Questions

1. Is it a common cultural practice for couples in arranged marriages to see each other first before the respective families traditionally seal the marriage?
2. What is the significance of a legal wedding vis-a-vis a traditional Nikah wedding in the Indo Fijian Muslim context?
3. Is the traditional Nikah wedding always conducted at the girl’s place – following the custom that the boy should permanently take the girl from her place to his?
4. Is it likely for the engagement to take place in Fiji and the wedding in Australia away from the bride’s family?
5. Is it likely the wedding to take place at a relative’s house away from the girl’s family?
6. Is it usual, in the absence of any compelling or case specific reasons, for an Indo Fijian Muslim woman who has never married before to marry a man who was previously divorced?

RESPONSE

No systematic study of marriage practices among Indo-Fijian Muslims was found. The information presented below on arranged marriages among Indo-Fijian Muslims is limited principally to two sources dating from 1993. They refer to the extent of arranged marriages in Fiji and to the roles which the couple may have in arranged marriages among the Indo-Fijian community. Neither source refers specifically to arranged marriages among Muslims but on arranged marriages among the Hindu and Muslim Indo-Fijian families, these being treated as a single category.

Islam and Muslim practices in Fiji have only in recent years received attention from academics. Muslims, who comprise 8% of Fiji’s population, are not a homogeneous community but consist of Sunnis, Ahmadis, Miladis, Ahl-i-Hadithi, and Tablighi groups. Sunni Islam is the dominant community in Fiji and follows the Hanafi school of thought. While in the past inter-marriage between Hindus and Muslims and the incorporation of aspects of Hinduism into Islamic practice, including in customs of marriage, did occur, since the 1970s the “Indianization” of Muslim cultural practice

1. Is it a common cultural practice for couples in arranged marriages to see each other first before the respective families traditionally seal the marriage?

The Australian Embassy in Suva provided the following advice to the MRT-RRT on 23 August 1993. It advised that contact between couples can be limited to just one meeting prior to a decision on whether to go ahead with the marriage:

Are some marriages traditionally arranged, how common is this?

Marriages are still traditionally arranged. The “traditional” marriage is between two relatively young people (ie male under 30, female under 22) who are marrying for the first time. Approximately 30% of Indian marriages are still arranged. Many others are arranged but by a relative in order to either
– secure residence in Australia or;
– relinquish responsibility of the female family member.

These marriages do not follow the full traditional system from the beginning. Meeting is arranged, quickly followed by civil and traditional ceremonies.

Are the parties usually related?

They are not normally related but it is not uncommon for distant cousins to marry.

Is there usually a courting period during which the parties get to know each other before marrying?

The “traditional” marriage normally has a lengthy engagement. Courtship can be as brief as one meeting sometime before marriage. This is the time when the couple meet for the first time and decide if they are willing to go ahead. The parents then begin the lengthy arrangement process. The couple may not see each other again until their wedding day.

The civil ceremony may be held at any time between agreement and traditional marriage. It is seen as a bureaucratic step with no religious meaning... The couple will not live together until after the traditional wedding. In fact, they may be countries apart until this day (Immigration and Ethnic Affairs, Australian Embassy Suva, 1993 ‘Request for Background Information’, 23 August – Attachment 2).

The second source stated that in arranged marriages among Indo-Fijians it is “often” the case that the prospective bride and groom do not meet before the wedding. Writing in 1993 on the various types of marriage among Indo-Fijians, Shireen Lateef wrote that the ideal remained the arranged marriage and could take place without the couple meeting before the marriage:

Among Indo-Fijians, the ideal marriage is arranged, monogamous, patrilocal, and culturally endogamous. The dominant form of marriage is the arranged marriage, which continues to be widely practiced... Despite its resilience, there is evidence of some change in the arranged marriage, particularly in the age of marriage, the amount
of consultation and participation of prospective partners allowed in marriage negotiations, and sometimes even contact and interaction between the partners prior to marriage.

…For most Indo-Fijians, romantic love and a period of courtship do not precede marriage, and companionship is not necessarily sought in marriage. Often, the prospective bride and groom never meet before the wedding. The business of marriage is the concern of the parents and not of the spouses. The initial selection of partner, the conducting of the marriage negotiations, and the final acceptance or rejection are the responsibility of parents, although these days the opinions of the prospective partners is generally sought (Lateef, S. 1993, ‘Indo-Fijian marriage in Suva: A little love, a little romance, and a visa’ in The Business of Marriage – Transformations in Oceanic Matrimony, ed. R. A Marksbury, University of Pittsburgh Press, Pittsburgh, pp.205-230 – Attachment 3).

Lateef delineated four stages in the process of an arranged marriage: (1) parents notify the relevant community that they are in search of a marriage partner for their child; (2) a visit by the interested male’s family to the female’s family in order to become acquainted with the family and to view the bride; (3) a formal response by the groom’s family to the bride’s family; and (4) consultation with the bride. On the fourth and final stage, Lateef wrote further on contacts between the couple:

It is at this fourth stage that the prospective bride and groom may play a slightly active role. Sometimes the male and female are left alone for five to ten minutes to converse. …At other times, the male and female may be permitted to converse on the telephone, to go to the movies together, or to meet for lunch, especially if the marriage negotiations have been finalized. In some cases there is no contact between the partners prior to marriage (Lateef, S. 1993, ‘Indo-Fijian marriage in Suva: A little love, a little romance, and a visa’ in The Business of Marriage – Transformations in Oceanic Matrimony, ed. R. A Marksbury, University of Pittsburgh Press, Pittsburgh, p.212 – Attachment 3).

The most recent reference to arranged marriages in Fiji found comes from a November 2000 report on demographic behaviour and population in Fiji, completed by Dharma Chandra from the University of the South Pacific in Suva. It includes some further information on the prevalence of arranged marriages among Indo-Fijians, as well as a survey of urban adolescents who believed that some contact should take place between prospective spouses before any marriage:

In the survey adolescents and young adults were asked about their attitudes towards marriage, and their views on arranged and love marriages. Most adolescents in the focus group meeting indicated that arranged marriages were out of fashion and not acceptable in both rural and urban areas, except among some adolescent Indo-Fijian girls who stayed home and had limited chances of finding spouses. Urban adolescents of both sexes believed in knowing and socializing with the partner before marriage.

In the Indo-Fijian community, there is a major social change where the educated and employed adolescents seek their own spouses. …In rural areas, some Indo-Fijian adolescent girls indicated an arranged marriage was better because parents attempt to provide for the best for their children. Arranged marriages were also sought for people who wished to migrate overseas. In the Indo-Fijian settlements many young people and parents wished to seek overseas spouses for their

2. What is the significance of a legal wedding vis-a-vis a traditional Nikah wedding in the Indo Fijian Muslim context?

Advice received from the Australian Embassy in Suva in 1993, and quoted in answer to question 1 above, stated that the “civil” ceremony “is seen as a bureaucratic step with no religious meaning” (Immigration and Ethnic Affairs, Australian Embassy Suva, 1993 ‘Request for Background Information’, 23 August – Attachment 2). An earlier source, from 1986, commented on the distinction between a legal and a religious wedding among Indians in Fiji. A distinction between the “civil”, “legal”, or “court” marriage on the one hand, and the “religious” marriage or ceremony on the other is referred to in a 1986 report of the University of the South Pacific. The religious wedding signified the “real” marriage, while the legal is seen as an “engagement” and not as a marriage at all:

It is also interesting to note that most Indians in Fiji who have been legally married in a civil ceremony do not consider themselves married unless they have gone through a subsequent religious ceremony. Civil or ‘court’ marriages are seen as an engagement, in contrast to the religious ceremony which is regarded as a ‘legal’ or more accurately ‘legitimate’ marriage. Respondents in divorce and maintenance actions will often claim they have never been married if there was only a civil ceremony; this belief could also give rise to bigamous unions (Pulea, M. 1986, ‘The Family, law and population in the Pacific Islands’, Institute of Pacific Studies, University of South Pacific, Suva, p. 124 – Attachment 5).

More recently, one academic author has seen the “nikka” marriage as a form of non-legal, de facto marriage in Fiji which can act against the economic independence of women when not accompanied by a legal or civil wedding:

De facto marriage is not recognized as legal, though it is common in Fiji. For example, among Fiji’s Islamic community, the nikka (the Muslim marriage contract and wedding ceremony) is considered a proper marriage without being registered with the state – 27 per cent of Muslims in Fiji have had nikka marriages that are not recognized by the state (Harrington, C., 2004 ‘Marriage to capital: the fall back positions of Fiji’s women garment workers’, Development in Practice, Vol. 14, No.4, 495-507 – Attachment 6).

3. Is the traditional Nikah wedding always conducted at the girl’s place – following the custom that the boy should permanently take the girl from her place to his?

No information was found on whether the Nikah wedding is always conducted at the home of the bride within the Indo-Fijian Muslim community. One previous RRT Country Research has provided some details in regard to the Nikah ceremony in
general (RRT Country Research, 2005, Research Response FJI17305, 22 April – Attachment 7). This response refers to a document titled *Three days of a traditional Indian Muslim wedding*, which provides photos and descriptions of the elements of a wedding ceremony, including the “Nikaah”. This document states that “The Nikah or wedding ceremony can be conducted at the home of the bride or the groom, or at any other convenient venue” (‘Three Days of a Traditional Indian Muslim Wedding’, (undated), Zawaj.com: Wedding Custom’s Around the World website, source: Shubh Shaadi.com. (http://www.zawaj.com/weddingways/three_days.html – Accessed 24 November 2006 – Attachment 8).

A survey of other websites offering descriptions of the Muslim Nikah wedding, most of which address the Muslim community in India, found one stating that normally the Nikah is conducted at the girl’s place. Five descriptions of the Nikah from these websites are provided here:

**Nikaah:** The main wedding ceremony is called Nikaah in Muslim religion. The wedding ceremony is normally conducted at the bride’s place or at any common venue. A Maulvi or priest in the presence of close family members, friends and relatives, conducts the wedding rituals. In orthodox families the men and women are seated separately. The ‘Walis’ (the father of the bride and of the bridegroom) play a vital role in the wedding ceremony. The Maulvi reads selected verses from the Quran and the Nikaah is complete after the Ijab-e-Qubul (proposal and acceptance). The groom’s side proposes and the bride’s side conveys her consent. The mutual consent of the bride and groom is of very importance for the marriage to be legal. The Mehar is a compulsory amount of money given by the groom’s family to the bride on the day of the wedding. It is a custom according to the rules laid down in Islam. The Nikaahnama is a document in which the marriage contract is registered. It contains a set of terms and conditions that must be followed by both the families, it also gives the bride the right to divorce her husband. The contract is legal only when the bridegroom, the bride, the Walis, and the Maulvi duly sign it. After the wedding ceremony is over the newly wedded bride and groom receives blessings from the elders and older women of the family and the guests pray for their happy married life (‘Muslim Wedding in India’, (undated), Indian Weddings – I love India website, http://weddings.iloveindia.com/indian-weddings/indian-muslim-wedding.html – Accessed 24 November 2006 – Attachment 9).

**Nikaah:** It is on day four the actual Muslim Nikaah or wedding ceremony takes place. Nikah can be conducted at the home of the bride or the groom, or at any other convenient venue. The nikah ceremony is presided over by the qazi or law officer. The qazi appoints two men as witnesses (Gawah) on the groom’s behalf, to receive orders for the nikah from the bride’s family. In addition to the presence of two witnesses, the presence of the two ‘Walis’ (the bride’s and the bridegroom’s father) is also necessary. The bride’s father is required to care for and protect her rights and the groom’s father to endorse his rights (‘Muslim Wedding (Nikah)’ (undated), Women’s UN Report Network website http://www.wunrn.com/news/07_17_06/072306_india_traditional.htm – Accessed 24 November 2006 – Attachment 10).

**Muslim wedding ceremony**
The Koran (the Holy Book of Islam) strongly urges Muslims to marry – though the Muslim wedding ceremony itself is very simple. **Muslim marriages are often arranged between the parents and relatives of the bride and groom.**

It is essentially a verbal contract between a man and a woman, who agree to marry in the presence of two male witnesses.

The Muslim wedding ceremony is called Nikah, and the entire Muslim world follows much the same religious ritual. However, local influences may cause some variations to the social aspects of the festivities.

Although Muslims attach little religious significance to engagement ceremonies, the marriage ceremony is usually conducted by a religious official called a Qazi. **Many Muslims prefer to marry in a mosque, though the ceremony can take place in the home of the bride or groom, or any public place.** In orthodox Muslim communities, the bride and groom stay in separate rooms throughout the ceremony.

As with other Indian weddings, the groom may arrive at the wedding venue with his baraat (wedding procession). The Muslim ceremony itself begins with an Ijaab. This is a verbal proposal made by the groom to the bride, and takes place in the presence of two witnesses.

**Signing of the marriage contract**

The bride responds to the Ijaab by saying ‘Qobul’ (‘I accept’) three times. She must speak loudly enough to be heard by the witnesses, who may be in another room. The Ijaab and Qobul are the most important elements of a Muslim wedding.

As well as least two witnesses, there should also be a guardian for the bride. This is usually one of her male relatives. A guardian ensures that the bride receives a mahr (dowry – a gift from a husband to his wife) from the groom’s family. A mahr usually consists of money or jewellery. The bride and groom both sign the marriage contract which includes the mahr (‘Muslim wedding ceremony’ (undated), Museum of New Zealand website http://www.tepapa.govt.nz/LEARNING/AAINAA/ceremonies/muslim_wedding_ceremony.html – Accessed 24 November 2006 – Attachment 11).

The celebration of marriage contract is called nikaah. It is according to Muslim law, simply a civil contract, and its validity does not depend upon any religious ceremony. Though the civil contract is not positively prescribed to be reduced to writing, its validity depends upon the consent of the parties, which is called ijab and qabul.

Declaration and acceptance in the presence of two male witnesses and a dower of no less than ten dirhams, to be settled upon the bride. The omission of the settlement does not, however, invalidate the marriage.

The Muslim law appoints no specific religious ceremony, nor are any religious rites necessary for the contraction of a valid marriage. In India there is little difference between the rites that are practiced at the marriage ceremonies of the Shias and Sunnis.

In all cases the religious ceremony is left entirely to the discretion of the Qazi or person who performs the wedding. Consequently there is no uniformity of ritual. Some Qazis merely recite the Fatihah (the first chapter of the Quran), and the durud or blessing.
The most common order of performing the service is that the Qazi, the bridegroom and the bride’s attorney, with the witnesses assemble in some convenient place. Arrangements are made as to the amount of dower or mehr. The bridegroom then repeats various lines after the Qazi ending with “qabul, qabul, qabul.” (‘Indian weddings’ (undated), Zawaj.com website http://www.zawaj.com/weddingways/indian.html – Accessed 24 November 2006 – Attachment 12).

**Baarat and Nikkah**

Common to all wedding ceremonies, the groom arrives with his friends and relatives and a group of musicians at the wedding venue with the groom seated on a horse or in a car. On arrival, the groom and the brother of the bride exchange a glass of sherbet. Throughout the ceremony, the bride’s sisters welcome the guests from the groom’s side by playfully teasing them good humouredly. It is customary for the boy’s family to send the wedding attire, jewellery and cosmetics for the girl. She usually wears the outfit as per the norms of the state she hails from for instance a gharar or a zari sari or salwar kameez. The dupatta covers her head. While the groom typically looks good in a sherwani and a topi that covers his head. Both the bride and the groom don a sehra or a veil of flowers around their foreheads.

Nikaah symbolizes the actual wedding ceremony, the venue for which can be groom’s house or the bride’s, as per convenience. Traditionally, the men and women have to be seated in separate rooms or have a purdah (or curtain) separating them. The ‘Walis’ (the father of the bride and of the groom) play an important role in the ceremony. It is on the day of the Nikaah that the elder members of the two families decide the amount of Mehar (nuptial gift that is a compulsory amount of money to be given by the groom’s family to the bride’s.) The ceremony is directed by a Maulavi (priest), who reads quatrains from the Holy Quraan. Prior to this, the consent from both the would-be life mates is sought by reading aloud a document called Nikaahnama, a document wherein the marriage is registered. First, the groom and the two witnesses sign it, and later the bride does so. In south India, the bride gets a ‘lachha’ (a necklace, similar in concept to a mangalsutra) from the groom. Whereas in the north, she gets a nose ring. This is followed by the Maulavi reading the verses from ‘Agadh-a-Nikaah’ which symbolizes the grant of religious approval to the wedding. The boy and the girl are hereafter deemed as ‘married’ to each other (‘Muslim wedding’ (undated), webindia123.com website http://www.webindia123.com/women/wedding/muslim.htm – Accessed 24 November 2006 – Attachment 13).

4. Is it likely for the engagement to take place in Fiji and the wedding in Australia away from the bride’s family?
5. Is it likely for the wedding to take place at a relative’s house away from the girl’s family?

No sources were found indicating that it is likely for Indo-Fijian Muslim couples to become engaged in Fiji and perform the Nikah wedding in Australia away from the family of the bride. Nor was any information found on the likelihood that the Nikah wedding occurs at a relative’s house away from the girl’s family. As the sources collated in answer to question 3 above indicate, no set rules appear to govern the location of the Nikah wedding in the Islamic tradition. Those sources also indicate that the absence of the girl’s entire family from the wedding may appear unusual given the role of wali (or guardian) that the bride’s father or male relative has in the

6. Is it usual, in the absence of any compelling or case specific reasons, for an Indo Fijian Muslim woman who has never married before to marry a man who was previously divorced?

No information was found on the prevalence of marriages between previously unmarried Indo-Fijian Muslim women and men who have previously divorced. According to one source, the only situation where Indo-Fijian women are likely to marry a divorced man is in the “bureau marriage”, where they arrange to marry overseas resident males through commercial marriage agents or bureaus. In such marriages, the men tend to be divorced and from a different racial and religious background (Question 4 of MRT Country Research, 2006, Research Response FJI30007, 4 April – Attachment 15; and Lateef, S. 1993, ‘Indo-Fijian marriage in Suva: A little love, a little romance, and a visa’ in The Business of Marriage – Transformations in Oceanic Matrimony, ed. R. A. Marksbury, University of Pittsburgh Press, Pittsburgh, p. 217 – Attachment 3).

List of Sources Consulted

Internet Sources:
Government Information & Reports
United Nations (UN)
Non-Government Organisations
International News & Politics
webindia123.com website http://www.webindia123.com/
Region Specific Links
Topic Specific Links
Zawaj.com: Wedding Custom’s Around the World website http://www.zawaj.com/
Museum of New Zealand website http://www.tepapa.govt.nz/
Women’s UN Report Network website http://www.wunrn.com/
Indian Weddings – I love India website http://weddings.iloveindia.com/
Search Engines
Online Subscription Services
Library Networks
University Sites
University of the South Pacific website http://www.usp.ac.fj/

Databases:
FACTIVA (news database)
BACIS (DIMA Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)
RRT Library Catalogue
List of Attachments


2. Immigration and Ethnic Affairs, Australian Embassy Suva, 1993 ‘Request for Background Information’, 23 August. (RRT Library Melbourne General Papers 28973)


12. ‘Indian weddings’ (undated), Zawaj.com website

13. ‘Muslim wedding’ (undated), webindia123.com website


15. MRT Country Research, 2006, Research Response FJI30007, 4 April.