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|  | Introduction. |
| **[0:02.20]** |  |
| **I** | So, I just want to start with a general question really to get an idea of the kind of ceremonies that you are conducting. So, would each of you mind telling us about the last wedding ceremony you conducted in England and Wales and specifically focussing on the type of ceremony and the location.And that’s open to everybody. Okay? |
| **111** | Hello. Good morning. I am very happy to be with you today here. The last wedding that I conducted was on the 20th of October. It was in [city], [suburb]. In a restaurant. Obviously, keeping in mind that there were some restrictions, okay, in terms of the number of attendees, which is not very much appreciated by the nature of the weddings that Muslims normally have. Because you are not making everybody happy, okay. But, of course, having in mind that, okay, the restrictions that we have we’ll have to go with. So, that was in a restaurant, okay. [*Everyone is looking serious – no smiling, either staring ahead or looking down. Two participants are not sharing video].* |
| **I** | Okay. Do you have anything to say, in particular, about the type of ceremony? |
| **111** | You can say this is, I mean, not the English marriage registration, okay? It’s just a standard Nikah ceremony. The family members from the bride and groom attended and we then conducted the standard marriage. But, of course, the couple and the family are advised and also they, I mean, [inaudible 0:04:30] they will get their marriage registered. It would be in English law. Of course, okay, and why this kind of marriage is happening? Okay, that I suppose, it will come into our discussion.  |
| **I** | Thank you. Can we just go to [113]? |
| **113** | As-salamu alaykum. Good morning to everyone. Happy to be part of this discussion. I’m based in Leicester as you may or may not be aware. With the last ceremony, well Nikah, that I conducted was in September of a local community member. We had about 35, 40 people all socially distancing and the majority of the people that attended on that day were the groom’s family. All the girl’s family were all listening and watching from Zoom and so forth. And the idea behind this was it was an ideal opportunity to meet people of other faiths and no faith. It was their first time ever coming into a masjid and being present in an Islamic wedding ceremony. [*Background is noisy from 111 who then turns his camera off].* It was quite a good one because it was very interactive also and we had an opportunity to… well, everyone was given the opportunity to ask any questions they may have. And I think that was very, very beneficial for the whole community as such. |
| **I** | Thank you so much. Sorry, I should have stopped after [111] spoke and just welcomed our fifth Imam. [115] Thank you for joining us. I have asked everybody if possible to pop their videos on. |
| **115** | Okay. That’s fine. |
| **I** | Just because it then allows you to engage with each other within the groups. If you’re happy to do that, that’s wonderful. I know we’re waiting for [112] so it sounds like he’s still on the road, but he will do that, I’m sure, as soon as he reaches where he’s going.So thank you for your time this morning. Okay. So, if I can come to [114]. next, on that same question? |
| **114** | Yep. As-salamu alaykum. The last time I did the Nikah was on the 23rd of October. It was inside a house. It was conducted in the evening. It was a last-minute request. Usually like we have a process where people book an appointment, and we will do an investigation to ensure that all the conditions are met from an Islamic perspective.We don’t get involved in civil marriages, but we do advise on them. So that marriage, it was someone that I knew, personally. Due to trust of knowing his family, I agreed to do it at such short notice. And the person that was getting married, a young Somali sister, she got married to a person from [country]. So, he was visiting [city] at that time. Yeah, it was done out of hours, in the evening and it was only four or five people there present. [*113 & 115 are both smiling and typing – perhaps private chat to each other? 112 turns on his video, walks away from the camera before returning].* |
| **I** | Okay. Thank you so much for sharing that. Just, if I could probe just a little bit, was there… so you mentioned that it was out of hours. Was that because of the circumstances? Or would you generally expect to be conducting a Nikah under those circumstances? |
| **114** | Yeah. When it comes Nikah, you have to be a bit flexible. So, our policy is that we do it in the masjid, we do it usually in the centre. But it’s their preference, if they want to do it at home or in another venue, then we allow that option. We accept that option. We do have a fee in the masjid. The mosque has a fee. It’s a hundred pounds if it’s in the centre. A hundred and fifty if they request the Imam to visit their house. Or outside the centre.Of course, if it’s in a different location, different city, that also differs as well. |
| **I** | Okay. That’s wonderful. Thank you so much. If I can then come to [115]? |
| **115** | As-salamu alaykum. I’m just, very quick, being the resident Imam at [organisation], naturally we don’t… can you hear me? [*Cannot see 115’s mouth – only top part of head and face].* Okay, being the resident Imam at [organisation], we don’t do Nikah ceremonies in the university. However being a visiting Imam in a local masjid such as [mosque name] [inaudible 0:09:38], I get invited… so I did one just before the lockdown. The family wanted a ceremony to be done in the home. In a staged wedding group. So the masjid insisted on, once we had the paperwork from the civil marriage, because a lot of the masjids, you have to have the civil marriage paperwork. Once we had that then the day after we conducted the Nikah. It was pretty much quite straightforward, as you would do in the masjid. The only difference being the boy and the girl both being present in the home, as well as both sides of the family. That’s about it. |
| **I** | Okay. Thank you very much. Okay, so [112]. Welcome. Thank you so much for dialling in even though it was clear that you were on your way, travelling. So welcome to the group. Can I ask you to answer that first question as well, please? |
| **112** | Myself? |
| **I** | Yes. |
| **112** | Okay. As-salamu alaykum once again. Very nice to see some [inaudible Arabic 0:10:39] and scholars. Some of whom I know and some of you I haven’t had the opportunity of meeting yet so far but it’s how I can talk to you all. Yeah. Apologies for pretty late video. With regards to the last wedding ceremony I conducted, I haven’t… the last one was actually just before lockdown that I conducted. But I have attended… sometimes what happens is there’s an Imam officiating the marriage or doing the sermon at the time of the contract of Nikah. Sometimes there’s many *sheuk* [?] or many Imams. *[112 is rubbing forehead and looks tired. He is hesitant in his answers, gathering his thoughts].*So, what the Imams do sometimes is, although it’s officiated by the particular centre or an institute or yeah… so what happened is I was kind of co-doing it, at actually the day… it was the 16th of October. I think the next day was… or the same night, it was lockdown. I’m not sure if it’s… So, there was a chance that it was going to be cancelled. You know, everyone’s planning. There’s a lot of marriages that are… sorry, I think it was from 30 to 15, if I’m correct.Anyway, there was an issue that and people are planning marriages. Some people are stopping, waiting to see if things get better. But yeah, *Alhamdulillah*, it was a very small do with strictly 15 people and, obviously, with the… it was a Bangladeshi wedding, Nikah ceremony, and as you know with the South Asian culture, there were a lot of issues with how many people could attend due to the lockdown. So, related to the lockdown.But in terms of the Islamic perspective, I think what we do generally, or what I do is we have a discussion with both sides prior. That’s what everyone does. And then we set the date as per normal. I think it’s the same set up. I mean, we do advise that, on our forms, that you should take the civil marriage and register for it. However, I actually personally do a meeting with the two sides and give them a little bit of advice about what marriage is nowadays. And as an Imam, and I’m sure all of the other Imams agree, nowadays we have another issue where a lot of young people, because of the cultures, and I think we’re going to come to that discussion later, maybe, I don’t know. They jump onto the marriage sort of thing very early. So, what I try to do is give them the… what is the institution of marriage? And what are the rights and obligations? Those kind of things are more my focus as an Imam, because we’re also dealing with divorces, you see. Or marriage counselling and I think all of us know that, I think, if the two prospective… the bride and the bridegroom have a good understanding of the rights and obligations, then from the get-go, then I think it alleviates a lot of the societal community issues that we face nowadays. Also, towards the in-laws, both in-laws sides, all these things I focus on more so. The actual ceremony is very simple, as you know. *[115 is occasionally looking down and typing. Others all looking into camera and listening attentively].*And we try to focus on the aspect of the Islamic announcement, you know, the point of announcing and letting the people know and even the in-laws. So the father-in-law… so, normally I actually want to see… not only get the permission from the… you know, which is suffice, now. The permission from the Walid. But rather I want to… most of the time actually, I prefer to get the permission directly from the sister beforehand. Because sometimes, within certain communities, it is expected… I think everyone will agree about this… that sometimes there’s the issue of forced marriage and things like that, so we don’t want to have any of those issues because it all comes back to us anyway, because we are conducting it. So, we’re very careful. Well, I am anyway.But I don’t know what to say to you apart from the 16th of October was the last one. |
| **I** | Okay. |
| **112** | Yeah. |
| **I** | That’s great. And in fact, you have also answered question two, so that’s a good introduction to that. And question two is, is it usual to meet or otherwise communicate with the couple before the wedding ceremony? So, you’ve answered that which is great. So, if I could go now to [111] on that question. So, would you usually meet or otherwise communicate with the couple before the wedding ceremony? |
| **111** | Thank you. Yes, of course. The process actually includes the first step, in most cases, we deal with arranged marriages, okay. In very rare cases, we go for only otherwise. So, the process included is that we ask for the documentation first. In all the cases I deal with. So, we say to give them their passports or driving licences and the proof of address. Then I talk to them and both sides of the family. They talk to us. Okay, and then I provide to them a consent form so that it is legally that they actually are not forced, okay, and they’re not intimidated by anybody. So, they give their consent and all the information that I need. *[Lots of nodding from 115 and 112].* For example, who is the Walid and the details of the bride and groom and as well as witnesses and what will be their [maar?] and everything.So once I get that, then the process is me either go to the girl’s first, okay, and talk to them. And I actually, always in all cases, talk to the bride first. Okay, and then gain her consent first. So, obviously, in the presence of the witnesses and all other concerned people. Then we come back to the actual Nikah where it is either taking place in a masjid or maybe a wedding centre or maybe in a house or maybe in a restaurant. Wherever the preferable places, okay, of both the parties. But this is what we do. And this is one we offer. Obviously, you’ve got lots of other questions, okay, so in answer to your question that, do we talk to the bride and the bridegroom beforehand or not? Yes. |
| **I** | Okay, excellent. Thank you. And then if we move on then to [113]? |
| **113** | Okay, so, where I always meet, where possible… especially with the current lockdowns, it’s quite difficult to meet up with the prospective married couple… but I will make it a point at least once even, with this lockdown, to meet them in person. Get a feel of their personality. Understand their situation. Make sure that they’re not being coerced into Nikah. And in most cases, or rather in all cases, I haven’t come across any where anyone has actually mentioned that they are coerced into Nikah, or being forced by family members. *[112 nods].*So, meet them, discuss with them what they’re going into. Where possible, try to guide them and advise them on doing some research and understand what they are actually going into. So, yes, meeting them is a key thing for us, definitely. |
| **I** | Okay. Just to… and this is something actually for all three Imams who have just spoken… it’s obviously focussed on the… I guess, the spiritual dimension of marriage as well as the process of consent. It there any discussion about the legalities? So, you’re conducting a Nikah. Is there any discussion about what that effectively means in terms of legal recognition?So, actually, just to you first, [113] if that’s okay? |
| **113** | Well the legal aspect of it is being mentioned to them first and foremost that the Nikah, that will be done, although they’ll be provided with a Nikah certificate. But this is only possibly going to be helpful when it comes to things like when they’re going for Umrah where they’re asked, “Have you got a *mahram*?” A lot of times nowadays, it’s unlike in the past where the woman used to change her surname. So, the woman has her surname. Husband has his. They both have totally different names. And when applying for visas, at times, we have heard where sometimes it’s difficult for them to get a visa because they don’t have any proof except maybe a Nikah certificate. So, if they’re going for Umrah next week or something, the Nikah is happening today, they haven’t had a civil marriage. Then in that case, what we will do is we will advise them that you should be able to show this and this should come in handy. However, legally, we do make it very, very clear that there is nothing at all. You can’t take it to the Home Office and hope that they’re going to say, “Oh right, okay. You guys are legally married.” |
| **I** | Thank you. [114]? |
| **114** | So, the question is in regards to do you we have communications or meetings with the couple before we conduct the marriage, right?  |
| **I** | Yes. |
| **114** | It depends, actually. If it’s people we know, they’re from our local community so we know the family, then we might not go through a longer process. But usually it’s people that we don’t know who contact us, we’ve never met before, they don’t attend our masjid. And then, here it depends. So, the only… [clears throat] excuse me… the communication that we do have is a communication that is needed for the actual conditions for the marriage to happen which is the father, the Walid. So, if someone doesn’t have a father, Walid, giving permission, then we don’t accept you in the marriage. If the father is alive, of course. So, we do have conversations with the father and we do see that he’s happy to go ahead and he’ll be present during the marriage. So, we focus more on the conditions being met. It will be very difficult to ensure… to investigate if this marriage is suitable for the two, it’s difficult to get involved too much. But if we do think that there are some concerns somewhat, which is things that are too obvious. So, for example, I had someone who came to me. An 80-year-old English convert to Islam and there was no way I could prove that he was a convert either because he didn’t know how to read any [inaudible 0:22:53]. So, we weren’t a hundred per cent sure if he was a convert or not. And a 25-year-old Algerian woman who was seeking asylum in the UK but still doesn’t have any paperwork or any documents, any legal documents. So, it became clear that she was marrying him because he’s rich and he has money and she just wants to get nationality and therefore this is not really a genuine Islamic marriage, or marriage based on the correct objectives in Islam for marriage.So, whenever there are any concerns, we have [*surah* inaudible Arabic 0:23:40] We have three Imams in the centre. We won’t go ahead until we consult and make a decision together if we should decline this application or not. Yeah. |
| **I** | Okay. That’s wonderful. Thank you very much. [115]? |
| **115** | *[115’s screen is frozen briefly but can hear audio].* I think, I’ve had quite a few cases at university with students. Unfortunately have gone to some Imams who’ve done Nikahs where they’ve become second wives, not realising they’ve become second wives. So, for a very long time, even before working at [organisation], I’ve always had a personal thing that I would never get a Nikah done until I know it’s completely above board.So, the masjids who do invite me, I normally do ask them, especially now, have they got the civil marriage certificate or not. If they don’t have the civil marriage certificate, I personally… because being a visiting scholar got a bit more flexibility, I would not do it unfortunately. It’s just there’s too many cases and I always believe [inaudible Arabic 0:24:49] Nikah in the Arabic language comes that, “announce your Nikah,” so there’s nothing to be discreet about. If you’ve got nothing to hide, it should be quite easy.So, personally, I would only do a Nikah after I’ve seen the civil marriage certificate. |
| **I** | Okay. Thank you very much. Right, so I’m going to move onto the third question and, for the questions beyond this point, it is open to all of you so I won’t ask for specific contributions so please do just come in or if somebody else is speaking, just use the raise hand function so that we can then ensure that we include everybody’s opinions.So, the third question is, are the ceremonies you conduct part of a process towards a legally binding marriage? So, do you see the Nikah as being a starting point and the process will end in a legally recognised ceremony?*[No-one speaks].*It’s open to anyone who wants to answer. |
| **115** | Islamically, the civil marriage itself is sufficient for husband and wife to be recognised as a wedding couple. The Nikah itself, it’s a s*unnah* andfor the blessing, it’s highly encouraged. Hence, if somebody did get actual civil marriage done, it can be legally recognised as husband and wife, as well as Islamically. There are a lot of people want to get the Islamic Nikah done just for the blessings *[112 screws up face suggesting disagreement]* and a spiritual reward also. So, I know some people get a civil marriage done way in advance and we put a Nikah [inaudible 0:26:22] done at a later time2. Or vice-versa. The opposite way, get a Nikah done first and then wait for a slot for civil marriage. So, it’s thought that you do need a Nikah, but of course, for the spiritual blessing, it’s highly important.*[115’s audio is very quiet. 114 has a shadow across face making it hard to observe facial expressions].* |
| **I** | Thank you. Does anybody want to… |
| **113** | I think [115] has covered it very, very well there. So, I think that’s the important thing, you know. Whether regards to the legal aspect of it, a legally binding contract. And yes, *Alhamdulillah,* say if they want to go ahead, we don’t get involved in any of that at all, whatsoever. But we will advise them, you know, that whatever advice they need. In most cases they know already what they do and registrar’s office and so forth. So, we don’t really get involved in that aspect of it. |
| **I** | Okay. Thank you. Anyone else? So, are the ceremonies you conduct part of a process towards a legally binding marriage? |
| **111** | What we do… as I think I was informally talking to you before we started the session… is that in one centre, what we have decided is that we will only conduct any marriage that will be legally binding. So, that the part of the process is when anybody’s coming, then we say… we give them a paper and that they make an appointment with the register office for a civil marriage. And then, at the end, the whole process comes back to us. Why? Because we are registered to conduct the civil one and the Islamic one. So, for the moment, okay, he was right to say that, okay, you did actually enough if you go for a legal one. But, of course, there are some ceremonial differences here and there, okay, slightly. So, obviously as Muslim, okay, we would obviously go to [*sunnah* inaudible Arabic 0:28:24] practices as well as the legal one. So, as part of both, okay, what we do, we do both of them separately. Just in the same sitting, one is the Islamic one and then the legal one, okay, you know the declarations, that… I guess we’d go with that.And then the [inaudible 0:28:47] certificate is added to that. This is one of the processes. The other process is where, if anybody denies that, okay, we do go for the civil one. With our responsibility, we just want you to conduct the Islamic one. So, there we actually take their consent very seriously so that they do not deny it later on. And also we confirm that the certificates that are given, that doesn’t have any value, okay, in terms of the legal issues.So, as [115] said at the beginning that maybe for Umrah purposes or some other, I mean, Islamic purposes of the Nikah they can show that. But it is not a piece of legal paper and that’s where the [inaudible 0.29.35].  |
| **I** | Okay, thank you. Does anybody else want to respond to that question before we move on? No? Okay. So, this is linked to the last question. So, how do you perceive your role in advising couples on the legal status of the ceremony you conduct?*[No response. I repeats question].*So, some of you have actually already answered this question. So, how do you perceive your role in advising couples on the legal status of the ceremony you conduct? So, that’s you as an Imam. |
| **115** | Well, we’ve probably all alluded it earlier. I think, secondary to the contract, whether it’s a financial contract or a marriage contract, ultimately you give it your best and you hopefully want the best. But when you’ve got it all above board, there’s no ambiguities, complete clarity on board, you know. So whenever any students come to me, or even staff come to me in my office, I will always encourage him to do the checking, both in terms of the partner but also in terms of the family. And then go through the paperwork. And go through the actual legal process. And go through an official masjid.So, I think, that’s important [background look? In audible 30:55]. Probably a lot of Imam already do that, I think, already when they speak to their fellow peers, you know. |
| **I** | Okay, thank you. Anybody else want to contribute on what you perceive as your role? |
| **111** | I mean, obviously, for the safety of the couple, it is always recommended, okay, for the legally binding marriage. I mean, many a time, personally faced a lot of dispute. When any marriage, okay, which is not legally binding too. People sometimes prefer that but of course, as an Imam and those who are registered, a marriage conductor, they should go for the… they should actually take responsibility for the safety of the people. *[113, 115, 112 all smiling].*And with myself, for example, in one of the centres that I do work where we had to improve our documentation in order to actually stop, okay, any future dispute, okay, happen between people.So, people they come, okay, and they pressurise the Imam or the centre, okay, to just conduct a marriage. Just anyhow. As I mentioned earlier that because, in this country, an extra-marital relationship is permissible. So when you are allowing an extra-marital relationship, it comes at a critical point that… even if you don’t conduct any marriage, the couple may or may not be able to live together, okay. You guys stop… Just do some extent, okay, some time, even if you say, “Okay, you must go for legal one,” but if they decide to go otherwise, okay, they can. So, that is why, okay, sometimes the normal Islamic Nikah is being conducted with the documentation, with their true consent, so that later, on for any dispute, it is clear cut. Based on their demand, based on their… I mean, providing all the documentation, this Nikah has taken place.And so also, to be honest, I think the majority of the [inaudible Arabic 0:33:32] and those who are Islamic scholars, they actually go for the legal one, okay, in terms of the legally binding marriage. It would be better to have some safety. |
| **I** | Thank you very much. Does anybody else want to respond to that question? No? All good. Okay, so the next question is more about the kind of ceremonies that you have performed previously and if we can think outside of Covid right now, because I know Covid has obviously had an impact, but where do your ceremonies generally take place?So, would it be a registered building? Or a place of worship? Or outdoors? Marriage venue, for example. Where, generally, would you normally conduct a Nikah?Yes, [113]. |
| **113** | Peace centre, which is a… we’re trying to get people there. Trying to encourage the couple that is getting married to try and have the Nikah in the masjid. [inaudible 0:34:38-0:34:43] However, we do get called out. Sometimes, it may be in someone’s home because it’s a very small family affair. Sometimes, it’s at a wedding venue. So, yeah, it could be anywhere really.And remember last year, I think, we were supposed to fly out to Dubai to go to a Nikah because a person there couldn’t find an English-speaking Imam. The one that he found ended up with some unexpected problems. So, yeah, sometimes, you might get called into another country which is very far, very rare. PS, I didn’t end up going there. [laughs] |
| **111** | Oh, *mashallah*! So, I think the [inaudible Arabic 0:35:22] is international. |
| **113** | No, no, no. I didn’t end up there. [laughs] I wouldn’t have minded. I needed the break myself. |
| **111** | Oh good, good. Good. With regards to myself, okay, in most cases I’ve been called out actually to attend in a wedding centre. But, of course, I mean, part of it always at home. You know, the concept has been taken from the bridegroom. It’s in most cases, okay, from home. So, they do go for a two… two, three-fold of functions. I know one of our participants has saved up in our Asian community, okay. Always, a series of events, okay. This is a life-changing moment. So, what happens, first they arrange a small party, okay, with very close family members. Where the girl’s consent is taken.Okay? So, they sometimes call the Imam to do that in the presence of the family members. Or, they themselves, as well do, with the Wali as well. And finally, the second bit of it happens, okay, and they would… in most cases. There are people, those who come for this in the masjid, but in our case, okay, it’s a bit… you could say ninety per cent and ten per cent.So, it depends on what kind of family or what kind of person they are and what are their preferences.  |
| **I** | Okay. So, sorry, just to clarify. I think you dropped out as you said quite important things. The normal venue would be the home. Is that correct? |
| **111** | The first bit, you know the consent of the bridegroom. Normally one day prior to the actual Nikah date, okay, that is going to take place in the wedding centre. So, the day before, the girl’s consent is taken. Or, in some cases, both parts take place in the wedding centre. But in many cases, the first part is from home. Then the bridegroom and bride… everybody goes to the wedding hall, okay, and prays on that [inaudible 0:37:54] |
| **I** | Thank you for clarifying that. So, [114], where do you normally perform your ceremonies? |
| **114** | Yeah so, like mentioned earlier, we usually do it in the masjid, in the centre, but there is choice. They can request the Imam to come outside the centre, either in the house or in a venue. I’ve done it before in a… so usually Nikah is meant to be small and the wedding is the big day. But I’ve been in a Nikah… I’ve conducted a Nikah and it was similar to like a wedding set-up. Yeah, so that’s where it is usually. Either in the masjid. And in the masjid, as [Shakshuka inaudible Arabic 0:38:40] said that it’s very simple. You only need two witnesses. The Imam. The Wadi. The husband and wife. Yeah, so usually in the masjid. |
| **I** | Okay. Thank you very much. Then [112], Where would you normally perform the ceremonies? |
| **112** | With myself, it would be again, a wide range of cases. Usually though, it’s in a public… with me, because of the [city] background… maybe it’s the demographics. I mean, I’ve had one where I’ve done one in a home a couple of years back, but most of them are either in our centre or in a masjid or even in the wedding day, you know, where the feast of the *walima* happens. The same day, they do the Nikah beforehand. I think that’s been a new thing where a lot of the… because it’s really costly for some to do three or four events, like [111] was mentioning earlier. It depends on the demographic or the background. Also in terms of affordability. Okay, some people who want to maybe do a larger wedding… some people now… there’s a new trend which you see as well in a way, they want to keep it very simple. So they just keep it very small. And it’s coming back to that now. We can see that as well. Especially with the Covid, people are saving money on their weddings, the costs and things like that, and people are realising that it doesn’t have to be so extravagant. It can be still very simple, yet still meaningful.And so, we’re having… I’ve done in the masjid, in the centre, in a hall. But what we do say is the whole point is that the ceremony itself, as long as all the components… I mean, the whole discussion should be… what we should, you know… touching on your question, number three, I didn’t say anything but, is it part of a process towards a legally binding marriage? I mean, *inshallah*, Islamically what we have is this system we’d hope that is a legally binding marriage that people… because we have the witnesses, we have the consent.*[115 screen freezes then leaves]*All of the systems are there and nowadays, we use, as the brother [111] and others mentioned, that we have the signatures, the everybody in front and the elements that are needed. Even now, I mean, the one I did before Covid, right. What happened, unfortunately that couple, they divorced after. So, just a couple of weeks ago. Same couple and there were issues… disputes… it was actually between two families rather than the couple, unfortunately. *[113 is shaking his head while looking forlorn suggesting he has too experienced such disputes which sadden him]* And then there was a whole issue because you know the *maHar*, the dowry, the return… is there anything owed. Because the cultures… a lot of the… there’s a mixture between cultures. And it depends on the culture. Like Bangladeshi culture. This family, they gave a lot of gifts, they spent a lot of money, right? And they’re saying, “Well, we want the money back now. We want the furniture back.” I’m just giving you… sorry, going off topic. But the point is… so, what I had to do is, to avoid any issues, we have like a format document, whereby I got both of them to come to the centre. Both sets of families. Both the fathers. And I said, “You need to sign off here in front of me.” I mean, because they had a discussion between them. They said… because it’s all about… people could say something, but if it’s not… So, I had to get their signatures. There was nothing owed. Everything is fine. Both sides have decided to mutually end their marriage. *[child is stomping about behind 112].*So, I just think, you’re talking about whole legally binding bit. There can be processes there, as long as… I think a lot of the Imams are taking those precautions, shall I say. We’d hope that it is… the Islamic marriage, if the education is given towards the people that… properly by the Imams… that *inshallah* [*thalli* inaudible Arabic 0:42:56] that this is… I mean we should… I, for one, I’m more of a society… you know, working with… I’m sure everyone is. But we don’t want these divorce rates to go up. *[113 nodding].* And that’s an issue.*[115 returns].*Young people are marrying too early or they’re not educated enough. I mean, they just think of that day. But all the responsibilities and all the things that go with it. And all of this ties in because if people understand the seriousness, when you go to the centre or to a marriage… what’s this thing called? I’m so sorry. The place you register for marriage legally in England. What do you have to go to a certain place and it’s important you.There’s a seriousness about it. If that seriousness is… we need to get it out there, convey that to Muslims. Yeah, it’s simple but it needs to be understood that it’s something… it’s rights and obligations towards one another. Husband and wife, they’re now together.I think there’s a lot of discussion and that’s why I said… [names another Imam] just to have a… I don’t know if he’s here? He’s not here? |
| **I** | He’s not. No. And I do appreciate all of the work he’s put into recruiting your participation. |
| **112** | Has he participated in this? Or you’re not allowed to say? |
| **I** | I’m not allowed to say. But I can say he is on our Advisory Board. He’s on the project’s Advisory Board. |
| **112** | So, I’ve worked with him quite a bit. And he’s very good, *mashallah.* So, he has some really interesting things which I think… I don’t know, you’ve probably had that discussion about Malaysia and the whole situation there. And setting up courses and even ensuring that young people are educated before… I’m sorry, I’m always touching on this, but this is an important thing for me, sorry. I’m sure you’ll agree. |
| **I** | Thank you. Well, we can pick up that discussion once we’ve finished with the fixed group questions, *InshAllah.* |
| **112** | … quick. |
| **I** | So, very quickly. |
| **112** | It has to be from an Imam and with all the components of the marriage and we do issue a certificate and thing from the centre et cetera. |
| **I** | Okay, excellent. Thank you. So just on… and [115], just very quickly. Could you just tell us where you generally conduct your Nikahs? |
| **115** | So usually, we get the masjid. Me and, for example, Sheikh [113] for now studying these in South Africa, I think. A lot of practices which are happening there. People are starting to bring over here. People want to get a ceremony done in the halls. It’s just that people want to do the whole thing all in one location compared to doing it in the masjid and then going to the home. Mainly because it takes too long dressing up, that’s probably one reason why, but… and some people just have smaller families and they’ve got elderly members so they don’t want to even get it done in the whole, they want to do it in the house.But, to be honest, all the Nikahs that I’ve done myself, have all been in the masjid. I know fellow Imams have had too… have had many requests, to either do in the hall and even, home. The last one, as I said, I did was actually in a wedding hall. |
| **I** | Okay. Can I just ask do any of you, or have any of you, ever performed the Nikah within a registered building? So, somewhere else that’s registered. |
| **115** | No. Not. *[Most are shaking their heads to suggest they also do not use registered buildings].* |
| **111** | What do you mean by registered building? Meaning registered with the registry office to conduct the marriage? |
| **I** | To conduct marriages. Yes. |
| **111** | Yes, of course I’ve done, because as I said, okay, I’m working with two organisations. So one organisation where the building itself, okay, is a place of worship as well as a registered venue for the marriages to be conducted. So there we do a lot of times, yeah. |
| **I** | Okay. Thank you. We’ll come back to that question later on actually.*[115 turns off video-sharing]*Okay so, question six, have you seen a change in demand for non-legally binding ceremonies? So, have you seen a change in demand for Nikah only in the past ten years? And if so, what do you think the reasons are? So, this is where couples are coming. They just want the Nikah. They’re probably or possibly not going to engage in the legal process. |
| **111** | I mean, to me, the question, I would prefer to alter it. I mean, the question says that, okay, “demand of a non-legally binding marriage,” but my experience is the opposite, okay.Before it was non-legally binding. Now people demand, “Okay, I want legally binding.” |
| **I** | Okay. |
| **111** | [laughs] It is because of the awareness, okay. And the law enforcement level has been changed. Previously, maybe it was not focussed the way it is focussed at the moment. And that’s why, in the past, all the concern was that “Okay, I want an Islamic ceremony.” Yes.*[115 turns video back on]*But now, you can say, fifty-fifty. And in the newlywed couple, meaning in our new generation, okay, they are actually more going for the legally binding. They are, “Oh, okay, no, no, I don’t want… okay, just a Nikah…” No. It’s the legally binding one that they want. So, as I say, it’s not the… to me, it’s just the opposite. |
| **I** | Okay. |
| **114** | I don’t know, in London, is that the case in London though? |
| **111** | I don’t know [inaudible 0:48:56] why we’re different, okay. But the, as you rightly say that okay, because there is a difference in demographics for the nature of the marriage and the demand and also, what kind of audience you’ve got. And as well as that, it depends on the people, those who are providing this facility. Okay, so for example, in one organisation that I do, in the past… okay, I’m talking about say ten, 12 years back… there were two ways of, meaning either you give only [0:49:39] And as well as you advise them to go for the civil one. But later on, in the same organisation, we decided that no. We will put a stop. No Nikah only. So no Islamic Nikah. It has to be fully a civil marriage. Is anybody happy with that? You go with all this. If not, then we don’t. But we see that the number increased. There’s no problem in that. And the people are now accepting what we say. |
| **I** | Okay, thank you for that. And anybody else want to answer that question? |
| **114** | I find the opposite really, but I think, many people, they prefer to not register their marriage. *[112 raises his hands above his head – expression of frustration/disagreement].* So, yeah we do explain before anyone does come or before we book the appointment, we say just to clarify. This is a Nikah. It’s accepted by Allah *inshallah*, but it’s not a civil marriage, it’s not recognised by law. It doesn’t give you any rights. Legally, you’re not married. *[112 is now nodding as 114 clarifies Imam position].*So, if you want to register, that’s up to you. We don’t get involved in that. But many people don’t mind. Many people don’t end up registering their marriage. I think maybe, perhaps, my assumption is that if you get married legally, there are more problems for the man, really. That’s how they see it. That if they get divorced and there’s custody issues. There’s financial settlements that need to take place and the British law is different to the Islamic law when it comes to the custody and financial settlements and so on. So, I think… and maybe another reason as well is that Muslims who live in… who have low economical finance status, they prefer not to register their marriage because perhaps it helps them when it comes to housing and benefits. *[112 nods].* So I’m assuming that’s another reason why couples decide not to register their marriage.Because there’s no laws stating that you have to register your marriage. It’s not compulsory. It’s optional. And they see that there’s more benefits not to do it. People prefer not to do it, I guess. |
| **I** | Thank you for that. Now, [112], you were indicating agreement or disagreement. Did you want to just elaborate? |
| **112** | Yeah, I agree with [114]. This is in the case of what I’m seeing. But look, I mean, you’re doing the research. You probably see across the board. I don’t know what… I mean, even different parts of the country will have different, shall I say… not cultures, but things that people want to aspire to, or people… it’s what’s trendy or what’s cool, even. Maybe. I don’t know. I don’t know what you want to call it. But there is a culture I’ve seen. Young brothers and sisters, they want to keep it simple in the masjid. They don’t want to go for this… yeah. But we do advise them and we tell them that basically. We’d hope that it was something that was legally binding, but it’s not. And there are things I know… they say the woman doesn’t speak. I don’t know. I’m not going to go into that one here. Either in terms of the *huqqa* and the rights of who gets more, who doesn’t and is someone losing out here. That whole discussion, but I don’t want to go into that.  |
| **I** | Okay, so mainly around relationship breakdown. Okay, so, the next question is why do think it’s important to be able to conduct the Nikah for your constituents within your Masjid et cetera? So as Imams, why do you think it’s important that you’re able to perform this ceremony? |
| **115** | So, I think the Nikah itself, I think it’s got more of a deeper meaning. I think when you’ve got something sealed as a contract, especially as an Islamic contract, which is a man and the trust [?], you take more of a responsibility. You get many cases, as soon as they get married, then they start waking up earlier. They start going to sleep earlier. They start taking financial responsibilities. And when the children come along, they take some more responsibility. So, I think the Nikah itself is almost like mentally and physically grows them into a better person. But also the Islamic concept, which is a very important concept, is you’re making something into a *halal* relationship which is actually of paramount importance because we can only do things which are permissible in anything. Whether it’s finance, interaction and Nikah itself. So, like I said earlier, whether it’s a civil marriage or the Nikah itself, you need a contract today and marriage, almost approved. This Nikah, even in today’s time, people have become very modern but people still want to go and get a Nikah done. It’s almost like a cherry on a cake, to say, “Now I’m completely fine now.” |
| **I** | Okay, thank you. [113] did you have a view on this question? Why do you think it’s importance to be able to conduct these ceremonies? |
| **113** | I think, [115] has pretty much covered everything there. And I think… I don’t have anything to actually add on that. This is putting the cherry on the cake, as he calls it. I’d normally put the cherry on the top. [laughs] *[lots of smiling from other participants].* |
| **I** | Okay. Does anybody else want to answer that question or shall we move on to question eight?  |
| **114** | I think, I see it as one of the duties of an Imam, in my view like, the community leader. He should be concerned of the welfare his Muslim community, the Muslim congregation. And it’s quite symbolic as well when the Imam gets involved. As, in a way, he is like a leader and he is involved in bringing two families together and Nikah is something that we, as Imams, we preach and we see as [inaudible 0:56:20] to combat adultery. To combat what we see as *haram*, illegal relationships. So it’s something we encourage. We see it as the permissible alternative and the recommended route. So, it’s something that we preach and we encourage people to do. So, it is a very joyful occasion whenever we are involved in the Nikah. We see it as we are helping two people abstain from what is forbidden, but also we’re helping two people become a family. Take responsibility. Have children. And we were involved in that process. So, it’s something that is very honourable for us. |
| **I** | Okay, thank you very much. Okay, so the next question… and again I think we have covered this, if there’s anything else that you want to add… has there been any change in your role since you began conducting Nikah ceremonies? So, for example, has there been any change in the form of the ceremony that you now conduct? It sounds like, based on everything you’ve said so far, that’s probably no. But does anybody want to add any comments?*[112 takes his audio off mute to speak but 113 beats him to it].* |
| **113** | *[raises hand and starts speaking]* I think that now it’s become more of an opportunity to interact with a crowd, especially if you know the families. Or even one of the families. Sometimes it’s a good opportunity to educate them. As [112] mentioned also, with regards to the problem was with the couple that got divorced recently, was the families. And a lot of times, wealth becomes a big issues and there’s that pressure that is then put onto a newly married couple that [113] has made mention also, with regards to the fact that, you know, where they’re becoming more financially responsible. So, you’ve got this new couple, they’ve just got married. They’re getting financially more responsible. Understanding their responsibilities. And then here come the outlaws and they come and spoil everything for the newly married couple, *[112 smiles]* as opposed to supporting them, guiding them, helping them understand what their responsibilities are. And many a time, you find in a lot of households, how to run a house isn’t always taught to the children. So, when they get married, they don’t have a good understanding of finances. So, yes, now it’s become a lot more interactive in the aspect of, at the time of Nikah, speaking to the families. I remember I did one and one of my friends, he is quite close to both sides of the family. And he mentioned to me, he says, “If you can cover a certain aspect with regards to not speaking to people like family.” Both sides, strangely enough, had these issues of where they very easily stopped talking to one another. And that’s what I spoke about. And about forgiveness and that sort of thing and how the families have got to really work together. You always hear about people saying… and even Imams say… that it’s not just two people getting married. It’s actually two families coming together. But, elaborate on that. We need to elaborate, and I think this is how… before it was just a quiet thing a little bit and also, I think it helps to be more motivational towards the audience. I found that to be very beneficial. People have also… and no direct insult to anyone… but many people have become snowflakes. You can’t say anything to people without them starting to cry like babies. Not literally. But everything’s got to be cherry-coated and made to sound nice and what have you. So, even when you’re giving advice, you can’t speak about the harms of something without speaking about ten good things and benefits of the same thing.*[115 and 113 are both looking away from camera and typing].*So, we are quite challenged in the audiences I’ve seen over the past two decades of being in this field. That it does become… you know, things have changed a lot. They have changed a lot. The audiences’ behaviour, how they respond to us and how they listen to what we are saying, how we are saying it. What they expect from us and I think the biggest concern is addressing the fact of divorces. I think you hear about… well, I know myself… you hear about and deal with more marriage counselling and divorces than you do of the Nikahs.So yeah, it is a very, very rapid changing scenario that we are in, unfortunately. |
| **I** | Thank you so much for that. My interrupted [?] question was clearly off the mark. Does anybody else want to contribute to that? So, have you found that actually the demands being made of you now are very different? |
| **112** | I think, as I mentioned, all of those things. Yes, there are more demands. It depends. I mean, again it depends on the family and their background. Not everyone’s the same in their needs and… but I would say, one key thing that we’ve seen is obviously, I’m not sure if you mentioned, is the ceremony… you know, before it was very simple and just a five minute thing in the masjid. Now people like the whole… there should be a speech and there’ll be some advices and things like that and someone should speak English, like brother mentioned [113]. I think English is the key, speaking… you know, sometimes our elder generations, especially the South Asian not speaking…, with regards to the South Asian Imams who came over. Maybe they didn’t speak English. They spoke Urdu or Bengali or Guajarati and now if they give a little [inaudible Arabic 1:03:11], it’s really nice and people really say, “Wow, it’s amazing.” They come back to me. And it’s quite normal. It’s not part of the Nikah or anything, but we try to give some advice to the couple, to the in-laws, to the community to share [inaudible Arabic 1:03:29] mentioning. I think it’s really important, the whole coming back to, what is the role of advising couples? Or actually, sorry, you know the one where you asked…? Yeah, so why do you think it’s important? I feel it is important and I think a lot of… and especially since now… second generation, third generation young people here, living as we want to… As Imam, we have to preach that the relationship between a male and female should be Islamically correct. They should not have any other relationship other than that. And that needs to be… and *Alhamdulillah* I think a wedding… when young people, they all get dressed, they all get prepared to come… maybe in those bigger ceremonies, it’s an opportunity to preach to them. So, we do mention that. I think we do that quite a lot, especially in [inaudible Arabic 1:04:25] and sermons and we even do talks, don’t we?I think recently, there’s been a lot of marriage talks. [114], I think you did one recently? I’m not sure. |
| **114** | Yeah, there is lots of marriage talks. Many young people like to talk about getting married. |
| **112** | Yeah. Like one of the messiahs said, [inaudible 1:04:47] to encourage it. However, it needs… I think you mentioned it… you still need education because a young person will start practicing. He’s 16, 17, 18. [inaudible 1:04:59] “I need to get married.” So, marriage is the alternative because he wants to have a relationship, but he wants to be *halal*. Because of no education, he might get married and then he doesn’t have the experience, knowledge. Disputes might happen. Divorce might happen. So, it needs a balance of yes, we encourage marriage, but the correct way and we need to encourage responsibility as well and some sort of training for young couples. |
| **111** | Yeah. What I have experienced is that always there is a demand from both parties to give some sort of advice during the wedding ceremonies and as Imam, obviously the biological part of the relationship is quite obvious. As people grow up, okay, they will have this inner demand which is completely automatic. But, of course, when you are getting married, okay, that is a responsibility. You actually, by saying, “I accept” to take the responsibility of so and so. So, it actually comes with a lot of things. So, as we know, according to Islam, the bridegroom needs to provide also support to the bride. So, that a responsibility, so when the sweet time goes, okay, then the responsibility comes on the shoulder. And that’s when the marriage is becoming… started decay, okay. And that’s why I… as the [inaudible 1:06:49] says, what changes you’ve made? So, in the past, you’d say, three years back and as of today, what I always give advice to the couple that… before even they get married… what books you have read about your marital relationship. About the rights and responsibilities you have.Because when you go to the NHS, for example, you’ll have an operation. So, the doctor gives you a literature first. “I’ll cut you this way. This will happen. Then this will happen.” So, those who are coming to get married, they need to know, “Okay, what is going to happen first? What is second? What is third? What is this?” So, it’s not always sweet. So, there are sour things of that. So, they need to know all these. That is why I always actually interview them, And I say, okay, [inaudible 1:07:39] “Go and read these books. Why this one book? What are you going to do? How should you start. Okay, you did this… this is a very important aspect of your life.” So, that’s the change that I actually adopted. And that worked okay. And as well as, I conducted a lot of marriages and whenever I even, … 5 minutes, ten minutes lecture, I get very good response, feedback later on. And they say, “That was really, really helpful. That was really, really important.” And this is what I taught them. |
| **I** | Okay, thank you so much. Right, I realise we don’t have a lot of time. We still have a few questions, so I’m going to really very quickly go through the next three and then we can discuss the Law Commission’s proposals.So, only one of you has mentioned… so 111 you’ve mentioned that you perform ceremonies in registered building. Can I just confirm that if anybody here is authorised? An authorised person?You are? Okay, great. So, can you tell us really briefly how you became authorised? |
| **111** | First of all, you need to… the place needs to be registered as places of worship. Then you apply to be registered as authorised marriage conductor to the registry office in the section of marriage. And then they will give you some documentation to fill in. And also… I think this is changing now… in the past, okay, there were some requirements of… you need to have a certain size of safe for the legal document to keep in that. To [inaudible 1:09:41]. And you’ll have to give the certificate, okay, that you’ll have a fire-proof safe and also the place is registered as places of worship.And then, with the trustees, a signature, and other legally binding people of that place. And we applied. And the registry office, they came. And they checked. Then we became registered. |
| **I** | Okay, thank you. So for the remaining four Imams, is there any particular reason why you’re not an authorised person for… is there anything you want to say about that? |
| **113** | We wanted to become registered. *[lots of background noise as he speaks].* We spoke to [city] Council. They were prepared to come and actually be part of our… so one is being registered department and secondly, registered place. So two in one. They were prepared to give us all the guidance et cetera so, a tonne of information. But, due to certain circumstances at the centre, we just felt we weren’t ready to go into that aspect of it immediately. So, *InshAllah*, the plan is there to hopefully go into it in the future, *InshAllah*. |
| **I** | Okay, thank you. Our remaining three Imams. Any particular reason why…? |
| **115** | Personally myself, being a resident Imam at university, it’s not really practical to do. I’m more of a visiting Imam in different masjids in [city]. That’s why I’ve not been registered. I mean, but I will only be called out when the masjids ask me to call at the families’ request. I perform the Nikah. |
| **I** | Thank you.  |
| **114** | … experience because there’s been an Imam before me and I do remember there was a time where we were looking into it. I think there was a time when we were in our masjid. So, I’m not sure, to be honest, I need to double check. I can find out for you. I’m sorry, you’re on mute. |
| **I** | Sorry. Thank you. Okay, so, just very, very briefly. What is the… oh sorry, so this is just one question for [111]. What is the proportion each year, do you think, between 2015 and 2020, of legally binding versus non-legally binding marriages that you’ve performed? |
| **111** | You want the percentages, yeah? You can say, fifty-fifty. |
| **I** | Fifty-fifty? |
| **111** | Fifty-fifty.  |
| **I** | Right. Thank you so much. Right, so now we’re going to come onto the Law Commission’s consultation paper. Now, you were all provided with a copy of this. Are you happy to have a discussion? Are you familiar enough with it? Or would you like me to share it on the screen right now? |
| **111** | It would be better if you share it on the screen.*[113 stops sharing video briefly].* |
| **I** | Okay, no problem. Okay, so I’m sharing my screen right now. The proposals are basically on this page. So, in essence, what the Law Commission has done, it has suggested that it should be made easier to give notice. So, in the legally binding process. It should be easier to give notice. That this should be done online or in person at a registry office. At the moment, you can only do it in person. And that notices of marriage would be made public online rather than at the 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 that their ceremony takes.So, at the moment, there are restrictions obviously on where a legally binding marriage can take place. So, with regard to these proposals, which again… a very, very brief overview. The actual consultation paper document is 450 pages long, so there’s a lot of detail in there. So, based on these proposed reforms, do you think it would make it easier for the Nikah ceremonies you perform to become legally binding?So, if you have a look at the ceremonies here, it suggests that civil weddings and sometimes religious weddings at the moment are required to include prescribed words. The change… the proposed scheme is that there should be no prescribed words given… prescribed words, sorry… giving couples greater freedom as to the form their wedding takes, enabling the law to recognise the variety of ceremonies that people use to mark their weddings, including religious ceremonies.So, do you think it would make it easier?  |
| **111** | I think, I mean, obviously okay, because you’ve got two sets of recommendations so that basically, on one hand, okay, what is the current situation? And then the recommendations. So, obviously, these recommendations are actually a result of maybe when you look at the current situation, then you would easily find that there are some things that can be eased. Okay, in terms of widen the legal aspect of that occur?Obviously, those who are coming for the legally binding marriage at the moment, currently, they also find a lot of difficulty as well as the… it takes a lot of time. And also, the particular wordings. So, I would say that definitely this will help. And I would say that, okay, if you can recommend as well that in terms of timeframe. At the moment, okay, 21 days or more than that in some cases. The timeframe for the registry office to issue a notice. It takes a lot time. Even in non-Covid times as well. So, how can we actually make it rapid. It should not take that long. |
| **I** | Okay. Thank you. Anybody else want to answer that question? Would the proposed reforms make it easier for the type of ceremonies you perform to be legally binding? |
| **115** | I think, before we mention whether the Nikah should be legally binding, I think, as a society, we’ve got many different types of relationship. So, we’ve got a marriage. We’ve got civil relationships, I mean co-habiting partners. I think because there’s so much difference between the three of them and probably, if not, so many others… so can you see me? |
| **I** | Yes, we can. |
| **115** | I think because we’ve got so many different types of relationship and then people get Nikah and then legally. Let’s not even talk about the Islamic Nikah for a moment. What you need to do… so I think [114] mentioned earlier… we need a marriage ceremony and if, by chance, something goes wrong, there’s more implications. However, if in a co-habiting relationship, or a civil relationship, there’s probably not as many fallbacks or something. So, I think, as a society [inaudible 1:17:06] little difference then. That’s why people are resorting to Nikah. And that is why you get different stages of Nikah. So, those that have got a civil marriage and Nikah [inaudible 1:17:18], their Nikah is done. They’re legally binding. That’s the whole problem for us. But because you’ve got the co-habiting partners and we’ve got a civil marriage, because there’s some uncertainty there, whatever reason they’re doing that, by putting a blanket rule for Nikah would be a bit of a difficult one.So, I think we’d need to look as a society first before you talk about the legal. |
| **I** | Just to clarify, the proposal isn’t that all Nikah become legally binding. The proposal is more to make it easier actually. To enable a Nikah to meet the criteria for a legally binding, should the couple wish to do so.So that autonomous decision making isn’t taken away. |
| **115** | Okay. |
| **I** | Okay, thank you. So, if I move onto the second question. Would any of the proposals give rise to problems for the types of ceremonies you conduct? Can you foresee any problems arising? |
| **111** | Sorry, can I add something? With the proposals that you are saying. I think one of the key issues over here, I think, that one or a number of participants already mentioned, that when we say that the marriage is legally binding, what do you mean by that? Meaning when there is any divorce taking place and you are registered, which law is enforced between the divorced or separated couple? Would it be British law? Or the Islamic law? *[114 now has child sitting on his knee. 115 is struggling with sun shining directly on his face].*I think that’s a key question. That what is the settlement? What are the settlements that a Muslim couple need to go when they are separated? If that is included in the law, when it comes to the separation of the Muslim couple, I think then there would be no problem for the Muslim couples to get married legally or to go for the registration of them which is legally binding.I think here is the question that when you are getting married simply as Nikah, then you resolve it in Islamic law. So when you go to the legally binding, British legally binding marriage, when you get separated, okay, then there’s a different process and enforcement of the communion to your life. Which may not be the same as the Islamic law.So, that is why, in your recommendation, there should a clause that when we say that marriages should be legally binding, in the separation cases as well should be the Islamic law needs to be applicable for all the cases of Muslim divorce.Can you do so? I mean, I don’t know whether I have made my point clear? |
| **I** | You’ve made your point clear. We won’t have that discussion right now, but you’ve raised a point which is great, so we’ll include the issue that you raised. We can have a discussion about that after we’ve completed the focus group. It kind of goes away from the questions that we’re looking at.Okay. So, the third question here is how do you think the proposals might impact on the process of getting married amongst the types of couples whose weddings you conduct? So, would it make the process easier? Would it make the process harder? I think a couple of you have already responded to this, so anybody who hasn’t, any comments to make on the impact of these proposals on the process of getting married?No? Okay. And then the last question about the law reform proposals, would you like to say anything else? Would you like to raise any other points? If I could come back to you [111] and the point that you raised and just clarify. What would the divorce arrangements and the applicable law impact on your support or otherwise for these proposals? So if, for example, the divorce regime would be that under English law and not that under Islamic law, would that have an impact on how you view these proposals? |
| **111** | Definitely. I mean why do people come, okay say that, when there are two sets of systems now. One is that some people demanding that okay, I wanted my marriage simple. Islamically, Nikah. Okay and then others say no. You go and register it. So, why do some people avoid registering? We need to find out that cause. Okay, say that. The recommendation is that no more ceremonies that you do in your setting without registration. I mean, just assuming, say that there is only one option left that allow… And then people will go with that option only. At the moment, two options left. Now why do people prefer to go the first one, not going to the second one which is the registered one? In my view, it’s the initial impact as well as the setting after… when it comes to the divorce and financial settlement. Or maybe the system of arbitration between the two families. And as well as the children. All these. Do you think that the Islamic law has been implemented in that? I don’t think so.So, that’s why people have got the fear that if my marriage is registered that way, then all these will be implemented, okay, and that’ll be win or lose.That is why people want to avoid it. |
| **I** | Sure. So, thank you. We are asking the question to our individual participants who are in religious-only marriages. So, watch this space.So, just finally, would anybody else like to add anything, any comments, with regards to the law reform proposals? |
| **112** | Can I ask a question? You know this… on the document… it says `validity’. Can you just explain that to me because, I’m sorry, the rest of it is fine. I’m just a bit stuck with that.“If a couple fails to provide the current law, with the legal requirements, intentionally or without realising, the law might not recognise them as being legally married.”Okay, the proposed scheme… I didn’t understand [inaudible 1:24:15] Is that the result, or… what does that mean? I don’t understand it. [inaudible 1:24:23] my notes. |
| **I** | Yeah, so actually, I will bring Professor Probert in on this just to clarify. I think that’s okay, just to clarify this point. So, essentially with the validity question, at the moment most Nikah-only marriages will not be recognised. Some arguments have been made… there have been some high profile cases recently… where the argument has been proposed and no action has been intended to be legally married et cetera. They often will fall out. They’ll record a non-qualifying ceremony. So, the new regime is intended to minimise that where the couple intended some form of legal recognition. Rebecca, was there anything you want to add to that in terms of clarity? |
| **P** | Yeah, so the aim is to reduce the scope of the non-qualifying category i.e. where the ceremony has no legal effects at all. And to that end, the commission is provisionally proposing that as long as at least one of the parties believes that the person officiating at the ceremony is authorised to do so, then the marriage would be at least void, even if they hadn’t given notice or signed the schedule. |
| **112** | I see. |
| **P** | So, it’s trying to protect that person who is entering into that ceremony in good faith thinking that it was going to result in a legally recognised ceremony. |
| **112** | So, okay, on the flip side, that would mean… I’m sorry. |
| **I** | No, it’s fine. Work your way through it. |
| **112** | Okay, that’s fine. Yeah. |
| **I** | It would be really interesting to hear if you think that’s a problem.  |
| **112** | Brothers, Imams? Anyone?*[112 asks for help but no one responds. He hangs his head – frustrated/disappointed].* |
| **I** | That’s okay. I mean, I think you’re right in that then, considering the consequences may take you a bit of time just to weigh up pros and cons. And we would be interested in hearing about that though, so if you do have some thoughts, please do email them over to us later.Okay, so I’ll stop sharing that screen now. So, I just have one final question. And, I’m sorry that we’re a little bit running over but we will finish very soon, I promise.So just, is there anything else? So, just a mopping up question really. Is there anything that you would like to say about the marriage process that you haven’t done so far? No? Okay. |
| **111** | I think I’ve given some of my recommendations, okay, and if you can look into it. Because obviously, if you can unify, providing the settings that are suitable for the marriage of the Muslim community. Within the legal framework, okay, legally recognised setting, that would actually save a lot of your hassle, a lot of your future disputes. And that is why, to unify that would be a recognition of the settlement that the Muslim marriage normally look for in any worst case scenario. Then, you will be able to mitigate and make a marriage and Nikah ceremonies and Nikah conduct easy. So, that’s my recommendation. |
| **I** | Thank you very much. So, we will stop recording now. |
| **1:28:32** |  |