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| **I** | So, I’ve just started recording now. So, I will just start with the first question. So, I am speaking to you because you are someone who performs Nikah ceremonies for couples in the UK. So, can you begin just by telling us about the last wedding ceremony that you conducted, specifically focusing on the type of ceremony and the location. |
| **R** | Okay. The last one I performed was within unusual circumstances. I actually did it over Zoom. |
| **I** | Okay. |
| **R** | Yeah. So, what are the other associated questions? |
| **I** | So, the type of ceremony and the location. So, you said it was on Zoom. |
| **R** | It was a main solemnisation of the marriage, which we call Nikah, attended by family and friends over Zoom because of the restrictions. I think it was during the Lockdown. So, the couple thought they would … rather than delaying it, they will do it over Zoom and their families, back home in [country], were to link up via Zoom so I agreed to that because pretty much all of the conditions had been met and why not? Yeah, so it was Nikah, it was the solemnisation and given the kind of research you are doing, it was on the … on the understanding that they can do the legal bit of registry or whatever with the Government, but that in itself it satisfies them spiritually, religiously, even socially to that extent. So, I was happy to do it over the Zoom. That was my first. |
| **I** | Okay. So, it was a COVID situation. So, was either the bride or groom present with you or was everybody remote, including you? |
| **R** | Everybody was remote, including me. Everybody was with their families and then we did it. It was a situation where more than one person would join the platform from one family, so they tried to use different devices so that we can see everybody present, then can talk and I can ask them questions and they can respond. This kind of situation. I was happy with that because I, personally, believe that all the conditions were met and then I can ask questions, they can answer the question. I can lead them on the prescribed statement, pronouncing the agreement and conducting the solemnisation so I was happy with that. |
| **I** | Okay. So, can I just ask you to elaborate. You said that you feel all the conditions were met. So, just from the Islamic perspective, could you just contextualise this. So, it’s acceptable … what’s the background to that? |
| **R** | Yeah, as far as the requirement of the religion is concerned, four conditions will have to be met before the tying of knots really, because *akht-un* Nikah means you tie the knot of that marriage. So, Walima you can do it separately and you can do it together. We often encourage couples to do it together so that they do not create any doubts within the community. So, the four conditions will be the couple have seen each other and they want to marry each other willingly, without being forced, that’s one. A kind of acceptance situation. I like you. Yes, I like you. I want to marry you. I was able to establish that. They didn’t need to be with me physically to establish that. So, that was there. And then the second thing is the condition relating to the guardian or parent of the lady consenting that they are happy for the lady. It all depends on the madhab you follow but the mainstream was if she were to be a young lady or married before, it is important that the Wali gives the consent but if you were to be somebody who was a divorcee or married before, then not needed. It all depends on what I believe is circumstances is important particularly if the lady is a young lady. So – young but matured – don’t get me wrong, it’s not underage. The third condition is the way the husband, or the groom, give what we call Mahr, like dowry, so to say. That’s a token of appreciation of the woman. Something to symbolise their love. So, I was able to establish that from both parties and they were happy with the Mahr and it doesn’t have to be prescriptive. It can be as high as they wanted, and it could be as low as they were pleased with … the woman must be happy with that. And the fourth condition is for us to have witnesses present and we were able to get those in, and they were happy to give testimony that X and Y are becoming husband and wife. So, those four conditions were established, even prior to the day. So, the requirement of Sharia is that then somebody solemnises or … what do you call it … conducted an element of both social and spiritual intertwined in that process. So, those were the conditions. |
| **I** | So, there’s never a need for everybody to be in the same place? |
| **R** | No. But under normal circumstances of course we will all be in the same space … place and then we socialise and then we can do the Walima, they will feed people and people exchange pleasantries. This is a special occasion. Everybody knows that. So, we make it special for them. But they were happy that rather than waiting endlessly, why don’t we just do what the Sharia requires. If they want to throw a party after the Lockdown, etc., they will be happy to do that. And I was happy with that as well. |
| **I** | Okay. That’s great, thank you. So, the second question is when you conduct Nikah, is it usual to meet or otherwise communicate with the couple before the ceremony? |
| **R** | Yes. That is very important because they cannot just walk in blind … oh, you can’t walk in blind. You’ve got to take them through the process and nowadays I think most organisations would do that anyway. Organise a kind of pre-marital, counselling courses so that they know the reality of what marriage is. It’s not just okay I love her, or she loves him and the physical bit. No, it’s beyond physical because this is somebody you want to share your life with. It’s huge. And so, they manage their expectations. Because marriage is special. Hitherto they might have been dealing with the opposite sex in different circumstances, maybe work colleagues, sister, mother and vice versa. But the marriage situation is completely different. So, sometimes people can be naïve. It’s while they’re watching films that they think they want to replicate, which is really completely unnatural, I would say. So, it is better for us and for the society that really for them to know the reality, the expectation, how to handle situations, etc., etc. So, that when the going gets tough then they know, okay we can do it this way. This is the person to talk to. Without undue family interference, etc. So, that kind of … it’s really important for them to know what the conditions are and then to talk them through both ways, the husband … sorry, the groom to be and the bride to be. So, after going through this short training or process or whatever you call it, then you still ask them, and they are still happy, and you tell them what the conditions are. And then they go back, work on how to fulfil the conditions. Then we can set a date when we see that this is going in the right direction. |
| **I** | Okay. Fine. So, when would you normally meet them? Would it be immediately before or a few weeks before? |
| **R** | It all depends on who they are because sometimes you know them and they know you in the community so once the relationship is getting serious and they have already determined that they want to share their lives together, then you can start the … I don’t want to use course or training because that sounds formal … the orientation process and the guidance etc. You can start that immediately. But sometimes you don’t know them directly. Maybe, for example, a friend lives in London and then says, “oh, I know somebody who is respectable who can do this for you”, then they contact me … then link or so and I ask them a few questions and then, from there, we take it up so in the latter circumstance the time you spend with them would be shorter. Probably closer to the Nikah period, assuming they already had a date in mind. But I will not walk in to solemnise a Nikah without talking to both of them and taking them through important elements … at the end of the day it’s like somebody saying Ramadan is coming, you want to do a Hajj? I think Hajj would be … for example, you might have done one before, it doesn’t matter. You might have watched the films, it doesn’t matter. I mean you might have watched the process live. It doesn’t matter. It’s not the same. So, you have to go through reading and then have a chat with a scholar to take you through and then … and that spiritual significance can then be revitalised in you, you know exactly what you are. So, the man would be prepared … psychologically you are prepared, mentally you are prepared, physically you are prepared, economically you are prepared. So, you are back on the journey. So, marriage is a journey, and it has all those elements as well. So, the individuals involved have to be prepared and then just like when you are in Hajj, there will be guides in case you have forgotten, in case you are confused, in case you can easily ask them. The same goes for marriage. When things get tough for you, you are confused or not sure, you have entrusted an individual or certain individuals so you can go to that person now. It appears big. It’s not that big. If you can this step and this step, it can … so, and the first few years of marriage can be very challenging and so if you have that process going, it helps. Because the lower the rate of divorce, the better for the families involved, the better for the society, that’s my belief. |
| **I** | So, can I just clarify … would you consider yourself to be an independent Imam or are you attached to a Masjid? |
| **R** | No, I’m not attached to a Masjid and to an extent you can call me independent Imam. However, because in my previous life I had a network of people who recognise me in my community back home then. So, if they are relocated to the UK or they have friends or colleagues/relatives that are relocated, then they can connect. Because I’m a Nigerian. They know that I would notice the cultural background and setting you are coming from and having lived here for a number of years; I can guide them. And sometimes … I mean I don’t do … it’s not as if I do plenty of Nikah every month or every … probably once in two years or once in a year. So, it’s not frequent because I’m not attached to a Masjid. And quite often I direct them to the local Masjid. But, in some circumstances, I take it on myself and do it, if they are not attached to a Masjid or if they live in a remote part of the country. So, that’s why I don’t do it often. Only very … once in a while. |
| **I** | Okay. So, with the ceremonies that you do conduct, do you view them as being part of a process towards a legally binding marriage? So, what I mean by that is the Nikah becomes a step in the process, which at some point will culminate in a legally binding marriage? |
| **R** | Yeah. I think … I read that in the document. I think most Muslims that I have dealt with, they … I think there is a terminology if I remember correctly my days in the uni … they say substance over form. So, I don’t know if you are familiar with that terminology? It’s the business side of law, business law. Substance over form. The legal form is the registry, thin, the spiritual substance overrides the legal form. So, the majority of them, regardless of what they do … what the Government’s regulation, etc., they don’t believe they are legally binded together as husband and wife if the Nikah aspect has not been done. So, in most cases the Nikah will come before or when the sequence … if they going to Registry, for example, on a Friday maybe the weekend before they do the Nikah. Or doing it on the Saturday. It all depends but, in most cases, the Nikah will be part of the process. So, it won’t be too far off before they do the official one but if you ask them … even if they do the official one, they have not done the Nikah, all those conditions not made. They don’t feel they are married, if you see what I mean. So, their major preference will be Nikah is not Nikah or marriage it not marriage until they have done Nikah. So, once they do the Nikah, then they are entitled to each other. They can live together, they can … yeah. Then they can do the formal bit. But, as I said earlier, most of them will just line it up, so maybe one day for this and one day for that and one day for this. So, and they get it sorted in one go. And that’s what I normally encourage anyway. |
| **I** | So, how do you perceive your role in advising couples of the legal status of the ceremony that you conduct? So, are you quite clear about the Nikah and what is culminates in, as far as legalities are concerned? |
| **R** | Yeah, I mean the legalities side is entirely up to the couple because my duty is to let them know the implication of … I think the law has been changing gradually. When it comes to inheritance I remember initially, probably 25 years ago or thereabouts, if you don’t have that marriage certification you are not recognised. But now if there’s co-habitation for a period of time, then they can really have access to. I don’t know, you are lawyers, if what I’m saying is right or not. So, because of other things that have developed over the period … I think legal matters have been slightly relaxed in some respect but in some other respects they will not still be recognised as married couple. So, once they know the implication of not doing it legally, according to what the Government want, then it will be a choice whether to go down that route or not. But in most cases people do it. Unless … I mean some people will say I don’t care; we are husband and wife in the sight of Allah. I don’t have power to say you have to do this, you don’t have to do that. What I can do is advise and to let them see the implication of not doing that second bit. To make it formal. But, yeah, I hope that answers the question. |
| **I** | No, it does. Thank you. Okay, so next question. Where do you … so the ceremonies that you normally conduct, where do they generally take place? So, this is outside of COVID times. |
| **R** | Yeah, they normally take place in … excuse me. They rent a hall where they want to do the party, etc. So, prior … the earlier part of it we do the solemnisation, etc., and people witness it and afterwards people break into groups, etc., to have their … to have something to eat and exchange simple pleasantries, they bring gifts etc., so usually they rent a hall somewhere. Yeah, not in the Masjid. Yeah. |
| **I** | Okay. So, in your experience, again, have you seen a change in demand for Nikah ceremonies in the last ten years? Has there been any sort of change that you can identify? |
| **R** | No, no. I haven’t seen. The only change I notice is this globalisation influence where couples will be demanding, “I want to know. I want to see.” And so, there is an increased level of courtship nowadays before … before now people make up their minds more quickly. Once they make up their mind they don’t wait for that long before they do the Nikah. But the trend amongst the young folks nowadays is for … I’m not too sure yet about that element, I want to give it some time. So, it’s been delayed. That’s the only difference. But in terms of people, Muslims wanting to do Nikah as part of the process, that is constant unchanged from my perspective. |
| **I** | Okay. So, why do you think it’s important to be able to conduct the Nikah ceremonies? |
| **R** | I think it is because it’s a religious … as I mentioned to you, if you go back to the basics, what we do seems to be out of worship. And out of worship are more restricted to being in the Masjid to pray alone, it revolves around your entire life. So, you are free to do whatever you want to do, as long as there is no prescribed way of doing it, in Sharia. Say, yeah … but if there is, you have to follow that and Nikah marriage is one of such that the Prophet *(salallahu alaihi wasalam)* did not take lightly because it’s an institution that could make or mar the happiness and wellbeing of individuals. So, for that reason Islam doesn’t take it lightly. So, we consider it as an act of worship, just like Hajj, fasting, etc. You should be prepared for it. If you go into it fearing Allah and then if you want to worship Allah through it, you will have patience, you will fulfil your duties and your obligations to the other party. You will want to make it work and you will want to use it as a kind of stepping stone to *jannah* rather than the opposite. So, it’s a very important aspect of our religion and we don’t take it lightly and that’s why people want to do it and those are knowledgeable who want to encourage it and to preserve that institution have to make it work. The only caveat is it’s not at all cost. It’s not endure dire fear, that’s why the provision of divorce is there and the prophet (*(salallahu alaihi wasalam)* ) said is one of those things that Allah reluctantly legitimised is divorce. Because we know sometimes things may go wrong. Very, very irreparable. And when you are getting to that point, rather than sticking to it and you are unhappy, your wellbeing is in jeopardy, sometimes it can even [*inaudible at 00:24:05*], so we don’t want it to degenerate to that level, then that provision will be there and that’s the balance of Islam. It’s not saying that once you are in it until death do us part. No! And, at the same time, it’s not the forced … we use the terminology, the last resort. Every other processes have failed. Mediation … every other attempt, so it’s an important institution in Islam and I think we all take it very seriously. |
| **I** | Okay, thank you. I don’t think there’s … there possibly isn’t anything for you to add to Question 8, which is has there been any change in your role since you began conducting these ceremonies? No. Okay. So, you are not somebody who’s authorised to conduct legally binding ceremonies? Is there any particular reason why? Would you consider becoming an authorised person? It would require you to be an Imam from a particular Masjid, basically. |
| **R** | Yeah, because I am not an Imam of a Masjid. So, if I have an Imam … sorry, if I have a Masjid, well technically I’m an Imam because I do lead *jummah* regularly in a particular mosque and in some other mosques but I’ve not just explored it because if it goes to … that’s why I said earlier on, it’s not something I do regularly. I would just refer them to their local Masjid but in circumstances where they live remotely or stuff like that, then I conduct them. They will go to the legitimisation, quote and unquote. But if it comes to it, if my Masjid says you will be one of the authorised, I don’t have any problem with that. But that’s what it is at the moment. |
| **I** | Okay. So, you wouldn’t have any objections? Okay. So, of those people for whom you’ve conducted Nikah, do the majority of them go on and have a legally binding ceremony, or do you think the majority stay in religious ceremonines? |
| **R** | I think the majority of them do. |
| **I** | Okay. |
| **R** | I would think the majority of them do. Yeah, because they live here, and they want the benefits associated with being a legally married couple. So, I think they do. I think they do. |
| **I** | Okay. That’s great. So … and sorry, just another question related to that, has that always been the case or do you think there’s been a change and now more people are becoming legally … are undertaking the legally recognised ceremony or has it always stayed the same, in your experience? |
| **R** | I think more people are doing it now, because the first generation of those probably who migrated here, maybe wouldn’t take it as seriously as the young folks. Because they are more aware … they are more socially conscious of the implication of not having it. So, I would say yes. Now that a new generation are getting married, I think they are more aware than their parents. |
| **I** | Okay, that’s great. So, the last questions all relate to the Law Commission’s consultation paper. So, basically this exercise has been going on for a few years now and it’s culminated in a consultation paper being published by the Law Commission. It’s looking in ways in which the Weddings Law can be reformed. And by that, I mean the process by which people legally marry. So, there are a number of proposed changes. So, the first one is giving Notice and registration. So, each of the couples would give Notice of their intention to marry to the Registration Services, the initial Notice would be online, by post or in person. So, at the moment they have to give it in person. There would be the 28-day waiting period before they are issued with the document authorising the marriage to go ahead. If they don’t give Notice in person, they then have to do a further interview. So, there’s a change there in terms of the process. The couples would then be given a Schedule of Marriage, so that’s a document essentially that they have to sign when they marry. The couple take this schedule to the wedding. They both sign it. The officiant signs it and then the witnesses sign it. That’s returned to the Registry Office. So, a different process there. There’s also a reform being proposed around who conducts the wedding. So, the Law Commission is proposing a new officiant system. So, that’s a person known as an officiant who would conduct the ceremony. Religious groups would be able to nominate their own officiants. There are certain parameters around there being, for example, 20 members of the congregation, etc. But it will be the mosque, essentially, the Masjid, which would nominate a person. The main duties of the officiant would be to ensure that both parties are freely exchanging consent to the marriage in the presence of two witnesses and that the schedule is signed. This officiant could lead the ceremony, but they don’t have to. So, they could just be there in an administrative role and you could still have another Imam, for example, who conducts the Nikah. There is a … the only criminal sanction attached to the role would be if the officiant deliberately and recklessly misleads the couple about the effect of the ceremony. So, again, that’s pretty much in line with the current law. Now, with the ceremony itself, at the moment it’s fairly restricted. So, for a legally binding ceremony you need to be in a registered building or in a Registry Office. So, the proposal is that there is no legal restriction on the types of places in which marriages could be legally celebrated. It would be up to the officiant to decide if the location proposed by the couple is safe and dignified. And religious organisations could set their own requirements as to where they want the marriages to be held. So, religious organisations could say, “actually, we want it just to be in the mosque” and then that’s what the couple … that’s the option that would then be open to the couple. There would be no requirement for prescribed words. So, this means that the parties can then marry in whatever way is meaningful to them. So, in … for a Muslim couple that’s going to be the Nikah. For other couples it will be other … perhaps religious, perhaps non-religious forms of ceremony. Okay. So, that’s in a nutshell. I mean the report is massive. It’s like over 400 pages. But, in a nutshell, those are the key reforms being proposed. So, the first question is would the proposed reforms make it easier for the types of ceremonies that you perform, ie., the Nikah, to become legally binding? |
| **R** | Yeah. Certainly, it will. |
| **I** | Okay. Can you see … do you think any of the proposals may give rise to problems for the types of ceremonies that you conduct? |
| **R** | No, not necessarily. |
| **I** | Can you … I mean is there anything that you would be concerned about or do you think this actually works? |
| **R** | I mean I don’t think it’s going to create any problems. As long as all parties involved understand the new system, how it operates and its implications. It makes life a bit more flexible and I don’t see it contradicting or contravening any Sharia provisions, to be honest. Because the … being flexible to accommodate what we want to do in their … so, they don’t have to do it two tier … they can do Nikah the way they want to do it, then come again and do the Government’s one. They want to put it together and they want to accommodate all those processes whereby the legal official, whether it’s the Government official would just stand aside and observe and then legitimise it, I think is win/win. |
| **I** | Okay. So, the next question. How do you think the proposals might impact on the process of getting married amongst … basically within Muslim communities? |
| **R** | To be honest, I don’t think it’s going to … if the trend is a multiple incline towards doing the official bit after the Nikah, I think it would make life easier for them. To put it together in one go. As I explained earlier, we normally encourage them to just put it in sequence. Maybe do one on the Saturday, then the following Friday or whatever. So that, at least, they complete the process both religiously and for the Government. So, the Government is now going to be flexible to incorporate the religious one into the scheme, that’s fine. And if they are flexible that we don’t have to come to Government buildings to do that, even better. |
| **I** | Okay. Thank you. Anything else that you would like to add or say about the proposals? |
| **R** | Nothing really. I think what the proposals are doing is accommodate more individual decisions, inclinations, beliefs, systems, etc., to be as broad based as possible. It’s benefits us, as Muslims, I believe. |
| **I** | Okay. Thank you. So, that was my last question. Is there anything else that you would like to say about the marriage process or anything else that you would like to add? |
| **R** | Yeah, I mean I just think … well, this is completely out of the hand of the Government but the system whereby people are giving guidance and orientation before marriage is quite crucial because that marriage is … I mean it narrows the expectations gap and it reduces the incidences of divorce, etc., because whoever has gone through a divorce before will tell you it’s not an easy thing for the wellbeing of both parties. It can be nasty. So, it drains energy, and it can be bitter. So, whatever we can do as a community to reduce those incidents, the better for us all because it affects the individuals involved, it affects the children, it affects the parents and the families of both parties and our community is a cohesive community, very… that is the nature of Islam anyway, so if things go bad, it goes bad in a very big way. So, I think that’s one element I want to see improved upon so at least we know we’ve done our best to preserve it. And if it doesn’t work, we know there wasn’t any stone left unturned, but I think we can do more as a community and, as I say, when Government can encourage or facilitate this, that will be welcome. |
| **I** | Okay. Thank you so much. I’m going to stop recording now. |
| **00:37:10** |  |