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| **Reference:** | Qualitative Research for Rajnaara Akhta's Nuffield Grant |
| **File name:** | FR-384-D-132 |
| **Date transcribed:** | 26th November 2020 |
| **Duration:** | 00:28:10 |
| **Participants(s): (Initials) Name**  | R | Respondent |
| **Researcher(s): (Initials) Name**  | I | Interviewer |

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| **I** | Okay, so, I’ve just started the recording. So, obviously you arrange weddings, so can you tell me about the last Nikah that you organised? |
| **R** | Okay, first and foremost let me introduce myself. I am [132] and I am the Trustee and the Founder of the [name of town] [organisation], which is the [name of town] [name of mosque] Mosque, based in [name of town], [county]. We have a specific set of rules that we have laid down for any Nikah ceremony to take place in our Masjid and everyone has to complete those forms and we have to have a minimum of 3 weeks’ notice to perform any Nikah in our Masjid. We are a bit strict compared to other mosques in the cities. Our last Nikah, which we had to do under the lockdown conditions, the gentleman actually booked the Nikah months ahead, before the lockdown. And when the lockdown came in, unfortunately we had to tell him that the Nikah will take place but with a minimum amount of people. However, one of our requirements is that the person getting married, or both the couple, must do a civil marriage prior to Nikah. This is our condition, okay? And, unfortunately, the Local Authority cancelled the civil marriage programme that very morning that the Nikah was supposed to take place. Now, under our conditions we can say no, or we can carry on. But because of the exceptional circumstances we allowed the Nikah to take place in the Masjid. But we haven’t given them the Nikah certificate, because we will only give him that upon producing the civil marriage certificate. So, that was our last Nikah in our Masjid, which took place during the lockdown. Not this lockdown, the previous lockdown. So, we are very strict. Unfortunately, we find … in fact other Masjids in the city find us very strict under this ruling that why are we doing this and our main reason behind it is obviously to protect the bride as well as the groom in any circumstances should there be a separation or should they decide to dissolve the marriage. |
| **I** | Thank you. So, in terms of the Imams at the Masjid, do any of them go outside and perform the Nikah elsewhere or is it always just in the building? |
| **R** | We have Nikahs which take place out, but they have to be under our guidelines. So, for example, if an Imam goes from our Masjid to perform a Nikah, he then takes the Nikah book from us. He then arranges that all the correct documents are filled but obviously before this is done, we do all the paperwork in hand, three weeks ahead of the Nikah. So, yes, we do allow the Imam to go and perform the Nikah at a home, at a big wedding ceremony hall and some people have actually had it in a restaurant as well. But we don’t have a problem with it. As long as the Imam’s expenses are paid as well. |
| **I** | Okay. So, in this process, is it usual to meet or otherwise communicate with the couple before the wedding? You’ve sort of already alluded to this. |
| **R** | We do that, yes. We ensure that they not only come and communicate but we even ask for copies of their passport or birth certificate. We go to that extent. |
| **I** | And what would those meetings usually consist of? So, you’ve mentioned the documentation … |
| **R** | The documentation and then also we make sure that the person who’s entering into the Nikah is not being forced, is coming willingly to get married. You see? As we have had incidents in the past, prior to bringing our arrangements … we have had people who were forced into marriage … into Nikah. And we didn’t realise this until after the Nikah when the bride came up and said, “look, I was forced to get into the Nikah”. So, we have now made sure that we talk to the couple prior … hence the 3 weeks’ notice. We make sure that the 3 weeks’ notice is definitely in place. We do not do Nikah with one week’s notice. We don’t. Because of our demand, as I said our demand is you have to do a civil marriage, prior to the Nikah. |
| **I** | Well, that leads me onto Question 3: whether you think the ceremonies are part of a process towards a legally binding marriage? So, I guess the answer to that is yes. |
| **R** | Obviously, yes. I mean we have to think of the … a lot of Imams have said to me to say … even our own Imam has said, “listen, this is not fair on the person who wants to do the Nikah”. I said, “why?” I said … he feels that if we stop them doing the Nikah they will be committing Zina. They will be committing a sin under the Islamic guidance to say they are staying together, they are living together, co-habiting; whatever, prior to the Nikah. So, I said, “the laws of the country are very strict and the problem with the Nikah is that you can dissolve it, just by saying three words. Whereas, if you do a civil marriage you cannot dissolve it just by saying three words. So, to protect the bride and the groom, both sides are protected under this situation that we’re doing”. |
| **I** | Okay. Thank you. So, how do you perceive your role, or the role of your Masjid in advising couples on the legal status under English Law of the ceremonies that you conduct? So, to what extent do you tell them that the Nikah is not legally binding? |
| **R** | We go to every length to inform them, to sit with them, to talk to them but the majority of the time the parents come first, and we lay our conditions down first and then we ask them to bring the bride and groom to talk to us. So, this … the information is given to them well in advance. And as you know, nowadays, even the young couples getting married, they are … they do some research before they get into the act of marriage nowadays. I think from our point of view we have done … we have gone one step further to assist the community at large and to keep them safe as well. Because after the incident that took place in [name of city] some years ago, that was our turning point, when we saw that the … |
| **I** | What was that incident, sorry?  |
| **R** | The Imam in [city] did a Nikah for a minor. When I mean minor, it was a 17-year-old girl. But the parents came and said, “no, she’s 19”, you see. Now, without checking any documents they did the Nikah. Now, you see, from a legal point of view under the age of 18, you can’t do Nikah unless you’ve got both parents’ consent, bride’s consent … there’s a lot of issues behind it but hence we decided that if we are going to do a Nikah, we will talk to the couple concerned, we will talk to the parents concerned. We will brief them and everything and then if they are ready to go ahead, we will do. So, we are very strict in our … I think in the [name of city] we are probably the strictest mosque to do Nikah. |
| **I** | Okay. Thank you. So, the next question … you’ve already mentioned that Imams will conduct the ceremony in the Masjid or in other places. Generally speaking, can you list all of the places and then tell me which ones they tend to go to more. |
| **R** | The most common is obviously the mosque, okay. They like to do the Nikah after Friday prayers, which is the most common day that you will have a Nikah. Otherwise, it will be a weekend, a Saturday or a Sunday. The next place would be at a wedding venue, where they would have … and if it’s a small venue then they try to do it in a restaurant. So, mainly three places I would say. The house is limited. When I say house, only if the family doesn’t want to invite people and they want to make a very small ceremony then they do it at the house. In the house usually you find 10 people. Or, usually in the house I have noticed that it’s when the bride or the groom is getting married for the second or the third time, okay? So, it becomes a small issue.  |
| **I** | Sure. Okay. Thank you. So, over the period of the past 10 years, have you seen a change in demand for the Nikah? And what do you think the reasons are? |
| **R** | Change in what way? |
| **I** | So, you know, do more people want to do the Nikah? I mean obviously in your Masjid you’re saying that you have this requirement with the civil ceremony to take place as well. Any sort of changes that you have seen in the way that people behave or what they expect?  |
| **R** | I would say two years ago/three years ago, people wanted to do Nikah within a week, within ten days, within five days, within two days and this I found that when … if they wanted a quick Nikah, they thought that the Masjid should be the place to get the Nikah done quickly. And the majority of these people, we found, that they wanted a Nikah done because of their status. They wanted to show the immigration people to say, “I am in a Nikah. This is the mosque that did my marriage. You can check with them.” So, they were using us as an in-between to show the Government that, “yes, I got married”. This is also one of the reasons we then became stricter, to say, “you know what? They are going to use us for their own purposes, so why don’t we make it difficult?” Well, not difficult, make it legally binding for them to do this and then we set up Terms & Conditions and these are our … in fact, if you go on our website, there is a form for them to complete on our mosque website. There is actually a Nikah form for them to complete and we have allocated one gentleman who is responsible to take all these notes, do all the process before the Nikah comes to the Masjid. So, yeah, we have taken a lot of precautions in that way. |
| **I** | Okay, thank you for going into detail there. So, the next question is a more general question. Why do you think it’s important to be able, as an organisation, to conduct the Nikah? |
| **R** | First and foremost, it’s an Islamic requirement that although you have a civil marriage in place in this country, but from an Islamic perspective the Nikah is the most important role in any person’s life when they’re getting married. Although a number of scholars have said that a civil marriage is as good as a Nikah, but I have yet to come across anybody who has told me that, “my civil marriage is sufficient for me to accept it as Nikah”. I have yet to find anybody. So, the role of the Masjid is very important to get the Nikah done and Nikah is important for any Muslim couple. So, yeah. |
| **I** | Okay. Thank you. Okay, so the next question I think you’ve already answered but if there’s anything you would like to add … has there been any change in the role of the Masjid in conducting the Nikah ceremony? So, has there been a change in the form of ceremony that’s conducted? Are couples doing things slightly differently or not? |
| **R** | No. I mean, as I said, we brought this condition in to complete the forms in, we check back that the documents that they have given match with what they’re saying. We even trace the civil marriage registration copy online or with the authorities. So, from that point of view we do all our checks and the mosque … we feel it’s very important that we not only ensure, from a legal point of view, that we are not doing anything that is not legal. So, we do all our checks in that way and the changes we’ve done … the most important change that we’ve done is we’ve introduced these checks before we do the Nikah. |
| **I** | So, when did these changes take place? The new checks? |
| **R** | It’s about two years now. Approximately two years ago we brought this into place, yeah. Although we’ve had numerous Muslims who come to our mosque and say, “look, you’ve known me for 25 years and you’re telling me I need to do this?” I say, “brother, it doesn’t matter. Even though I know you personally, I’m sorry but this is a rule we’ve set for everybody. It doesn’t matter … if my brother comes, it will be the same rule applied to him.” So, we’ve had some difficult moments where we’ve had people who are not only big donors of the Masjid, for example, but they’ve said, “no, I’m different.” And I’ve said, “brother, what you give or what you give to the Masjid is different to what … our rules are set for everybody. It doesn’t matter who you are.” So, we’ve had some people upset but hence … you know, we’ve convinced them this is the way we’re doing things. And I think approaching it very sensitively is important and I think the majority of our Muslims now have got the message that, “you want to do a Nikah at [name of town] Mosque? You have to follow the protocol.” |
| **I** | Okay. So, at what point in time did the requirements around requiring a civil marriage happen and what made those changes come about? |
| **R** | I think the most important change that came about, as I said to you, that when the [city] Imam did the Nikah for a minor, that was very important information … that it came about for us to say, “you know what?” Because I think the majority of the Masjids you go to, even today, they do not ask for your date of birth. They do not ask for anything about the couple. They just say, “you want to do Nikah? Come. Sit down, do the paperwork and do it.” And so, I think our turning point was that incident in [city] and then there was also … there was a programme that one of my friends was doing with the Government … I’m talking about ten years ago. He was doing some research work on behalf of the Government regarding the Nikah and the proposed changes. This was about ten years ago. I don’t know if you’ve heard of Dr [name]? Yeah? He’s one of them that did … and [name] happens to be my cousin. So, I remember going to do some of the programmes with him at the [name of a city] Football Club or something like that. I remember going back a few years ago. But to introduce it to our management, about two years ago, when we did all these changes because we felt people were coming at short notice to do Nikah and sometimes our Imam was just ready to do the Nikah because, obviously, the Imams get paid more when the Nikah is being done. Usually, when a Nikah takes place, the family is very … sorry about that … is very happy. So, the Imam’s pocket is lined up very well. Hamdulillah. |
| **I** | Okay. So, is your … the mosque building, is that a registered place for weddings? Is it a registered building? |
| **R** | No. Not for registered marriages. |
| **I** | Okay. |
| **R** | We are not registered for marriages. And one of the reasons that we have not gone down that route is … I think the most important thing that put us off, if that’s the right word, is because a civil marriage to take place in a Masjid is possible but it can be that somebody who’s gay might come into the Masjid and say, “I want to do a Nikah”. And under the law you cannot stop them. So, we decided, and we went with that reason, that we did not register our mosque or our place of worship to be a registered place for marriages. |
| **I** | Okay. So, just if that wasn’t the case … so, if you wouldn’t ever be compelled to conduct a same-sex marriage, would that change your position, do you think? Do you think the mosque would think, “yeah, actually, we should … |
| **R** | Yeah, if that was … if that option was given to us, yes. But then, you see, under the Discrimination Act, you can then make trouble for that. So, you don’t even want to go down that road. No matter what the Government might put in place. For example, that you can say no, but that won’t be possible. I know and you’re just opening a can of worms. |
| **I** | Okay. Thank you. So … okay, that’s it. So, now we will go on then to discuss the Law Commission’s proposals. So, I’m very quickly just going to run through those with you. So, at the moment is you want to marry you have to go, physically, into a Registry Office. You have to give notice. You have to have this 28-day period. One of the proposals is that that notice can happen a bit easier … so, you still give the notice, but you can do it online. And instead of the names appearing in the Registry Office, they will appear online as well. There would be an interview still but that could potentially be one that happens remotely. There will also be the interviews that happen in person. At that time, when you give notice, the couple would inform the Registration Service who will be officiating their wedding, and there would be a document authorising the marriage that’s given to the couple. So, this is called the Wedding Schedule. So, the couple would take the schedule to their wedding. It would be signed by both members of the couple, the officiant who oversees the wedding and the witnesses. And then it would just be returned back to the Registry Office. So, that’s pretty major in terms of procedural change. Now, with the officiant, so who is that? So, religious groups could nominate officiants who would be able to officiate weddings. The group … all of the names of the officiants would be on a publicly accessible database at the General Registry Office. The main duties of the officiant would be to ensure that both parties are freely giving consent to the marriage and there would be two witnesses as well and obviously they sign the schedule. The officiant could also lead the ceremony. So, that religious officiant could be somebody who leads the ceremony, or they could just be present and somebody else could lead the ceremony. So, that would be fine. And it would be an offence … so, there is a criminal element to it. So, it would be a criminal offence for the officiant to deliberately and recklessly misguide the couple into the effect of the marriage. So, if they tell the couple, “oh yes, this is legally binding” but they haven’t taken the steps and ensured that it is legally binding, that would fall within a criminal sanction. And then with the ceremony itself. So, at the moment you either have an Anglican ceremony at the church or you have a civil ceremony, which cannot have any religious … you know, connotations. So, now there would be no legal restriction on the types of places where marriages could be legally celebrated. It would be the officiant who would decide whether the proposed location is safe and dignified and religious groups could set up their own requirements as to where they wanted the marriages to be held.  |
| **R** | Okay. |
| **I** | There would be no requirement for prescribed words and the parties would be able to manifest their consent in words or actions. And the signing of the schedule, the Wedding Schedule, will be the evidence of the exchange of consent. So, as you can see, a real overhaul in … |
| **R** | Big change, yeah. |
| **I** | So, this is what’s being proposed. So, the first question I have for you is would the proposed reforms make it easier for the types of ceremonies you perform … so, in your Masjid the ceremonies that are performed, to be legally binding? So, would the proposed reforms make it easier for those ceremonies to be legally binding? |
| **R** | Very easy, definitely. And it will cut out the … having to go to do a civil marriage as well. Because this will recognise as a Nikah, in the Masjid. Although it’s almost like a civil service but a Nikah with the laws binding. So, yeah, it will make it much easier. Definitely. |
| **I** | Can you see any problems that might arise from these proposals? |
| **R** | The only problem I can see is that it will be open to abuse.  |
| **I** | Okay, in what sense? |
| **R** | In a lot of ways. You see, because a lot of people come in and do the Nikah. Although with all the checks done it’s very … by the time they find the documents are not correct, it might be too late. So, there will be … there might be people who are not in the right frame of mind to do the right things, will manipulate things and can … I would say that there will be places where there will be a lot of abuse as well. Because sometimes … what’s the right way to say it? Some communities, they feel they can do whatever they want, you see? They might be open to abuse in that sense. Right? This is my thinking at the moment. But it definitely makes a big difference. |
| **I** | So, with that, again we’re very interested in what might go wrong here. So, you mentioned that some … this may be open to abuse from communities. So, am I reading it correctly in saying that with more autonomy, they may then, potentially, conduct ceremonies that are not appropriate or what would your … |
| **R** | Not appropriate … maybe they haven’t got the correct documents, but they will say, “yes, we’ve got the right documents”. Remember it’s a difference between when you do this in a proper registered office, it’s not the same as doing it in your community. You know? The checks are not the same. |
| **I** | Okay, sure. Okay. So, I’m understanding your concerns. Well, luckily for that, because they still have to go through the Registry Office process, they would still … so those checks would still take place. |
| **R** | In that case, then our minds would be at rest to say that there’s nothing illegal about it. |
| **I** | Do you see any issues arising from the notice period? So, again, it would be a whole 28-day notice period. |
| **R** | No. I think the notice period is fine. To be honest, it’s a good … 28 days is very good. Okay, the advantage you’ve got is online, so more people can access it. Whereas going to the Registry Office, not everybody goes there to check. |
| **I** | Okay. Thank you. How do you think the proposals might impact on the process of getting married within Muslim communities? So, do you think it’s going to have an impact on the way in which people do things? If these proposals … |
| **R** | I don’t think so. It will make it a lot easier, to be honest. It will make it a lot easier for the community at large, because, as you can see, you can do things online. You can get it all officiated at the Masjid with the official documents coming from the Registry Office and then just have the nominated person to do the Nikah. So, I think it’s a better process, to be honest.  |
| **I** | Positive impact? That’s great. |
| **R** | Positive impact, yeah. |
| **I** | Would you like to say anything else, then, about those proposals? |
| **R** | I think if they are proposing those new … the new proposals are very good from my understanding and I think it will make it a lot easier as well for the community at large to access. And now a young generation all access the internet and it’s much easier to … their communication skills are better than the elderly generation.  |
| **I** | Okay. |
| **R** | So, yeah. It will look good, yeah. |
| **I** | Okay, thank you. So, that’s the questions as far as the Law Commission’s proposals are concerned. My final question is just, is there anything else that you would like to say about the marriage process? |
| **R** | I mean I will give you my own example. I got married in South Africa, okay? In order for my wife to come here, we had to do a civil marriage, but we did our civil marriage in South Africa. So, that was the difference. When we came here, they just asked us to provide entry clearance. In those days, it was called entry clearance. So, we had to go to the Embassy in South Africa to show them that we did do a civil marriage and a Nikah marriage. Would you believe it, in South Africa the Nikah certificate carried more weight than the civil marriage certificate? Now, that I found very strange. When you come to any other countries, the civil marriage carries more weight than the Nikah certificate. But in South Africa the Nikah certificate carries more weight than the civil certificate. Because the Government feels that in the Nikah there’s more steps taken into account before the civil marriage. In fact, the person who did our civil marriage was drunk! I can imagine how he, “oh come in.” And we were out of there in 2 minutes … 3 minutes and we were out. With a civil marriage in the court. That’s how easy it was. This is my comment that going back, I’m going back obviously 35 years back, but nowadays the civil marriage is still required for people coming from abroad to do … to come to this country to settle, for example. They still have to do a civil marriage in the country that the Nikah took place. They still have to do both the ceremonies. So, this will cut out a lot of things, hopefully. Inshallah! |
| **I** | Okay. Thank you so much. Right, so on that note, I will stop  |
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