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| **Researcher(s): (Initials) Name** | I | Interviewer |

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| **I** | Right, so I’ve started recording. Okay, so the first question: can you tell me about the last wedding you conducted in England & Wales, specifically focusing on the type of ceremony and location. |
| **R** | So, I haven’t done one of those for a while now, because usually I do those related to a Masjid. So, I refrain from doing something when I don’t have an official capacity in a Masjid. So, I had an official capacity about three years ago when I was working in [town], as the Manager, and when the last time I did it, as a Masjid we have a form, which means that people have to fill out all their details, their credentials are checked with official papers to make sure that everything is correct, everything is accurate. And then there is an appropriate date, which is agreed, and I would have gone out there and basically conducted … I think the last one I did was in a home setting. |
| **I** | Okay. So, in terms of the actual ceremony itself, so just a standard Nikah? Would you mind just describing that? |
| **R** | Yeah, so what I do … obviously, prior to this we get the paperwork ready. So, the certificates all ready with everybody’s details on and then once the ceremony starts, everybody is present. I start off by reciting some *adkhar*, the opening ceremony. Also, a citation of Quran, usually from Fatiha and then, after that, I would explain what the contract is about, what the marriage ceremony is about and how it is an acceptance … sorry, a proposal and an acceptance and essentially it … you know, there are different parties involved. There’s a husband and a wife. On behalf of the wife there’s a guardian, who acts as her guardian to make sure that her rights are protected, and that can be the father. Well, it has to be the father if there’s nothing preventing him from acting. Unless he delegates somebody else. So, I explain all that. Explain all the aspects of … you know, I give a short reminder about what marriage is and the expected outcomes and what should be worked to and so on. And then, after doing that, I would ask them to conduct this proposal and acceptance. It involves the husband, or the guardian, or sometimes the wife if the guardian is not there, just to make the proposal, which is to say, “I, so-and-so, would like to marry your daughter, so-and-so, in accordance to the law of Islam, the Shariah of Islam and the sunnah of the prophet *(salallahu alaihi wasalam).*” The guardian will then reply, “I accept you to marry my daughter” and then mentioning all the names. And then that’s basically it. Once that is done, everybody signs the forms and that is it. |
| **I** | Okay, thank you so much. So, is it usual to meet or otherwise communicate with the couple before the wedding ceremony? |
| **R** | It is, yes. You must meet with them to make sure that everything is agreed. Especially that … if the woman is new to this, sometimes we get women who are either non-Muslims or they are new to Islam. They need to understand what’s going to happen. And also, to understand what the requirements are. So, yes. |
| **I** | Okay. Now, with the ceremonies that you conducted; did you see them as being part of a process towards a legally binding marriage? So, whereby the Nikah is basically a step in the process, which at some point you think will lead to a legally binding ceremony taking place? |
| **R** | So, in some cases, people already understood that, and they knew that that’s what they were going to be doing. I do mention it to them, that this kind of ceremony is not legally binding and that it … whilst it’s important from an Islamic perspective, there is … for the rights within the law, the UK law, there has to be an official registration. Some people just want to get married, just for the religious part. Some others know that this is just a process and they will organise their other type of ceremony as well. |
| **I** | Okay. So, how do you perceive your role in advising couples of the legal status of their marriage under English Law? So, of the marriage that you conduct. |
| **R** | Yeah, I do see that it’s important that anyone that does do a religious marriage does inform them that this is not legally binding and in fact encourage them to get … I know also some Masjids that actually they don’t do the … they will not do the religious ceremony without actually making sure that the couple have already done the marriage in a Registry Office. To make sure that’s done because I think so many consequences have happened so Masjids do not want to get their hands messed with the consequences related to that. So, they always ask prior to a religious one to go and do the Registry Office. |
| **I** | Right, okay. Okay, thank you. So, where do your ceremonies generally take place? |
| **R** | In the main, they are usually at a venue that the couple have chosen. It could be a home. Sometimes it might be the actual ceremony. Sometimes I have travelled some distances to different cities for people who have already organised the ceremony, etc. It’s part of … obviously, different traditions, different cultures. The Asian cultures usually have the ceremony on the same day as having the actual celebration. So, the celebration is all organised and everything and the Nikah is done in front of everybody. It’s on the platform, etc. Others would do it … do their ceremony at home and then later organise a wedding. So, there has been a mixture. Occasionally, it will be in the Masjid, although I would say that’s probably not a lot, if people want to have the right environment to maybe celebrate afterwards. |
| **I** | So, in terms of the differences in proportion that are marrying at home, as compared with the venues, what sort of … what would the proportion be? |
| **R** | So, home versus venue … I would probably say about 65% at home. |
| **I** | 65% at home? Oh, wow, okay. So more? Okay, that’s really interesting. Okay. So, have you seen a change in demand for non-legally binding ceremonies, so the Nikah, in the last ten years? And if so, what do you think the reasons are? So, are there more people now who just want the Nikah done? Or are there less people that generally just want the Nikah done? |
| **R** | I can’t really say. I’ve not noticed any change, I would say. |
| **I** | Okay, no change? That’s fine. So, for you, in your capacity, why is it important to conduct these ceremonies? |
| **R** | The Nikah ceremony? Yeah, because I mean the Nikah ceremony is part of the religious ceremony. It’s part of a Muslim’s identity. A Muslim who believes in Allah, his messenger. They want to make sure that they’re doing everything in accordance to the law of Allah and this ceremony is part of that. So, whilst getting married in a Registry Office with the right conditions will still act as a marriage, I don’t think that … because, I mean, this goes back to what we were discussing prior. That traditionally there’s no real separation between religion and state or official business, you know? The state, when it conducts a marriage ceremony … I don’t know if you go to Saudi Arabia or … I’m not sure about other countries but certainly they will … when they do a marriage in the court, meaning the Registry Office, that’s it. That is the marriage. It’s official and it’s also a religious marriage. There is no such thing as … in Islam we don’t have the priest, or the man has to ordain and bless the union. In fact, even on a very basic role, there doesn’t have to be an Imam. You know? Marriage in Islam does not need an Imam. Does not need the Masjid’s approval. Does not … a very basic thing of marriage is that it is an agreement between two parties to get married in which that is witnessed. And that is declared. It’s made public. If those conditions are fulfilled, then the marriage happens. Even without an Imam. As time has gone forward, people have looked to Imams and Masjids to officiate to this, to make sure that they’re doing the right thing. They’re not doing maybe something wrong. Maybe there’s an aspect they haven’t looked into. And maybe it’s taken more of a blessing role as well, to get the blessing from the Imam. But traditionally, and maybe even very fundamentally, it’s not needed. So, I think people do that because they feel that they want that religious aspect. They want to make sure that everything is done properly. Even though they do not need to. |
| **I** | Okay. Thank you. So, if you think about your own role in conducting these Nikah, has there been any change in your role since you started doing the ceremonies? For example, has there been any change in the form of the ceremony? |
| **R** | The ceremony itself hasn’t really changed. It’s the same ceremony. But probably when I first started out, a long time ago, I wasn’t giving a lot of concern to actually documenting things properly. As time has gone on, I thought it was necessary to make sure that everything is documented properly. And the reason why I’ve seen that is because there have been repercussions when Masjids are not documented. You know, sometimes people will say, “oh, I just want the Nikah done. I’m not looking for any papers or anything like that.” You do the Nikah, help them out but then a few years later they will say, “oh, can I have the certificate?” “Well, you didn’t ask for a certificate. There’s no … especially as the witnesses were there, etc. Now you’re asking me something retrospectively I don’t have.” So, that’s why I made sure after that, that any contracts … even if somebody says, “no, no. I’m not looking for …”. “No, you have to have the paperwork. You have to show me all your proof or ID. Even the witnesses who are witnessing, their ID must be validated.” So, to make sure that the signatures are validated, and everything is correct and that there’s no room for any disputes. Also, it means that the certificate is preserved within the Masjid. It’s documented. If there are any issues 10 years down the line, 20 years down the line, the documents are there. If it’s done without proper documentation and proper checks, disputes happening in 20 years’ time, who’s going to remember. That’s why we have those important issues of writing a document. |
| **I** | Okay. Thank you. So, do you … are you an authorised person for conducting marriages? |
| **R** | Authorised … meaning? |
| **I** | Can you conduct legally binding marriages? |
| **R** | Not legally, no. |
| **I** | Okay. The institution that you were at, were they registered for weddings? No? Okay. So, that question isn’t relevant. So, yeah, is there any particular reason why you wouldn’t want to be an authorised person so that you could conduct a legally binding marriage as well as do the Nikah? |
| **R** | There isn’t any reason for me not to do that. However, like I said to you, if I do want to, I have to be linked to an institution or a Masjid because I think any documents like this need to be preserved and making things institutionalised is very important because if it’s just linked to one person, that person dies or is no longer available, then there are issues accessing those documents. So, I think if I were part of an institution, either as an Imam or a manager or the like, then I don’t see any issues conducting that. Obviously, there are a lot more aspects in terms of finding out the rights, especially now that there is whole aspect of gay weddings, marriages. So, those kind of issues that the same-sex marriages, there is always concern from religious communities whether they would be … under the law, they would have to do them if somebody came to them. Or not. So, I think that might be an issue that would have to be researched further and that’s the only issue that would probably prevent me from doing that. Although I don’t think it is an issue, because as I understand there’s nothing forcing that person that if it goes against their religious doctrine. |
| **I** | Okay. Thank you. So, that’s that question. Okay, so now we’ll move on to the Law Commissions consultation paper. So, I will just share the screen with you so that you can see that. Okay, can you see that document? |
| **R** | Yes. |
| **I** | So, the first page is just the background. The actual proposals are here. So, I will give you a moment just to quickly read through those. So, the civil preliminaries refer to the process of giving notice to the Registry Office, etc. |
| **R** | Okay. |
| **I** | The types of weddings are talking about whether or not, other than a religious or a civil wedding, can there be other forms like the belief weddings, that Humanists are interested in. Location is probably more important to you, because what it’s doing there is it is proposing that weddings could take place anywhere. So, any location that the couple choose. They can marry outdoors; they can marry in their own homes. At the moment it’s obviously very limited. Then with the ceremonies themselves, it’s proposing to simplify weddings so that individual couples can decide more for themselves what their wedding ceremony looks like and then there’s a procedure. So, a Marriage Schedule that they get from the Registry Office that is signed by them and the witnesses on the day and then that is returned back to the Registry Office. And then validity. So, the question of validity is important, again, because at present you have a lot of Muslim marriages, which are Nikah only, which will be deemed to be non-qualifying ceremonies as far as the law is concerned. And so, the proposals will reduce that. So, if I just run through, then, what the new system would look like. So, religious groups would be able to nominate officiants, who officiate weddings. The names of all nominated officiants would be on a public record, at the Registry Office. The main duties of the officiant would be to ensure that both parties freely exchange consent to the marriage I the presence of two witnesses and that the Schedule that’s provided by the Registry Office is signed. The officiant can lead the ceremony. So, if you were an officiant, you could still perform the ceremony yourself. However, they wouldn’t be required to. So, they could also just be an officiant and there be another Imam there who conducts the ceremony. |
| **R** | Sure. |
| **I** | The officiant would just need to be present. And then, in terms of the legalities of the officiant’s role, there would be a criminal offence if they deliberately and recklessly misled the couple about the effect of the ceremony. So, for example, if they are an officiant and they conducted a ceremony, but they didn’t adhere to the rules and regulations and therefore it wouldn’t be recognised, then that potentially attracts criminal sanction. It’s the same as the law right now, basically, or very similar. And then with the ceremony itself, so at the moment you either have the religious, the Anglican ceremony, or you have a civil ceremony, which is not religious. So, the restrictions … there would be no legal restrictions on the types and places in which marriages could legally be celebrated. It would be up to the officiant to decide whether the location proposed is safe and dignified and then the religious groups could have their own requirements as to what they want, the ceremony … what they want the ceremony to look like. There would be no prescribed words and the parties can use … manifest their consent in words or in actions. So, it is a major overhaul that’s being proposed. |
| **R** | Yes, yes. |
| **I** | So, the first question I have is: would the proposed reforms make it easier for the types of ceremonies you perform to be legally binding? |
| **R** | Yes, definitely. |
| **I** | Okay. Would any of the proposals give rise to problems for the types of ceremonies you conduct? |
| **R** | So, let me just look at that again. So, the first one is the giving notice, will be able to … do they have to give a certain deadline? |
| **I** | The notice, yes … there will be the 28-day period. |
| **R** | Okay. So, that might be a little bit of an issue for some people. Some are keen to get married quickly. Sometimes, it might be an issue, but I think … I suppose it’s good to have that, because it means that people are not rushing into a marriage that they are considering. But it might just mean that people might … they have to give a longer time then obviously it means that they have to … not everybody wants to wait. I don’t understand how the one will … the non-religious … okay, that’s nothing … that doesn’t affect the religious one, does it? |
| **I** | No. |
| **R** | Where it says that it can be conducted by non-religious belief organisation. So, that would be for the people who have the same belief system. |
| **I** | Yeah, so essentially belief as … so, religion, obviously it’s religion. Belief is, for example, Humanists are classed as a belief group. So, they’re not covered by the law at the moment, so that’s sort of aimed in that direction. |
| **R** | Right. Yeah, and then the others … so, obviously having the location open in any place, that would make it easy for people. The extra of the prescribed words obviously also would make it … so, definitely, yeah. Makes it much easier. I don’t see, based on this, why it would make it difficult. I can’t see any problems arising. |
| **I** | Okay, so in general, you have no concerns about there being an absolute open free-for-all as far as venues are concerned? |
| **R** | No. I wouldn’t be. |
| **I** | Okay. So, the third question is: how do you think these proposals might impact on the process of getting married within Muslim communities in general? Do you think it will have a big impact? |
| **R** | I think it would because it will mean that marriage is probably done better. Better thought process going through it, make sure that everything is done properly, everything is checked and not people rushing into the process without having the due documents, papers, etc., ready. |
| **I** | Okay. Thank you. Anything else that you would like to say about the proposals? |
| **R** | Not really. Looking at them, at a glance like this, I would welcome them, actually. Yeah, I think they are a good step and I think it’s important that … these are my views anyway, that Muslim marriage ceremonies need to be better administered because unfortunately there are a lot of people who do abuse the system, especially the husbands. And so, it is good to make sure it is properly conducted, and I usually say to people like this, “you know, when you have conflicts, the law can only police the things that are recognisable if you do something and you’re not married according to law. It doesn’t recognise you. If you have issues, then who’s going to deal with that with you? You can’t … you can make judgements, you can make certain suggestions but, at the end of the day, if a person doesn’t want to agree, doesn’t abide by the conditions … what the Imam or the Masjid suggests … the Imam or the Masjid cannot enforce the laws.” |
| **I** | Okay. Very good point. Okay, so that’s all of the questions with regards to the reform proposals. So, I’ll just stop sharing the screen. So, then, my final question is just, is there anything else you would like to say about the marriage process at the moment? |
| **R** | No, not really. I think I’ve covered most things. There is also another important discussion … I think there is an importance to have a wider discussion within the Muslim academic sphere … the scholars and Imams to discuss how marriage and divorce are properly regulated and there are elements of reform. Because, I think at the moment, the actual processes of how marriage and divorce is done, is based on more of a contextual kind of society. The way that things were done before, at the time, the early times, the Prophet *(salallahu alaihi wasalam)* and later, there wasn’t really an institution for the state to … there weren’t established cores, there weren’t established settings, etc., like that. As times progressed and the states have more established … there’s a wider remit, the importance for having a discussion about how the initial laws, that are mentioned in the Quran, but probably not properly institutionalised within the system. Now, for example, we have the simple act of … you know, if a man wants to divorce his wife, he just says to her, “you are divorced”. Traditionally, they will say *khalas* that’s the divorce. But the Quran talks about witnessing, talks about having arbitration before all that. So, there’s a lot of steps which are missing now and there is a need for that discussion to happen, to get better outcomes. Inshallah. |
| **I** | Okay. Thank you for sharing those thoughts. I will just stop recording … |
| **0:24:36** |  |