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**M**

So, firstly, can I ask you to tell me about the last wedding ceremony you conducted in England and Wales, specifically focusing on the type of ceremony and location.

**R**

The last one I conducted was probably roughly five years ago.

**M**

Okay.

**R**

It was a private wedding ceremony. It wasn’t a legally binding one. It was a family wedding, more like, and I knew the family very well, being neighbours with them for so many years. So, they invited me to do the Nikah for them and that was it really.

**M**

Where did it take place?

**R**

It took place in [city].

**M**

So, was that in a home or in …?

**R**

It was in a home, yeah.

**M**

Okay. So, fairly informal?

**R**

Yeah.

**M**

Okay. Would you say that is typical of the kind of Nikah that you would oversee?

**R**

Not really. You tend to see a bit of both really. Normally it’s not like that. Normally it is really big and involves either doing it in a mosque or in a hall. In a big venue normally and normally you would have hundreds of people there.

**M**

Sure. Okay. Now, so when you are going to perform a Nikah, is it usual to meet or otherwise communicate with the couple before the wedding ceremony?

**R**

It depends really. It depends. You see within the … we have different Madhhabs … we have different schools of thought and if it was done within the Shafei school of thought, then the father would speak on behalf of his daughter. So, I wouldn’t really meet his daughter and I wouldn’t really know of her consent. I would have to trust the father that his daughter is okay with it. And I would ask him and he would say yes or no. But I wouldn’t directly speak to or meet his daughter, to ask her permission. Whereas the Hanafi school of thought, actually you have to get the girl’s permission, regardless of the father being there or not. So, it depends on who I am conducting the Nikah, the wedding ceremony, for.

**M**

Sure. Okay. So, normally the groom, that’s okay. So, with the bride, it depends on what their …

**R**

Yeah.

**M**

Okay. So, that’s interesting. So, are the ceremonies that you have conducted part of a process towards a legally binding marriage? So, what I mean by this is, is it normally the case that the Nikah is considered to be a step in a process that would, at some point, include a legally binding ceremony?

**R**

Well, it depends again. It depends on what they want because before the Nikah is done, before the ceremony is done, we do ask them, “do you want a legally binding Nikah or are you just doing this … just the basic foundation … get the Islamic process done and you’re not really worried about that?” Whichever they choose. If they choose the legally binding one, then I would say, “okay, fine. We are going to conduct this in a mosque, because the mosque has the certificate. That’s where we fill out all your details. Where if we did it in a home, the mosque would then have to do the Nikah … the ceremony all over again. Because they have to witness it. Or somebody from the mosque has to witness it.” So, if they say, “yes, we want the legally binding one”, then I will say, “let’s go to a mosque”. And I will take them to a mosque which I will be the Imam at and we will do the Nikah there. And if they don’t mind, then we will do the Nikah wherever they feel comfortable.

**M**

So, the mosque that you were an Imam at, was it registered for marriages …

**R**

Yes.

**M**

… with the Local Council?

**R**

Yeah.

**M**

Okay. Right, okay. And so, there was access to that process but were you authorised to conduct the marriages yourself?

**R**

Yeah.

**M**

As an authorised celebrant?

**R**

Oh, I don’t know what that means really. I am authorised in terms of the religious aspect of things but governmentally I don’t what would make me authorised.

**M**

Okay. Then the answer is probably no, because there is a process to go through. But no, so that is interesting. So, you are part of a mosque that is authorised, registered for marriages. Okay. So, you’ve mentioned that you would ask the couple do they want a legally binding one or not. So, in relation to that, how do you perceive your role in advising the couple of the legal status under English Law of the ceremony that you are conducting? So, would you normally explain to them that the Nikah has X consequence?

**R**

Yeah. Exactly. I will tell them that, “Look, these are the two options. If you take this option, then it’s better for you in this, this and this way and you can this, this and this. And if you take this option, there’s nothing wrong with this option either but you just don’t get these privileges.” Yeah.

**M**

Okay. Great. So, in terms of the specifics then, what sort of things would you talk about? So, what privileges would they not have?

**R**

Well, the privileges of being able to say by the Government that you are legitimately married. That opens doors to many things that, if you are not married, you wouldn’t get. And if you had just done the Nikah and you didn’t do the binding agreement by the law, then you would have to prove that you are married and you can’t prove it. If you were going to fill out forms, if you were going to … whatever you would do governmentally that questions your status, whether you are single or married, you can’t put down that you are married because then they would ask for a wedding certificate or something. Or you have a child and you want to register your child as a couple’s, I know that you would have to … if the partner wanted to go and have the register certificate done together as a family, they would probably have to bring proof that they are married, their wedding certificate or something.

**M**

Okay. Thank you. So, the next question then, where do … you’ve sort of mentioned this, but where do your ceremonies generally take place?

**R**

To be honest, there is no one specific place. I would say the whole of England. I’ve conducted ceremonies in [city], in [town]…

**M**

Sorry, just to clarify, I mean the type of venue rather than the setting.

**R**

Oh, the type of venue? All types really. Mostly it would either be a mosque or it would be a hall.

**M**

So, the mosque would be your mosque, which is a registered building. A wedding venue … you mentioned you did the last one at home. Do you often do ceremonies at home?

**R**

I would say one out of five.

**M**

That’s great. Thank you so much. The next question … so, can I just ask how long have you been conducting Nikah for?

**R**

For the past seven years possibly.

**M**

Okay, fine. So … well this might not then apply or you may have no answer to this, but I will ask you the question anyway. Have you seen a change in demand for Nikah in the past ten years and if so, do you think there is a reason why?

**R**

I have actually, I have, yeah.

**M**

Oh, okay.

**R**

Well, I can’t speak about other communities. I can speak about the Somali community.

**M**

Sure, sure.

**R**

The Somali community weren’t really interested at all, if you look years back, into doing a legally binding Nikah. They actually see it as something which was off-putting really. Only because certain things within the Islamic rulings contradict the law of the land. For example, that once you are legally married, God forbid if there was to be a divorce then the husband and wife would have to share things 50/50. Islamically that contradicts the rulings, islamically. Islamically things wouldn’t … between husband and wife, according to the Islamic ruling, things are not divided 50/50. So, that’s off-putting for the husband or for the man. For the groom that’s off-putting for him that he thinks now that, “oh, if I do this agreement, everything I have worked hard for, she’s going to take half of it, just like that. She will easily ask for a divorce. Why? Because she has the upper hand. She will take half of everything that I own.” And most of the cases, most of the time, it’s the tradition. It’s not a religious thing, it more of a traditional thing that women are normally at home and it’s normally the father/the husband who goes out to work. So, it’s normally the father who’s making the income and that being in that way, it was really off-putting at that time. And this would be roughly, I would say, 10 – 15 years ago it was like that.

**M**

Okay.

**R**

But now I’m hearing more demands of, “let’s get it done legally by the British law”. I’m hearing that more of a demand now.

**M**

Sure. Okay.

**R**

Yeah, where I wouldn’t hear that really before.

**M**

And is that something that both … in your experience … both members of the couple are agreeing on this new way?

**R**

Well, yes, I suppose so. Yeah.

**M**

Okay. Thank you so much for sharing that. Okay, so going back to the Nikah then, why is it so important for you to be able to conduct these ceremonies?

**R**

To make things lawful, really. More than anything else. To make things lawful. To bring two families together, it’s the best way of doing things in the systematic format, other than just … if it wasn’t done this way, it would just be general boyfriend/girlfriend and it’s very easy in a boyfriend/girlfriend relationship just to go separate ways. Where, if a ceremony was done, it would emphasise the seriousness of this relationship. So, both parties would take the relationship very seriously rather than a boyfriend/girlfriend scenario where today they are together, tomorrow they go their separate ways and then a week later they’re back together again. It’s nothing really serious. There’s nothing binding between them that states that … that affirmity that says that you have to be patient with each other, you have to make sacrifices for each other. There’s nothing there. But the ceremony emphasises on that, how important this is. People witnessing, people being there emphasising that, “hey! You’ve got to take this seriously or you are embarrassing yourself. You’re embarrassing your family. You’re embarrassing your friends. They all came. They all participated. They all took part. They witnessed.” So, the ceremonies are designed specifically to put responsibility on both party’s shoulders to get a better result at the end.

**M**

Okay. Thank you. So, my next question … in terms of your own role in conducting Nikah, has there been any change there? So, for example, is there a change in the form of the ceremony, the way in which the couple want you to conduct it or anything like that?

**R**

Not really. It just depends on the school of thought. I think I mentioned that at the beginning. Yeah, the school of thought. It just depends. If it’s coming from an Asian community … the Asian community would mostly be coming from a Hanafi background and the Hanafi background have a religious … a certain … a way of conducting Nikah according to that school of thought and I will have to follow it according to that, to respect their way. And if it was from a different school of thought, I would have respect that school of thought and follow it according to their way as well.

**M**

Okay, thank you. So, you mentioned that you, yourself, are not authorised to conduct legally binding marriages. Is there any particular reason why? Now, you have mentioned … I think I know the answer to this based on what you have mentioned already, but would you … given the option, would you want to be somebody who is authorised to conduct a legally binding ceremony of marriage?

**R**

Given the option, yes. And it has always been at the back of my mind. It’s just a matter of taking that step forward, which I’ve never really got around to.

**M**

Okay. So, you would like to do it. And would you know how to do that? Would you know where to begin looking for information?

**R**

I did five years ago. I can’t remember any more!

**M**

Okay, that’s fine. So, you have no objections to doing it. That’s great. That’s fine. Okay. So, the next question … actually Question 11 isn’t … yeah, so we will leave that one. So, I’m going to move on now to the Law Commission’s consultation paper. So, part of the documents I sent you was just a brief summary of what the Law Commission is proposing a way of law reform. I’m just going to run through that with you. So, there are several things. Firstly, the process of giving notice and registration. So, each of the couple would give Notice of their intention to marry to the registration services. The initial notice could be given online, by post or in person. Then there would be a 28-day waiting period before they would issue a document authorising the marriage to go ahead. For those couples who didn’t give notice in person, there would be an in-person interview during that time as well. And, at the time of giving notice, the couple would inform the registration services who it is that would be officiating their wedding and the document authorising the marriage, which will be called a Schedule. The Schedule would name the person officiating the wedding. The couple would then take the Schedule to their wedding and it would be signed by both of them and the officiant and the witnesses and then that is returned to the registration services to be registered. So, basically it is changing the way … the manner of obtaining a legally binding marriage. So, it now becomes dependent on this Marriage Schedule. So, that’s one major difference. Secondly, they are proposing a system of officiants. So, basically, religious groups would be able to nominate officiants to officiate at weddings. The group making the nomination could be either an overarching organisation or a local group. So, for example, a mosque would be able to do this. The names of all nominated officiants would be publicly accessible and the list would be held at the General Registry Office. The main duties of an officiant would be to ensure that both parties freely exchange consent to the marriage in the presence of two witnesses and that the Schedule is signed. The officiant could lead the ceremony; however they don’t have to. So, you could have an officiant and you could still be the Imam that leads the ceremony or you could be the Imam and the officiant. It would be an offence to pretend to be an officiant and deliberately and recklessly mislead the couple about the effects of the ceremony. However, failure to comply with the duties of an officiant would not be an offence, although it might lead to de-authorisation. So, in terms of criminal sanction, it is very much in keeping with the current law. And then finally, the actual wedding ceremony. So, there would be no legal restrictions on the types of places in which marriages could be legally celebrated. It would be for the officiant to decide whether the location proposed by the couple was safe and dignified. Religious groups could set out their own requirements as to whether they want marriages to be held. And there would be no requirement to include prescribed words. The parties would be able to manifest their consent by words or by action and it’s the actual signing of the Schedule, which would evidence that they have exchanged consent. So, quite a radical overhaul. So, I just wanted to ask you some questions in regard to these proposals. So, the first question is would the proposed reforms make it easier for the Nikah ceremonies that you perform to be legally binding?

**R**

Yes, it would make things easier but it would still leave us with the question of would people want that. I don’t think people would really … especially from our community, especially from the Somali community. The younger generation coming up now are more towards the whole legally binding thing but the older generation who are still around tend to push their children and say, “no, don’t go through that route”. And I understand both points of view, you see, because I’ve grown up here all my life and I understand from the Islamic aspect of things, the rulings why the older generation tend to say no and they are pushing their children to say no as well. It’s scenarios that I have come across over and over again as an Imam, that problems that we have within our community is, for example, a scenario that involves lies and deception and these things tend to mix things up. Whether it is by the British law or the Islamic rulings, things tend to get all muddled up and mixed up and people end up getting scarred in the process. So, to avoid all of that they tend to want to do just the simple Islamic ruling and then, if things don’t turn out the way they want it to, they could go separate ways and there wouldn’t be an after-lash. For example, if we did things by legally binding agreement, a simple example would be this country and all the other countries really, it should and it’s right to do so, take certain things seriously. For example, abuse, physical abuse. All these things are taken seriously, yes, 100% but, at the same time, it could be a false allegation … intentional false allegation, trying to get something out of it. And that’s what tends to happen in marriages most of the time. I’ve had a brother who is a Councillor and he worked for the [town] Council in [town] and he also had a very good job. And him and his wife didn’t quite agree on things and he was quite wealthy. He came from a very, very wealthy background and owned a lot of properties. They had a lot of properties in [city]

and shops and so on. And as soon as she got married, it only took her literally two or three months to say, “I want a divorce”. The agenda behind it was straightforward really. He couldn’t see it at that time, you know, but she was just looking to make money really. And she realised that this legally binding agreement was the best way to go about doing it. “Hey, that’s it. I can move on now and I can take maybe two properties with me, that I didn’t have. And these properties are worth half a million. I’m already a millionaire within two or three months.” You see how that contradicts?

**M**

Sorry, just out of curiosity, has this divorce happened?

**R**

Yes, the divorce happened. She took him to Court and after she took him to Court, the Court then took roughly six months to a year to come to an agreement that all this was false allegations. But, by the time they had actually come to an agreement, he lost his position as a Councillor because these kind of accusations played a big role, being a Councillor of a Borough. And he also lost his job because of it. So, all this happened because of the legal binding agreement. So, the backlash of these legally binding agreements I can understand as well, it can solve problems at times and at times it can cause problems as well. And sometimes the problems are far greater than the problems that it resolves.

**M**

Okay. Sorry, continue.

**R**

So, these are the kind of problems that we face. I mean we face more than this really. Me being an Imam of a mosque means that the community tend to come to you for counselling. Because you speak the same language as them or you come from the same ethnic background as them or you have the same faith, religion as them. So, they want to be able to speak to somebody who has got the religious background and who has got the wisdom to follow that religious background to advise. So, I get a lot of people from the community, whether it’s Somali, Asian … just general people who come to the mosque, who will come and sit with you and tell you, “we have this problem, Imam. What can we do? This is the situation. What does Islam say? What would our Prophet do?” You know? So, because of that, I am aware of the things that are going around right now and there’s an increase in these kind of situations.

**M**

Okay. Thank you so much for answering that question. The second question, would any of the proposals give rise to problems for the types of ceremonies you conduct? I think you thought of … if there is anything else you want to add perhaps to that?

**R**

Yeah, I suppose there’s one other thing to add to that. Obviously, the Islamic rulings … not just the aspect of financial side, but the actual ability to give and take divorce, contradicts by the law of the land, where Islamically a woman couldn’t just go and divorce herself, just like that. You know? Where, by the law here a woman could actually file a divorce and she could get a divorce without even her husband’s consent. Even without her husband’s approval. And the fact that by doing this legally binding agreement tends to push her towards that. Yes, you can do this. It doesn’t give 100% affirmation of it but it tends to make her own mind and think, “you know what? We were married by law anyway of this land and I’m just going to get divorced by the law of this land.” She could easily take matters into her own hands. But she won’t be able to do that if it wasn’t a legally binding agreement.

**M**
Right, okay. But surely she could approach a Sharia Council?

**R**

Exactly. Yes, yes, she could. Yes, definitely. I mean that’s generally the process Islamically which is advised and then they would look into the matter. But according to this country, though … sorry, give me one second! Sorry for the distraction. Yeah, with the Sharia Court I mean obviously they would look into the case and they would look into how the situation has reached the divorce. And they would look into the seriousness of the matter, where to a certain aspect of it, yes, the British law would do that as well. To a certain … but really there is nothing there that can force her to stay in that relationship. In both parties anyway, whether it’s Islamic ruling or whether it is the governmental ruling here, there is nothing that can force her to stay in the relationship but they would just look at it from different aspects. And one would be lighter than the other, really.

**M**

Okay. So, in terms of the process of getting married, how do you think the proposals might impact on that? So, the process of getting married within the communities that you have served.

**R**

It’s just an extra step that some people might not … it’s not that they don’t want to. It’s just more a lazy kind of a thing. Like, this is so much simpler. Why? I just have to call the Imam and “boom” he will come to my house, “boom” he will conduct the ceremony and I don’t need to worry about signing this, signing that, or he has to be somebody who is registered to give lawfully, or this or that. You know? It’s just a lazy process, really. Some people just can’t be bothered, can’t be asked. That’s it really. Other than that, I don’t see any other problem.

**M**

Okay. And then the final question is just would you like to say anything else about the proposals?

**R**

I think maybe we need to think about the … obviously this is something which has been going on for years. If we can solve the problems that the proposal could cause, then that would definitely work. The proposal would be a brilliant idea. If you could solve the problems that we’re facing.

**M**

Okay.

**R**

Yeah.

**M**

Thank you. That’s great. I don’t have any other questions but is there anything else that you wanted to add or wanted to say?

**R**

Can’t think of anything really.

**M**

Okay. Thank you very much. I’m just going to stop recording.

[0:28:08]