



Max Planck Institute for
Comparative and International
Private Law | Hamburg

INVITATION

Prof. Najma Moosa

University of the Western Cape, South Africa

"The implications of the official designation of Imams
as Marriage Officers for the recognition of Muslim
Personal Law in South Africa"

Friday, 27 June 2014 – 4 pm

Conference Room 1, 1st floor

All employees and guests of the institute as well as
other interested parties are cordially invited to the lecture.

Nadjma Yassari

About the Speaker:

Najma Moosa is a senior professor of law at the University of the Western Cape in South Africa where she was also the 'first' alumna to receive a master's and doctoral degree in law. She was the first female dean of the faculty where she served as dean for seven years (2002-2008). She has, in the past, been a research fellow at Yale (USA) and SOAS (London) and the recipient of many teaching and research awards including the Vice-Chancellor's (University) Distinguished Teaching Award. She was also admitted as an Advocate of the High Court of South Africa in 1989.

About the Topic:

The continued lack of recognition of unregistered Muslim marriages in post-apartheid South Africa has meant that spouses who enter a Muslim (religious) marriage are denied (only) legal protection in case of the dissolution of a Muslim marriage, be it by divorce or death.

Most recently, in April 2014, a large group of essentially lay, conservative Muslim clergy (Imams) were certified as Muslim Marriage Officers (MMO) after they had received training and written an examination. While becoming a designated MMO was in and of itself not a novel step in South Africa, the fact that Muslim Imams had done so was deemed historic. These Imams are now required to comply with the legal requirements of the South African Marriages Act of 1961. Marriages performed by them will now have automatic state recognition.

With a view to providing transparency and clarifying the legal status of Muslim marriages in South Africa, *Najma Moosa* will explore the implications of designating Imams as MMO, which include, among others, having such a Muslim marriage recognised (with religious benediction) and registered as a civil marriage.