

Embargoed

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## Immediate Press Release

### Muslim Institute to launch model Muslim Marriage Contract

The Muslim Institute, Britain's foremost Muslim think-tank, is to launch a new standard marriage contract (nikah) for British Muslims wishing to marry under Muslim law. The launch will take place on 8 August 2008, at 6.45pm at the City Circle, Abrar House, 45 Crawford Place, London W1H 4LP.

The new standard contract reflects a consensus effort to protect the rights of both parties to a Muslim nikah (non-registry marriage) and that are guaranteed under the Shari'ah. The contract has been drafted after lengthy consultations with religious leaders, community organisations and women's groups across the country, and comes with guidelines to facilitate its use.

In particular, the new contract provides women entering a Muslim marriage with written proof of their marriage and of the terms and conditions agreed between the spouses. In the absence of such proof, women have faced particular difficulties in securing the financial rights guaranteed to them under the Shari'a upon divorce.

However, Dr Ghayasuddin Siddiqui, Director of the Muslim Institute, said the new contract is less about divorce than designed to guarantee greater harmony within Muslim marriages in Britain. It lays out the rights and responsibilities of the husband and wife in Islamic marriage, and emphasises the Qur'anic vision of marriage as a relationship of mutual love, mercy and kindness (mawaddah, rahmah, sukun).

Dr Siddiqui stated that these matters can have a lifelong effect upon the spouses and any children of the union; and by allowing an intending couple to agree upon many important matters related to their future lives together, the new contract can contribute to a harmonious family.

The contract's emphasis on mutual consultation, the financial independence of the husband and wife but their shared obligation to support the family, and the husband waiving his right to polygamy brings Muslim marriages in Britain into line with positive developments in Muslim family law across the Muslim world.

The contract does not require a 'marriage guardian' (wali) for the bride, and also makes delegation of the right of divorce to the wife (talaq-i-tafweed) automatic. This right does not affect the husband's right of talaq but enables the wife to initiate divorce and retain all her financial rights agreed in the marriage contract. These provisions reflect a recognition of changes in the Muslim world, including women's greater public rôles, educational achievements and financial autonomy. In classical Muslim fiqh (jurisprudence) the scholars could not agree

whether a wali were indispensable: hence the absence of the requirement in Muslim family law in countries following Hanafi precedent such as Bangladesh, India and Pakistan. Today, for example, the requirement for a wali has been removed in Morocco's new Muslim family law and is optional in the Algerian Family Code. Many reformed codes, like Bangladesh and Pakistan's standard marriage contracts, also recognise the wife's right of talaq-i-tafweed.

The contract also requires "two adult witnesses of good character". In today's multi-cultural Britain women and non-Muslims must be recognised as just as capable of providing a reputable guarantee that the marriage took place and of the terms and conditions the couple agreed upon.

Side by side with efforts to popularise the new contract within the Muslim community the Muslim Institute is also pursuing a campaign to encourage more mosques to become places registered for the solemnisation of marriage under the 1948 Marriage Act. This is to ensure more mosques are able to conduct marriages recognised under English or Scottish law. This will enable more Muslims married in Britain to access British courts regarding marital issues.

The project to develop a model Muslim marriage contract was initiated by the Muslim Parliament of Great Britain in February, 2004, and was subsequently taken up by the Muslim Institute.

Leading community organisations, politicians, family lawyers, academics, and clerics have welcomed the document.

- Dr Reefat Drabu, the Chair of the MCB Social and Family Affairs Committee:

"The Muslim Council of Britain (the MCB) is pleased to have collaborated with the Muslim Institute in this important initiative. It meets a pressing need of our communities by explaining in clear and simple language the importance of marriage, the process leading to its solemnisation and the rights and responsibilities flowing from it for the parties. I congratulate and commend Mufti Barkatullah and the Muslim Institute for making the template for the Certificate of Marriage. It is very well constructed and the explanatory notes reflect the consensus of opinion amongst leading Islamic scholars on the rights and responsibilities of parties to a marriage under the Shari'ah. The MCB calls upon all the Imams/Qadis involved in performing nikah to use the documentation, as its correct use will facilitate the success of marriage and will lead to harmonious and healthy family life"

- Ann Cryer, MP:

"This document has been carefully researched over a 4-year period and I feel confident in recommending its findings to women (and men) of the Muslim Faith contemplating Marriage.

The advice contained will, I am sure, help thousands of young people and I congratulate the Muslim Institute for having the foresight to prepare, publish and launch this excellent piece of work."

- Dr Ziba Mir-Hoseini, Centre of Islamic and Middle Eastern Law, SOAS, University of London

The idea of marriage as a contract is one of those powerful concepts in Islamic legal tradition that allows two individuals to regulate their most intimate relationship not only within the bounds of the Shari‘a but also in accordance with the demands of time and place. The launch of the new standard marriage contract is a welcome initiative, a right step in the right direction, that provides the Muslims in UK with a model for a harmonious and egalitarian marriage.

- Anne-Marie Hutchinson OBE, Leading family lawyer

I am delighted to support this very important and inclusive initiative. The Muslim Marriage Contract will provide certainty in marital obligations. Most importantly it will provide civil law protection to many women and children through the obligation on the parties to enter into a binding civil marriage

All too often spouses have found themselves marginalised and cut off from the legal and financial protection afforded by the Matrimonial Causes Act, 1973.

- Dr Usama Hasan, Director, The City Circle

This new Muslim marriage contract is an excellent development, since it draws on those traditional Islamic legal opinions that are more in keeping with the spirit of gender equality. Too many fathers have abused their right of wilayah (guardianship) over their daughters and too many husbands have abused their right of initiating divorce for us to continue with law rooted in patriarchal societies. It is high time that Muslim women enjoy the same rights and freedoms under Islamic law as they do under present legal systems in the UK.

- Shaykh Haytham Tamim, Director of Utrujj Foundation

We welcome the initiative. It meets the aspirations of our young people.

- Shahid Raza, OBE, Secretary, Imams and Mosques Council (UK)

It is a commendable initiative and likely to enhance the family life of Muslims in Britain.

Muslim Marriage Contract document is attached.

For further information, please contact:

Dr Ghaysuddin Siddiqui, The Muslim Institute, 07860 259 289/ 020 8563 1995

Mufti Barkatullah, Islamic Shari‘ah Council, 07939 554 079

Cassandra Balchin, Muslim Women’s Network-UK, 07747 706 331