to indicate agreement**107 Sends Group message which reads ‘no change in practice’.* |
| **I** | Thumbs up, there. Anybody else want to answer that question? Has there been a change in your role in conducting these ceremonies? |
| **106** | I think, yeah, in terms of just adapting, I guess, over the years. When it comes down to the actual acceptances, as I’m sure fellow Imams will agree, the Nikah itself, the contractual element, it doesn’t take long. You can do that literally within a minute or two. Just taking the acceptances and that’s that done. But I think it’s more of we add in the speech … in English. And the Duha, and so on, etc. I mean these things aren’t necessarily part of the Nikah itself. It’s nice to have that, especially when there are lots of guests listening. So, I think, just over the years adapting certain wordings, the speech and we actually even sometimes speak to couples and ask them is there anything specific that you want as well? Almost like tailoring it. “Is there anything specific that you want mentioned on the day? Anything that you want addressed?” For example, if it’s an inter-faith marriage or an inter-racial marriage, there are certain things that we are going to say differently as opposed to if it was a marriage within the same kind of race or so on. So, yeah, I mean it’s just more of adapting … depending on the type of ceremony. If there’s a ceremony at home with, let’s say, 5 or 6 people, compare that to a ceremony which is in a hall with 500 people. I think that the dynamics naturally are going to change and you’re going to have to adapt when you’re addressing, I guess, the audience as well, as opposed to just the witnesses and the bride and groom that are there.  |
| **103** | I mean I agree with what [106] said there, completely. I think more and more what Imams are realising is that being in that position of officiating the exchange of vows; it’s not just about facilitating that process. But, in many cases, work colleagues of the bride and groom may not have any idea or may have misconceptions about Islam and Muslims. Those kind of issues in a light, humorous way can be addressed, and I actually ask as part of the preparation that, “do you have any non-Muslim friends that are going to be there as part of the process?” And it’s an ideal situation to actually dispel some of the fears that are there about Islam and Muslims, to make it more meaningful, more realistic to them as well. And to be inclusive of them, so in the Khutbah I tend to talk about being part of one family, [*inaudible* 01:02:22] for one couple. So, the diversity and equality issues can also be addressed indirectly, as part of the ceremony. |
| **I** | Okay. For the next question, can I ask is anybody here authorised to perform legally binding ceremonies? No? Okay. So, we don’t need to ask that question. |
| **104** | Sorry. Can I just add to that? Yeah, I used to be registered to do legally binding ceremonies because my old Masjid I served for, over 25 years now, but in the last 5 years or so our Masjid was registered as a place of marriage and I was one of the Imams registered, also with the local Council. So, I did do double ceremonies a few times. The Nikah ceremony and the civil ceremony both in one. We had the civil registrar book in the Masjid. But since I left the Masjid obviously, I can’t do that anymore. Which is why I also welcome the whole celebrant idea. The new celebrant idea, not limited to a particular location, like they have in the US or Scotland because that will make that possible again for many more of us. |
| **I** | Okay. So, that then leads us nicely onto the next question. So, if you don’t conduct the legally binding ones, are there any particular reasons why that’s not a process you have engaged in? So, I understand some of you don’t perform that many so I guess it will just be in the numbers, then. But for those who do, is this something that you have thought about, or … |
| **103** | Like [104] said, I too at one stage, many, many years back I was an approved person. But the difficulty that I see with … and I’ve spoken with a number of Imams, they feel that they don’t want to be authorised … become authorised because they feel that they will have to conduct the marriages of anyone that puts a notice up. And despite reassuring them that, “you won’t have to do same sex marriages and things like that”, they still feel that if they do become authorised, then they will have to either choose between doing religious marriages or doing civil ceremonies. And in some cases, that may not be possible. So, for that reason … and there’s also this fear of getting involved with authority. And they feel that it’s better that if we’re not authorised, we can do our own thing in our own way, charge whatever fees we feel appropriate and not be bound by rules and regulations. And I think that’s the main reason why a number of places became registered and then they chose to deregister out of fear of having to perform Nikah’s that were, from an Islamic point of view, not valid. And I’ve been involved in doing roadshows across the country in trying to get people to become authorised and to register their place of worship and that’s been one of the main reasons that participants have said, “we don’t want to get bogged down with red tape and we don’t want to fall foul of equalities legislation if we get a request from two brothers saying we want you to bless our relationship.” |
| **I** | Okay. Anybody else have any comments to make on that? |
| **104** | Can I just ask a question there, to Brother [103]? Yeah, to come back to the question, the only reason I don’t do authorised ones is because of the restriction to a place or a building and so once I left the Masjid, I lost that option which is a shame. Because I would have liked to continue helping couples by doing their Islamic and civil ceremonies in the same breath. Brothers, can you clarify? [101] or somebody, isn’t that right? If you’re authorised, then you cannot turn any couple away. So, any couple who then comes to you, you then have to do the Nikah. Is that right? |
| **103** | For authorised individuals, if they have given notice to the local registrar and the date has been given, then the mosque Imam or whoever is the authorised person, then facilitates that process. The way it works out in practice is that usually it’s not the authorised person that is signing the paperwork, usually it will be the Imam that will do the Nikah ceremony. The authorised person is someone who is a member of the Management Committee [*inaudible* 01:07:15] they will take them into a room upstairs and will just get them to sign the marriage register, as they would sign at the Registrars. In some places they are diligent that the authorised person will take them through the ceremony, make them utter the required wordings and then, before or after, will hand over to the Imam to do the Nikah with the *khutbah* and the *bayyan* and the *Dua*, and so on and so forth. But there is this misunderstanding that if you are an authorised person, then you can’t refuse anyone that has applied to the Registrar for that relationship to be accepted. Now, in same sex marriages or relationships that becomes an issue. So, some Imams are afraid that it may not be an issue now but the moment that they are authorised, it may become a requirement for them to perform same sex relationship blessings. And for that reason, they feel that we would rather not register to be authorised. And just function as an Imam. |
| **I** | Okay, thank you so much for that. We don’t need to discuss Question 11 because by virtue of the fact that nobody is doing the dual ceremonies anymore. So, moving on then to the last question really, but it has four parts. So, the Law Commission has published a consultation paper where it has proposed some reforms. We did … I’m sorry, very belatedly, send that out this morning. In essence, it has been suggested that it should be made easier to give notice. That this should be done online or in person at a Registry Office and that notices of marriage would be made public online rather than in a Registry Office. It’s also been suggested that it should be possible to get married anywhere, including outdoors or at home and that couples should have a greater choice as to the form this ceremony should take. Now, just very quickly, has everybody had the chance to read it or I can just share it on the screen. Are we all familiar with it? Okay, so I will start with the questions. So, do you think that the proposed reforms make it easier for the types of ceremonies that you perform to become legally binding? So, I will share it in any event so that you can refer to it. So, obviously difference in civil preliminaries, the types of wedding, so the scheme would enable weddings conducted by non-religious organisations and/or independent celebrants, location … so, at the moment you know location is … as you’ve all mentioned, you know that locations are limited. So, all weddings will be legally permitted to take place at a location chosen by the couple. So, even outdoors, etc. There will no longer be prescribed words, giving couples greater freedom as to the form that their wedding takes, enabling the law to recognise a variety of ceremonies that people use to mark their weddings, including obviously, in this case, religious ceremonies. And … so, as long as it’s still identifiable as a civil ceremony, couples will be able to have religious songs, readings, hymns, etc. And then, in terms of validity, at the moment most religious-only, so Nikah-only marriages, would not be recognised. So, the law is moving towards fewer ceremonies resulting in a wedding that the law doesn’t recognise at all. *Interviewer shares screen so cannot now see all participants. There is a lot of background noise coming from one of the participants who hasn’t muted.**104 Sends Group Message ‘Yes read it. Agree with all except wording issue has to be handled carefully, not too short or vague.**103 Sends Group Message ‘yes, read it’.* |
| **107** | I think the one thing that’s missing from here is probably the discussion that has been mentioned by people already, that effectively if the church has an exemption from the equalities legislation where it’s allowed to step out and say, “actually, because we’re the church, we have it enshrined within the law that we don’t have to treat every orientation equally.” So, if somebody is gay, they come forward and they want to have a marriage, we can refuse to do so, which is the current law. I’m not sure how that clear that is about other institutions because there were instances of people who work within registrars that were not allowed to do so. And neither is their religious conviction a basis for refusing to do so. So, I think there probably is some ambiguity about this as to how that would work. Obviously, it makes it very different if you’re talking about individual rather than a place or a venue. But the assumption still would be an individual is connected to a place and venue, which is legally sanctioning them to provide … to undertake the marriage on behalf of that institution. So, I think that might still be an ambiguity that needs addressing. |
| **I** | Okay. So, in terms of the reforms, do you think it would make it easier for the types of ceremonies that you perform, so the Nikah marriages? |
| **107** | Absolutely, yeah. I think everything else would definitely make it easier. |
| **I** | Yeah? I’ve seen some nods. So, people are generally in agreement with that? |
| **106** | Yeah, definitely. I just wanted to add … my personal observation is, especially when it comes to location, which we spoke about at the beginning, a lot of couples … they just don’t want the headache of organising a separate function, so to speak, for the civil. So, as you may know, in many of the Muslim communities we have large weddings, right? Where there’s hundreds of people in attendance. And that costs a lot of money, understandably. And now, then, for a couple who would like to get their marriage registered but they’re being told, “well, actually, the venue that you’ve chosen is not registered”, which is pretty much, I would say, the majority of the venues that are out there, aren’t registered buildings. Now, they’re having to think, “we have to set a separate date now for a separate function, to get our marriage registered and get family involved again and that’s a separate cost”. So, I think that is a major obstacle. Whereas, if we can just shift all of that to one wedding, one function, where, let’s just say Nikah, everything … Walima, all of that, is in one place, then I think that will actually be a huge encouragement for couples to get their marriage registered. |
| **I** | Okay. Thank you. So, the second question with regards to the proposals is, would any of the proposals give rise to problems for the types of ceremonies you conduct? So, is there anything problematic in these proposals? *No one speaks. Few are looking into the camera.*So, I’m going to take the silence as meaning “no”. Okay?  |
| **104** | Sorry, sorry, hold on. I put something in the Chat Box. I would ask if the organisers could save the Chat Box, because I think that … |
| **I** | Yes, we will be, yes. |
| **104** | It would make it more efficient for some of these questions. So, I agree with all the proposals. About the wording, I think the wording shouldn’t be too strict or too vague. We have the same issue in *fiqh* discussion and Sharia, this is well-known. What kind of wording is acceptable or not. So, I think it’s a little bit vague at the moment. It will be interesting to see what proposals they come up with. And then, also, the religious exemption issues. I mean, exemption for religions, which [107] spoke about. He talked about same sex marriages but there’s another example I can think of, is that Catholic churches … I have done a number of mixed Muslim/Catholic Nikahs where the Catholic priest in this country put such strict conditions. They wouldn’t do a Catholic blessing in the church with a non-Catholic. They have very strict conditions, either conversion or baptism of children, etc., etc., which made it impossible for the couple to do that. And, obviously, they’re allowed to do that, like the Church of England is, as a kind of religious exemption because it doesn’t fit with their teachings. But it would be interesting to see how those issues are dealt with, as [107] said.*101 Sends Goodbye message by chat function and leaves* |
| **I** | Okay. So, just to note [101] has had to leave because he has teaching. So, we just have a couple more questions. So, how do you think the proposals might impact on the process of getting married amongst the couples whose weddings you conduct? So, we’ve had a least a couple referring to this already, in terms of facilitating, any other potential impacts to the process of getting married in Muslim communities? |
| **104** | Sorry, could you repeat the question? I was … |
| **I** | How do you think the proposals might impact on the process of getting married amongst the types of couples whose weddings you conduct? So, amongst couples in Muslim communities? |
| **104****106** | It would make it much easier, that’s my simple answer.*Sends Chat message saying ‘agree’* |
| **I** | Okay. Does everyone agree or disagree with that? Okay. Yeah, okay. So, just a final question about the proposals, is there anything else that you would like to add that we haven’t already covered with regards to the Law Commission’s proposals? Yes? |
| **102** | I just wanted to ask, what is the position of an Imam, who conducts a Nikah, for somebody who wants to get married to another wife, even though he’s legally married to somebody else? What is the position there? Second, third, fourth Nikah, for the man? |
| **I** | [*Long pause*]. Sorry, are you asking me the question? |
| **102** | Yeah, I’m just asking what does the Law Commission … because sometimes we have that … sometimes we are asked to do a Nikah for a man and he’s already legally married to somebody else. What is the position in terms of the Imam legally? Are there any ramifications? Implications? Are we allowed/are we not allowed? Brother [103], I think he asked the question that if you are legally married to somebody else … if the person is legally married to somebody else, but the man and the woman want to do the Nikah ceremony but it’s a second marriage for the man. Are there any legal implications for the Imam conducting a Nikah like that? |
| **I** | Sorry … just … I can have this conversation after the focus group. |
| **102** | Okay. |
| **I** | The purpose of the focus group … my role is just to facilitate. |
| **104** | But I think it’s an important question. |
| **102** | It is, yeah. |
| **104** | Perhaps we can discuss it. My understanding is that obviously that would be impossible under the law. Nobody can conduct a legal marriage of somebody that is already legally married. And, in fact, this is one of the cause of our prosecution come up, because people argue that aspects of Sharia are illegal. And polygamy is one of those. So, my understanding is … I mean that Polygamist Nikahs happen in this country and the reason … |
| **107** | I’m sure it’s interesting. Just beyond the research scope. |
| **104** | Yeah, just the simple point is that it’s because they’re not recognised by all the Nikahs that Imams can do them or the couples can do them, actually. So, it’s a very simple … it’s a good question. |
| **107** | Religiously licit mistress. |
| **I** | Sorry, we missed that. |
| **107** | I said a religiously licit mistress. |
| **102** | A legal open girlfriend. |
| **103** | Or two, or three! |
| **I** | We’re definitely going off course a little bit here. So, is there anything else that you would like to add with regards to the proposals on the consultation paper? Or are you happy that we’ve covered that? |
| **103** | I think we’ve covered that but I just want to go back to what Brother [102] has raised as an issue because from time-to-time we will come across situations where we are either aware that the brother is already married, either here or the wife might be in Pakistan/Bangladesh, whatever and he wants to get married here, because he’s living here. And that marriage, which has been conducted, say, in Pakistan or Bangladesh is recognised by the law there. It’s also recognised here in law. Because the law is that if you’ve conducted a marriage in a country, which recognise polygamist relationships, then as far as the law of the land is concerned, it will recognise the validity of those marriages or marriage entered into. The dilemma is going to be for Imams here, when they are faced with someone who is a student here, for example, or is working here and hasn’t been able to sponsor his first wife from wherever she is in the world. And he is faced with saying, “look Imam, I’ve got this … I’m interested in this lady and we want to marry. We don’t want to commit sin, and can you assist us by performing our Nikah?” And that is something that has happened and will happen. So, you know, how do we address that, is something that perhaps we need to touch on. And one way, when I’ve been in that situation and what I have said is that Islamically, there isn’t a requirement for an Imam to be officiating or blessing a marriage. Technically speaking, if two sane adults, male and female, agree to enter into a civil contract of marriage and they offer each other, and there is accepted by the other in the presence of two adult, sane witnesses, then Islamically that is a marriage. The Khutbah, the facilitation, the Duha, these are icings on the cake, and it is part of Sunnah, but it is not a *fiqhi* requirement. So, insofar as facilitating, or being present, or making Duha, that eases your hardship and blesses you, there is nothing wrong in that. But now and again we do come across a situation where we are asked to be part of a process of recognising or celebrating a polygamous relationship. And you can’t say, “well, I’m not going to perform”, because Islamically that may not sit well. It might be a member of the congregation who wants to do right by Allah (swt). So, it’s a difficult one, but I think we need to be creative in the way that we facilitate … not facilitate but assist those individuals. Otherwise, what answer do we have to the couple or the individuals or their families?*106 Sends Group message to say goodbye and leaves* |
| **I** | Okay. Thank you. So, that was the last of the substantive questions. Is there anything else that you would like to add about the marriage process that we haven’t covered already? No? Okay. So, thank you all so much for your contribution. I am very sorry that we did go 10 minutes over time and thank you so much for hanging on until the end. I will email you all individually but … sorry, we can stop recording. |