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M

Right, so. Yep, I’m recording. OK, so the first question, is can you tell you me about the last wedding ceremony that was conducted by your mosque specifically focussing on the type of ceremony and the location?

R

The last Nikah, I can’t remember though I don’t have in my… off the top of my head the exact date. It’s roughly… obviously before pandemic came. It was roughly two, two and half years ago, roughly.

**M**

OK.

R

Yeah.

**M**

OK, so…

**R**

[inaudible 0:00:44], at that time of year.

**M**

Sure. Are you able to give the detail the type of ceremony and the location?

**R**

The location was at the masjid.

**M**

OK.

**R**

And the type, what do you mean the type? There’s the groom, and the bride and the family.

**M**

Sorry just to clarify. So, these questions are being asked to all different types of celebrants. So, obviously, the marriage you’re talking about is the Nikah. So, just some details about that.

**R**

OK. OK, yeah. So, the family first contacts us. For example, the dads, OK. A question is sometimes, the mums contact us because either the dad is not around or the family is divorced and he’s obviously not in the UK, or passed away. So, in that case, mum is the one who contact us but in general, the dads come to us and then they say who wants to come to this Nikah. Something like that, now in the mosque. Is there any possibility that they come and make it here? If we say yes, what are the conditions [inaudible 0:02:08-0:02:10] and then we will explain. So, once they have all the permissions, they will say, “OK, we’ll go back as a family. We will discuss. And then we’ll contact you later with the date that we are doing Nikah in the mosque.” That’s one type, always happens. That other type is the family contact us. Say, “We’re going to have that date, for example June, July. Two or three months. And Nikah. And we will have outside question when we’re asking you if you can send a shaykh to conduct the Nikah.” And we will say, “OK, let’s… give us a time. We will see [inaudible 0:02:57-0:02:59].

**M**

Sorry. Sorry, I’m just going to stop you there because the signal keeps dropping out. I’ve missed a lot of what you’ve just said. Is it…?

**R**

Right. Is it from me? Is it from me or from…? Let me, let me…

**M**

So, I’m actually hard-wired in, so my internet connection is direct. It’s not on wi-fi.

**R**

Let me take out my…

**M**

Mmm… hmm. OK.

[silence 0:03:31-0:03:56]

[end of file FR-384-D-138-1]

[start of file FR-384-D-138-2]

M

OK, so I got most of your last response. It was just the bit at the end. The last couple of sentences.

R

I was saying… OK, I was saying that sometimes that people will contact us saying, “We are going to have… set a date. A Nikah, and we’re asking you the question to send a shaykh who’s going to conduct the Nikah outside the masjid.” So, they’re telling me they are hiring a private venue. OK, and then we will say, “OK, that’s fine. If you want it with us, that’s fine, so we will see who will be available for from outside.” And then we will send him. Most of the people, they pay Imam who’s responsible. In our masjid, it is the one who always goes out. So, we don’t want to confuse people [inaudible 0:00:50-0:00:54] So, that essence is allocated to do the Imam’s responsibility. Inside the masjid or outside the masjid in private venues. So, in that case we send [inaudible 0:01:08:0:01:10] and he goes and he conducts.

M

OK, so the Imam is sent out.

**R**

[inaudible 0:01:13] Yeah, yeah.

**M**

OK, sorry, I’m also going… I’m going to switch my video off as well. Hopefully that will improve the sound quality. It’s still not great. But let’s see how we get on. OK, so the next question is, is it usual for the Imam to meet or otherwise communicate with the couple before the wedding ceremony?

**R**

The new couple, yeah?

**M**

Mmm… hmm. The couple that are about to marry.

**R**

Not all the time. No, no. No, because sometimes the family, the man always comes, OK? And the bride always stays at home. The fathers and their family, the brothers and the male relatives are always the ones to present. So, normally, normally not.

**M**

So, would you say this is a sort of a cultural norm within the community?

**R**

Yeah, yeah. Yeah, that’s the cultural norm we have.

M

OK, and within particularly the Somali community? Or are there other sort of, you know, are there different…?

**R**

Not necessarily the Somali. Somali. It’s general. There is one special type of situation that we come across sometimes. For example, what we have is a Muslim man wants to marry a non-Muslim woman. This kind of thing sometimes, the bride also… we meet both of them. We meet both of them to see actually who is exactly… who exactly is going to be married, OK? So, we want to see exactly. Is it this real? And in other cases, because the culture, we will trust each other. One day, the bride’s family comes to us. We will take the details from the family. OK, in general. And it’s not necessarily in Somali culture. It’s generally other Muslim communities in [city].

M

OK. That’s great, thank you. OK, so the third question, are the ceremonies you conduct part of a process towards a legally binding marriage whereby the Nikah is a step in a process which will at some point include a legally binding ceremony?

**R**

You know what we do always is, we give advice to people. We cannot force them. Wherever we… where the Nikah takes place, either inside the masjid or a private venue, we always give advice. This is Islamically OK. OK? But you need also to go to the local authorities to register your marriage. That’s the advice we always give.

**M**

OK.

R

We don’t have any authority. Islamically, it’s OK. We can give you all the letters. We can give you [inaudible 0:04:55-0:04:59] everything. We can conduct it, the Nikah. But this stays in here only. There is no legal basis. So, if you want to make your marriage, Nikah, whatever, legal, you need to go to the local authorities and you need to register it there. That’s the advice we give.

**M**

OK. Do most couples go ahead and do that?

R

We don’t know because they don’t come back to us. Saying, “OK, thank you for the advice. We went there and we are now legally registered in our local authority.” No one comes back to us saying, “ok we…” and to be fair to them also, we don’t follow up also. I don’t call people saying, “OK, have you contacted… did you register… have you had the time to go there?” We don’t follow up as well.

**M**

Sure.

**R**

So, we don’t exactly ask them.

**M**

OK, OK. Do you happen to have an idea, just based maybe anecdotally, I don’t… not sort of institutionally or statistically… but anecdotally, do you think it’s more prevalent that couples go and have the legal ceremony? The civil ceremony. Or not? Do you think they’re satisfied with the Nikah?

**R**

What do you mean? Do you mean that the…? What do you mean?

**M**

So, do they generally tend to just have the Nikah and that’s it? Or do they generally tend to get a legal marriage as well? Just based on your knowledge of your congregation.

**R**

Whatever we give them after I say, you know, “OK, these are the things you need to do to do the national marriage.” We never had had any, you know, objections saying, “No, we don’t want to go there.” No one told us. No one has said to us anything.

**M**

Sure, OK.

**R**

In that case, we assume they’re willing to go. But if they do actually, that’s something I don’t have. But we never had anyone who’s, you know, saying, “Why? Is this enough Islamically? Is there anything to do with our Nikah, with local…” I never had it. We never had it. So, we don’t know.

And also, there are two types of people. The younger ones who grew up in this country. And the older ones who come to this country. Yeah, they have two different attitudes. OK? The younger ones are the ones who are always willing to do it. You can tell, the expressions sometimes and how they are acting. Those who are born here, yeah? Brought up here. Or they came here, and they’re brought up in here. You can tell, there’s willingness there. And the adult ones, you know, sometimes they… no one, we’ve never seen anyone say, “No, I don’t want to go.” But there’s a feeling there that sometimes, they need to understand more.

So, this type of people, sometimes you see it. The younger ones are always the ones engaged and they feel it is stupid [not to]. You’ve got other people, people like me, who come up to this country who are older than me, who want the Nikah that they never have. They never had marriage or Nikah or they want a second or whatever, or they lost their wife, and they want to marry or divorce, whatever reason. Sometimes you feel you need to convince them more than the younger ones.

**M**

Right. Do you know why this is?

**R**

I think the lack of understanding, culturally, because for example, different cultures, some countries, they don’t register, it’s enough that the shaykh conducted the Nikah. That’s it. Islamically, we’re happy. And as Muslims because they are non-Muslim authorities, OK? The message is it’s enough for us, what else do we want? This kind of attitude sometimes may be… maybe lack of understanding, lack of how the system works. May be the issues.

**M**

OK. Right, so my next question is, how do you perceive your role in advising couples of the legal status of the ceremony that you conduct? I think you’ve already answered this in that the Nikah is explained as something that is not legal. So, we’ll leave that question. I think you’ve already answered it.

Now, next question, where do your ceremonies generally take place? So, if somebody comes… if a couple or an individual comes to you and says, “We want you, an Imam, to conduct a Nikah,” where generally do those Nikahs take place?

**R**

In private wedding venues, we do most of them.

**M**

Sorry? Private marriage venues?

**R**

Yeah, yeah.

**M**

OK.

**R**

They hire a venue and then that’s most of the time it happens there, the Nikah.

**M**

OK.

**R**

There are some in our mosque, or other mosques but they are less than in private venues.

**M**

OK. OK, so mainly the private venues, OK. Now, the next question may not be one that, based on your earlier answers, that you feel you can answer, but I’ll ask it anyway. Have you seen a change in demand for Nikah in the past ten years and if so, what do you think the reasons are? So, has there been any change in what couples want? How they want their weddings to take place? Have you seen any differences?

**R**

Yes. We’ve seen it and sometimes some families, they are very easy. They want this place. OK, for example, the Nikah takes place in the mosque. That’s where I took them. The other families, now they’re saying to me we want to decorate the masjid area that takes the Nikah. And the whole night, the families, they are came together and decorate the place. Takes one or two nights. That’s… we’re seeing it.

The other things I’m seeing is sometimes people who are attending in the mosque are very few. Over the last few years, we’ve seen it. That and it’s grown up. Sometimes I remember one of the Nikahs that took place in a small meeting room that we have in our mosque. Few people. Ten, 15 people only? Both sides. And the last few years, we’ve seen it. The whole prayer room is packed.

**M**

Right.

**R**

Sometimes we send… because we’re lucky we have up and down stairs. Ground and up on first floor. So, mostly we do upstairs and sometimes we’ve seen the people go down… have to go downstairs because there is no space. And it depends on who is getting married, well this is the bride and groom. The more your famous, the more people come. The more your family are well-wishers, the more people come, OK? So, we’ve seen in. There’s some changes there.

**M**

OK. OK, that’s really interesting. OK, so we’ve dealt with those. OK, so the next question is, why do you think it’s important to be able to conduct Nikah ceremonies?

**R**

Ceremonies, you mean the...?

**M**

The Nikah.

**R**

Why?

**M**

Yeah. So, why is it important? So, I guess for that question, just bear in mind, as I said, that we’re asking lots of different sort of religious and non-religious celebrants these questions so each will speak to why their particular form of ceremony is important to their communities.

**R**

Depends on the tradition of ceremony. Would it have been large people or…?

**M**

So, so why, for you, as somebody at the mosque, why is it important to be able to conduct the Nikah ceremony?

**R**

Ah, because we’re Muslim. We’re Muslim, so the Muslims always wanted to… if they want to make a Nikah, they ask first and foremost that it’s [inaudible 0:14:25]. Without that, in the Islamic laws, the Nikah might not be valid. In general, the walihs attend and walih should give the permission that the groom can marry his daughter or his… it might be the uncle, could be. Might be the brother, could be, OK? So, that without the permission of the walih, a Nikah cannot be valid, in general.

**M**

Ah, OK. Right.

**R**

In general. In general, there are certain madhabs. For example, the Hanafi madhab I gave them space, sometimes say it’s OK because of the difficulties to get the walih.

**M**

Sure. Sure.

**R**

We might allow. That we understand, OK? But in the majority of the Imams, the majority of women ask, the wali must be there. Without his permission, the Nikah is not valid. When we’re dealing in this country, we are always open-minded. We are not restricted, only one madhabs or only one school of thought OK? Always, we always look at the best way that these kinds of Muslims can get the hallalest way. OK?

So, although the Somali are the shafi’ee , but we will always take it into account, there’s another madhab in this country, a lot of them, Hanafi allow sometimes. So, that is the thing we need to make sure.

The second thing is Nikah should be agreed in terms of mahr, OK? Without that, we have to have another case then, why is this marriage not a community [inaudible 0:16:48] These kinds of things. But walih, permission of the walih. And the mahr should be agreed and should be looked at the two principles and then Nikah can be valid in Islamic. And thought the Islamic way, OK?

These are the two things we will always look and make sure that it’s there.

**M**

Sure. So, there is a whole process towards… behind a legitimate marriage, OK. That’s great. That’s enough detail, I think for that question. Question eight, I don’t think really applies based on the question… based on the answers you’ve already given in terms of any change in your own role. That seems to be the same. Can I ask the next question which is, does anybody at the mosque conduct legally binding ceremonies? So, in other words, are they an authorised person?

**R**

Authorised from who?

**M**

From the… so, that will be local government. So, there’s a process by which an Imam could become… so, firstly, the mosque building could be a registered place of worship. And then you could have an Imam who becomes an authorised person. It doesn’t have to be an Imam. Anybody at the mosque. And they can then conduct the Nikah as well as the civil, legally recognised ceremony at the same time.

**R**

No. this is the first time I heard. No. No.

**M**

OK, so you’ve not heard of this before?

**R**

To my knowledge, I don’t know any. Certainly not in our mosque.

**M**

OK.

**R**

OK? And to my knowledge because I have very close contact with other mosques.

**M**

Sure, sure.

**R**

I’m not aware. It could be. But I’m not…

**M**

Do you think this is… would this be something that you think would be worth investigating?

**R**

Yes, yes. This is something I was interested in because, you know, the difficulties, I’ve already told you. The sisters, when it comes to divorce, they’ve being seeing… and should be… should be protected and you get something that always difficult to know exact. And if there’s any chance there, it’s good for everyone. It’s good for the new couples. It’s good for the mosque cases. It’s good for the local authorities. It’s good for everyone.

**M**

OK. I can send you some more details about that after the interview.

**R**

After? That’s good. That’s good.

**M**

OK, so the question ten, the answer…

**R**

I think I do… though I need to say one thing.

**M**

Mmm… hmm. Sure.

**R**

There is no contradiction whatsoever. Doing Nikah in the mosque under the jurisdiction of the local authority, there is not any contradiction. It’s clear that they are matching each other, OK? And if people understand in that way, everything would be easy. And if there’s a chance, if there’s a chance there, why local authorities not make aware us so we can apply?

**M**

Mmm… hmm. Mmm, well I guess that’s… it’s been in the public domain for some time, but that’s a good question that you raise. What about that lack of knowledge by some institutions about it? OK.

So, the next question again doesn’t apply because you’ve… there isn’t the legally binding ceremonies happening as well. So, what I’ll do now is I’m going to begin speaking to you about the Law Commission’s consultation paper. So, as I mentioned in my email, there are some changes being proposed to weddings law and these changes are intended to make it easier for people to marry legally. So, I’ll just run through some of the details. So, as far giving notice and registration is concerned, each of the couple would give notice of their intention to marry to the registration service.

The initial notice would be given online, by post or in person. So, there will be three different options. Then there would be a 28-day waiting period before they would be issued with the document authorising the marriage to go ahead. If they have not given notice in person, they would need to do an in-person interview during this 28-day period. At the time of giving the notice, the couple would inform the registration services who would be officiating at the wedding and the document authorising the marriage, which is called the schedule, would name that person.

What that means is they will get the name of an Imam potentially, so an officiant, as long as they are registering in the right way and then that would be the person who conducts both their religious as well as their legally recognised marriage.

The couple take this schedule, so this paper, to the wedding. It’s signed by both of the couples… both of the members of the couple and the officiant and two witnesses. And then it’s returned to the registration services in order for the marriage to be registered.

So, you can tell there, from what I’ve outlined, a very different process but one that allows the couple to have both ceremonies at the same time.

Part of these changes are the officiant, so this role of an officiant. Now what that means is religious groups would be able to nominate officiants.

**R**

OK.

**M**

The group making the nomination would be like an over-arching organisation or a local group, but essentially that would mean a mosque. The names of all the nominated officiants would be on a publicly accessible list held by the General Register Office. Now, in terms of the officiant, the main duties would be to ensure that both parties freely exchange consent to marry in the presence of two witnesses and that the schedule is signed. The officiant could lead the ceremony. However, they don’t need to. So, for example, you could be an officiant and it could be an Imam that leads the ceremony, but you’re just there to ensure that all of these things, like consent and signing of the document et cetera, happen.

**R**

OK.

**M**

It would be an offence for an officiant to pretend… sorry, for an officiant to deliberately and recklessly mislead the couple about the effect of the ceremony. So, in other words, if they lead the couple to believe that it’s, you know, a legal ceremony and it isn’t, then that could potentially be an offence.

OK, and the ceremony itself would change. So, there would be no legal restrictions on the types of places in which a marriage could be legally celebrated. It would be for the officiant to decide whether the location proposed by the couple was safe and dignified and religious groups could set up their own requirements as to where they want marriages to be held. They would be no requirement to include any prescribed words as part of the ceremony and the parties would be able to manifest their consent by words or actions and then the signing of the schedule would be evidence that they exchanged consent.

So, again, the ceremony itself also now can be held anywhere and, in terms of the way in which the couple marry, any words can be exchanged. So, in other words, the Nikah would be sufficient.

OK, so as you can see, some pretty radical changes are being proposed. So, I have just a few questions with regards to this. Do you think the proposed reforms would make it easier for the types of ceremonies you perform to be legally binding?

**R**

I have to say, I haven’t read quite the new things. I need to see it in more details than you gave.

**M**

Sure, sure.

**R**

But this, what you’re saying there, the only thing I would say is if it makes things makes easier to, you know, regard the religous guidelines as well as legal and there is not any kind of over-lapping. Within general, I would say it will be fine. You know, I need to read it in detail more.

**M**

Sure, sure.

**R**

But in general, if there is not any contradiction, we’re always, we’re always saying, OK, it will be fine and also makes it easier for the people because all the people cannot understand the exact and how it is legally works. What is the requirements. People are not, in general, saying… understanding or needs… some of them, they are very easy. They want a very quick, easy one. The others, they want to have a big one, very organised.

In terms of the localities, some people they are very simple. They want a very simple place. While the others want, you know, whatever they can. And I think the legal U-change dictates there are only one setting procedure that you need to follow and makes it hard. I kind of think we need more to do with that in general. It makes it easier, I think. And not contradicting all the Islamic teachings, I will say, it’s fine.

**M**

OK. Now, obviously it would require engagement from members of the mosque, for example, becoming an officiant. Now obviously, you mentioned before that you weren’t aware that there was, you know, this route in which mosques could use it under the current law. Do you think it would be easy enough for the mosque to engage in this? Or do you think… do you foresee any difficulties?

**R**

If mosque engage, we always make understanding and make if you understand things, it will make it easy for you. So, I think engaging, I think it’s always going to be the way I see in positive ways. Not the negative ways. I don’t see it that way.

**M**

OK.

**R**

So, whenever we engage, we have to engage. We live within community, within [inaudible 0:28:31] and we have to engage each other in terms to understand each other. If we don’t engage, if we separate it, how are the other parts understanding exactly the needs we have. So, engaging will be fine, I think. It’s positive. It’s something that we always welcome.

**M**

OK.

**R**

Not only this issue. There are a lot of issues that we have. OK?

**M**

OK. So, my next question is, would any of the proposals give rise to problems for the Nikah ceremonies that you conduct?

**R**

The new proposals you were talking about?

**M**

Would they give any problems?

**R**

As I said, I need to read them more. I’m not sure but if there’s any, the only way is just we need to engage to understand each other. I’m not sure for… I need to read…

**M**

Sure.

**R**

… to read in full that [inaudible 0:29:33] But I, in terms of the way you explained it, it seems to me a positive. But always when there are politics, there is always something needs to be discussed. And it’s not a hundred per cent correct there itself.

So, if there are any that I would say, the only way is that we need to have an understanding and engage with each other.

**M**

OK. So, my next question is, how do you think the proposals might impact on the process of getting married within Muslim communities? So, if you think about what I mentioned with regards to the ceremony, so the proposal is that the way in which people marry should not be prescribed. So, the Nikah ceremony could form part of the legally binding ceremony. Having an officiant there means that the couple, once they have the schedule to marry, they can pretty much organise the ceremony themselves with an officiant present. So, do you think that… how would think that would impact on the process of getting married?

**R**

OK. One thing I always have to say is patience [?] When the authorities say either this way or no way, it would be problematic. OK, because there’s no such [inaudible 0:31:09] procedure. Yes, all of us we have to abide by the law. Also, the authorities, those who are making the law, should understand the needs of all the people, not only one. Everyone, OK? So, if… I always be conscious and see it with my widened eyes what exactly is meant in this instance or this law or this paragraph or these comments. The person or the people, they are writing or proposing what they had in mind when they were proposing this kind. What they… what was in their mind? Are they seeing us s people who don’t follow the rules? Or are they seeing us people who don’t care? Are they seeing us people who always have other preferences? Or are they seeing us people who need to understand exactly how the system works? And I always feel that way. Because if you don’t understand when the proposer proposes something, what was in his mind? You might understand exactly what he meant. So, in that case, I really, really need legally and look at it and see exactly where this is going.

On the other hand, if I’ve not misheard this, if people need this to make an appointment or there is, you know, be there too when a marriage is registering, there are a lot of things need to be taken into account for example the culture. Differences. For example, the language barrier. The lack of how the system works. All this stuff needs to be really taken into account.

One example I have… although I don’t want to make it long. One example is, years ago, the government said, “OK, we need to have restrictions on the madrasahs taking place in the mosques.” The Muslim community in [city], they came together with the local authorities and we sat together, and it was one of the important matters, and we discussed we are… our madrasahs is open. There is no… any hiding issues, OK? You can come any time you want.

But before you go, there are changes that we need to take into account. For example, when you go to the madrasah, you don’t send a female that have very short skirts. OK? If you send them, they might be there, the teacher, the moulana, these students, they might see its a bit odd if you go there. No, it’s open for you. You can go any time you want. When we to go, we’ll go to achieve the aim you want to achieve which is to visit the local mosque, so when you’re going there, please can you have a little bit of respect for the mosque and the culture. And if you want to send a female, send a female but, you know, be aware about things, so you can go there and no one has any issues.

These kinds of things, we can make, you know, play a role. OK? Apart from that, you know, the experience we had, it was very successful. I remember when the project pilot finished, one of the authorities, I shouldn’t mention it, said, “I never thought the madrasahs is run this way. I wish my children are there.”

So, at the beginning, there was something. At the end, because we engaged, because we explained, because we had discussions and the madrasah there, we had a very good benefit. For example, we taught our teachers at the madrasah, the way of teaching. OK? We learned from it [inaudible 0:35:58]. And we had a training. How to teach. How to prepare the lessons, which was very good. On the other hand, the authorities understood exactly what was going on and that opens us up. Although to protect both the families, the children, the mosques, the imams, we agreed everyone who wanted to become a valid teacher at the madrasah should have DBS check. So, we don’t want to send our children to dangerous people. Are we agreed? And everyone applied. Yes, so there was one Muslim organisation was in between. Madrasahs who want to apply, it will be us and the authorities who provide. So, this was an organisation was in the middle between two. And everything done accordingly.

So, these kinds of things sway me. It helped us.

**M**

Yeah.

**R**

And that experience we have… I don’t where you’re placed, in [city] or outside [same city]? But these kinds of things are really engaged…

**M**

I think, yeah, that’s a good example… sorry to… that’s a good example of, I guess, a way in which you were engaging with local authority. And yeah, it demonstrates ways in which any new rules can be brought into organisations like yours, so thank you for that.

OK, so actually that’s all of our questions. Would you like to say anything else about the proposal or anything else about the marriage process?

**R**

As I said earlier, the proposal is proposal, OK? I always welcome because we… the way I see, it’s the best of good intentions. But that good intention needs to put into practice. OK? And the authorities, before they register anything, they need to engage. And we, the Islamic, you know, institutions in this, we need also to engage the authority. So, if we don’t understand, we are always misinformation like now, Covid vaccine, people are always scared. There might be some misunderstanding over this information, to the people. And the people will not accept easily this news. So, on top of all this, it’s better before we legalise, both sides have engaged each other and discuss and give the confidence to the people and that confidence will be with the imams and the Islamic institutional leaders. To lead the community. But if you undermine the authorities, people say, “OK, we don’t respect our Mawlana.” Or you think only your non-Muslim, you know, proposals are compulsory to us. I’m not, I’m not… I’m not taking parts. So, to avoid all this, I will always say engaging is the best way.

**M**

Sure, that’s really… that’s really important. Thank you so much for sharing that. OK, so I will stop recording.

[0:39:32]