

Press Release

Statement by Imams on Islamic Marriage is Superficial and Short-sighted

(Translated)

On 10/10/2016 a group of Imams published a signed press statement regarding Islamic (Shariah) marriage, it was published in response to the TV program "Undercover in Nederland", which was aired on Channel SBS 6 on 9/10/2016. This program showed Director Alberto Stijman catching an Imam while conducting an Islamic marriage contract before registration of the marriage in the municipality, which has been illegal in the Netherlands for several years now. This prompted the response by the Imams i.e. statement to prevent the Imams and mosques from performing Islamic marriage contracts without there being a clear proof that the registration of the marriage has taken place in the municipality.

After reading the statement and analysing its content, we decided to highlight the following:

First: The issue of documenting or registering marriage contracts has been discussed by Muslim Scholars long ago, and it is known that the Islamic (Shariah) marriage (or Nikah) has a number of pillars and conditions for its validity, in general, the writing of marriage contracts or (documentation) is recommended in Islam (Mandoub).

Second: According to the Statement of Imams, the unregistered marriage can sometimes lead to negative results, especially for women, such as the violation of their honour, and not fulfilling their rights. The statement discusses that according to the Fiqhi (Jurisprudence) principle, which states that **"whatever leads to a wajib (duty) is itself a Wajib (duty),"** and because Islam aims to protect the honour and rights of the people, therefore, it is a duty not to proceed with Islamic marriage contracts except after they are registered in the municipality.

We in turn pose the following questions to the Imams: Do you now believe that the Nikah (Islamic marriage) is essentially based on the registration in the municipality or not? And if you believe that the registration in the municipality is not a Shariah requirement, then why are you imposing such a condition on the Muslims? But if the answer is yes, what is the value that can be added by (conducting) the Islamic contract?

Moreover, in the statement it mentions that the registration in the municipality in general will ensure the preservation of the women's honour and preserve their rights, and therefore the registration is considered a duty, following the Fiqhi principle: **"whatever leads to a wajib (duty) is itself a Wajib (duty)"**, while the perceived reality is that there are many women in the Netherlands who registered their marriages in the municipality, yet they have been subjected to abuse by their husbands and were deprived of their rights, how can you then apply this Fiqhi principle generally?

If you think that without the registration of marriages in the municipality it is likely that women will not have access to their rights, then how can you ensure that by this registration that these women will get their rights of inheritance according to the rules of Islam?

In other words, ensuring women's rights and the protection of their rights through the registration at the municipality, does not exist neither in reality nor from the Islamic point of view, therefore, your statement containing this fatwa is superficial and short-sighted.

As for the Dutch government, if marriage according to Dutch law and registering it in the municipality is the solution to the problem, why doesn't the Dutch government provide permission to carry out registration procedures of Islamic marriage contracts in the place where the Muslims want to marry in, namely the mosque? If the Dutch government really cares about Muslims and their wishes, this would be the most logical solution to the problems of Muslims. The answer is that the Dutch government's policy aims to weaken Islam in the Netherlands, and humiliate Muslims and force them to leave the Islamic values and embrace Western secular values instead.

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in The Netherlands