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Unregistered Muslim Marriages: An Emerging Culture of Celebrating Rites and Conceding Rights

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I. INTRODUCTION

APPROXIMATELY HALF OF Britain's 2.6 million Muslims were born in the UK, with almost 60 per cent being below the age of 30 (Office of National Statistics (ONS) Census 2011). Yet this youthful population approaches family ties and marriage in a manner still very much constructed around traditional ideas of matrimony. For example, it remains highly unconventional for a couple to cohabit before a religiously recognised ceremony of marriage. Muslim marriage rites, covering an array of ethnicities, attract lavish attention, sometimes costing the equivalent of a deposit for a house, filled with love, laughter, music, and generosity beyond means. British Asian Muslim weddings, which form the majority,[1] can be a vibrant display of colour and sparkle, easily rivalling Hollywood's most glamorous weddings. Swarovski-studded saris, crystal tiaras, sweeping gowns and five-tier wedding cakes adorned with intricate hand-made flowers can all be seen at numerous stately venues across the British Isles.

In an ever-growing number of cases, this abundance of rites is wholly a public show of devotedness of bride to groom and groom to bride, with no consequential legal rights expected of, or granted by, the state. It is estimated that up to 80 per cent of Muslim marriages in the UK may be 'unregistered' (Duncan Lewis Solicitors Press Release 2014), where religious ceremonial rites are observed while state recognised civil ceremonies are not undertaken. The demand for ceremonial rites to be discharged before

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[1] 68 per cent of all British Muslims are of Asian origin. Data from the ONS Census 2011.

a couple is socially accepted as a family unit within Muslim communities perhaps lies at the heart of this practice. This brings to the fore a number of pertinent questions—What rights do British Muslims expect to arise from their marriages, and what occasions their consent solely to an unregistered religiously sanctioned marriage, to which the state and its institutions are not party? How do young Muslim men and women view their 'marriages' and how significant is the performance of religious rites? Finally, to what extent does 'non-marriage'[2] in the eyes of the state impact on this growing cultural phenomenon?

   This chapter explores these questions by analysing data drawn from a targeted empirical study in which 20 individuals married according to Islamic traditions were engaged in a survey seeking to ascertain the underlying causes for British Muslims locating their marriages beyond the state's legal jurisdiction.[3] The survey was produced online utilising the 'Survey Monkey' platform where eight questions were posed,[4] and was conducted during the summer of 2014. Answers required qualitative responses, and the survey was publicised using social media (Facebook). The survey was publicised and introduced as follows: 'Survey on Unregistered Muslim Marriages—If you are married according to Islamic traditions (nikkah) but have not registered your marriage in Britain, please can you take a minute to complete this short survey? Please forward to others.'

   The survey was disseminated widely using this platform, and responses were received over a four-week period. The survey targeted individuals who had undertaken the '*nikkah*' ceremony and therefore were considered married according to the Islamic traditions. Although this represents a modest sample of a group targeted using a single social media platform, it provides valuable evidence in a much under-researched area for considering the priorities of British Muslims within the matrimonial process. The early indications of this study are fascinating and support the need for further academic study and analysis in the area drawing on a more diverse range of participants engaged at multiple levels and utilising multiple avenues as part of the methodology. The findings from this sample of participants indicate that the elaborate celebration of Muslim marriage rites are commonplace, while acquiring concurrent legal rights as an effect of the marriage is of lesser importance at that juncture.

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[2] A ceremony which is far removed from a recognised marriage, making it a non-event, neither valid nor invalid for the purposes of marriage. *Gereis v Yagoub* [1997] 3 FLR 775.
[3] Wider research is being conducted into this phenomenon with a particular focus on marriages which have dissolved and the consequences for each party, however, this goes beyond the scope of this chapter.
[4] The survey questions can be found as an Addendum to this chapter.

II. MUSLIM MARRIAGE RITES

British Muslims face complex and multi-dimensional challenges in navigating the legal and social systems in which they live. The lack of state intervention allows a burgeoning freedom in the application of religious principles, which preserves the dynamism associated with Islamic religious traditions from its very inception (Auda 2008). This dynamism has vanished in many Muslim majority jurisdictions in which the codification of particular legal principles has resulted in inert and stagnant, albeit predictable, sets of rules being applied. British Muslims, conversely, have the potential to map out a new religious culture based on fresh and innovative interactions with the divine source of law—the Quran—and the traditions of the Prophet Muhammad—the *Sunnah*.[5] This is evidenced by contemporary debate on Islamic feminism[6] for example. The Quran is considered an irrefutable source of law, while the *Sunnah* or *Hadith* are also considered a primary source. Hallaq's outline of the pre-eminent position of the Prophetic traditions as a source of law helps place the *Sunnah* in the rubric of a primary source of Islamic laws:

> Outlined in the Qur'an, the Mission was to be propounded and articulated by the Prophet, whose conduct was so consistent with God's will that his sunna was sanctioned, ab initio, as an authoritative source of law. Despite its derivative nature, the Prophet's sunna came to be constituted as a force equal to the Qur'an, but offering a wealth of material barely matched by the concise, revealed text itself. (Hallaq 1995: xvi).

Within the Qur'an, the term *zawj* is used to describe marriage, which can be translated as a 'pairing' and is intended to create a relationship of mutual respect and trust, and allow procreation (Fyzee 1974: 90), thus facilitating the formation of family units.[7] Critiques such as Mir-Hosseini's (2007: 85–113) describe the classical definition of marriage as being purely a contract, which is primarily intended to legalise sexual relations between the couple. However, this minimalises and diminishes the spirit of marriage within the Islamic traditions, which consider it a 'sacred duty' (Esposito 2011: 111) positively encouraged to provide a relationship of tranquillity. Narrations

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[5] The *Sunnah* refers to the sayings and actions of the Prophet, and the *Hadith* are the narration/reports of the traditions of the Prophet, which include his sayings and actions. These were compiled into collections by various religious scholars following the death of the Prophet and the compilations were mainly concentrated around the first and second centuries following his death. These form a pivotal source of law for Muslims. However, the nature of the compilation and the time lapse between the death of the prophet and the collection of the *Hadith* have been critiqued by Orientalist writers. A detailed description of methodology relating to the compilation of *Hadith* is provided by Kamali (2005).

[6] See www.islamandfeminism.org for example.

[7] The issue of polygamy from a theological perspective in this doctrine is complex and falls outside the remit of discussion within this chapter.

of the Prophet Muhammad confer an obligation to marry: 'Marriage is my *sunnah*.[8] Whoever keeps away from it is not from me.' (Doi 2008: 196)[9] Further, the sources of Islamic law also carry the following injunctions:

> And among His signs is this. That He created for you mates from among your-selves, that you may dwell in tranquillity with them, and He has put love and mercy between your hearts. Undoubtedly in these are signs for those who reflect. (The Quran: 30:21)

> And Allah has made for you your mates of your own nature, and made for you, out of them, sons and daughters and grandchildren, and provided for you suste-nance of the best. (The Quran: 16:72)

These direct injunctions embody the profound depth of the marital union, and are reinforced by the purported existence of an over-arching Islamic cul-ture in which all facets of life are 'effortlessly conceived as religious' (Akhtar 2008: 7), whether social, political or indeed private in the case of marriage. This is strengthened by the idea that Islam is not merely a religion to be fol-lowed, but rather a 'complete way of life' to be adopted. Therefore, since there is a religious philosophical dimension to every action of a religiously active Muslim, it can be reasonably expected that marriage when conferred as a sacred duty must be entered within certain parameters to be considered effective. In the Islamic traditions, this is practically manifested in the form of a contract.

Islamic laws confer certain fundamental elements for a marriage to be validly constituted. First, consent is a prerequisite, and so an offer of mar-riage requires an acceptance (Doi 2008: 228), analogous with most con-tracts. Marriage is a covenant and each party entering the covenant must freely consent to it (ibid: 208). The Prophet is reported to have said: 'A previously married woman is not to be married until she is consulted, and the virgin is not to be married until her permission is sought.'[10] A lack of consent makes the marriage voidable and examples from the prophetic era reflect evidences which support free consent. For example, the girls mar-ried 'off' by their guardians who approached the prophet for redress were allowed to repudiate their marriages (Doi 2008: 208). The example given was of a young virgin whose father had concluded her marriage on her behalf without her consent. When she approached the Prophet, he nullified the marriage for lack of consent, reiterating this pivotal element for valid-ity regardless of gender. Despite such unequivocal parameters, it is clearly evident that cultural norms within some Muslim majority jurisdictions with entrenched patriarchal norms have undoubtedly challenged this autonomy for Muslim girls and women. The infamous *Saima Waheed case* in Pakistan

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[8] *Sunnah* means 'way of life' or 'tradition'.
[9] A hadith reported by Ibn Majah from *A'ishah, Bab ma ja'j bi fadl an-nikah*.
[10] Reported by Al-Bukhari in the Book of *Nikkah*.

(Lau 1996) exemplifies the struggle between established religious rulings based on patriarchal and cultural norms, wherein a father challenged the validity of his daughter's marriage on the basis of his own lack of consent as her guardian. The judges considered the competing patriarchal cultural norms and religious jurisprudence, and based on a consideration of Islamic law and the Pakistani constitution the majority did in fact rule that an adult Muslim woman is *Sui Juris* (Ali 1996) and therefore has the right to marry of her own free will (Yefet 2009: 358), creating a national furore. Secondly, *Mahr* must be agreed.[11] A valid marriage requires the payment of a *Mahr* (The Quran: 4:4) which constitutes a nuptial gift to the bride. All references to this payment infer its position as a 'gift' and not a 'bride price' or other customary payment made at the time of marriage in various cultures across the world. Doi opined that the payment of the dowry on the part of the bridegroom is an admission of the independence of the bride, for she becomes the owner of property immediately on her marriage, though before she may not have owned anything. (Doi 2008: 254). The performance of the marriage is called the *nikkah* and the rites associated with how this is conducted are very much dependent on the jurisdiction in which it is taking place. Within Muslim-majority jurisdictions, for example Pakistan and Morocco, state legislation imposes a formal ceremony in the presence of an authorised cleric or registrar, and culminates in registration of the marriage with civil authorities of the state.[12] While this procedure can be circumvented by those seeking a less formal 'marriage' without state recognition, it indicates the advancement towards formality of the *nikkah* in the interests of protecting the rights of the parties. By contrast, in Britain, the *nikkah* remains informal and an indication of normative socio-religious influences which operate within a purely religious framework with no state recognition. This lack of recognition enables unregistered marriages to be conducted beyond the state's jurisdiction, which are considered valid by the Muslim communities.[13]

The *nikkah* is usually conducted in the presence of two witnesses and an *Imam*/religious scholar. However, a valid marriage can in fact be concluded without witnesses[14] and even performed by the couple themselves,

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[11] The *Mahr* is a complex issue, and this nuptial gift to the bride is treated as an institution of the Muslim marriage. Many perspectives can be found on *Mahr* including traditional analysis by writers such as Wani (1996) and Fournier (2010), *Mahr* is referred to within the Quran itself in chapter 4, verse 4 which states: 'And give the women (on marriage) their *Mahr* as a free gift; but if they, of their own good pleasure, remit any part of it to you, Take it and enjoy it with right good cheer'.

[12] For example, in Morocco, Article 15 of the *Moudawanam* The Moroccan Family Code 2004, requires registration of the marriage contract with the appropriate authority within three months of being entered.

[13] Such practices are not limited to the UK, and are duplicated in many other jurisdictions including the US despite more stringent criteria. See for example, Welchman (2004: 188–212).

[14] Such a marriage would not be properly constructed but would be considered valid within Islamic law nonetheless.

and can be conducted anywhere—a mosque, a house, a holiday resort, etc. While such informality appears to counter the spirit of marriage within the Islamic legal traditions, which encourages a public celebration of the nuptials, they reflect the contextual reality of modern diverse Muslim communities in which a multitude of potential reasons may influence the manner of conducting the *nikkah*. For example, if the couple's family disapproves of the union, one may conceivably witness a Vegas-style elopement and closed ceremony.

In the case of regularly constituted Muslim marriages, numerous customs that traditionally surround this simple ceremony have now become well-established rituals, which many expect as a rite. These vary according to the culture, and within South Asian cultures, there are often three distinctive days of celebration—the *Mehndi*[15] during which the bride's hands are traditionally decorated with henna; the *nikkah* which comprises the actual wedding ceremony and is often the bride's party; and the *Walima* which follows the *nikkah* by at least a day and is most popularly considered to be a public celebration of the consummation of the marriage.[16]

The default position of all *nikkah* ceremonies is that they constitute unregistered marriages. If the *nikkah* is celebrated in a mosque that has been registered for the solemnisation of marriage,[17] then it may be recognised by the state as a valid marriage where the requisite formalities have been observed. In the absence of this, unless the parties have undertaken an additional civil ceremony, their relationship will not be recognised by the state as constituting a valid legally binding marriage, and thus the couple forego the legal protections that the state upholds for recognised marriages, whether through positive consent or omission through lack of awareness.[18] Thus, for recognition and therefore access to rights, the couple must undertake the additional step of registration of their marriage, which may occur during the *nikkah* if within a solemnised building, or prior to or following the *nikkah* at an appropriate solemnised building.[19] It should be noted that the normative Islamic religious influences around which marriages are conducted do not *exclude* registration of a marriage for the purposes of state recognition. However, arguments may now be advanced which suggest that a conflict has emerged in the UK as legislation no longer defines marriage as between a man and a woman, but rather between one person and another.

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[15] The *Mehndi* tradition can be traced in the Asian and Arab worlds. For centuries, this ritual has formed part of the marriage rights for a bride, and is in essence a temporary henna tattoo. In the modern age, the *Mehndi* party has become a well-established tradition.
[16] The *Walima* denotes a feast and the word is of Arabic origin.
[17] Marriage Act 1949, s 41.
[18] This scenario manifests itself in many European jurisdictions, in addition to other countries in which a mono-legal system exists wherein the state does not formally recognise legal pluralism.
[19] This would often be a Register Office.

Strictly orthodox and perhaps even liberal, Islamic scholarly opinion may assert that a valid marriage in the sight of God according to the sources of Islamic law must be between opposite genders.[20] But as this is a relatively recent change in the law, it is unlikely to provide an explanation for the growing numbers choosing not to register their marriages prior to this.

III. TO REGISTER OR NOT TO REGISTER?

The underlying motivations for some British Muslims choosing not to register marriages were investigated by the empirical research undertaken for the purposes of this chapter. Participants were asked: 'If your marriage is unregistered, what are the main reasons for choosing not to register your marriage by participating in a civil ceremony?'. Various explanations were offered in response to this pertinent enquiry, and the most recurring reason submitted by half of the participants was simply not 'getting round to it'. This lack of prominence and urgency placed on the registration of a religious marriage may be due to a number of factors, including a lack of knowledge about the legal consequences of a registered marriage as compared to an unregistered one. Context is clearly an important aspect and at least half of the participants said the time needed to organise a civil ceremony was unattainable, or not a priority in busy modern lives.

 Responses to other enquiries about the ceremonial rites, which shall be analysed further below, reflected the level of significance attached to the *nikkah* as the fulfilment of religious traditions. Once completed with an abundance of festivities, any added rites which fall beyond religious and cultural dictates appear to be considered as unnecessary requisites. Many of the participants emphasised the religious ceremony and recognition of the marriage in the sight of God, and explanations offered included the following:

> We don't feel the need to. The most important part was the Islamic ceremony.

> We never thought it was important, can't see the need.

> The right time has not arisen. We will do once [we] have children. Think I want to maintain maiden name or go 'double barrelled' and adopt both his surname but still keep mine.

> No incentive to register. It doesn't change anything at all.

> No personal value.

> I did not feel the need to have civil ceremony as I felt the nikkah was sufficient to recognise that the marriage is a legal valid marriage in my own life.

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[20] While this is undoubtedly the classical Islamic legal position, some commentators now question the premise of this division. See for example: Shannahan (2009).

> Not really required for the purposes of Islam. I am fully aware that a nikkah registered in the UK is not binding in UK law but that is not important. However, I have told my wife we will have to register it later with the registry for tax purposes and also for UK inheritance law purposes.

These comments and the prevalence of simply not prioritising the civil ceremony provide some context to the emergent phenomenon of unregistered marriages. They reflect varying degrees of legal awareness displayed by the participants, which can no doubt be extrapolated wider within Muslim communities. It is apparent that in most cases, far from the decision being precipitated by discussion and reasoning, it is in actual fact a matter of convenience and time. However, to some, there is no value placed on the civil ceremony as it adds nothing to their status as a married couple according to their own perception. Participants' objective knowledge about the legal implications are unclear, and a question on this was deliberately omitted from the survey in order to offset any resultant concerns which may arise between couples which cannot then be addressed. It is clear that the ceremonial rights lavished on weddings occupy a great deal of time and within this busy period, British Muslim couples are not finding the time to register their unions with the state. The consequences of this will usually only become apparent to couples on the breakdown of the marriage, whether by death or divorce.

In order to understand the views expressed by my sample of 20 participants concerning marriage rites, a deeper analysis of the interaction between law and society as a whole for Muslims is necessary; whether this is negotiated between a citizen and their state, or between a citizen and their conscience. The former can be seen in some Muslim majority jurisdictions which assert adherence to religious laws, in which certain rules of law (especially family law) are attributed to a divine source,[21] while the latter emerges in states such as Britain where faith is a personal attribute and coercive forces may be limited to personal convictions and/or community norms. As British Muslims undertake complex navigations between the laws of the state, the norms of their communities and the traditions of their religious convictions, new cultural identities appear to be emerging. This gives rise to the pertinent question of how these new 'cultures' impact on the decision to register and attribute recognition to a couple's marriage.

The empirical survey conducted for the purposes of this chapter provides valuable insight into this emerging practice. Twenty participants in unregistered Muslim marriages were engaged in a survey of a previously under-engaged subject group. Participants self-identified based on the lead into the survey which requested that those married according to the Islamic traditions, but unregistered, partake. Although the research methods originally

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[21] The multitude of questions which arise regarding the authenticity of some laws within such states, especially concerning treatment of women, are beyond the scope of this chapter.

envisaged engaging 10 couples within unregistered marriages in a survey by interview, the lack of engagement from the subject group required a reformulation of the research strategy. Enquiring about one's decision not to register a marriage appeared to infringe on the couple's privacy and those who were within higher-ranking professions in particular were unwilling to engage. Thus, the secondary method was employed utilising social media to disseminate the survey with responses being received anonymously from 20 individuals. The online survey guaranteed privacy, and the snowballing technique[22] ensued resulting in the survey being completed by a diverse group of people. While there are limitations of using such a survey, including the lack of personal engagement with the participants, as an initial foray engaging a difficult to identify target group, it has provided some valuable insights. Due to the nature of the questions, the guaranteed anonymity of the responses (King et al 1995; Stanton 1998) positively impacted on the uptake, with the target of 20 participants achieved with relative ease, after a much longer period of time expended unsuccessfully attempting to source couples for interview.

The survey questions were divided into three sections as follows: about you, about your wedding day, and registered and unregistered marriages. The first section requested specific demographic details relating to gender, age, length of marriage, town of residence, profession, ethnicity and religion. The second section posed five questions about the participant's wedding day. The third and final section posed two specific questions: if your marriage is unregistered, what are the main reasons for choosing not to register your marriage by participating in a civil ceremony? And, when interacting with society, do you tell people that you are married or unmarried? The final question specifically identified the following groups in society: employer, doctors/health profession, Muslim friends, non-Muslims, strangers.

The relatively modest number of participants allowed for analysis using the Survey Monkey platform and excel spreadsheets to collate qualitative data from section one, and compare and contrast responses to questions in sections two and three by drawing out common themes, and noting frequency of certain responses.

Of the 20 participants, 13 were female and 7 were male. This discrepancy in gender weighting of participants mirrors a prior study engaging British Muslims on the questions of family law and dispute resolution, in which 250 participants were engaged in a random survey, of which 70 per cent were female and 30 per cent male (Akhtar 2013). The underlying reasons for the limited engagement from male participants are still unclear and enquiries into this field are bound to be defeated by the lack of engagement itself. However, it is highly conceivable that the subject matter provides a

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[22] Snowballing (also known as chain referral sampling) is a technique that can be used to access hard to reach populations. See Atkinson (2003).

greater variable of interest to female participants thus resulting in a higher rate of engagement. Studies on response rates in surveys generally have discovered that females are more likely to respond than males which may in itself form the basis of lack of engagement here (Curin et al 2000, Moore and Tarnai 2002, Singer et al 2000).

Participants' ages ranged from 24 to 44, with half being in their 20s and the remainder being in their 30's, with the exception of one participant in their 40s. This reflects a cross-section of age ranges within one generation of British Muslims. The survey results revealed that participants hailed from a cross-section of the country, including Birmingham, Derbyshire, Leicester, London, Manchester, Nottingham, Peterborough, Solihull, and West Midlands. The majority of the participants were professionals, with 11 being doctors, lawyers and teachers. One single participant was a home-maker (educated to degree level), while all others were employed in various roles such as copy-writer, social worker, project manager, etc. This reflects a sample of participants who can legitimately be anticipated to be highly engaged and participating in society.

The duration of the participants' marriages varied, with four being married for one year,[23] three for two years,[24] five being married for between three and five years,[25] a further five between six and nine years,[26] and the three remaining participants for 10, 12 and 15[27] years respectively. This diversity in duration of marriage is a surprising finding as it seems to suggest the practice of non-registration occurs regardless of how long a couple has been married for.

The ethnic backgrounds of the participants were also diverse, and they were represented as follows: three Arabs, one Bangladeshi, six Indians, seven Pakistanis, two Africans and one White English.

One of the participants stated she was a convert to Islam while another stated he was neither born Muslim nor a convert. All other participants were born into Muslim families. This provides an interesting dimension to the responses, allowing for the view of a non-adherent to the faith who is engaged in an unregistered Muslim marriage to be explored.

This diverse group of participants shared one common feature—each undertook the religious ceremonial rites associated with a Muslim marriage while not engaging with the state civil ceremony. Before exploring the reasons underlying their unregistered marriages further, the celebration of the marriage rites as conveyed in the responses to the survey will be analysed in order to better frame the registered/unregistered dichotomy which will be considered subsequently.

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[23] Participants were aged 25, 26, 27 and 28.
[24] Participants were aged 24, 28 and 30.
[25] Participants were aged 27, 27, 30, 37 and 39.
[26] Participants were aged 27, 29, 34, 35 and 44.
[27] Participants were aged 36, 34 and 39.

A. Celebrating a Non-registered Marriage

Participants were asked to detail the time spent in planning their weddings, the cost of the celebrations and the number of guests who were invited to participate in/observe the ceremonial rites. The expenses relating to their wedding included the cost of the invitations, reception, food, etc, and they were also asked to detail the cost of gifts presented to their spouse.

The responses revealed that the time spent in planning the wedding was usually between five months and one year. One participant spent two hours planning the nuptials, but provided no details as to the reasons. This can be assumed to be exceptional; weddings are seldom planned and performed on the same day. The responses suggest that the norm is for a great deal of preparation and planning to be undertaken, which is comparable to traditional weddings. A survey by 'Wedding Paper Divas' of traditional weddings in the UK found that on average 27 per cent of participants were engaged for 7–12 months before they married, and a further 40 per cent were engaged for 13–18 months.[28]

The number of guests invited to the wedding varied from a mere five in one case, to an astounding 2,000 in another. Nearly half of all the weddings were attended by between 100–300 guests; a further seven hosted between 301–500 guests; and in two cases there were between 500–1,000 guests. Thus, Muslim marriages are witnessed and celebrated by large numbers of people, with at least 100 people in attendance being the norm. This perhaps reflects the wide social networks common within South Asia, which are maintained in places like Britain. Also, the Muslim birth-rate remains higher in Europe than national averages. For example, in Britain, the national average is 1.8 children per woman (Dorman 2014), while with Muslim women, this is thought to be higher as 9.1 per cent of all under-fives in the population are now Muslim, while the overall recorded Muslim population was 4.8 per cent (ONS Religion, 2013). Thus, Muslim family sizes are generally larger which has a direct impact on the numbers of people one can reasonably expect at a wedding celebration.

The cost of the celebrations ranged from a modest £300 in one case, to a staggering £35,000 in another. Four participants spent over £20,000 on their wedding reception. A further five participants spent between £10,000 and £19,999 on the celebrations. Five more participants spent between £5,000 and £9,100, and the remaining five spent between £2,000 and £4,000. One exception of £300 was spent on the celebrations by the participant whose wedding was planned and completed on the same day.

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[28] Huffington Post, (01/04/2013), 'Average engagement length, and other wedding planning statistics', available at www.huffingtonpost.com/2013/01/04/average-engagement-length_n_2411353.html.

Further to this, participants were asked regarding the cost of gifts to their prospective spouses, with no reference made to *Mahr* specifically, but rather focused on gifts given from the bride and groom to each other, and to extended family as is the custom in South Asian and Arab cultures. Responses ranged from no gifts in one case, and £40 in another, to £50,000 being the most spent by any of the participants. Half stated that they spent between £1,500 and £3,000 on gifts. The remainder spent between £4,000 and £7,000. The exchange of gifts between the bride and the groom forms a pivotal part of the celebrations and this is considered as a tradition which now occupies the position of a customary wedding rite. It was clearly treated seriously by the majority of the respondents to the survey.

These vast sums of money both for the wedding celebrations and for gifts are indicative of the significance attached to the ceremonial rites of the religious marriage. While it can be anticipated that the costs of the wedding celebrations are expected to reflect the financial positions of each couple, the evidence provided by these statistics is that an unregistered Muslim marriage attracts the same level of devotion to the big day as most conventional weddings. In 2013, the *Daily Telegraph* reported that the average cost of a wedding was £18,244. Sixteen of the participants appeared to have spent less than the average cost of a wedding, while four spent above it with one being double the average and another being more than triple the average. There are several possible explanations for the difference found in this empirical study, including the Islamic religious traditions, which positively discourage debt, so while a conventional wedding may attract debt, it may be unlikely that this would be the case for a Muslim couple. Further, socioeconomic factors may be limiting, as the 2011 census revealed that 45 per cent of British Muslims were not economically active (ONS Religion, 2013). This figure is reflective of a number of factors, including the youthful Muslim population, the higher than average number of Muslim women who are home-makers (31 per cent compared with 17 per cent for people of no religion), and the large number of students (30 per cent of Muslims aged 16 and over) (ONS Religion 2013). Thus, income may reflect the cost of weddings, but this does not weaken the clear emphasis and importance placed on the wedding celebrations by these British Muslims despite them remaining unregistered and therefore without legal status.

B. The Most Important Aspect of the Celebration

Participants were asked to indicate what they considered to be the most important aspect of their wedding day. Half of the participants cited the Islamic ceremonial rite of the *nikkah* contract as the most important part of the day. This contract is the agreement between the couple that they will be joined together in marriage sanctified in the eyes of God; and entering

this contract fulfils the requirements for the couple to be considered legitimately married and therefore able to embark on a marital relationship. Without this contract, any form of sexual relationship is prohibited within the Islamic religious traditions.

A further eight participants cited the presence of family and friends as the most significant aspect of the day. Thus, celebrating the marriage with loved ones in a fitting manner, or marking the religious solemnisation of the union were the most important aspects of the wedding day for the majority of the participants.

Of the two remaining participants, for the one who was not a Muslim, the *nikkah* was significant as his wife needed this to verify that the relationship was legitimate to her family; his response thus showed that this was prioritised due to their needs as a couple. For the groom in this case, the issue was of little importance and he was following the rituals required of him to legitimately embark on a relationship with his wife according to her religious beliefs. This demonstrates the possible relevance of unregistered marriages for British citizens who are not Muslim, and for those in relationships with Muslim partners.[29] The last participant failed to respond to this question.

While half of the participants listed the *nikkah* as the most important aspect of their celebration, only marginally fewer participants said the presence of family and friends was the focal point of the festivities, in line with the expectation that most couples wish to share their big day with loved ones. While the celebration of the marriage by family and friends is not strictly necessary within the Islamic traditions, it is wholly feasible that as this forms part of the public announcement of the union and thus validates the marriage in the sight of the Muslim communities to which the couple may belong; perhaps this is indeed an extension of the consideration of religious norms.

Conversely, when asked what participants thought was the most important aspect of the day for parents and close family members, 12 out of 20 stated that the welfare of the guests and the smooth administration of the event were undoubtedly uppermost in their parents' and close families' minds. Six were of the opinion that it was the *nikkah* which was the most important aspect, while the remaining two listed their happiness as the prime concern. One can assume that these may be reflective of the concerns one would expect the families of the bride and groom to have in any traditional wedding scenario, and thus they are very much human concerns. The importance of the ceremonial rite of the *nikkah* was still significant.

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[29] This scenario does raise questions about the validity of the *nikkah* where the husband is not a Muslim. However, this cannot be explored as no further details were provided by the participant about his religious beliefs, such as whether he converted to Islam without faith, or as a means to enter the *nikkah* to provide evidence of a valid marriage to his wife's family.

However, this conceivably has the greatest impact on the couple and thus was cited as more of an individual concern.

C. Difference Between a *Nikkah* and a Registered Marriage

Participants were asked to detail their views on the difference between their religious wedding ceremony and registered wedding ceremonies generally. Twelve did not believe there was a difference between their wedding celebrations and that of couples who conducted a registered civil ceremony. Three cited the *nikkah* as the reason for a difference between the two, however, this was simply a ceremonial aspect of the wedding day.

   The remainder listed a variety of perceived differences, such as the scale of the wedding, the traditional segregation of the genders, the fact that a civil ceremony is more structured, and that the *nikkah* is considered more of a party than a ceremony. The latter point is accurate to the extent that the ceremonial aspect of the Muslim marriage is very brief and often conducted away from the larger gathering of people. The differences are perhaps more indicative of cultural variances in wedding styles and celebratory norms. However, the effects of the celebration remain the same—the union between the spouses, while the legal consequences are vastly different.

D. Ceremonial Rites of the Muslim Marriage

All participants were asked: 'Can you briefly describe the main events from your wedding day (eg, the arrival of the parties, speeches, food, entertainment, religious ceremony, etc)'. The findings here revealed that many customary norms were visible across each of their weddings, with the ceremony/*nikkah*, food, and photography featuring the most frequently. Each participant briefly detailed the order of events from their wedding day, and the responses to this enquiry revealed what they believed formed part of the actual wedding, as opposed to incidental events of the day. Sixteen of the participants cited the *nikkah* as part of the proceedings and this ceremony featured either as part of a detailed list of proceedings or in one case, the participant simply stated 'The *nikkah* took place at a mosque.' In that example, it is feasible that the *nikkah* was considered to be the sole proceeding of the day which related to the marriage itself.

   Further responses to this question included detailed descriptions of the order of events from the arrival of the bride and the groom, to particulars about the order of photography, the types of food served at certain junctures (for example, canapés after arrivals), and dancing and music.

   The discharge of the *nikkah* itself varied significantly between each participant. Of those who cited it, four stated that it was conducted at home

prior to the arrival at the wedding venue. Four participants stated that the *nikkah* took place at some point before the day of the wedding celebration, and for one couple it took place in February while the wedding party was in July; for the remainder it was conducted up to three weeks before the wedding party.

A further four participants stated that the *nikkah* was conducted in a mosque, away from the wedding venue. In such cases, it is feasible that the ceremony was witnessed by male worshippers as the majority of mosques are gender segregated and the ceremony is performed by a male *imam*. The final five who cited the *nikkah* stated that it occurred at the wedding venue itself, witnessed by the guests. Thus, based on this sample, it appears that it is not necessarily expected that the *nikkah* will be conducted at the time and place of the wedding celebration.

Overall, there was no uniformity in the timing and location of the *nikkah* itself, with this taking place on occasions at mosques, or at the venue of the wedding celebrations. For some couples it occurred weeks or days before the wedding itself, thus did not form part of the days' proceedings. The lack of a large number of witnesses to the *nikkah* did not appear to negate the importance placed on the wedding celebrations themselves. It is apparent that a great deal of significance is placed on the ceremonial rites associated with the *nikkah* from the previous responses from the participants. As such, it forms the pivotal part of the proceedings. However, the timing and location of this seems to be highly variable, suggesting that the wedding celebration is a confirmatory event on the occasion of the *nikkah*, although not necessarily running concurrent to it. The nature and form of the remainder of the festivities was diverse with differences such as the segregation of the genders and the presence of music being factors.

The participants to the survey were from various ethnic groups, and the lack of homogeneity within British Muslim communities was reflected even within this modest sample. The largest representation of Muslims in Britain remains from South Asia, and many studies have considered the legal complexities presented by differing cultural and religious needs. Menski's *'angrezi shariat'* (Menski 1998: 276) and Ballard's *'pardesh riwaj'* (Ballard 2006:51) are two examples of phrases coined by leading academics on the practical manifestation of religious laws within Muslim communities migrating away from South Asia. Both argue that customs which originate in South Asia are transposed from other jurisdictions where Muslims form a minority and these are then amalgamated with some customs and traditions from the home country. The diversity of rites occurring within Muslim weddings can be linked to Werbner's imagery of 'segmented diasporas' (Werbner 2004: 900) wherein 'diasporas may unite together in some contexts and oppose each other in others'. Thus, Muslim communities from diverse ethnic groups may share some commonalities while differing in others, being

bound by a shared dominant religion. Within wedding ceremonies, the *nikkah* represents an element of commonality, while the form and nature of the wider celebrations may differ.

This was indeed reflected in the responses received from participants when asked to describe the proceedings on their wedding day. Some distinctive responses to this enquiry included the following, reflecting the diverse range of potential proceedings at Muslim weddings in Britain, reflective of the diversity in customs, cultures and beliefs:

> 'The celebration involved a marching band, and the bride and groom sitting on an elevated position so that photography could ensue. Food was served, followed by more photography'.

> 'The arrival of the groom was followed by the arrival of the bride. There was music and a DJ and a 3 course meal. We lastly cut the cake in front of guests'.

> '*Nikkah* was a small ceremony conducted in a mosque. This was followed by the wedding celebration which occurred in different venues for the men and women (segregated celebration)'.

> 'The *nikkah* occurred 3 weeks before the wedding party, and was held at the bride's parent's home with only a small number of family and friends present'.

> 'The men and the women were segregated during the wedding. However, the bride's father walked her in to the room while the groom's mother walked him into the room. The groom lifted my veil and rings were exchanged. Photography ensued and this was followed by the groom and bride's father leaving the women's room. The absence of men meant there was a lot of dancing and I gave a short speech. After the meal, the men arrived for the cake cutting ceremony. A large motorcade travelled from the wedding party venue to the hotel where we spent the night'.

> 'The Bridal party was the first to arrive, followed later by groom's party. Canapés and drinks were served. This was followed by the *nikkah*. The food was then served followed by the Cake cutting ceremony. Speeches followed before desert was served. Coffee was then served while the bride and groom met their guests for an hour. Everyone left at the same time following the event'.

> 'The *nikkah* was a small ceremony conducted in the mosque. Guests arrived and men and women were segregated. This allowed the women to dance freely. Food was served, and this was followed with more dancing'.

IV. UNREGISTERED MUSLIM MARRIAGE, CAUSES AND CONSEQUENCES

The decision to undertake an unregistered Muslim marriage raises many questions. To what extent are British Muslims consciously navigating between the cultures of the jurisdictions in which they live, the traditions

of their own ethnic origins, and/or religious norms? Are these strategies intended to meet the needs of their religious traditions where marriage is concerned, while at a practical level seemingly employing a well-established cohabitation right recognised in wider society affording the same absence of legal rights? Are marriage rites being implemented due to community norms such as undergoing the *nikkah* and celebrating with family (cited by 18 out of 20 participants as the most important aspects of the celebration), while marriage rights are deemed a choice?

Muslim couples in unregistered marriages occupy the same legal space as cohabitants, as their marriages are not recognised by the civil law in the UK (Fournier 2014: 10). The number of couples who live together without marrying has sharply increased in recent years, with 2.9 million opposite sex cohabiting couples being recorded in the UK in 2013 by the Labour Force Survey (ONS Bulletin, Families and Households, 2013). It is unclear how Muslim couples in unregistered marriages would self-identify, whether as married or cohabiting. Thus, it is unclear how many non-registered Muslim couples are included in this figure.

1.9 million cohabiting households have dependent children and cohabiting couples are the fastest growing family type (ONS Families, 2013). The lack of legal protections for cohabiting couples means the law will treat the couple as separate individuals with no special or specific rights and/or obligations to each other reflective of the nature of their relationship, regardless of the duration and presence of children. Conversely, for a married couple, the courts have the jurisdiction to intervene and distribute assets fairly between the spouses. These contributions need not be financial, for example where one partner sacrifices a career to tend to the home and raise the children. For a cohabiting couple, regardless of the partners' contributions, there is no right to maintenance upon the breakdown of the relationship, and any right to a share in the family home will depend on the law of trusts. Where one partner dies intestate, the surviving partner has no guaranteed right to inherit. Within a marriage, intestacy laws mean that the surviving spouse will inherit the estate, ensuring that the spouse and any children are protected from potential consequences such as losing their home, etc.

While unregistered Muslim marriages can be compared with cohabiting relationships in terms of the effects of the arrangements, they differ substantially in terms of the cultural perceptions which give rise to them. Within the Islamic religious traditions, cohabitation is deeply frowned upon and widely perceived as falling outside of religious traditions, wherein sexual relationships between a man and a woman should only take place within the parameters of a marriage. Thus, when a Muslim person is exercising his/her autonomy in opting out of state recognition for their marriage, the normative influences which frame that decision are potentially very much set apart from that of cohabiting couples. They do in fact want a 'marriage' whereas cohabiting couples are deemed to have decided against marriage or deferred

one at any rate. The parameters of that marriage are however, distinct from the state's framework and regulatory mechanisms.

Thus, the issue of informed consent to this arrangement becomes a crucial one. A cohabiting couple know that they are not married and although they may have some misunderstanding about their rights, they are aware of the nature of their relationship vis-à-vis a state recognised marriage. Where a non-registered Muslim marriage is concerned on the other hand, it is questionable whether the parties in fact understand that their religious marriage is not recognised by the state and therefore no safeguards are in place.

The parties to an unregistered Muslim marriage have no legal rights unless the couple chooses to enter a cohabitation agreement. Such an agreement would set out the parameters of each party's obligations to the other, and also contain clauses which clarify their respective interests in financial assets considered to be joint, such as their family home. It should be noted that studies of cohabitants (Barlow 2005) reveal that many people engaged in such relationships are unaware of their legal rights (or lack thereof) and it is entirely feasible that the same lack of awareness exists amongst Muslim couples (Fournier 2010).

There has been little empirical research in the area and the number of unregistered Muslim marriages remains speculative, with some citing 80 per cent. However, anecdotal evidence from lawyers involved in Muslim family law issues support the contention that it is rapidly rising. The growth in the number of cases being dealt with by faith-based alternative dispute resolution (ADR) mechanisms further supports this assertion, as many couples approach these fora for expert mediation on religious marriages that fall beyond the state's jurisdiction (Akhtar 2013: 206–34).[30] Referral to faith-based ADR exemplifies the existence of parallel norms within distinct cultural or religious groups within the UK, which are by no means restricted to British Muslims (Douglas et al 2013).[31] These systems operate unofficially and do not occupy any legal space vis-á-vis the state. Unregistered Muslim marriages provide a further example of a parallel 'institution' which exists in a manner which places it beyond the ambit of the state's legal mechanisms.

The marriage rights mediated by such forums are defined within the sources of Islamic law and are distinct from marriage as understood in the state context. For example, Islamic traditions place a positive obligation on

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[30] Shariah Councils are plagued with reports of discrimination against women and lack of cultural awareness. 90 per cent of their work-load involves granting Islamic divorces to women whose husbands refuse to grant them in the traditional way, (by uttering the word 'talaq' at three separate intervals). This lack of uniformity in the ability of men and women to obtain divorces has been strongly criticised by women's rights groups. Baroness Cox proposed the Arbitration and Mediation Service (Equality) Bill 2014 in the House of Lords which was intended to address these inequalities. The Bill has it proponents and opponents who argue it is needed to protect Muslim women, and it discriminates against Muslims respectively.

[31] Douglas et al consider ADR from three different faith based forums—A Jewish Beth Din, a Roman Catholic matrimonial Tribunal and a Muslim Shariah Council.

the husband to provide for his family and a right to the wife to expect the basic needs of shelter, clothing and food to be fulfilled (Doi 2008: 315–18). In traditional Islamic law, the duties imposed on women within a marriage are few, and there is no overt equivalent to the obligation placed on the husband to maintain his family, although it can be said that it is socially expected that she will keep the home and raise the children. There is clearly no equivalent to the obligation on the husband within the English law definition of marriage. Within the Islamic legal traditions on the other hand, a failure in this regard can constitute a valid ground for divorce for the wife (Doi 2008: 315–18).

The report of the government-initiated Muslim Marriage Working Group (MMWG) (2012) investigating unregistered marriages, also stated that evidence from community groups suggests that unregistered marriages form a high proportion of their caseload. The Working Group analysed statistics for the number of legally registered Muslim marriages taking place on religious premises, and revealed that the Office of National Statistics figures show only 238 Muslim marriages were recorded for 2009. Putting this into perspective—'Muslims formed 2.78% of the population of Great Britain in 2001 and Sikhs 0.59%, and there were 1,276 Sikh marriages recorded in 2009' (MMWG Report 2012: 3). Gell scrutinises South Asian Jat Sikh wedding rituals, arguing that this community is 'explicitly preoccupied with persuading themselves that they are fully incorporated into the British state' (Gell 1994: 357). Consequently, marriages are described as ceremonialised in two stages beginning with an official ceremony before the state, and followed by a religious ceremony at a temple. The civil registry is described as being of great import, usually video-taped at length. Thus, for the Jat Sikhs, the civil ceremony is very much a valued part of the wedding ceremonies, appearing to set them apart from the marriages of Muslims of South Asian origin.

However, the figures for registered Muslim marriages are more indicative of the number of Muslim religious institutions which are registered to conduct civil marriages rather than the registration of marriages themselves (Haskey, this volume), as it is usual for couples to undergo separate religious and civil ceremonies. However, one aspect of the problem may be a lack of institutions registered to conduct civil ceremonies, as mosques and other centres focus on performing the religious rites of the marriage.

The Working Group detailed a number of possible underlying factors giving rise to unregistered marriages and these provide some interesting factors which potentially explain this phenomenon. First, they considered the impact of countries of ethnic origin wherein religious and civil ceremonies are usually interwoven and thus couples assume they are legally married following a religious ceremony. In such a scenario, the couple will not be aware that they have embarked on an unregistered marriage. Balchin and Warraich (2006) conducted a study in which they discovered that some women who participated in the religious marriage ceremony laboured under the

assumption that they were gaining a civil marriage when it was conducted by an *imam*.

Secondly, they suggested that lack of knowledge about the benefits and consequences of registration may undermine the perceived need to take this burdensome step. However, the extent of this awareness gap remains untested. An extension to this, thirdly, is the cost and inconvenience of a civil registration being conducted before or after the more important religious ceremony which has greater cultural and religious significance. The need to take more time out of work and daily life commitments is considered to be a possible underlying factor which deters registration. On this latter point, the respondents to the present survey concurred.

Fourthly, more young people are marrying partners from within the UK now, and thus prior needs for registration to comply with immigration procedures are no longer of concern. Without such a compelling reason, many may simply choose not to register as they perceive no immediate benefit. Fifthly, the Working Group stated that:

> Young Muslims appear to be more likely to not register their marriages. This would seem to be less the result of parental pressure, and owe more to the strengths of Muslim culture, cultural change and peer group norms. In some cases the first religious marriage may be an experimental union of partners not ready for commitment, with the parties to the marriage still living at home. In some cases the women may see religious marriage as testing out the relationship. (MMWG Report 2012: 4)

Thus, an unregistered marriage is a life-style choice which allows a young couple to date and have a sexual relationship, without being tied into a marriage for life with legal consequences in the event of a breakdown. In some cases, this marriage may be privately entered and unbeknown to parents, for example, thus the young couple continue to live in their respective parental homes, while they test out the relationship before it is made more publically visible and recognised by family and community celebrations.

The Working Group reported that:

> [T]he number of unregistered marriages are likely to increase owing to the younger demographic of the Muslim community. Changes in legal aid entitlement may also lead to increasing use of Shariah Councils once a relationship breaks down to facilitate a settlement more cheaply and conveniently than recourse to the family courts. (MMWG Report 2012: 2)

The absence of protection for vulnerable parties, especially in households where one spouse is financially dependent on the other, has led to dismal consequences for some Muslim women where their marriages have broken down. Numerous news reports and documentaries interviewing such women reveal how in a short space of time they can go from a loving relationship and a secure home to being destitute if the marriage breaks down and their home is registered in their husband's name only. The number of

Muslim women who find themselves in this predicament has reportedly risen in recent times, and in response, the Muslim Marriage Project (MMP) led by Baroness Syeda Warsi was set up to investigate this phenomena (Duncan Lewis Solicitors Press Release 2014). The MMP is pursuing two routes as possible solutions to the problem. Firstly, the legal route wherein legislation may be proposed to compel registration of marriages in order to protect vulnerable women and children. Secondly, a drive within Muslim communities to raise awareness of the issue coupled with the drive to encourage Mosques to register as buildings in which the solemnisation of marriages can occur (Duncan Lewis Solicitors Press Release 2014).

Based on the empirical research conducted for this chapter, it is clear that convenience, choice and the freedom to choose play a pivotal role in the manifestation of unregistered Muslim marriages. Consequently, the first of the possible solutions advocated by the MMP becomes problematic. If the analogy of cohabiting couples is used, each couple, whether they undertake an unregistered marriage or choose to cohabit, utilise their basic freedoms to make that choice. It would be discriminatory to force one couple to undergo a state ceremony of marriage while the other is permitted to choose between the two options; and thus this potential solution should be approached with a great deal of caution. Despite the underlying objective of protecting vulnerable women and children, this approach would be deemed an unprecedented infringement on the rights of British Muslims, especially since cohabiting couples face the same potential pitfalls as unregistered Muslim marriages. In order to address concerns about misinformation regarding the rights attached to an unregistered marriage, or the rites to be undertaken for a recognised marriage; the key is education.

Widespread awareness campaigns can provide a solution which allows the spouses to make their own decisions on the rights they will afford themselves in their marriage. In order to prevent the exceptionalising of Muslim communities, such a campaign can also tackle other groups who undergo unregistered religious marriages. A similar campaign was launched addressing cohabiting couples, titled 'The Living Together Campaign' (LTC) launched in mid-2004. A web-site was set up providing detailed advice and guidance for cohabiting couples to make them aware of their legal positions. An evaluation of the project was undertaken by Barlow et al (Barlow et al 2006) in which they concluded that the website set up by the LTC had a generally positive impact on awareness of rights, but needed further promotion for amplified awareness. They also concluded that '[i]nitiatives to encourage cohabitants to make appropriate financial and legal provision are likely to be more successful if they are targeted at the key turning points of relationships (for example, buying or renting a home together, having a child, etc.) when partners are already having to negotiate and take legal steps' (Barlow et al 2006: 10). While the study identified some support for legal reform, there was no obvious consensus on the nature of that reform. Where

unregistered Muslim marriages are concerned, it is apparent that British Muslims do need to be engaged on this issue before broad-reaching measures such as legislation is discussed.

VI. CONCLUSION

This chapter does not provide a solution to an issue. Rather, it identifies a norm which is becoming increasingly prevalent—unregistered Muslim marriages. There are many similarities and few differences between marriage under English law and from within the Islamic legal traditions. Both are intended to be the bedrock of society and create a safe environment for raising children. This chapter engaged with the empirical evidence provided by a survey of 20 participants who are engaged in unregistered marriages, and concludes that the decision not to register marriages is often based on practical conveniences, priorities and the demands on time. The majority of participants were clearly fully participating members of society in various professional roles. Their religious marriage ceremonies ranged from modest to lavish, with a great deal of emphasis being placed on their desire to fulfil the traditional rites associated with a religiously recognised marriage. These social occasions allowed their unions to be announced to loved ones and their communities, and the celebrations marked a turning point in their lives from being single individuals to becoming a family unit in which children could be born and raised.

This research supports the contention that there is no fixed social profile for couples choosing to undertake the *nikkah* and forfeit the state recognised civil marriage ceremony. While there is much conjecture surrounding the underlying reasons for the lack of registration of Muslim marriages, this decision appears to be a matter of convenience for many couples and as they have no perceived need to engage with the law as far as their successful marriages are concerned, many are happy to continue with their current arrangement. This optimism may be coupled with a lack of awareness of the legal consequences of non-registration. Busy lives following a lavish religious wedding and honeymoon for which a couple will no doubt have expended substantial holiday entitlements, negates the time and attention required for a civil ceremony of marriage to be planned and accomplished. While some individuals made the choice not to register as they placed little value on state recognition of their unions, for the majority it was merely a lack of opportunity to complete the process. If there are any normative influences that give rise to the decision to marry only within the Islamic traditions, this cannot be traced to religious doctrine.

Those within successful marriages where there are no requirements to engage with laws of immigration or other potential legal considerations, appear to feel no urgency in registering their marriages, with one participant

stating that it would be a concern once they had children, and another, who cited inheritance and tax implications. Thus, key turning points in a relationship may give rise to registration and there certainly appears to be a clear lack of any ideological aversion to undertaking a civil marriage ceremony for British Muslims. The models of intervention provided by the LTC may be a framework for consideration, however, successful deployment would be dependent upon the extent of its dissemination. Whether there is the political will for such a project, and the availability of requisite funding from the Ministry of Justice remains to be seen. It is improbable that awareness in itself will be an adequate solution. It is nevertheless the most vital and imperative first step.

BIBLIOGRAPHY

AKHTAR, Rajnaara, *British Muslims and the Transformative Processes of the Islamic Legal Traditions; Negotiating Law, Culture and Religion with Specific Reference to Islamic Law and Faith Based Alternative Dispute Resolution* (University of Warwick, PhD Thesis, 2013).

AKHTAR, Shabbir, *The Quran and the Secular Mind: A Philosophy of Islam* (London and New York, Routledge, 2008).

ALI, Shaheen Sardar, 'Is an Adult Muslim Women Sui Juris? Some Reflections on the Concept of "Consent in Marriage" without a Wali (with Particular Reference to the Saima Waheed Case)' (1996) 3(1) *Yearbook of Islamic and Middle Eastern Law Online* 156.

ATKINSON, Rowland and FLINT, John, 'Sampling, snowball: accessing hidden and hard-to-reach populations' in RL Miller and JD Brewer (eds), *The A-Z of Social Sciences* (Sage, 2003, available at: srmo.sagepub.com/view/the-a-z-of-social-research/n94.xml.

AUDA, Jasser *Maqasid Al-Shariah as Philosophy of Islamic Law* (Washington DC, IIIT, 2008).

BALCHIN, Cassandra and WARRAICH, Sohail Akbar, Recognising *the Unrecognised: InterCountry Cases, Muslim Marriages and Divorces in* Britain, available at: www.wluml.org/node/566.

BARLOW, Anne, DUNCAN, Simon, JAMES, Grace and PARK, Alison, *Cohabitation, Marriage and the Law, Social Change and Legal Reform in the 21st Century* (Oxford, Hart Publishing, 2005).

BARLOW, Anne, BURGOYNE, Carole and SMITHSON, Janet, 'The Living Together Campaign—An investigation of its impact on legally aware cohabitants' *Ministry of Justice Research Series 5/07*, available at: http://lawcommission.justice.gov.uk/docs/living-together-research-report.pdf.

BALLARD, Roger Ethnic Diversity and the Delivery of Justice, the Challenge of Plurality in P Shah and W Menski (eds), *Migration, Diasporas and Legal Systems in Europe* (London, Routledge-Cavendish, 2006.

CURIN, R Richard, PRESSER, Stanley and SINGER, Eleanor, 'The effects of response rate changes on the index of consumer sentiment' (2000) 64 *Public Opinion Quarterly* 413.

DOI, Abdur-Rahman and CLARKE, Abdassamad, *Shariah; Islamic Law*, 2nd edn (London, TaHa Publishers, 2008).

DOUGLAS, Gillian, 'Britain's Religious Tribunals: Joint Governance in Practice' (2013) 33 *Oxford Journal of Legal Studies* 263.

DUNCAN LEWIS SOLICITORS, 'Press Release, Aina Khan and Baroness Warsi kickstart Muslim Marriage Project' (2014) available at: www.duncanlewis. co.uk/IslamicLaw_news/Aina_Khan_and_Baroness_Warsi_kickstart_Muslim_ Marriage_Project _(14_January_2014).html.

ESPOSITO, John, *What Everyone needs to know about Islam*, 2nd edn (New York, Oxford University Press, 2011).

FOURNIER, Pascale, *Muslim Marriage in Western Courts, Lost in Transplantation* (Farnham, Ashgate, 2010).

——, '*Family law, state recognition and intersecting spheres/spaces: Jewish and Muslim women divorcing in the* UK'. A submission to the Centaur Conference, McGill University, available at www.pascalef.com/wp-content/uploads/2014/05/ Centaur-April-2014-FINAL.pdf.

FYZEE, Asaf *Outlines of Mohammadan Law*, 4th edn (Delhi, OUP, 1974).

GELL, Simeran Man Singh, 'Legality and Ethnicity, Marriage among the South of Bedford' (1994) 14(4) *Critique of Anthropology* 355.

HALLAQ, Wael (ed), *The Formation of Islamic Law* (Farnham, Ashgate, 1995).

KAMALI, Mohammad, *A Textbook of Hadith Studies: Authenticity, Compilation, Classification and Criticism of Hadith* (Markfield, Islamic Foundation Publishing, 2005).

KING, Wesley and MILES, Edward, 'A quasi-experimental assessment of the effect of computerizing noncognitive paper-and-pencil measurements: a test measurement equivalence' (1995) 80(6) *Journal of Applied Psychology* 643.

LAU, Martin 'Opening Pandora's Box: The Impact of the Saima Waheed Case on the Legal Status of Women in Pakistan' (1996) 3 *Yearbook of Islamic and Middle Eastern Law* 518.

MIR-HOSSEINI, Ziba, 'Islam and Gender Justice' in V Cornell and O Safi (eds), *Voices of Islam: Vol 5: Voices of Diversity and Change* (Westport, Greenwood, 2007).

MUSLIM MARRIAGE WORKING GROUP, *Report of Working Group* (2012) available at: www.whatdotheyknow.com/request/179578/response/444442/ attach/7/MMWG%20SUBMISSION%20AND%20FINAL%20REPORT%20 11.10.12.pdf.

OFFICE OF NATIONAL STATISTICS, *Childbearing of UK and non-UK born women living in the UK—2011 Census Data*, ONS, 2014), available at: www. ons.gov.uk/ons/rel/fertility-analysis/childbearing-of-uk-and-non-uk-born-women-living-in-the-uk/2011-census-data/index.html.

——, *Full Story: What does the Census tell us about religion in 2011?* (ONS, 2013a), available at: www.ons.gov.uk/ons/rel/census/2011-census/detailed-characteristics-for-local-authorities-in-england-and-wales/sty-religion.html.

——, *Families and Households* (ONS, 2013b), available at: www.ons.gov.uk/ons/ rel/family-demography/families-and-households/2013/stb-families.html.

SANDBERG, Russell, DOUGLAS, Gillian, DOE, Norman, GILLIAT-RAY, Sophie and KHAN, Asma, 'Britain's Religious Tribunals: Joint Governance in Practice' (2013) 33 *Oxford Journal of Legal Studies* 263.

PEARL, David and MENSKI, Werner *Muslim Family Law* (London, Sweet and Maxwell, 1998).

SHANNAHAN, Dervla 'Sexual Ethics, marriage, and sexual autonomy: the landscapes for Muslimat and lesbian, gay, bisexual, and transgendered Muslims' (2009) 3 *Contemporary Islam* 59.

SINGER, Eleanor, VAN HOEWYK John and MAHER Mary P, 'Experiments with incentives in telephone surveys' (2000) 64 *Public Opinion Quarterly* 171.

WANI, Afzal *The Islamic Institution of Mahr* (New Delhi, Qazi Publishers, 1996).

WELCHMAN, Lyn *Women's Rights in Islamic Family Law* (London and New York, Zed Books Ltd, 2004).

WERBNER, Pnina, 'Theorising Complex Diasporas: Purity and Hybridity in the South Asia Public Sphere in Britain' (2004) 30(5) *Journal of Ethnic and Migration Studies* 895.

YEFET, Karin Carmit, 'What's the Constitution got to do with it? Regulating Marriage in Pakistan' (2009) 16 *Duke Journal of Gender Law & Policy* 347.

ADDENDUM

Survey Questions

Thank you for giving me a few minutes of your time to complete this survey. I am researching registered and unregistered Muslim marriages in the UK, and my interest is in marriage rites and how Muslim couples celebrate their marriages.

Dr Rajnaara Akhtar

1. About you
   About you: Are you Male or Female?
   How old are you?
   How long have you been married?
   Is your nikkah registered as a civil marriage?
   Where do you live (name of town or city)?
   What is your profession/job?
   What is your ethnic background?
   Were you born in a Muslim family or did you convert to Islam?

ABOUT YOUR WEDDING DAY

2. What was the most important aspect of your wedding day to you?

3. What do you think was the most important aspect of the wedding day to your parents or close family members?

4. Can you briefly describe the main events from your wedding day (eg the arrival of the parties, speeches, food, entertainment, religious ceremony, etc).

5. Do you think your wedding was different to other weddings that are then registered through a civil ceremony? If so, how.

6. Cost of your wedding and planning:
   — How much did your wedding celebration cost in total (Wedding reception, invitations, etc. NOT gifts) (An approximate figure is acceptable)
   — How much did gifts given from the bride and groom to each other and extended families, cost (an approximate figure is acceptable)
   — How long did you spend planning your wedding?
   — How many people were present at your wedding?

REGISTERED AND UNREGISTERED MARRIAGES

7. If your marriage is unregistered, what are the main reasons for choosing not to register your marriage by participating in a civil ceremony?

8. When interacting with society, do you tell people that you are married or unmarried?
   Employer
   Doctors/Health Profession
   Muslim Friends
   Non-Muslim
   Strangers