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| **I** | Okay, so Tania, Sharon, if we could start recording please? Okay, so the first question is really just setting the scene a little bit in terms of the ceremonies you conduct, so can you tell us about the last wedding ceremony you conducted anywhere in England and Wales, specifically focusing on the type of ceremony and the location. Whoever would like to go first. |
| **121** | I guess I can go first. The last wedding ceremony I conducted, it was in a restaurant just before the lockdown, a week before the lockdown, it was in a restaurant and it was just a religious, you can say, marriage ceremony. It wasn’t a legally binding ceremony. Yeah. |
| **I** | So any other background details about it? |
| **121** | Do you mean details in terms of the families or? |
| **I** | So who was there, etcetera? |
| **121** | Yeah basically it was between two families and basically groom and bride, they were both from different backgrounds, different cultures. One was from Afghanistan and the other one was from Lebanon. And yeah, so it was arranged through [area] Mosque, where usually people phone us, and they request if the imam can conduct the Nikah. |
| **I** | Okay, that’s great, thank you very much. 122, I don’t know if… I think you’ve been mute the entire time. There we go. |
| **122** | I deliberately muted myself so I’m not making noise. |
| **I** | No, that’s fine. |
| **122** | My wife’s coming in with some bits and pieces of breakfast at the same time. So I’m the hospital chaplain, full-time at [xxxxxx] hospital. I’ve not been at work for the last two weeks because of my own symptoms, I’ve been really unwell, I have not slept for, what, two weeks now. But last night, again, it was the same thing, it was very superficial sleep. But I’m here. |
| **I** | Thank you so much, no we really do appreciate this. Are you sure that you’re okay to participate? Would you rather…? |
| **122** | Well I will try my best to contribute, but of course where I can’t contribute you’ll probably understand why. But thanks for having me, first thing, and good luck on your research I guess, I hope you get the results that you want to make those reforms that are necessary. So to your question, my last wedding or Nikah ceremony was conducted in a home during the lockdown period. It was simply the immediate family, so we had no more than 15 people, and the groom was from [city], the bride was from [town], that’s where I come from and where I live. And it was only a religious ceremony because I personally am not approved person to conduct and solemnise and register legal and civil marriages. And yeah, I am not part of an organisation like 123 is, I provide a service for people that need it. So as an imam, as a hospital imam and chaplain, naturally you have people coming to you for assistance and therefore I provide this as a service as opposed to, I don’t think anybody else is, but it’s not my sole… it’s not an income-based service, if you know what I mean. |
| **I** | Sure. Just on that, so if you performed a Nikah in somebody’s house, would there be a provision of fees for that? |
| **122** | So I actually use a Nikah certificate from a charity that I’m associated with. So we have a rule to say that there is no fees as such for the Nikah, they should make a contribution to the charity. |
| **I** | Okay, that’s really interesting. Thank you. Actually, if there is information in the public domain, is the Nikah contract something that’s accessible online or is that a private document? |
| **122** | Yeah, so generally, as with all imams, I think they have a Nikah register. I’m not sure whether other people have the provision to get on the certificate online for everybody to have access to, but I certainly don’t. But the register stays with the charity, so if anybody does want a duplicate copy at any point, I can access to that. |
| **123** | Yeah, we don’t have online basically. Certainly if a family wants to conduct a Nikah they simply inform the masjid and I think this is part of the question or one of the questions in my role anyway. So I don’t perform Nikah on my own, in my personal capacity, rather it’s always through the masjid. So we will actually book the Nikah and then we have different procedures if they want to conduct the Nikah in the masjid, then they have to fill in the form providing all the details and providing the number of people who will be attending the ceremony, or if the ceremony also takes place outside the mosque in the wedding hall or restaurant or at house or at home, then in this case they don’t need to fill in the booking form. So booking form, this is if the Nikah ceremony is conducted in the masjid, but if the Nikah is not in the masjid then there’s no need to book the place or the venue so they don’t need to fill in the booking form. But there are other things that actually we request both families, the groom and bride, letters to provide certain documents so that we can keep those documents in our record and we can also verify and to know a bit more about the details of both families, like I think this is also one of the questions. So basically we ask them to provide their proof of ID, proof of address and other things. |
| **I** | Okay, I will come back to you on that, but I’ll come to 123 first to answer that first question please, so the last wedding ceremony you conducted, the type of ceremony and location? |
| **123** | Yes, the answer to that question is it was the night before the lockdown, we had two ceremonies at the mosque, at the masjid. Provisionally they were planned for the middle of November, but due to the lockdown they had to bring it forward. But the question still arises that are marriages considered to be essential? So in my view they are essential, I mean they are the same as funerals. But anyway, on a sidenote that is. But we had to conduct these in a rush, so we had two ceremonies at the mosque after the night prayer, which was about 7, 8 o’clock, and we’d finished by about 10 o’clock. So the setting was the masjid, was the mosque here where I’m involved with. And similarly we had limited numbers, we had just the bride, the groom, probably four from the bride’s side and probably two from the groom’s side. And similar numbers for the second marriage as well. |
| **I** | So actually, on that, can I ask, if we think pre-COVID, so let’s go back to sort of March time, what would that have looked like? So if you were performing a ceremony of marriage then, so in normal times? |
| **123** | As in numbers or as in location? |
| **I** | Just the ceremony and location? Imam 122, I’ll come to you straight after. |
| **123** | The numbers were probably slighter higher, but the location generally for myself I prefer to conduct them in the mosque, that’s my own preference. I’m not one of the imams who like to travel out of town or into wedding halls, that’s just my personal preference, that’s not from a Islamic perspective or from the theological perspective. So the numbers would definitely be higher, we’ve had to reduce the numbers due to COVID and restrictions. |
| **I** | Okay, that’s great, thank you. Can I come to you, imam 122? |
| **122** | I think the biggest difference would be I tend not to go to homes pre-COVID, very few Nikahs actually were conducted in a home, it was generally either in a hall, wedding hall, a marquee, open spaces, and mosques. |
| **I** | Is there any particular reason why you prefer not to conduct them at home, outside COVID? |
| **122** | No. Outside COVID, I think there isn’t really, it’s just that I’ve not had that many requests for conducting Nikah at home. I think the requests that I’ve had, I’ve done a few over the lockdown period is because of the lockdown period. |
| **I** | That’s great. Okay, so I can welcome our fourth imam, imam 124. |
| **124** | *Wa’alaikum salaam.* Everybody else okay? |
| **I** | Thank you so much, I know that you’ve rushed to get here, I really, really appreciate that. As I mentioned to you in my message, we will have started the first question, so what I will do, I will come to you now and just ask you to respond to the first question and then hopefully we’ll just continue, yeah? Okay, so I just wanted to know about the last wedding ceremony that you’ve conducted within England and Wales, specifically focusing on the type of ceremony and location? And if you wouldn’t mind actually telling me about the last one you conducted, which I assume is in COVID times, and then maybe the last one outside of COVID times as well? |
| **124** | Okay, right, well I did one about four weeks ago, so a month ago now, that I held my last one. It was a local family who knew me from my work as a imam over the years and because of that the brother whose sister was getting married, he knew me very well, he runs a youth centre because we do youth work with the youths there he said, “can you please do my sister’s Nikah?” And I said, “that’s absolutely fine.” It was a restaurant setting, so there was a restaurant where a limited number of people, so only 15 people were allowed, very cosy atmosphere, and the Nikah, from a ceremony point of view, our format is quite simple. What we simply do is we have a sort of 5, 10 minute warm-up, introduction, in English for the sake of everybody who was there, just explain how the Nikah goes, and then another 5 minutes just reminding everybody about the importance of love and marriage and romance and that bond and helping each other out in a Nikah for everyone’s purpose. Then the khutbah and then the exchanging of the vows. So normally, in a normal setting, maybe they might be a bit more relaxed. Understandably, because of the fact that we were pressed for time, normally a ceremony’s just half an hour was squeezed into 20 minutes without rushing it too much, and then after that, after a very simple, basic meal, everybody just went really. So it was really sort of tin canning, the whole process, to a certain extent. That and the fact that I know that the family in any normal circumstances would have had around about 2 to 3 hundred people there, they’re a very well-known family in our town of [name of town] where I’m from, and there was only 15 people. So those are the major differences, and again, it wasn’t in a masjid setting, although I have done… I think altogether since lockdown eased I’ve done 5 Nikahs, 2 at a country home and then 1 at somebody’s house and so forth. So different settings, and I think the settings were often compromised because of the whole situation and before the lockdown, if I remember correctly earlier this year, the last Nikah that I did before the lockdown was much more relaxed, it was a family event as well but we took it much more easy, there wasn’t any worrying about anything, we didn’t have to wear masks or sanitise or anything, that’s pretty much the main differences that I felt from a practical point of view anyway. |
| **I** | And numbers, I’m sure. |
| **124** | Yes, definitely, yeah.  *[123 stops videosharing]* |
| **I** | Okay, thank you so much. Sorry imam 123 has just had to step away for a moment. So I will move on then to the second question, and this is around your engagement with the couples or a member of the couple before the wedding. So is it usual to meet or otherwise communicate with the couple before the wedding ceremony? |
| **122** | Yeah I make it a necessary practice to meet the couple and the witnesses and the guardian, all of them. And I think that’s important for a number of reasons. *[124 nodding in agreement].* I think 1 is just specific, clear consent from the couple, that’s important. Number 2 is to go through the preliminaries, the rules I guess, the procedure of the fixation of mahr and dowry numbers, etcetera. And it gives me the opportunity to understand what they’re expecting from a Nikah ceremony. Do I have to do everything? Am I the MC? Am I the speaker? Am I Nikah conductor? Am I doing everything or am I simply just going to be called up at the end to conduct the official marriage? So yeah, so it’s sort of about trying to tailor make for them what they want and understand from them what they want really. *[121 nods].* It also gives me the opportunity I guess to pick out genuine marriages from the non-genuine ones. What I mean by that is because if I come across somebody who does not have the right to remain in the UK, I become apprehensive immediately. Also if any one of the two parties are divorcees, particularly the sister in the marriage, then as with all the other imams it’s vital to see the talaq certificate or divorce deed physically before anything can be processed and the procedure can begin, okay? *[124 and 121 nodding. 121 smiling broadly].* And so yeah, I think it’s a must and I always do that.  *[123 starts sharing video again]* |
| **I** | Okay, thank you very much. Who would like to go next? Can I come to you imam 121? |
| **121** | Yeah, as I was saying, here we have actually a similar procedure, but actually it’s usually when we conduct a Nikah we are approached by either the groom or the bride or their family, so when they approach us we ask them to provide certain documents and this is the point where actually we start our verification. So we ask them to provide proof of ID, proof of address of the bride and the groom and the guardian of the bride as well so that we can verify. And then is there is need, as imam 122 said, then we arrange a meeting with both families, and we verify. So yeah, it is standard. I myself, I never conduct any Nikah without verification. |
| **I** | So do you have any personal contact with the bride and the groom? Is there any engagement around their legal rights or what marriage means, etcetera? |
| **121** | No, I would say no, other than some kind of courses or seminars that we arrange from time to time with regards to the Islamic point of view of marriage and what does marriage mean and what are the responsibilities of both bride and groom. *[124 nods].* So just I would say from educational perspective this is what we do, but not particularly when it comes to conduct a Nikah, unless as imam 124 said, where when we go there to conduct a Nikah we usually deliver a short speech where we actually remind not only bride and groom, rather both families, because many couple basically they live within joint family and so there is great need for everyone to be reminded of the responsibilities and the limits and to pay each other’s rights, yes. So this is what we do at the time of the Nikah, when we actually conduct the Nikah. |
| **I** | Okay, and so Nikah obviously is a non-legally binding ceremony, is that a conversation that takes place? |
| **121** | Not usually. I would say I never ask them and if the couple asks then we simply advise them to make contact with a register office themselves, so this is something that we don’t facilitate. |
| **I** | Alright, thank you very much. So either imam 123 or 124? |
| **142** | I’ll let 123 go first because I was last joining on, so I’ll let him go first. |
| **123** | Yeah, so we usually have a pre-marriage meeting with the families, just to make sure that the documents are up to date. That’s helpful, that’s done by the admin brother, but myself, for the last maybe 6, 7 months, I’ve made it an unofficial rule that the bride and the groom arrange a meeting with myself. It doesn’t always happen though, this will be which I propose to them, it is part of the service that we provide to them, a pre-marriage sort of counselling session. Out of 10 maybe I’ve conducted only 4 or 5, so the response so far, there’s no uptake on it yet because due to maybe lack of awareness, but that’s something that I’ve been thinking about for a while, that maybe have some sort of session, an hour, 2 hour session, with the couples. And there is obviously a lot of sensitivity around that because couples might not want to meet together, even though it’s with the imam. So that, again, is raising awareness to do with that. So we’ve had a few sessions in the last maybe year or so and obviously we do advise them regarding where does the Nikah stand in the eyes of the law and we have it on our form that before the Nikah we advise them to register the Nikah in the local council, that’s something that we have on our forms already as a precondition to the Nikah ceremony. |
| **I** | So you’re advising them to go through the civil registration process? |
| **123** | Yeah. |
| **I** | Okay, thank you. Right, last but not least. |
| **124** | Okay, so I’ll just talk through the process of what happens when we first get a request for a Nikah. Usually what happens is that my mosque is a small mosque in terms of its influence and size in [town], so what normally happens is that most Nikahs will not be directly through the mosque but rather perhaps just knowing me and who I am. And what happens is that somebody sends me a request. Looking at my experience over the years, you will of course know that people have various ideas about what a Nikah will be. Some people feel that it should be a whole other ceremony with all sorts of add-ons and all sorts, and some people just want a very bare bones, simple Nikah, very simple. And I’m cautious of the fact that when people want a ceremony to be very simple sometimes it can be the case that they’re doing a Nikah for certain reasons, to sort of keep it under wrap from family and so a secret Nikah, and I feel that for various reasons, while in wording it might be considered a Nikah I don’t feel comfortable with such a Nikah because I understand there will be many consequences and I want of course for people to have a proper Nikah as is the way of Islam and that people are aware that this is a married couple and so forth, it is a recognised institution. So when somebody does call I do make sure that before I even agree to anything that I double check and make sure that both sides of the family are fully aware of what’s happening and if there’s a situation that either family is not aware that these 2 are being married I would politely ask them to of course let the families know and until then I won’t be able to give them the Nikah. And once it’s clear that the marriage is a proper, set affair, they want to do it in the proper way, I will then explain to them of course how we will do the Nikah. *[123 has moved to side of his screen to eat off camera (can see arm raising up and down. 121 & 122 appear to be listening attentively – looking into screen/lack of movement]* I will also explain that is a legally non-binding ceremony because it’s not a registered marriage, we are not accepted or regarded as a registry office therefore, so unfortunately while this may look good on paper and we do provide a certificate as best as we can, still it won’t have any legal binding and it may not have any legal weight even if you were to have a registry office, of course they would just want you to have a normal registry marriage, but you could procure it anyway if you wished to. And what we do also is, especially with the couples, we have various couples, some who are mature, older couples, some who are young. Those who are young and especially those who might know, I take it upon myself to ensure that they explain to you regarding the whole procedure of marriage. I am aware that some of them I know their cultural backgrounds and I understand that there may be certain cultural behaviours that wouldn’t go down very well in a marriage from an Islam ethical point of view. And once it’s quite clear that the marriage will continue and hopefully none of these issues will happen, then we will continue and say, “okay, we’ll agree to a time and a date and a venue.” And also it’s a case that ideally you to try to ask people to help within the masjid. Not saying that as a fixed rule, but rather it just gives an extra element of gravitas and jurisdiction on our side so that we’re doing it in our zone, but if people wish and say that okay, for certain reasons, due to unavailability or timing they wish to have it at home or at a centre or at a wedding venue then we will oblige on the basis that we can make it. That’s pretty much the background information about background checks and that’s all we do. And yes, we do try to make sure that both couples are aware of what the full marriage entails, and I think every situation is different. I had some really shocking stories, one story for example where a young brother called me up and said he wanted to get married, I said, “that’s absolutely fine” and then he said to me, “could you provide witnesses?” So I was scratching my head and I thought, “well, are you telling me it’s just going to be you and the bride?” And I said to him, “what about your family and her family?” and he said to me, “oh no, I spoke to her father, he’s okay about it.” And I thought, “is this person stupid or something?” I’m not naïve, I know what happens in situations, which parents would not want to be there at the wedding of their daughter or son? So I clearly realised that he was just messing me around and I refused to continue. So those nuances of course we have to make sure that it’s done properly because anything wrong that happens, we don’t want it to come back on us or on the masjid or on our religion altogether. |
| **I** | Thank you very much, that actually leads us on quite nicely to the next question, and this is open to everybody, you may or may not want to contribute, I hope you will. Are the ceremonies you conduct part of the process towards a legally binding ceremony? So do you see the Nikah as being, for example, the start of a process which will culminate in a legally binding ceremony, or indeed has that already happened and the Nikah is something that occurs afterwards, just based on your experiences? That’s open to everybody.  *[Long pause. No-one appears to want to go first. 123 moves back into full view of screen].* |
| **122** | Not sure what the question is quite aiming at really, but I guess for me a lot of the times people, before having done the civil marriage will do the Nikah first. They don’t see this as a process towards a legally binding marriage, perhaps because they know it’s a non-legally binding religious ceremony. That said, I’ve had requests where there’s been situations where a person who may not have the citizenship to remain in the UK or the right to remain in the UK, but will be on a working permit and has been in the country for a number of years and he has met up with somebody who he wants to get married to who is a British citizen and so, they see and I see the conducting of the Nikah as perhaps the first step towards them being able to live together as man and wife, to be able to then prove and support their application, particularly the sponsor, to support the application to remain in the UK or to sponsor the person to be a spouse so that that person is able to remain in the UK as a spouse, and I’ve had that done, I’ve had solicitors explaining to me the legality behind that, immigration lawyers and once I’m comfortable with the explanation from the immigration lawyer I do proceed with the Nikah, knowing that this is a genuine marital relationship that will end up helping them to obtain their civil marriage later. |
| **I** | Okay, that’s great, thank you. So I don’t know if there is a lack of clarity with the question for the other imams here, really what it’s getting at is obviously Nikah happens, is there an expectation on your part or the part of the couple that at the end there will be, at some point, a legally binding marriage that takes place or is the Nikah just “this is us, we’re married”? |
| **122** | That pretty much depends on how you advocate the importance of legally binding marriage at the point of doing the Nikah I guess, isn’t it? So if you’re the kind of person to say, “actually you must after this go to a civil marriage ceremony and get yourself legally married otherwise I’m not going to continue, that could one way. But that can be harsh because you potentially depriving somebody from engaging in what’s considered to be an act of worship, so it pretty much depends on how the imam advocates the importance on the civil marriage they’re after, and I always do that and I make a point of making sure that “look, if you want to protect each other’s rights within this country, financial and otherwise, it’s very, very crucial and important that you make time to get yourself registered as soon as possible from the Nikah.” |
| **123** | You know, sister Rajnaara, we are aware that traditionally Nikah or marriage is deemed as an act of worship, that’s the point in which it’s part of our religion, but also there’s the part which is an agreement, is an act, it’s more than an agreement. So myself, I would advise quite strongly the newlywed couples that “yes, you have come here, you have done your Nikah, and alhamdulillah it’s a great thing, but the next thing is now that you register it.” Now we don’t have a process where the building is registered as a place of ceremony, there are some buildings, some places of worship within the UK that are, but I think probably in the 5, 6 months within this new legislation, with the new law that’s coming into place there will be more focus on having maybe both ceremonies at the same place, the civil and the religious Nikah ceremony. The only concern there for me is that if there is no guidelines for this then it will result in cases such as Khan versus Akhter and all these other cases that went to court, there was no ground, even the imams were asked that, you know, “you got these 2 couples married, what’s the proof, how do we back this up?” So I think there is a need for, especially in our younger generation, the new generation that’s coming up through these years, in order that there is some protection for them. *[124 and 121 nodding].* So I do agree with it, that there needs to be something for the newlywed couples to fall back on if things don’t work out. Obviously, we want it to be a blissful, a beautiful marriage, but sometimes things do go wrong. So from my side we do, do our best and we have actually been in consultation with the council, but because there are a couple of buildings that are already registered and they are underused, so that’s why we actually didn’t got ahead to register our masjid as a place of ceremony. |
| **I** | Okay, thank you. Who would like to go next?  *[124 indicates by raising hand and gesturing that 121 can go first].* |
| **121** | Yeah, from our side actually, as I said, we don’t recommend to register, we leave it completely on the discretion of the families. If they want to, they can, and this is based on my experience. I used to advise them but what I realised that sometimes, especially the groom or groom’s family, they don’t like this advice and there are reasons behind it and again, this is one of the questions why people don’t get the legally binding ceremonies. So we’ll discuss that. So when I realise that the groom or groom’s family don’t like then I stop actually advising them, so I leave it completely to them, if they want to they can. But as for us as a mosque, we are not a registered place for marriage ceremonies legally. |
| **I** | Sorry, can I just ask for a bit of clarification, so with the groom’s family, what would normally be their concerns? Why would they prefer not to enter into legal marriage? |
| **121** | Mainly I would say because if something goes wrong in the marriage and the marriage breaks then if they’re beholden to the law and the wife will be taking half of the property and this and that, so the groom or groom’s family, they don’t agree with this. |
| **I** | So you’ve said at that point you’ll be like, “okay, that’s fine, I won’t…”, but what is your view on that? Do you think that’s a fair, Islamic position, how do you view that? |
| **121** | I’d say it’s difficult to say it’s fair or unfair, this needs to be a law and law needs to be clear on this, and as we are discussing here there should be a kind of freedom within the law where the Muslims can conduct their Nikahs according to the Sharia, okay? So yeah, if there’s a clear law then we’ll be happy to advise them, rather we’ll be encouraging them to register. Actually I have seen quite a few I’ll say marriages breaking because of this and I know particularly one case where there was no issue in the marriage other than this particular issue. So the girl’s side of family, they wanted to just do the marriage in the register office, but the groom family didn’t agree and this was the main issue and unfortunately at the end of the day the marriage broke just because of this issue. |
| **I** | How long was that marriage? |
| **121** | They had this fight I’ll say probably 2 to 3 years, back and forwards doing this, having meeting with the imams and counselling, and getting the legal advice as well, but the groom family, they were never convinced basically, and they never agreed. It happened I will say about 9, 10 years ago, yeah. |
| **I** | Interesting, thank you. |
| **124** | Okay, that leaves me now. Not sure, there are quite a few things that have been mentioned in this regard, and how we do things, ideally, because of the fact that we want to ensure that the couple, I mean most couples normally they’re straightforward and serious and we make sure that everything is done properly, but of course we want to ensure that it doesn’t come across as if we’re doing some sort of a backyard marriage ceremonies of some sort that could, god Allah forbid, be used for sham marriages or any sort of legal entry to the UK, so we make sure with the couples that they are made aware that ideally they should have the marriage registered. We can’t enforce that, of course, if somebody says, “no, we believe that in Allah’s sight we are married and that’s good enough for us” then that’s between them and Allah, I don’t disagree with them on that. But of course because of the fact that certain legislations could impinge on things in the future for us, I feel it’s better that the marriage is registered. And there’s even been situations where, on the flip side, you’ve had people saying that they’ve had emergency marriage and therefore because the registered marriage technically, while it’s not an Islamic ceremony, it’s not an un-Islamic ceremony. An example, of course when I got married a couple of years ago I had the registry marriage as well and the words that they asked us to exchange were not unsimilar, of course the Islamic procedure is very small end, very concise, not many words to exchange, but in the registry office of course there are a couple of words to exchange, but technically because their words of exchange have been contracted and said therefore that would constitute if there were witnesses and all the other conditions were filled, it would constitute a marriage from an Islamic perspective, so you may even get people who say, “right, well I’ve had a registered marriage, why do I need to go to an imam for?” So we get people who also have to be convinced after having a registered marriage that they need to have an Islamic ceremony as well because it just gives an Islamic stamp of approval on it, everybody feels that yes it has been done properly with the correct form of sunnah. *[121 nods].* So interestingly you get actually both sides of the coin on that one. That’s my observation anyway. |
| **I** | So what is your position? Do you think it’s sufficient to have just the civil ceremony with all of those elements of the offer and the acceptance and the witnesses, would that in your mind be sufficient for an Islamically recognised wedding? |
| **124** | On paper it probably would be, I still feel to myself that actually the couple should… Because it’s part of our heritage I suppose, if the 2 could be combined, brilliant. So for example if our masjid was a registered office, if we were fully on the books then it would be wonderful that we could conduct the whole ceremony from start to finish in an Islamic accord with the words of the khutbah and the proper exchanging of the vows, everything, then of course most people, most families of course, if not the couple themselves, families themselves would just want to have that officiality to everything, so I believe that if you can combine the 2, alhamdulillah. If it’s not possible then indeed, both ceremonies should still take place regardless. If somebody wishes to have a Nikah Islamically then we would of course insist that as far as possible ensure that it gets registered, simply so that it’s all official, and if they choose not to then of course we can’t enforce that on them either. So yeah, it’s just really a case of advising people, and we do signpost if they need any other further help in that regard. |
| **I** | Thank you. Right, so question 4, how do you perceive your role in advising couples of the legal status of the ceremony you conduct? So you’ve sort of all I think already alluded to this, is there anything else that you want to add, so your role in advising the couples of the legal status of the ceremony that you’re conducting? |
| **122** | I was going to say, sister Rajnaara, I think we’ve kind of covered that question with some detail I guess, and I think most of us would be in a position where we do advocate it, but we can’t enforce it I guess. |
| **124** | I would also add to that that also with legal things as well, of course while you can’t say certain things to the couple, especially on the day, but there’s certain things you sort of have to make mention of with regards to the obligations towards each other in the marriage. That wouldn’t just be an Islamic obligation, but also a legal obligation as well. You can’t tell the couple on the day, in front of everybody that you owe this to them, you owe that to them. I’ve actually been to a Nikah where the imam was quite upfront and normally people might have a la-di-da sort of romantic element to the pre-khutbah talk, but he was very blunt and I thought to myself, “okay, perhaps what he said was right, but maybe not the time to say it.” But I do feel like these things need to be mentioned in terms of legal obligation because even if there’s no legal weight hanging over them, what the husband owes to the wife and vice versa still needs to be clearly put in and I think that’s probably a separate question, I’m not sure if that’s already on your agenda with regards to pre-marital training or sessions or advice, that’s something we try to offer but not everybody wishes to take it, some people, like I said, they just want the bare bones service, but it is something that I think many have implemented if they’re not already considering it, yeah. |
| **I** | So in terms of, just for clarity, I guess the sort of answer that I’m hearing is that while you will give them some general advice around the legality as far as the Nikah is concerned, you don’t perceive that you have a specific role to play in terms of advising them on the legal status? Would be an accurate reflection? |
| **124** | If it’s the law of the land and if it’s a legal obligation or a legal recommendation or it’s just one of those things that is an advisory, I mean not many things that I find are advisory, but it’s still worth addressing. And if the situation is such that there’s a hikmah, there’s a wisdom behind us addressing a certain issue then it would be in our remit, ultimately to put that forward. So maybe for example 30, 40 years ago when many Nikah took place and people didn’t really think about having a registered marriage and back then there wasn’t any legal mention of it much anyway. And back then I know many people who have been married a good couple of decades ago and have had no legal status in their marriage and they’re absolutely okay with it. So if there’s no issue in their life then fair enough, so be it. If it’s a case that because of the legal loopholes that people have taken or the sham marriages or immigration status and so forth that sadly people have used and sadly therefore tainted the institution for marriage, if it wasn’t for that then we wouldn’t have had to, sort of, be so forthright. I think now because of that, I wouldn’t say wash our hands or to watch our own back, but rather generally to also safeguard the couple as well, there could be implications for the couple. I think it’s best to deliver that direction and say that “okay, legally to some extent we would advise it.” But again, at the end of the day it doesn’t matter how much pressure on this there is for us to advise, until something is set in law to say that we have to do something or the couple have to register we ourselves wouldn’t be in a position to be able to enforce that either. |
| **I** | So you’ve mentioned that there’s concerns around sham marriages, etcetera. Would you have any concerns on this point, so what happens if the relationship breaks down? So if you have, which all relationships will unfortunately, either with divorce or death of course, so is there any concerns around that eventuality? |
| **122** | So basically your question was whether we address what the couples can do, the point where perhaps there is a disagreement between the 2 or there are problems in the marriage, is that what you’re saying? |
| **I** | So is that a concern I guess to you? And again, that’s just because a lot of the conversation was focused on what happens if it’s a shame marriage or in other way irregularly constituted, so my question now really is in the eventuality that marriage breaks down, is that scenario something that also impacts on how you perceive your role in advising the couple on their legal status? |
| **122** | Well there’s different stages to marriage, and I probably wouldn’t find it suitable to perhaps mention at this stage what they would need to do in the eventuality that the marriage breaks down. Because obviously you start with an optimistic feeling, you start on a positive foundation where you’re coming together as man and wife for the rest of your life. *[121 nods].* This is commitment for life, it’s not just for a year or 2, and it’s where you give everything to the other, leave no stone unturned, it’s a complete commitment, sacrifice. And so I wouldn’t touch that topic, and I don’t think it’s of any concern to the imam. I think that the couple wouldn’t automatically go to an imam when those circumstances arise. |
| **I** | Okay, anyone else want to share their views or add anything? |
| **123** | Yeah, I just wanted to add sister, that yeah, I mean you don’t want to start on a negative, but just general awareness in a Nikah ceremony does help, it goes a long way. You do obviously prepare them for the eventuality if things do go wrong in your pre-marital counselling sessions with them or sort of just as an advisor, but I think most of it really is down to the couple themselves, the family, and how serious they are about the whole concept of marriage, and what I’m finding is that there’s less importance given to marriage, maybe given to the times that’s we are living in, etcetera, but obviously that seriousness is gone from it, like brother 124 was mentioning about with the imam being quite upfront, sometimes you need that in marriage because we have taken it as something light, or we don’t even think of it as something important anymore due to the times that we are living in. So I think as imams that role still needs to be fulfilled as an advisor, as somebody who they can turn to when things are good, when things are bad, when times are tough, the imam should be there for the couple and for the family as well. |
| **I** | Thank you. Right, so we’ll move onto the next question, and this is a very quick one: where do your ceremonies generally take place? So in the lifetime of you conducting Nikah ceremonies where have they generally taken place? |
| **121** | Mosque. Masjid. |
| **123** | Yeah, for me I would say it’s different, in the mosques, in the wedding halls, restaurants, homes. Yeah, it’s all mixed. |
| **124** | It really comes down to I think also personal convenience, I would say. I mean the idea at the end of the day is that while people… I get people have various images of what an imam is. Some people perhaps may have very high respect for an imam. I remember one Nikah when the family agreed to get one of their hire cars and pick me and take me to the venue and so forth, they were very particular about it, and I said, “look, I’ll be happy to drive my own little hatchback, I’m absolutely fine, none of that pomp and splendour for me.” But some people will have that side to it, and some people will simply say, “we are x number of miles away from the certain place, hope you can make it.” And they’re very sort of blunt in saying, “you do your own things and get there by yourself” and okay, fine, fair enough, that’s how people perhaps might perceive it, fair enough, but I think at the end of it all we also have to sort of say, “we have our own gravitas in that as well” and I do make it a point to people like if it’s a venue that we can’t reach then we will have to kind of say, “look, sorry, it’s not a suitable place for us” or “it’s something that’s just too far out, perhaps somebody closer by to you.” We put that point to them, mainly to sort of say at the end of the day, the imam is the imam, we’re happy to provide a service but there is a limit to how much we can do, and if they ask for awkward times or places, and I’ve had people asking me at awkward times as well, and if it’s somebody that I know is in a dire situation or for example they were struggling, for example during COVID, we flexed on that because there was a family where due to the situation they were unable to hire a hall and anything, so we had this very large house and a very nice, lovely lounge and we arranged it there instead, absolutely fine. But I think Nikah, it’s something that we have to factor in. So we are variable, but at the same time we do have our limits as well and how far we are able to go out to helping someone in this regard. And sometimes we’ve had people going to venue which I’ve seen as very unsavoury for a Muslim venue, I’ve had it happen before, and because a place is very linked to a certain type of culture or something or just very un-Islamic and we decided that we wouldn’t do it, if anybody else wanted to, we’re not saying it’s haram, but it’s not something that we would feel comfortable in doing, that’s all. |
| **I** | Thank you, imam 122, did you want to add anything in terms of the venues? |
| **122** | Yeah, I suppose it’s down to personal preference. I personally would prefer a masjid simply because it’s an act of worship *[123 and 124 nod],* important act, the blessing of the mercy of Allah is with them at that point, not saying the blessing of mercy is not with them outside of the masjid, but masjids are the best places to be for an act of worship to take place. But yeah, we can be flexible as imams, it depends on the circumstances, the situation. I just want to go back, I’m conscious of your time, on point 4. Something called pre-nuptial agreement, so if you pick up in your conversations that one of the two parties are perhaps apprehensive about certain things, whether it’s property, whether it’s finances, whether it’s the distribution of maintenance or whatever, then I do actually enter into a discussion whereby I advise them to perhaps consider looking at a pre-nuptial agreement. *[124 nods].* That’s the only thing I wanted to say about 4, so yeah. |
| **I** | Okay, thank you. So question 6, have you seen in a change in demand for non-legally binding ceremonies, so the Nikah ceremonies, in the past 10 years? And if so what do you think the reasons are? So has there been any change in the usual patterns, people wanting the Nikah ceremony, or has it just continued as it always has been? |
| **121** | I will say there’s been change, especially with young people that get married as, according to my information, most of them they get their marriage registered in the register office. But there are still people who don’t want to get the marriage registered because of certain reasons, one of them that I mentioned, and second is especially when the couple has already gone through the divorce battle in the court and now they are remarrying or not between themselves rather completely new marriage, then they don’t want to get registered because if it is only simply Islamic Nikah then they can get the divorce done by a Sharia Board, a Sharia Council. That would be enough and that would be sufficient, that would be sorted within a couple of weeks or within 2, 3 months. But if they, again, fall into the problem and the marriage breaks then they don’t want to go through the legal battle again, and especially women, *[124 nods]* when they have gone through this pain, so they don’t want to. So this is one of the reason what I have observed, that people don’t want to get the marriage registry. |
| **I** | Okay, thank you. Open to everybody to respond. |
| **124** | I think the only change I’ve seen is not with regard to sort of the non-binding ceremony and the legal ceremonies as such, rather just an interesting trend in how much people expect to have in the Nikah ceremony, in the sense that before it was a case of just having an imam come over, and I’ve seen that in recent times people have also started making requests in that “do you have anybody who could come and do *tilawat* of quran or sing *nasheeds* as well. I’m guessing that’s just a current trend, that’s increasing and it’s something that we can accommodate and absolutely fine, it won’t be me reciting because unfortunately I’m no *qari* or anything, but people do want a few more particulars with the Nikah, they have it a bit more personalised and I am aware that there’s certain marriage provision companies or groups who sort of say that “we’ll give you a tailor made Nikah ceremony, we’ll have somebody to do this and that and everything and a special dua.” While that’s nice, it’s nice to make somebody’s day, I feel it needs to be a bit more homely than that. And this is one of the reasons why I, while I don’t say no to anybody if anybody obviously asks for a Nikah, it’s good that I feel that I know the family and people beforehand, particularly because when I’m doing a dua and I’m making the preparation I’m not just doing it because it’s a service I have to provide for x, y, z reason, I feel actually there’s a bit of myself involved in that as well, and I think that’s quite important because when you’re doing the dua and the ceremony, I’ve done 5 in the past couple of weeks, and you don’t want it to turn into some sort of exercise where you sort of just turn into the monotonous press the play button and that’s it, come out with the same old stuff. I think that’s important. But at the end of the day, we also are cautious that people are now starting to question certain things in the Nikah ceremony. I actually remember reading an article in a magazine which the article was saying, because it was done by somebody who didn’t understand, and it was saying “why does a khutbah have to be given in Arabic? Why can’t we just do it in English, what’s wrong with it?” And we’re not saying it’s a *fard*, we’re simply saying if that’s how our dear prophet Muhammad performed this khutbah then if we can do it in that way, why not? And when I do the khutbah in Arabic, I am aware that there are many people, especially non-Muslim colleagues, people who aren’t aware of Arabic, and I understand that if I recite the khutbah for two, three minutes, it might sound nice, but what does it mean? So I think it’s important to elaborate on that. *[121 smiles and nods].* So I think the Nikah ceremony, whereas before people are very… I remember when I first ever went to a Nikah ceremony over a good two, three decades ago as a young child, it was a very simple affair, now people want the Nikah ceremony to be more meaningful and whereas it was maybe only 10, 15 minutes, they want it to be an half an hour, even hour long ceremony. That’s just an interesting trend, I don’t think it’s got anything to do with whether it’s legally binding or not, but I just don’t think that’s going to work out if they went in a registry office, yeah. |
| **I** | You’ve answered question 8, so thank you. So that’s great, that’s really useful information. So in terms of the demand for the Nikah in the past 10 years, anybody else want to respond to that? Have you seen any change? Okay, fine, we can move on then. So your role obviously is conducting the religious ceremony, so the Nikah. Why do you think it’s important to conduct these ceremonies? |
| **121** | As we believe that the Nikah and the marriage is part of the religion, it is not only worldly matter, it is part of our faith, part of our religion, and so the imam and the Islamic centre has to facilitate it for the Muslim community. So because we think it is an essential part of our religion, so that’s why we conduct it. It is you can say similar to the prayer as imam has to lead the prayer, the same way imam has a responsibility to conduct these ceremonies as well. |
| **I** | Thank you. Imam 123, did you want to respond to that one as well? |
| **123** | Yeah, I would second what 121 has said. Definitely emphasis should be given that the Nikah is not just an agreement, it is an act of worship which any pious or any person who has some bit of knowledge regarding the procedure of the Nikah can conduct, it doesn’t have to be the imam, but it has to remain as something which is spiritual, blessful, otherwise if we just focus on the material aspect of it then in my eyes it doesn’t becomes a Nikah, it just becomes a normal celebration of the wedding. So I think it is really important that it remains within the realms of the imams or the pious ones, just as we have in other faiths *[121 and 124 nod]*. For instance in Christianity, the priest or the bishop, they are the ones who usually conduct the ceremonies. In Jewish faith we have the rabbis who recite some words from the Torah, so similarly Muslims are no different, we have the same procedure but it has to be done in a setting where it is done with respect and it is done with harmony and with a prayer, so it is all about the prayer at the end of the ceremony, which really gives it a blessful beginning which any couple would appreciate and would want for their special day. |
| **I** | Thank you, who would like to go next? |
| **124** | Just the point I was going to say in mine is that I think, especially in the current generation, I am aware that there are people out there who delve into certain matters in Islamic callings and so forth and they feel that this certain thing can be done by themselves. So technically speaking, as I mentioned regarding the registry marriage as well, maybe in a certain loophole setting somebody might say it’s the exchanging of vows from one side to the other in the company of witnesses, technically it might be considered a Nikah, but I think if that was how simple a Nikah could be then I think people could abuse it *[121 nods]*, people could abuse this institution and hence why you get people who are having secret Nikahs and so forth because they know how to do. If a person doesn’t know how to do a secret Nikah or feels that it’s not really ideally supposed to be done behind closed doors, but it should be done properly then at least that door is shut off to them. But once they feel that they can, then it becomes an issue. Whereas is somebody says, “no, no, no, ideally you should have a imam doing it” it just brings that how evidence of gravitas and seriousness to it so the person realises this is just some fun and frivolity, it’s a serious relationship and therefore they’re taking it seriously as well by having all the stocks put in as well, and I think having an imam, more than anybody else, would be an ideal thing to do and so if a Nikah was to be taking place and somebody said, “we’re having the senior imam coming” it just gives that extra level of officiality to it. *[124 is gesticulating with his hands to add emphasis to his points].* I understand that there’s a flip side to that, and that is that what happens in some cultures when people take the Nikah so seriously and put so many heavy elements of cultural rites onto it and specific recommendations and inductions as well, then the Nikah becomes difficult to do. So I think there’s a trade-off, obviously you don’t want to make it too stiff, you don’t want to make it too frivol either, I think having a balance and saying, “the local imam will be happy to do a simple ceremony in the masjid or in a convenient venue”, I think that’s a reasonable compromise and it gives local imams that extra level of respect and honour as well for what they do. |
| **I** | Okay, thank you. Imam 122, would you like to respond to that question? |
| **122** | I think all has been said. |
| **121** | I would add to what 123 said and 124 said, I agree. And I think it is true that particularly some of the young couples nowadays, they are trying to kind of diminish the role of the imam and, as 124 said, they think that they can do the Nikah themselves. It is not only young couples, unfortunately some of the parents they have this, I will say, misconception and there are always benefits and there are always advantages of having an imam to conduct a Nikah. One of them is that if the Nikah is conducted by an imam then most likely that is going to be at least Islamically official, it’s going to be true in multiple Islamic centre or through a Sharia board. And secondly, as we have been discussing that while conducting the Nikah, imam can give them advise at the time of Nikah, he can give a short speech. About a year ago I was approached by a young man who wants to get married and he wanted me to conduct his Nikah, but a few days later he said, “no, actually the father the girl is saying that he’s going to do it himself. I said, “okay, fair enough.” If this is the decision obviously we can’t interfere, and then a few days later that father approached me, and he was asking me how to conduct a Nikah. So he didn’t know what to say and how to do it, but in a way he got this idea that the imam is not needed for the Nikah so that he can do it himself, and then again unfortunately, I don’t know whether this was the reason or any other reason, few months later the marriage broke. So as brother 121 said, for the imam to conduct a Nikah there’s always blessings and prayer and so it’s crucial to get the Nikah done through an imam. |
| **I** | So question 8, and actually imam 124 you’ve already answered this. Has there been any change in your own role since you began conducting Nikah? So for example, has there been any change in the form of ceremonies you now conduct? So you’ve actually all alluded to the younger couples and the fact that they have slightly different wants and desires around how the Nikah looks and how that ceremony looks, so if there’s anything else that you’d like to add in terms of your experiences? |
| **121** | I would say one thing that I have seen a bit of change is a request for the Nikah over video link or audio link. So one of either the groom or the bride, they are overseas, they are not in the UK, and they request… So basically they agree to marry but one of them in not in the UK, so then they approach the imam. So recently I have seen increase in this. Obviously there are the issues, marital issues, some families find it very difficult to find suitable partners in the UK and then having the internet facility and so many marital, or matrimonial websites and those platforms, so people approach or people go there and they find themselves and then obviously they find no solution other than conduct the Nikah over Zoom or Skype, and so I have seen increase in this in recent times. |
| **I** | So where does the bride or groom who isn’t UK based, generally where would they be based? Is there a pattern? |
| **121** | Not particularly, I have seen cases where one of them is in the UK, the other partner is in the US or in Africa and, or other countries and they have some sort of restrictions to come over to this country due to their work or they can’t get holidays or sometimes the visa issues, so yeah, they have been quite different. |
| **I** | I’m just trying to get my head around this, so have they met before or has it all been online? Has the actual relationship been online? |
| **121** | Again, it varies from couple to couple. Sometimes yes, they have met, for example if one of them is in the UE and the other partner they have travelled there, they have met, they have agreed that the person in UE they are unable to come due to visa restriction and they want to get the Nikah done so that the partner can travel either over there and they can spend some time there and then later on they can start the visa process. So yes. Or sometimes it is the marriage that is arranged by the family, and obviously as the imam we make sure that the bride and the groom they give their consent and they agree, so it is not forced marriage. So if they agree then yes, so then we’re happy to conduct the Nikah over the video call. |
| **I** | Okay, thank you. So am I correct, just in my understanding that nobody here is an authorised person as far as legally binding ceremonies is concerned?  *[All shake heads]* |
| **122** | Yeah, no. |
| **123** | No. |
| **I** | Is there any particular reason why you haven’t sought to become an authorised person? Open to everybody. |
| **122** | So yeah, I found that system in order to apply and go through to be able to become an approved person is not transparent and, I say transparent, it’s not something that I personally feel is welcomed by the councils. |
| **123** | Mm. |
| **I** | What’s your experience? |
| **122** | I contacted, I think it was a few years ago, the registrar office and I wasn’t given really satisfactory answers. I was asked to go onto a particular website and go through and read the requirements, etcetera. But I kind of felt that way, I don’t know whether anybody else has felt that way, but I just feel that there isn’t a concerned effort to incorporate approved personnel from other religions to be able to register a civil marriage in the UK. I felt that that was almost like it needed to be kept within the host community. |
| **I** | Any other experiences or reasons? |
| **121** | I think it’s to do with the Islamic centre or with the mosque. If the mosque itself is not registered as a place of ceremony legally, then the imam won’t approach the local registrar office himself to get authorisation or get the certificate. So if the mosque is not registered, so it is to do with the mosque, and I think if the mosques are… I know one or two mosques here in Birmingham who are actually authorised and when it comes to conducting the Nikah there’s no restriction on the imam who can conduct that, so anyone who is officially imam of that centre, he can conduct the Nikah and he can hold that ceremony. |
| **122** | Okay, so actually that’s interesting, because my understanding was there’s two entities here, you have an approved place and an approved person. My understanding was that even though you had an approved place there still had to be an approved person within the organisation. And on the contrary, if I was an approved person, I’d need to then find an approved place to register the marriage. So am I understanding correctly, 121? That what you’re saying is if your place of worship is registered then the imam does not need to be an approved person? |
| **121** | Yes, this is what I understand, I’m not sure. But again, I would agree with your point in that probably the law is not clear or unfortunately we are not clear about the law, we don’t know. And I think in most of masjid, the vast majority of the mosques, they are not legally recognised places of ceremony anyway. |
| **124** | I’d also say that one of the reasons why in [name of city], where I reside, there is a central mosque, however my mosque is sort of dwarfed by the larger mosques. What we do at the services of the mosque itself, but the mosque itself in terms of size and sphere of influence isn’t that big. So normally what happens is that our mosque, in terms of a mosque itself, it’s not that busy when it comes to Nikah and ceremonies. And normally, I mean when we’re getting the younger generation who are maybe wanting a younger imam, not that I’m that young, I’m in my late 30s now, but considerably compared to the seniors in the mosques. So the senior imams are normally the ones who are being consulted more often than I am generally for Nikahs. And normally because of the fact that those mosques have the greater gravitas and obviously because the legal implications and complications and such, it’s sort of just seen as easier for us just to allow the legal side of things to be conducted by the mosque in terms of them getting themselves registered. I am aware that one of the mosques in [town] has a greater legal weight than our mosque does in that regard. So in our mosque specifically there’s the case that because even though people might consult me and say, “can you perform a Nikah for us?” obviously I have to have the masjid’s canopy to give that officiality, because what I will do will be of course be under the mosque constraints, we provide a certificate, the certificate is done as professionally as we can possibly get, but it just hasn’t got a legal thing to it, so it doesn’t matter what it gets printed in or anything. But so we try to give that with the masjid letterhead so that okay, fine, it doesn’t have a legal binding entity, but at least it has a masjid’s official stamp or whatever on it and that might give some authenticity to it in some regard. And as for the senior mosques, because they’re the ones who get all those bigger and more official requests, we’ve seen it them and left it to them because of their position in the community altogether, which fully might be the case I think for various communities where rather than having many mosques registered, they might decide “okay, 1 main mosque or 2 main mosques, they’re the ones that have the official registry service, and if somebody registers to this have a simple Islamic Nikah ceremony then most mosques whose imams are qualified and experienced can do so. |
| **I** | Thank you very much. Right, I’m conscious of time, so I’m going to move onto question 12 which is the Lord Commissioners consultation paper. I will just share the document on the screen so that we can all see it, but this will have obviously been sent to you previously. Just trying to share it… There we go. *[screen shows summary of proposed law reforms. Cannot see all participants]* So I just have a few questions, those are the actual proposals, so there we go. So, with regards then to these proposals, in essence what’s been suggested is that it should be made easier to give notice, so this is for the legally recognised process, it should be easier to give notice, that this should be done online or in person at any register office, at the moment it has to be done in person, and that notices or marriage would be made public online rather than within a register office. It’s also been suggested that it should be possible to get married anywhere. So at the moment obviously there are restrictions, so anywhere including outdoors or at home and that couples should have a greater choice as to the form that their ceremony should take. So the first question here is would the proposed reforms make it easier for the Nikah ceremonies that you conduct to be performed in a way that is legally binding? |
| **124** | Just having a quick skim through the notes quickly, sorry, as we go through this. |
| **I** | That’s fine. So obviously you have the civil preliminaries, so I don’t know whether in your experience you’ve had couples who have struggled to give the notice because of again maybe location, etcetera, the types of weddings as relevant to you, locations. So at the moment you’ve mentioned a whole host of different locations, if people want to get married at home or if they want to get married at any other wedding venue that isn’t a registered place then obviously it cannot be legally binding at the moment, so those changes that are being proposed and then the ceremonies themselves and then a question of validity. |
| **124** | It looks overall that I mean with the proposed items hopefully it might give a bit of greater flexibility, if we were to say that, okay, an Islamically non-binding Nikah can be somewhat seen as legally binding, it seems by these proposals that it looks a bit to cause greater flexibility, especially when considering that within the [Inaudible 01:20:41] within their own, that it’s not always possible to have it in the masjid, and also certain other rituals and such may not be recognised, perhaps with the registry all combined it might seem like this extra bit more official on both sides. But of course, yet to be seen how that may work out practically, I guess. |
| **121** | You know this proposal, has it been consulted with any major religious organisations such as MCB or religious halls of scholars and imams, or? |
| **I** | So we can perhaps discuss that after we’ve finished the focus groups, but yeah, it’s an open consultation at the moment. |
| **121** | Okay. |
| **123** | I think there is flexibility shown in the new proposals, but it’s very vague and I wouldn’t say it comes to the needs of Muslims or it comes to registering the marriage itself. It’s giving the marriage more flexibility, but again, what my concern would be that there are no controls within the law itself for, for instance, a Nikah ceremony, the place, who, when, and what would happen in the event of, for instance, divorce issues. I think there’s still some issues which need to be looked at. And for instance the issue of who would oversee the ceremonies? That is a very, very important factor for me. |
| **I** | So this is a very, very, very brief overview, the actual consultation document is over 450 pages long, so it goes into a lot of detail, obviously we didn’t want to get bogged down in those details right now, but it does speak to those issues. Rebecca, I don’t know whether you wanted to add some clarity on the proposals in terms of who can perform ceremonies and how that potentially changes? |
| **RP** | Yeah, so the scheme is essentially proposing a shift in focus from registering buildings where marriages can take place to registering officiants. So under the Lord Commissioner’s provisional proposals religious groups would be able to nominate an officiant and a marriage would need to be conducted in the presence of an authorised officiant in order to be legally recognised. As Rajnaara said, that marriage could take place anywhere in principle, but the consultation paper makes it very clear that religious groups would be able to set their own requirements, so if within a particular tradition of Islam the feeling was that the marriage should take place in the mosque, the officiant would be able to say, “I will only marry in a mosque” so it’s trying to balance respect for different religious traditions with minimal amount of regulation that the State would need. In terms of which religious groups would be able to nominate officiants, it would essentially be any recognised religion with a certain number of members. The consultation paper at the moment suggests 20, which maps onto the existing number of persons who have to certify that a place of worship is their usual place of worship in order for it to be registered for marriages. But that number is something that we are consulting on as to whether it’s the right number in a changed context. So it could be an overarching organisation, like the Muslim Council of Britain, that nominated officiants, it could also be an individual mosque that did so, and it wouldn’t need to be tied to a building at all. Just briefly to pick up on the point about language, if I may, that some of you made about the ceremony being conducted in Arabic, and that would be entirely possible under the Commissioner’s provisional proposals, there’d be no requirement for the ceremony to be conducted in English or for certain prescribed words to be said. What matters under the Commissioner’s scheme is that the couple exchange consent, and it’s the point at which they exchange consent, however that’s manifested within their particular religious tradition, at which they are married. Okay, I’m happy to clarify anything else, but if not, I will duck back out until the focus group is finished.  *[Silence from participants]* |
| **I** | That’s great, thank you so much, so that does add a bit more flesh to the very brief overview of the proposals here. So overall, can I just get an indication on whether you think that these proposals would make it easier within the ceremonies of Nikah to be performed and to potentially be legally binding as well? |
| **124** | I think coming back to the main thing as regards to with the proposal put in place, if ultimately, as it was mentioned earlier on that the process of getting a person or even a masjid made an on official place for registered marriage I think really comes down to what the process is behind that, how easy or difficult it is. I understand of course there has to be specific restrictions and of course have some expertise and experience in that regard, but it comes down to really if there’s a flexibility in saying, for arguments sake to set a compromise that is it possible to make it easier for masjids and for Islamic centres of worship to be official recognised as places of worship? At the moment registry offices are few and far between, as it is. Unless of course a person goes to perhaps one of many churches in their local town, other centres of worship, and I think it’s about letting people know that if they say they’re going to combine then it means that the benefit is that you can have one ceremony in the way of your faith registered, recognised by your country, recognised by law, without having to go through many back and forths and having to go to 2 ceremonies rather than 1, and also for the masjids to know that there are no legal implications for them or no heavy overheads if they say that they want to come on board and say “we wish to become a place for registered marriages.” If that be the case the hopefully these proposals will cater for those flexibilities that we would need because of the various states of our Nikahs. I think that that really is what it would come down to for me, if I was to say how would these proposals all fit together, that’s what I’m looking at. |
| **I** | I guess on overarching question here is would you, as individual imams, be happy to take on the responsibility? So at the moment it’s institutional whereas moving towards an officiant system actually means you then carry that weight, is that okay? |
| **124** | The thing is, when it comes down to it, for example my certificates that I make, I have to sign my name at the bottom, I’m named as the officiant at the bottom as it is, so most situations it’s pretty much a case of saying, “on my head so be it.” I think that’s the case in general, I mean Allah forbid that there’s an issue regarding just the Nikah that takes place in the masjid, which is a non-binding ceremony, there are implications there. I am actually aware of situations where, Allah forbid, but there’s actually been situations where a couple are married and for the imam everything looked okay on paper and the couple are happy to marry, everything was good, and later on there was a dispute and the first person who got the raw end of the deal was the imam because it’s almost as if they were to blame, so I think it’s something that if the imam themselves is happy to come on board and be a Nikah officiant in the general masjid setting, if their understanding of the legal implications, which hopefully won’t be so many, I see maybe, I could be wrong, maybe perhaps some imams might welcome it because it means that it makes their role and the task for them to officiate the Nikah maybe easier. If I was to tell people, imams themselves might disagree or agree with me, but I think every time we have to tell somebody that you have to go for a civil ceremony and not just we have to go for a registered marriage, it does sort of feel like what we’re doing is not that important… Not important, but it’s almost saying that “you’re not done yet, you’re not finished, you still have another step left to go.” So I think being able to tell our locals that actually this is your one stop place, I think it would do imams a great service, if it could be done properly, with transparency as well. |
| **I** | Okay, could I ask imam 122, what are your thoughts on that? |
| **122** | I too agree on 124, on the points he made. I personally think that it would be most welcomed by imams. If the opportunity was given to them and it takes me back to our earlier discussion Rajnaara about should we be concerned about the eventuality of a divorce. And I think when an imam is given that power and the position to be able to officiate and register a marriage, I think at that point it does become his concern, because now he is key to making this marriage legal as far as the country’s concerned and therefore he has perhaps the license to be then discuss the issues of the eventuality of a divorce. |
| **I** | Okay, any more comments on that? |
| **121** | Yes, I would say as 122 said and 124 said, yeah, it will be welcomed by the imams because imam’s role would be appreciated and more security and safety for the imams as well. |
| **I** | Okay, so the second question with regards to the proposals is would any of the proposals give rise to problems with the Nikah ceremonies that you conduct? Can you see any problems here potentially? |
| **121** | Yeah, one of them I can see country people have the flexibility to choose the venue for the Nikah, for the marriage ceremony, it’s their own choice, whether home or wedding hall, so there might be seen as kind of a restriction on them, because now they have flexibility, so if they have to conduct the Nikah at the mosque or certain places then it means obviously they won’t have flexibility to conduct the Nikah at home. |
| **I** | So they still can, so the proposals basically leave it open as far as the venue is concerned and it becomes more the officiant. |
| **123** | Okay, and what about the Nikah, as we said earlier on, conducting the Nikah over the video link? Is there anything in the proposals about this? |
| **I** | I don’t know, Rebecca? I’m going to assume not. Rebecca, I assume there is no provision around a long-distance sort of… I mean obviously with the COVID situation this has already come up. |
| **RP** | We don’t make provision for marriages by video link, we’re only looking at marriages in England and Wales, taking place in England and Wales rather than marriages between people resident in different countries. We do ask a question about whether there should be the possibility of having marriages by video link in any future pandemic, but obviously with certain safeguards as to who would be able to enter into such marriages. |
| **I** | Okay. Any other problems or shall I move on? I’m really conscious of time and I do apologise… |
| **124** | Sorry, I was going to say, the flip side of that would be I think if anything I think while some of the proposals are welcome I think it’s also at the same time important that the venues are also, I wouldn’t say narrowed down or restricted, but I think also from a Muslim perspective, as some of the imams were saying, that most people for example, if they were given a choice they would say they would chose a Nikah in x, y, z place and it often might be in a place where, okay, it’s not a question of halal or haram or anything, but you might sort of see that you’re having them officially registered married and it’s being done outside the zone, whereas perhaps what we might want to do, again it’s not a problem as such because it’s been done anyway with Nikahs, Nikahs have been done where anybody wishes to do a Nikah and it’s a non-binding ceremony anyway so there’s no legal implication, but lets just assume that there was a legal binding ceremony combined, we would perhaps hope that if some level the masjid perhaps be that place of where the officiality is stemming from, it would be good to sort of say, “okay, lets keep that to some extent” mainly because it just kind of helps with bringing a bit of it back to the masjid. I’m not saying that it’s a big issue, I’m just thinking of myself, maybe that might continue to allow people to carry on having the Nikahs anywhere they wish to, whereas say there was something to say, “okay, ideally have it in a masjid because that’s how it will be fully registered as a marriage” unless there’s an emergency situation, unless there’s situation, for example a pandemic or such, where it can’t be done in that way. Otherwise I think it would be good for us, for our sake, or just for the general idea of keeping the sacredness of the marriage to say, “okay, ideally it should be kept in the masjid, that’s where your registered marriage will be more official.” Again, that’s just my 2 pence worth, but just something perhaps… From an imam’s perspective, that’s all I’m saying, that’s all. |
| **I** | Okay. So the next question I have is if you think about the usual couples that you marry, how do you think these proposals will impact on their process of getting married? So will it help, will it hinder, will it have any impact? Would you think they’ll welcome the idea of having a ceremony that is just one ceremony and not then having to think about a further one, for example? |
| **124** | I think most people will welcome it. I think for people, if somebody says that one simple ceremony which for everybody else in other religions, other backgrounds is done in one place and in one time and fully, officially done and dusted, I think for most people they would prefer that it be kept that way. |
| **123** | Yeah. |
| **124** | For example, lets say you’re having a wedding, some people may want them at the ceremony a special day, so maybe they want to have the registry on a special day and then have the Nikah separately, but then family members they wish to be their for both and it may not be always possible, and I know that sometimes some situations occur that a ceremony in one way is easier but another ceremony is not possible for a couple of weeks or months. There may be a lag of time between the 2, and in which case not everybody can come, so for them to do it in one ceremony, it probably just sounds like a much easier proposal for them altogether. |
| **I** | What does everybody else think, any other views? |
| **121** | Yes, I agree. I think it would be welcomed by the couples and it will make it easy for the imam. I have seen recently many people, they prefer to hold one collective ceremony rather than having 2 separate as usually call one day is for the Nikah and then basically the guests are invited mainly by the family of the bride and next day is perceived the second day of the marriage where the ceremony is held by the groom and now recently people have started, due to lack of time and also expenses as well, so people are trying to hold one single ceremony, so if really within one single ceremony can have registration for them as well, I think it will be accepted, it will be welcomed. |
| **122** | Am I okay to ask a question? |
| **I** | Okay, you can ask the question, can’t promise to answer it just now, but yeah. |
| **122** | It’s just in the connection with the issue that you were discussing about the impact on the process of getting married, and I think that would somewhat depend on what needs to be done differently for the officiating to take place in addition to what you already do during a Nikah process, so I understand there’s notifications to be given and I suppose it depends on understanding that process as to what needs to be done for it to be registered, for it to be legally accepted. Unless we know what that procedure would be I guess it would be difficult for us to perhaps give a meaningful response to the impact. So as a simple answer to your question, yes, obviously you can say it would definitely make the process a lot more easier and it may even prevent potential divorce to happen, like 121 was saying, that on one occasion one couple didn’t want to do a civil marriage and the other one did and that kind of broke off, and I suppose if this is something that could be offered in a package at the same time, that could deal with that problem too. But generally I do think it’s a very good idea, but the impact of that I suppose we’re understanding what the process will be for the officiant. |
| **123** | Can I just say something on that point, sorry? On what 121 mentioned? You know, when I was going for my possible training to become a registered, when I looked up the training that was involved at that time I just couldn’t do it because it was too much involvement, so I think this law, depending on what’s needed from the masjid or from the imam, it will receive different opinions on both sides, so I think if it makes it easier for the couples, then definitely it’s something that we can see as an advantage and a benefit for the Muslims and also for other faiths as well that they have both ceremonies at one place, they have the protection, they have the exchange of vows. I mean that’s something that is very, very important that we’ve been asking for for a long time, there’s been debates around it regarding civil ceremonies, the new co-habiting laws, what protection do we have under those laws, so I think it is a great step in the right direction, if it covers religious part of it and also the civil part of it as well. |
| **I** | Okay, so I guess in response to that question around… It is to simplify, so at the moment there’s a real sort of stringent regulation on how a wedding ceremony is performed, so the proposals are essentially stripping back from that, so giving the individual couples greater flexibility in what that looks like, with obviously some provisions in place. Okay, so the final question here is just do you have anything else to add with regards to the proposals? You’ve made some really, really valuable comments already which we can put into this category, is there anything else that you haven’t said yet, that anybody hasn’t said yet that you’d like to add? |
| **124** | I think with the proposals I mean generally obviously as mentioned, they look conducive to making things easier. I think it was already mentioned, I’m not sure if it was already or not, but I think just sort of the process as to having something combined. I think the way that the proposals lead to making it easier and also for people to be made aware, maybe mosques as well, maybe I am aware that there are people out there who may feel, may feel, that mosques aren’t welcome as registry offices and therefore automatically by default they’re to go to a registry office. I think just let people know that there is a process, and this is what it entails. Of course everybody is free to opt in or our of that, but also then to say, okay, if that be the case then how it can be made easier and more accessible for the mosques to also be able to come on board with that. So it sort of works both ways I think, it’s sort of to say okay, come to a compromise. I think 122 was also mentioning earlier that what differences may need to be done? Example, lets say a mosque was to say, “okay, we’ll come on board, we’ll turn into a registry office and this is how we are going to perform our Nikahs” what would need to be done? What would need there be transparency in? What would be allowed to do and not allowed to do? What would they have to add to any specific rituals in order for them to be transparency from a registry point of view? I am aware that in a registry office’s point of view there are certain wordings that need to be used, that maybe in a religious context may need to be extrapolated and expanded on, so just all those sort of nuances to sort of say “okay, how do we graft them both onto each other and then how can we put that forward and make it practically easier for both people to come on board and then also for the mosque and imams to find it easy and applicable to their daily services?” I think that’s just something to think about in terms of seeing where this now carries on and where we go from this really. But yeah, thank you. |
| **I** | So it’s a definite need for transparency. 123 has had to leave unfortunately, he had another meeting to go to, so we have excused him. We are pretty much done. So is there anything else, the final question, is there anything else that you would like to say about the wedding process before we finish? |
| **121** | No, thank you very much yourself for the rest of the imams as well.  *[No-one used chat function. Everyone attentive, calm and respectful throughout]* |
| **I** | Wonderful. Okay, so we can stop recording now, thank you so much for your... |
| **1:45:27** |  |
|  |  |