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Sharia marriage in the UK is not toxic - polygamous men are

Demonising Sharia marriages in Britain won't help anyone, least of all vulnerable Muslim women, argues Myriam Francois-Cerrah

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Aina Khan, a leading Islamic family lawyer Photo: AINA KHAN



By Myriam Francois-Cerrah
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In 2012, I was working on a documentary for the BBC on polygamy in Britain. Researching such a sensitive topic was no easy task. Contrary to the hype, polygamy is not socially acceptable in Muslim communities. It is often frowned upon and many polygamous families tend to keep quiet about their set up. Nonetheless, we managed to find a discreet polygamous Muslim marriage event, where - an overwhelmingly male turnout - had come to find a potential second, or in some cases third wife. Some had even come as a couple, with one woman explaining that she had grown up in a polygamous household in her ancestral country and liked the "sisterhood" she saw among co-wives.

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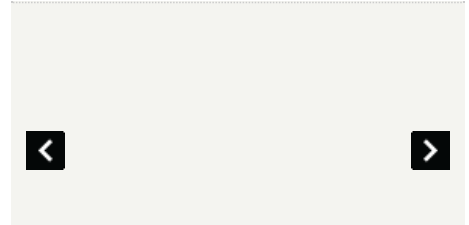
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Sisterhood is all well and fine, but as **Aina Khan, a leading Islamic family lawyer**, pointed out in the latest reports **about the rise of Sharia marriage in the UK**, polygamy is often far from rosy for the women involved. “Although many people will be cohabiting or having mistresses, Muslims can’t do that. Polygamy leaves women vulnerable. If you’re cohabiting and you don’t know you’re rights, it is the same position whether you’re Muslim or not, because there are no cohabitee rights (...) because women have an Islamic marriage certificate, they feel protected, but it is a false sense of security – they think they can’t be made homeless overnight, but they can. This is a major issue.”

Women in polygamous “marriages” are not recognised as wives under British law and if and when the relationship sours – which is common – the woman is left with no legal claim to her investment in the household. Although historically, Islam emerged in a polygamous society, it sought to dramatically restrict the practise and the Quran describes the Islamic ideal as a couple. Unsurprisingly, some ahistorical readings render the exceptional permission a blanket encouragement to fulfil a wandering eye. And as is so often the case, it is women – and children – who pay the heaviest price.






Talking me today, Khan expressed her concern over the **press coverage of her comments**, some of which appear to stigmatise Sharia law and link Muslim ‘nikah’ (Islamic) marriages to Isil-style extremism. “I see no link to Isil” she tells me bluntly. “I see no problem with Sharia, I am a lawyer and for me, it is a legal issue – it is wrong to see that English law doesn’t apply to all faiths equally, that is where the injustice is. The marriage act needs to be reformed to apply to all faiths.”

You see Khan has been campaigning for a reform of the marriage act and her **'Register Our Marriage'** campaign aims to emphasise the importance of registering religious marriages conducted in the UK, where according to her firm’s estimate, up to 80 per cent of young British Muslims are in unregistered unions. Her campaign has widespread support from leading Muslim organisations as well as women’s groups, who view the issue as an equal rights matter, and recognise the danger of potential human rights abuses.

The lack of recognition of Sharia law marriage – or nikah– the standard Muslim religious marriage ceremony – in British law is part of the reason so many Muslim marriages are going unregistered. While Christian couples who marry in a church, or Jewish couples who marry in a synagogue find their marriages automatically recognised under UK law, Muslims, Sikhs, Hindus and other religious groups are not afforded the same recognition, requiring them to undertake a separate, civil ceremony. In France, imams refuse to undertake the nikah unless the registry marriage has been completed previously, ensuring that in the vast majority of cases, the nikah and registry




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marriages are conceived of as the two parts of the marriage ceremony. And in most Muslim majority countries Khan points out, registering nikahs is a legal requirement.

However, in the UK the Government's reticence to extend the same rights to Muslims - and other religious groups - has contributed to the normalisation of a parallel system, where couples undertake the nikah ceremony but don't bother with the legal registry marriage. Khan's clients are not only Muslim, but Sikhs and Hindus too she points out.





There are other reasons also. Nikah marriages in their current UK format are easily dissolved and can be kept discreet – in other words, young Muslim couples may prefer to undertake a nikah marriage - ironically perceived as less binding than British legal marriages – to facilitate a physical relationship prior to committing in the eyes of their family and community. This is less “creeping Sharia” and more, how can we be boyfriend-girlfriend like everyone else, without ‘compromising’ our beliefs.

The lack of official recognition of Sharia ceremonies also leads to issues when relationships break down. As I reported in a [piece for the Telegraph and Channel 4 last year](#), Sharia councils, although not legally binding in their judgements, often provide women with deeply worrying advice as concerns their relationships, and in some cases advising a return to abusive partners. The lack of regulation of these councils – which many women turn to because of their own religious agency and desire to operate within their ethical guidelines – means rogue councils can cement misogynistic practises in the shadows, rather than providing a safe and open environment where religious women can find religiously compatible advice as concerns their marital woes. If the Government is serious about addressing these rogue councils, the solution will not be banning them – a measure which will drive them underground (where they will continue to operate with even less oversight) – but rather to streamline their services. This move would ensure such councils must register, operate within existing legislation and ensure anyone advising couples is adequately trained not simply theologically, but also in matters pertaining to domestic abuse.

Polygamy and unregistered marriages are a serious concern. But stigmatising the religious law of any community and linking religious rituals to extremism does little but contribute to a toxic atmosphere in which all aspects of Muslim life are depicted as a problem in the UK. In reality, it is those like Aina Khan, working to create symbiosis between British and religious laws – including Sharia law - who are doing the most to assist those vulnerable women and children affected by this legal loophole. But as is so often the case with Muslim stories, why let the facts get in the way of a good story, eh?

Myriam Francois-Cerrah is a journalist and broadcaster specialising in France and the Middle East. She is a postgraduate researcher (DPhil) at Oxford University, focusing on Islamic movements in Morocco, and tutors students about Middle Eastern politics. Myriam tweets [here](#).



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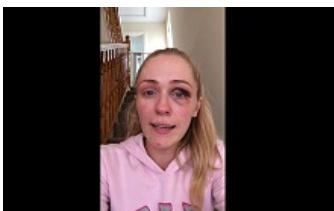
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