

**ADDIS ABABA UNIVERSITY**  
**SCHOOL OF GRADUATES STUDIES**  
**COLLEGE OF LAW AND GOVERNANCE STUDIES**  
**CENTER FOR HUMAN RIGHTS**

**Title: The Culture of polygamous marriage and Women's Human Rights: The Case of Dir Clan**

**Name: Sofanit Solomon**

**Advisor**

**Abdualtif Kedir**

**A Thesis Submitted To Center for Human Rights of Addis Ababa University in partial fulfillment of the requirement for the Master's Degree in Human Right**

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**Approval Sheet by the Board Examiner**

**Name: Sofanit Solomon**

**ID.No. GSR/0101/07**

**Title: Culture and Women's Human Rights: The Case of Polygamy Marriage  
in Dir Clan**

**Approved by Examiner Board**

**Advisor**

\_\_\_\_\_

**Internal Examiner**

\_\_\_\_\_

**External Examiner**

\_\_\_\_\_

**Addis Ababa, Ethiopia**

## **Declaration**

I, Sofanit Solomon declare that this research is my original work and it is not done in any o  
university and all the documents I used for the research have been fully acknowledged. 7  
thesis is submitted in partial fulfillment of the requirement for the degree of Masters of Art in  
Human Rights.

**Affirmed by**

**Sofanit Solomon**

**Signature** \_\_\_\_\_

**Date June 6,2016**

**Confirmed by**

**Abdualtif Kediri**

**Signature** \_\_\_\_\_

**Date June 6,2016**

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## **Acronyms**

**ACHPR**-African Charter on Human and people's Rights

**AIDS**-Acquired Immune Deficiency Syndrome

**CEDAW**-Convention on the Elimination of All Forms of Violence Against Women

**CRPD**-Convention on the Rights of Persons with Disabilities

**EPRDF** -Ethiopian People’s Revolutionary Democratic Front

**FDRE**- Federal Democratic Republic of Ethiopia

**HIV** -Human Immunodeficiency Virus

**ICCPR**-International Covenant on Civil and Political Rights

**ICERD**-International Convention on the Elimination of All Forms of Racial Discrimination

**ICESCR**-International Covenant on Economic and Social and cultural Rights

**NGO**-Non Governmental Organization(s)

**STDs**- Sexual transmitted Diseases

**UDHR**-Universal Declaration of Human Rights

**UNICEF**-United Nations Children's Fund

**UNPO**-Unrepresented Nations and Peoples Organizations

**UN**-United Nations

## **Abstract**

*The study was conducted with the objective of assessing the effect of polygamous marriage towards women. The research was conducted in jijiga, specifically to the Dir clan of Somali. To address the objectives of the study, the paper has looked the cultural justification to the practice of polygamy, the experience of women in polygamous marriage and the limitation of women's right within polygamy. The study has revealed that gender inequalities exist in polygamous marriage and that the practice has caused different pain towards women like psychological, economical and health problems. The research has used qualitative research method and contains both primary and secondary sources. Semi-structure in depth interviews were used to obtain relevant information from participant.*

# Chapter one

## 1.1. Background

Women's human rights are realized differently in different continent and countries. The acceptance of women's right as human right has been approved in number of countries, though some countries has faced difficultly to recognized women's right as human rights. The realization of women right is impacted by social, culture, political and economic circumstance.<sup>1</sup> Clashes of right exist in some locations especially with regard to culture and tradition. Culture plays a big role in shaping a society and it has always been an important phenomenon especially in Africa community. The cultural practices of some African societies limit the rights of women, for instance, female genital mutilation and polygamy. Polygamy and female gentle mutilation roots are in cultural tradition that recognized as rights at the commonly level.<sup>2</sup> This study focuses on the polygamy practice of the Dir clan in Somali within the Islamic religion and cultural context. The purpose of this study is to investigate how this cultural practices limits woman's human rights in a community.

Jijiga is the one of the regional state of Ethiopian and capital city of Somali. The Central Statistical Agency of Ethiopia has conducted that the Somali total population are 4,445,219 in 2007. Consisting 2,472,490 men and 1,972,729 women; urban number 623,004 population or 14% and 1,687, 858 or 37.97% of the people are pastoralist.<sup>3</sup>

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<sup>1</sup> . United Nation.2014.*Women's rights are Human right*'. New York and Geneva: United Nation publication.p.1. Available at:<http://www.ohchr.org/Documents/Publications/HR-PUB-14-2.pdf>, accessed on December 22,2016.

<sup>2</sup> ,Ibid

<sup>3</sup> .Ethiopian Government.2012.*The Somali National Regional state* ,Ethiopian Government Portal.Published online. Available at:<http://www.ethiopia.gov.et/statesomali>, accessed on March 29,2016.

Even though large numbers of Somali are concentrated in this area, many other Somalis are living in different parts of the country, including the Dire Dawa, Awash River areas and other parts of Ethiopia.<sup>4</sup>In general the Somali people have a strong faith in their religion and most of their culture are driven from their religion.<sup>5</sup>

Somali people lives in different countries of the world, the Ogaden, Darod, Gadabuursi ,Haber Gidir ,and Dir Somali are found in Ethiopia. The Dir clan composes approximately 7% of Somalia's population. The Dir clan is found in the Somali region of Ethiopia (around Jijiga zone). The clan shares Somali customs, traditions and follows Islam as a religion.<sup>6</sup>

Women in Somali lives in well-organized families and play a great role in child rearing and tasks around the home. The responsibility of women is defined clearly and the entire power of decision making for the family lies in the hands of the men. A Somali woman has more power as sister and as daughter than as a wife.<sup>7</sup> The holy Quran has ordered women to obey their husband rule and to do all the possible things for the happiness of their husband. At the same time a husband is responsible for to his wives and children in different matters like financial and psychological(attention, moral and time)support.<sup>8</sup>

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<sup>4</sup>. Ibid

<sup>5</sup>.Center for Disease Control and prevention.2008.*Promoting cultural sensitivity: A practical Guide for tuberculosis that provide service for Somalia*.Atlanta, GA: USA department of Health and Human service. P.14.Avaliable at:  
<http://www.cdc.gov/tb/publications/guidestoolkits/ethnographicguides/somalia/chapters/somalitbbooklet.pdf>,  
accessed on January 5.

<sup>6</sup>Putman,Briton Diana and Noor,Cabdi Mohammed'.1993.*The Somalis "Their history and Culture"*. United State.Center for applied Linguistics.

<sup>7</sup>Ibid.

<sup>8</sup>.Dr. Phillips, Abu Ameenah Bilal and Dr. Jamila Jones.2005.*Polygamy in Islam*. Saudi Arabia. International Islamic Publication 2005.pp32-36.

In the Dir clan Somali culture, marriage can be arranged by family or by choice. Most of the time girls enter marriage between the ages of 16-18. As the customary tradition, the society approves polygamy marriage system. This tradition has also been recognized in the holy Quran and it is more practiced in rural areas of Jijiga.<sup>9</sup>

Polygamy is defined as “*the state or practice of having more than one wife or female mate at one time*”. Polygamy is when an individual (man) has more than one wife.<sup>10</sup> The Somali clan has been practicing polygamy as a culture and it has been practiced for long period of time.<sup>11</sup>

Women face several challenges because of the polygamy practice, for instance the jealousy and competition atmosphere over resources amongst the wives. The first wives become more superior to others if their husbands allow them to obtain more economic resources. At the same time first wives might face different challenges in economic status and less satisfying relationships with their husband if he is spending more time and invest his resource to his new wife.<sup>12</sup>

Different violence (Physical, emotional and sexual abuse) might also occur in polygamous marriages, yet wives still find themselves competing with each other to get attention from their husband.<sup>13</sup>

Several major human rights instruments have influenced the institutions of marriage positively to ensure the consent of both parties and equality in marriage. These instruments include the

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<sup>9</sup>.World Culture Encyclopedia.2002.*Countries and their culture*. Available at :<http://www.everyculture.com/Sa-Th/Somalia.html>, accessed on December 22,2016.

<sup>10</sup>. Coontz, Stephanie.2008.*Polygamy: A Historical Background*. Miami. University of Miami.

<sup>11</sup>.United Nation.2014.*Women's rights are Human right'*. New York and Geneva: United Nation publication.p.1. Available at <http://www.ohchr.org/Documents/Publications/HR-PUB-14-2.pdf>, accessed on December 22,2016.

<sup>12</sup> Yang,Manee .2003A *qualitative study examining the effect of polygamy on Hmong individuals who has been raised in polygynous household*. Vietnam. University of Wisconsin -Stout. M.A thesis P-3.

<sup>13</sup>.Ibid. p-11.

UDHR, CEADW and ACHPR. The optional protocols to African people of the African charter define the rights of women. The protocol of Maputo has mentioned that polygamy marriage is permissible. For example, some women's rights are realized in polygamous marriage and some argue that it is inherently abusive to the realization of women rights. In article 6 of the Maputo protocol that;<sup>14</sup>

*"States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that ... monogamy is encouraged as the preferred form of marriage and that the rights of women in marriage and family, including in polygamous marital relationships are promoted and protected."*<sup>15</sup>

The protocol may lack clarity as whether it permit or prohibit the practice of polygamy, but it clearly states the equality of men and women. The protocol has not pointed the cultural practice that enhances gender inequality because of marriage rather it cites *"monogamy is preferred form of marriage"*.<sup>16</sup>

The paper has been conducted in five chapters. The first chapter discuss introduction about women right briefly, Somali people culture and tradition in general. Statement of the problem, significance and limitation of the study of the study are also included in this chapter. The second chapter covered the literature review. Research methodology is covered in chapter three of the paper.

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<sup>14</sup>Jonas ,Obonye. *The Practice of polygamy under the scheme of the protocol to African Charter on Human and People's Right on the rights of women in Africa: a critical appraisal*; *Journal of African Studies and Development* Vol. 4(5), pp. 142-149, .p-144.

<sup>15</sup>.Ibid.

<sup>16</sup> Ibid.

Chapter four addressed the data analysis and presentation. The last chapter of the paper covers the conclusion and recommendation part. This research explores this apparent dichotomy often comprised by social, cultural and traditional practice that closes doors for the realization of women's rights. The Hypothesis: polygamy creates difficulties for the full right of women to be realized.

## **1.2. Statement of the problem**

Culture has been defined as a belief, custom of particular or large group of society. The group can define itself according to the beliefs and tradition. Culture has always been attached to community and it could be manifested in different activities that develop over time.<sup>17</sup> These cultural practices affect some group of the community, not only the of practice affect the society rather the belief they hold to different phenomena highly influence the daily lives of that community. Cultural practices and beliefs has set number of limitations towards their community. Refusing this may open a door for discrimination or limitations to different activity of a society. In different period of time women faced number of challenge because of cultural practice and the belief of community. Whereas this doesn't mean culture have no value to women's rather it might limits the right of women in different phases. Nowadays women rights has been advocate, promote and different policy has been designed to protect the right of women. In spite of the declaration, provisions and policy still women have challenges to enjoy their right<sup>18</sup>

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<sup>17</sup> . Schalkwyk, Johanna. 2000. *Culture, Gender Equality and Development Corporation*. Canada. Canadian International Development Agency. Available: <http://www.oecd.org/social/gender-development/1896320.pdf>, accessed on January 5/2016.

<sup>18</sup>. Ibid

However, some cultural has been driven from religion; especially the Somali cultural has been supported by the Shari'alaw. The shari'a law has support the practice of polygamy marriage only if the husband can treat his wives equally but still the reality is far from these<sup>19</sup>.The Dir Somali's approve the practice of polygamy marriage. This practice has caused mental and psychological problems to women. In this case, the death mortality rate of women and the number of children raised without mothers will be high. Even though the problems of polygamy are visible the practice is still continuing.<sup>20</sup> In the Somali community men or husbands are allowed to work in public areas which means the source of income are from the side of men, this lead wives or women to be dependent on their husbands. Different restriction towards the public and private dichotomy regarding to political, economic and social spheres has been set to women. Participating in different spheres can change the lives of the women and might help women to get information about rights ,duties and obligations. However the culture of Somali's prohibits women from public areas. Polygamous marriage creates psychological ,economical and limits the right of women.<sup>21</sup>

### **1.3. Objectives of the study**

#### **1.3.1. General objectives of the study:**

- ❖ To identify the effect of polygamy marriage towards the women's rights in Dir clan of Somali.

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<sup>19</sup>.Unicef .2002.*Women's right in Islam and Somali Culture*. Kenya. Available at: [http://www.unicef.org/somalia/SOM\\_WomenInIslam.pdf](http://www.unicef.org/somalia/SOM_WomenInIslam.pdf),accessed on Dec29,2016.

<sup>20</sup> .Zakaria ,Rafia.2014.*The problem of polygamy*. Pakistan. Published online. Available at:<http://www.dawn.com/news/1135346> ,accessed on December 29,2016.

<sup>21</sup> . Schalkwyk,Johanna.2000.*Culture, Gender Equality and Development Corporation*. Canada.Canadian International Development Agency. Available at :<http://www.oecd.org/social/gender-development/1896320.pdf>,accessed on January 5/2016.

### **1.3.2. Specific objectives of the study**

- ❖ To identify the cultural justifications for the practice of polygamy.
- ❖ To identify to what extent polygamy limits the rights of women.
- ❖ To identify the experience of wives in polygamous marriage.

### **1.4. Research question**

1. What are the cultural justifications given for practicing polygamy among the Dir clan?
2. To what extent does the practice limit the rights of women in the society?
3. How do the women members of the clan define their experience?

### **1.5. Significance of the study**

Due to the sensitivity of the subject, and particularly with the culture of Somali, polygamy cannot be easily studied, so this study can contribute for academic purpose. This issue is sensitive since wives are expected to be silent about their marriage according to the culture of Dir clan.

Women's human rights have been influenced for a long period of time due to different cultural practices. Nowadays, number of declarations, conventions and covenants exist to fight against the violence, abuse and discrimination against women. The rights of women have been recognized universally. Promoting and protecting the rights of women is not only the duty of states but also the duty of individuals. Declaration and convention have set different expectations and rules towards marriage. Despite all the rules, none of the conventions the practice of polygamous marriage is still ongoing. This gives a rise to the violations of women's human rights in different forms.

From the nation, nationality and peoples of Ethiopia, the Somali highly practice the polygamous marriage. Somali women face different violation of right. Since polygamous marriage is heavily engrained in the culture and religion of Somali people, it has been hard to fight the practice. This paper will have a great role to understand which rights of the women are violated and to know why the polygamy is practiced among Dir clan of Somali. The study will also identify how polygamous marriage limits women's human rights. This research can also create awareness about the experience of women's in polygamous marriage.

### **1.6.Limitations of the study**

This research paper has faced different challenge that limits the study of polygamy marriage. The research was conducted in Somali region and it was difficult to translate the Somali language to Amharic with exact words. The information in this research is based on Somali women who are engaged in polygamous marriage. However, their culture put barrier not talk about their marriage or about their experience. As consequence, the wives were not free to talk about the practice of polygamy well. The selection method to participant was a lit bit difficult because the cultural difference, language and the refusal of administrator. At the same time husbands and religious leaders were not willing to have interviews at all. In addition all informants were not able to provide their marriage certificates.

## **Chapter Two**

### **2.1. Conceptual framework and Related Literature Review**

In this chapter the researcher examined the works of scholars who have written on the rights women regarding polygamy. The chapter will discuss meaning of culture, the international and legal framework with regard to women's rights and the constitutions of Ethiopia. This chapter has also include different academic writings from various disciplines on the subject.

### **2.2. Culture: Women's Rights and Polygamy**

### **2.3. Conceptual Definitions**

#### **2.3.1. What is Culture?**

As Ralph Linton, in his valuable work, *Culture and Cultural Change*, argues that "Culture refers to the total way of life of any society, not simply to those parts which the society regards as higher or more desirable. Thus culture, when applied to our own way of life, has nothing to do with playing the piano or reading Browning. For the social scientist such activities are simply elements within the totality of our culture. This totality also includes such mundane activities as washing dishes or driving an automobile, and for the purposes of cultural studies these stand quite on par with "the finer things in life."

It follows that for the social scientist there are no uncultured societies or even individuals. Every society has a culture, no matter how simple this culture may be, and every human being is cultured, in the sense of participating in some culture or other."<sup>22</sup>

Culture could be different thing in our lives whereas Ralph Linton focused on common habits, behavior and how they are commonly think and feel about their surrounding about different phenomena. So he concludes that culture can also be defined as "*learned behavior and ideas*."<sup>23</sup>

John Browne has defined culture as "*the language, beliefs, values and norms, custom, dress, diet, roles, knowledge and skills of a society which are developed to enjoy a way of life. Culture can be passed from one generation to the next one through the system of socialization. All activities or aspects of daily lives are shared by a community*."

He also divides culture into different groups, including dominant culture which is accepted by a large number of people without any opposition and subculture, which is a smaller culture held by a group of people within the main culture of a society, in some ways different from the main culture but with many aspects in common. He has also stressed the importance to recognizing subcultures, including those of some young people, gypsies and travelers, gays and lesbians, different social classes and minority ethnic groups".<sup>24</sup>

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<sup>22</sup> .Linton, Ralph.(2016) *Culture and cultural change.*,Vol.2,p-16. Available at: [http://webcache.googleusercontent.com/search?q=cache:0LK7j\\_SWIFEJ:it.pdf.cuni.cz/justice/culture.doc+&cd=1&hl=en&ct=clnk&gl=et](http://webcache.googleusercontent.com/search?q=cache:0LK7j_SWIFEJ:it.pdf.cuni.cz/justice/culture.doc+&cd=1&hl=en&ct=clnk&gl=et),accessed on January 3,2016.

<sup>23</sup> .Ibid

<sup>24</sup> .Browne,John.2007. *Culture and Identity*. Sample chapter. Published online.pp.-31-32.Available at: [https://www.polity.co.uk/browne/downloads/sample-chapter\\_2.pdf](https://www.polity.co.uk/browne/downloads/sample-chapter_2.pdf), accessed on January 3,2016.

Different authors like E.B Tyler has been defined culture as a way of life which a community or a society follows, The way they eat, dress, think, their language and other values are parts of culture. Different achievements are the product of culture like art, music, literature, philosophy, religion and sculpture. Culture also includes customs, traditions, festivals and other aspects. These definitions differ from John Brow since It includes the work of art, literature and philosophy.<sup>25</sup>

*"Culture thus refers to a human-made environment which includes all the material and nonmaterial products of group life that are transmitted from one generation to the next. There is a general agreement among social scientists that culture consists of explicit and implicit patterns of behavior acquired by human beings.<sup>26</sup>These may be transmitted through symbols, constituting the distinctive achievements of human groups, including their embodiment as artifacts. The essential core of culture thus lies in those finer ideas which are transmitted within a group-both historically derived as well as selected with their attached value. More recently, culture denotes historically transmitted patterns of meanings embodied in symbols, by means of which people communicate, perpetuate and develop their knowledge about and express their attitudes toward life."<sup>27</sup>*

Peter Horn has defined culture as the beliefs, ideas, art, custom and tradition of society which is handed socially rather than biologically and the arrangement of different things within the

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<sup>25</sup> .Horn, Peter.2001."*Culture ,Civilization and Human society -Vol- Foundation and characteristic of culture*". South Africa. University of Cape Town.p-1. Available at: <http://www.eolss.net/sample-chapters/c04/e6.pdf>,accessed on January 3,2016.

<sup>26</sup> .Ibid.p-2.

<sup>27</sup> Ibid

culture as well as the relationship they have with each other. Culture can only be handed to the next generation with collective knowledge and wisdom of the culture.<sup>28</sup>

The word "culture" derives from a French term, which in turn derives from the Latin "colere," which means to tend to the earth and grow, or cultivation and nurture. "It shares its etymology with a number of other words related to actively fostering growth."<sup>29</sup>

### **2.3.2. Characteristics of Culture**

Culture has its own characteristics and these characteristics are common to different cultures in different areas and throughout the world. One characteristic of culture is that it is learned and acquired. Culture is passed from one generation to the next through direct or indirect learning. In all cultures there are different expectations, sense of right and wrong and certain behaviors are required from the society which is acquired through heredity. These are learned from community, family members and groups of people in which they live with. The second characteristic of culture is it is shared. Different beliefs, thought, practices and values can be shared among different groups of people. Number of cultural practices has their own conducts of how things should be done as well as how the activity of individuals should be according to norms and values of the culture. Referring to this, culture gives a range of permissible behavior patterns<sup>30</sup>.

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<sup>28</sup> . Ibid.p.1.

<sup>29</sup> .Zimmermann, AnnKim. 2015.*what is culture ?*published online in. Available at:<http://www.livescience.com/21478-what-is-culture-definition-of-culture.html>,accessed on January 5,2016.

<sup>30</sup> .Horn, Peter.2001."*Culture ,Civilization and Human society -Vol- Foundation and characteristic of culture*". South Africa. University of Cape Town.p-1. Available at: <http://www.eolss.net/sample-chapters/c04/e6.pdf>,accessed on January 3,2016.

For instance Somalis women's are expected to be patients about their husband behavior and they are expected to do all the possible things, this one characteristic of women which is driven from the Somali culture.<sup>31</sup>

#### **2.4.The practice of polygamy**

The word polygamy is a common term which refers to a single husband with several wives at the same time. A single wife having several husbands is called polyandry, which is rarely practiced in different countries like Nepal, northern India and part of china.<sup>32</sup>

The extent of polygamy across the world is vast. Different African countries, including Ethiopia practice polygamy. The rate of polygamy is an average of 150 to 100 or 1.5 wives to each married man in African countries. For example, Kenya has an average of 1.21, Tanzania 1.25, Uganda 1.18, Ghana 1.35 and Coted'Ivoire 1.40. The rates are much lower in urban areas compared to rural environments. In most cases, the practice of polygamy is related to the amount of possessed wealth. Very few African countries have clear legislations against the practice of polygamy, including Cote d'Ivoire which was outlawed in the year of 1964 after the new civil code. Uganda, Nigeria, and Tanzania have given set equal status to the monogamy marriage.<sup>33</sup>

Some scholars like Dr. Abdul Hay al-Faramawi and Dr. Amna Nosseir has argued that polygamy has its own function. These writers support the practice of polygamy on the basis that it integrates families in a given community.

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<sup>31</sup>.Putman, Briton Diana and Noor, Cabdi Mohammed'.1993.*The Somalis "Their history and Culture".United State.Center for applied Linguistics.*

<sup>32</sup>Okorle ,A.M .1994. *African Polygamy: Church Action ,Community Reaction and Personal Interaction "Indian journal of Theology* vol,31.Nigeria.Universtiy of Ilorin. .p-2

<sup>33</sup>.Ibid.p-3.

Furthermore, they argued that polygamy increases the possibility of women getting married and supports widows with a leviratic tradition. Having large families and extended families is a sign of success in different African communities, and this obsession can be achieved in the practice of polygamy. It is also assumed that divorce rate of will be lesser in polygamous marriage.<sup>34</sup>

The holy Quran has stress that marriage is the most important phenomena to human beings. The prophet has illustrate the importance of marriage by saying "*When the servant of Allah, marries he has complicated half of religious obligation and he must fear Allah to complete the second half.*"<sup>35</sup>

The concept of marriage also included Polygamy; a man is allowed to marry up to 4 wives.<sup>36</sup> *Quran 4; 3*

*"Marry the women that pleased you: two, three or four But if you feel that you shall not be able to deal with justly, then only one or what your right hand possesses. That would be more suitable to prevent you from doing from injustice."*<sup>37</sup>

However the holy Quran has set different conditions that needs to be considered. For instance a husband is expected to treat his wives equally, fairly and justly. The fairness are in terms of finance, moral support, attention, time and care for children. The holy Quran states the difficult

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<sup>34</sup>.Ibid.

<sup>35</sup>.Dr. Phillips, Abu Ameenah Bilal and Dr. Jamila Jones.2005.*Polygamy in Islam*. Saudi Arabia. International Islamic Publication.p-22.

<sup>36</sup>.Ibid.p.44

<sup>37</sup>.Ibid.

of fairness and when a husband decides to remarry he has to consider the conditions before going any further. He is also expected to explain why he desires a new marriage to his first wife.<sup>38</sup>

The United Nations world marriage data report has discussed the practice of polygamy and concluded the following:

*"In 2009, polygamy was still prevalent in numerous countries. At the national level, polygamy was legal or generally accepted in 33 countries, 25 in Africa and 8 in Asia. In addition, polygamy was accepted by part of the population or legal for some group of people in 41 countries, 18 of which were in Africa and 21 in Asia. According to the Demographic and Health Surveys carried out between 2000 and 2010, in 26 out of the 35 countries with data on polygamy, between 10 per cent and 53 per cent of women aged 15-49 had co-wives."*<sup>39</sup>

## **2.5. International Rules and Mechanisms**

### **2.5.1. Equality between women and Men**

One of the main principles of human rights is equality between men and women.<sup>40</sup> Both the ICCPR and ICESCR prohibit discrimination based on sex and emphasized in the equality of men and women. In Article 26 of the ICCPR, equality comes before the law and all are afforded equal protection under the law. The Convention on the Elimination of All forms of Discrimination against women includes different definition of discrimination and discriminatory action (any

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<sup>38</sup>.Ibid.

<sup>39</sup>.United Nation.2011.*Departement of Economic and Social affairs ,world marriage data.*United Nation publication.p.4.Avaliabl at:[http://www.un.org/en/development/desa/population/publications/pdf/popfacts/PopFacts\\_2011-1.pdf](http://www.un.org/en/development/desa/population/publications/pdf/popfacts/PopFacts_2011-1.pdf),accessed on January 5,2015.

<sup>40</sup>.Marsink,Johannes.1991. *Women's rights in the universal declarations.* Human rights Quarterly ,Vol 13,No.2.

distinction, exclusion or restriction) with its express purpose or the actual effects of discriminating against women.<sup>41</sup>

The convention is not only limited to this, rather it goes further than other human rights treaties and also describes in detail the responsibility and obligation of states to take the required action to achieve gender equality in practice. This does not mean the convention requires only equality between men and women but also prohibits practices that enlarge gender inequality. The convention focuses in such areas because violation, discrimination and abuse can occur in different forms. The purpose of this is to fight discrimination against women in all instances and to define formal equality in all subjects and matters.<sup>42</sup>

The most ratified international agreement is the Charter of United Nations. It has been ratified by 159 states.<sup>43</sup> The preamble of UN charter ensures the commitment of member states to fundamental human rights, in dignity and equality between men and women.<sup>44</sup> The preamble of UDHR lays on the identification of inherent dignity, equal, and inalienable rights to all human being and all members of family.<sup>45</sup> Article 1 state that "*all human beings are born free and equal in dignity and rights*" and Article 2 clearly prohibits discrimination." The most significant preamble of the declaration is equality and non-discrimination among all.<sup>46</sup>

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<sup>41</sup> .United Nation.2014.*Women's rights are Human right*'.New York and Geneva: United Nation publication.p-29.available at <http://www.ohchr.org/Documents/Publications/HR-PUB-14-2.pdf>, accessed on December 22,2016

<sup>42</sup> .Ibid

<sup>43</sup> .Halberstam, Malvine and Defeis, FELizabeth.*Women's Legal Rights: International Covenants an Alternative to ERA?* New York. Transitional Publisher, INC. Dobby Ferry.P-18.

<sup>44</sup> .See, United Nation Charter, preamble

<sup>45</sup> .Ibid.

<sup>46</sup> .See ,the preamble of Universal Declaration of Human rights Article 1 and 2.

Number of states have adopted the Universal declaration, after the universality and indivisibility of human rights was recognized. Despite these commitments by states, cultural practices and norms have limited the rights of women for a long period of time in different societies. In such cases, gender inequality become more visible than ever as many cultures give men the ultimate say in terms of decision making.<sup>47</sup>

The Convention on the Elimination of All Forms of Discrimination against women also recommend in No.19(1992), Article 2(f) and 10(c) that any belief and practice referring to the subordination of women's human rights to strength the right of men in society like, forced marriage ,dowry deaths, acid attacks, violence and abuse and female circumstance has to be eradicated. Polygamy marriage has not be stated directly, however the practice has cause abuse, violence and it has strengthen the right of men in a society. As long as these conditions are in the practice, women's right can be limited in polygamous marriage. In Article 12,declearars that cultural practices which endanger the lives of women and children physically or physiologically need to be eliminated, in order to promote the right to health.<sup>48</sup>

The feeling of jealousy and isolations are experienced among wives in polygamous marriage this indicates that the psychological abuse they face, since negative feelings have the power to create mental illness.<sup>49</sup>

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<sup>47</sup> .Dauer Sheila.2001.*Indivisible or invisible: women's human rights in the public and private sphere*, in *Women, Gender, and Human Rights: A Global Perspective*, Marjorie Agosín, ed. Rutgers University Press.

<sup>48</sup>.United Nation. 2014.*Women's rights are Human right'*. New York and Geneva: United Nation publication.p.1.available at <http://www.ohchr.org/Documents/Publications/HR-PUB-14-2.pdf>, accessed on December 22,2016.p-28

<sup>49</sup> . Widyaningrum,Novi.2005. *Wives experience in polygamous marriage. A Study of Nature of ,Forms and Effect on Response of Abused wives in polygamous marriage In Temanggung,central java*, Indonesia .Mahidol University. Maters Thesis. P.77.

Equal rights between men and women were guaranteed since in 1945. United Nation has affirms that the fundamental human right concepts shall be protected and promoted in every circumstance. In addition, Article 1 of the charter states that the aim or purpose of the UN is to promote human rights without distinction as to race, sex language or religion.<sup>50</sup>

Article 13 prohibited the discrimination against women (mandate of the general assembly).<sup>51</sup> In 1967, member states of the United Nations adopted the elimination of discrimination against women. The convention states that discrimination against women, as well as laws, customs and regulations which set limitations to women's rights shall be prohibited. Discrimination against women can be from the tradition, custom and practice of a society. Considering this, the convention has obligated member states to fight against this surroundings.<sup>52</sup> Within the convention the act of discrimination has been defined as in article 1 "*... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*"<sup>53</sup>

The convention on the Right of Person with Disabilities also stated that any discrimination against women shall be prohibited and require member states to take all procedures to ensure the rights of women with disabilities. The convention against torture and other cruel treatment,

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<sup>50</sup>United Nation.2014.*Women's rights are Human right*.New York and Geneva. United Nation publication.p.1. Available at:<http://www.ohchr.org/Documents/Publications/HR-PUB-14-2.pdf>, accessed on December 22,2016.

<sup>51</sup> .Ibid

<sup>52</sup>.Ibid. pp.4-5.

<sup>53</sup>.Ibid. p-6

inhuman or degrading treatment or punishment has regularly addressed violence against women.<sup>54</sup>

The International conference on population and development was held in 1994. The concern of the conference was to discuss population issues. The conference mainly focused on peoples rather than demographics. The conference also discussed women's human rights, including gender equality, reproductive right, education and birth control and family planning. The programme explicitly discussed about gender equality and proclaimed:

*“advancing gender equality and equity and the empowerment of women, and the elimination of all kinds of violence against women, and ensuring women’s ability to control their own fertility, are cornerstones of population and development-related programmes.*

The conference concluded that women have the right to make decisions concerning reproduction without any discrimination, violence or influence from any party. The programme set a target to promote and protect women's human rights and different provision like universal education, preservation of HIV/AIDS, and ensuring access to reproductive health care.<sup>55</sup> In addition the Beijing declaration and platform for action targeted 12 main areas regarding the implementation of women's Human Rights and empowerment. The base of this declaration was built on the above mentioned three world conference on women. The major achievement of Beijing declaration was that it articulated women's right as human rights. The other objective of the platform action were to work against discrimination of women and equality between women and

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<sup>54</sup>. See, CRPD article 6 and CAT article

<sup>55</sup>. Ibid.51.

men, including political and legal strategies on a universal scale based on human right framework.<sup>56</sup>

The International community agreed to accomplish development goals in the year 2000 that were set to be achieved in 2015. One of its goals was to ensure gender equality and empowerment of women. The millennium goal has made one of its plans to fight against gender disparities in education by 2015.<sup>57</sup>

### **2.5.2. Equality in Marriage**

Women have been a vulnerable and marginalized group in different socio-economic activities in many communities around the world. The violations against women's rights come in different forms, including physical, economic and physiological forms. The culture of a society can highly contribute to violations of women's rights. Number of cultural practice has subordinated the rights of women. Nowadays different conventions and covenants have been designed to protect and promote the rights of women,<sup>58</sup>

Article 16 of the CEDAW has discussed about marriage and family. Any condition that may cause discrimination against on the basis of equality shall be eliminated. The consent of both parties has to be considered to enter into marriage at the same time they have equal right during marriage dissolution. Furthermore the article cites that couples share the same responsibility as a parent irrespective of their marital status, in different matters regarding children. Both parties

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<sup>56</sup>.Ibid.pp.13-14.

<sup>57</sup>.Ibid.p-15.

<sup>58</sup> .Kabeer,Naila.2014. *Violence against women as 'Rational' Vulnerability: Engendering the Sustainable Human Development Agenda*. New York. United Nation Development Programme.

have equally right to enjoy the right education , the right to information and decide the number of their children. <sup>59</sup>

The ICCPR has declared that marriage has to be free from any influence directly or indirectly. It has also give a duty to state parties to ensure the equality of men and women. It has also suggested states to present a provision in case of dissolution to protect the right of children. <sup>60</sup>

## **2.6 Regional Instrument**

### **2.6.1.African (Banjul) Charter and Human and Peoples Rights**

In addition to international human rights initiatives, the regional instruments also designed vital provisions to protect and promote women's human rights. In 1981, the was adopted by the African Union. Article 2 of the charter states that discrimination in any ground is prohibited and article 18 explicitly states that member states shall take the required procedures to fight discrimination against women. <sup>61</sup>

Protocol on African charter states in article 6 that it's the responsibility of states to ensure that men and women shall enjoy equal right and are regarded as equal partners in their relationships. Furthermore the protocol has states that the monogamy encouraged marriage, nevertheless this doesn't mean polygamous marriage are no protected or sanctioned. According to the charter the practice of polygamy is protected and promoted. <sup>62</sup>

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<sup>59</sup> . See, the preamble Universal Declaration of Human rights article 1 and 16.

<sup>60</sup> . See, ICCPR.

<sup>61</sup> .Protocol to African Charter ,available at <http://www.achpr.org/instruments/women-protocol/>accessed on May 12.

<sup>62</sup> .Ibid

*"monogamy is encouraged as the preferred form of marriage and that the rights of women in marriage and family, including in polygamous marital relationships are promoted and protected;"*<sup>63</sup>

## **2.7.National rules and mechanisms**

### **2.7.1. The Constitutions of Ethiopia and Women's Right**

#### **2.7.2. The 1931 Constitution**

The first modern constitution of Ethiopian was adopted in 1931. Since the middle ages, the *Fetha Negest* was used as the supreme law of the country. On July 16, 1931, the constitution was promulgated with "impressive ceremony" during the presence of Emperor Haile Selassie. The constitution was developed by Gaston Jeze and Johannes Kolmondin and more prominently Ethiopian Tekle Hawariat Tekle Mariyam and Gedamu Woldegiorigis. It was based on the Japanese Meji Constitution, it had 55 articles with five chapters. The constitution strength the power of the emperor, his dignity, inviolable and his power indisputable was recognized in the constitution. In the 1931 constitution, the rights of women, nation, nationality and peoples of Ethiopian was not recognized or respected, almost in all articles the power of the emperor was promoted and protected.<sup>64</sup>

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<sup>63</sup>.Ibid.

<sup>64</sup>.Keller, j Edmon.2010.*Constitutionalism, Citizenship, and Political transition in Ethiopia": Historic and Contemporary process, Self Determination and National Unity: A challenge for Africa*. Edited by Francis M. Deng .World press. pp .63-65.

### **2.7.3. The 1955 Constitution**

In November 1955, Emperor Haile Selassie proclaimed the revised constitution of Ethiopia. The revised constitution contains eight chapters and 131 articles. The constitution was designed by three American advisors A.H. Garreston, John Spencer and Edgar Turlington and the two Ethiopian restored monarchs Wolde Giyorigis wolde Yohanned and Akillu Habte wold. The document discussed the separation of power between three branches of government. Rights and duties of the officials were included in article 28. Whereas the power of appointing and dismissing ministers in the parliament, emergency decree, appointing senators and judges was in the hand of Emperor. For the first time, the government structure was executive, judiciary and legislative institutions as the Crown council; Council of Ministers and Prime Minister's office were to be arranged. The duty of the Council of Ministers was to advise the emperor in designing different policies, the head of Ministers was the emperor and decision making power belongs to the emperor.<sup>65</sup>

Generally the right of women was not included in the revised constitution clearly. Different governmental institutions were designed in this period of time and their duties were stated in the constitution, however the institutions did not promote or protect human rights of citizens and their delegation was not for the citizen rather to the emperor. Emperor Haile Selassie was in control of all these institutions. The revised constitution still has not limited the absolute power of the emperor. Dismissing ministers and assigning judges and senators was the duty of emperor. Even though the rights and duties of individuals were stated in articles, there was lack of strong

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<sup>65</sup>.Ibid, p-65.

legal framework and gender based violence were to be seen in the weak legal frameworks. Equality between men and women regarding marriage has not states in the constitution.<sup>66</sup>

#### **2.7.4. The 1987 Constitution**

After overthrowing the imperial rule, the Derg regime began to rule Ethiopia and adopted socialism ideology. They claimed their motivation was from patriotism (*Ethiopia Tikdem*). In March 1986, a constitutional commission with 343 members was formed to draft the constitution. The members were mostly academics from the Addis Ababa University. The membership includes religious leader, artists, doctors, former nobility, workers and athletes. The effort of the constitution was to find a solution to the political and social struggle which occurred from the Ethiopia's extreme ethnic diversity. The commission then debated different issues for six months before drafting the constitution. The constitution has included 120 articles and one million copies were to be distributed to kebeles and to different associations throughout the country. The purpose of this action was to legitimize the constitution and to see how the population will react. The constitution outlawed polygamy, which caused an opposition among Muslims. Citizens also submitted different comments after discussion.<sup>67</sup>

The 1987 constitution states that women and men have equal right in accordance with article 36. Even though the article stated that women have equal rights, the attitude of the society was different constitution; in the eyes of the society women and men has different places in terms of equality. Regarding marriage constitutions has clearly states in article 37(1) that marriage shall be based on men and women consent, both parties has the equal right in their relationship.

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<sup>66</sup>.Ibid.

<sup>67</sup>.Ibid.p-71.

### 2.7.5. The 1955 constitution

After the fall of Derg the Ethiopian People's Revolutionary Democratic Front (EPRDF) assumed power. The EPRDF government immediately faced different challenges on multiple fronts as the Derg regime followed socialism ideology, for this purpose the EPDRF has present a conference in July 1991. On August 21, 1995, the constitution came into force. The current Constitution focused on ethnic a federal state which contains regional states with settlement patterns, language, identity and consent of the people. The federal and the regional administration has own legislative, executive and judicial structures. The judicial is composed of first instance, high court and Supreme Court.<sup>68</sup>

The common objective of the constitution is to build a community on the foundation of rule of law, while having democratic system and ensuring lasting peace for the society. The constitution encouraged diversity among the people of Ethiopia and tolerance since the constitution is for peoples and nation, nationality of Ethiopia. The preamble of the constitution ensure "the full respect for individual and people's fundamental rights" as a condition precedent and foundational principles for the success of this sparkling ambition. "The constitution has also stated that amendment, derogation during emergencies, restrictions, adjudication, and constitutional remedies."<sup>69</sup>

Most of the civil and political rights are adopted from the provisions of the UDHR. The provisions include the right to life, security of the person, to liberty, and protection against cruel inhuman, or degrading treatment or punishment. Furthermore the constitution guarantees the

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<sup>68</sup>. Adem Kassie Abebe.2011.*Human Rights under the Ethiopian constitution; A Descriptive Overview*" Vol. 5 No.1, Springp.41.

<sup>69</sup> Ibid. pp. 43-44

right to equality and equal protection of the law in article 25. The right to privacy to all individual has been provided by the constitution, however the right can be limited if “compelling circumstance” happen according to article 26. Economic, social and cultural rights are included in the constitution. Every nation, nationality and peoples of Ethiopia has the rights to engage in economic activities and to enjoy public services equally. In addition states are required to provide resources for social services as well as provide funds to treat people with disabilities. Compared to ICESCR and UDHR the ESC rights under the current constitution have some variation. One visible difference is the ESC rights are guaranteed only for the benefits of Ethiopians.<sup>70</sup>

In certain cases human rights may be limited. Limitation of rights refers to infringements of rights which are recognized. Different constitution has set different approaches to the limitation of rights. As the international instrument some constitution had adopt internal individualized limitation clause to each rights in different details. Others have included general limitation clause in which applications cuts across all provisions and still others follows combined approach since states can include their own internal limitations.

The Ethiopian constitution has included claw back clauses within most of the protected rights and the internal limitations are determined by law. Some limitations are required in compelling situation and specific laws which are meant for safeguard public security. Therefore the Ethiopian constitution set a standard depending on which rights the constitution seeks to limit.<sup>71</sup> The current constitution has clearly states the equality of men and women in article 25.

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<sup>70</sup>.Ibid.p-50.

<sup>71</sup>Ibid.p-58.

*“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status.”<sup>72</sup>*

In article 35(2) the rights of women in marriage has been discussed as below

2. Women have equal rights with men in marriage as prescribed by this Constitution.

The revised family code proclamation of 2000 has discussed the various forms of marriage like religious marriage , custom marriage and marriage concluded before an officer of civil status.

It has also states the consent of both spouses must be ensured and the minimum was set to be age 18 and above. Article 49 has stress that both spouses need to respect ,support and assist each other. It has also discussed that marriage under the influence of violence shall not be tolerated and can be apply to court o manage the dissolution. <sup>73</sup>

Ethiopian regional states has developed their family codes which support the international convents and the federal laws however the Somali region has refused to design the family code according the international and Ethiopian law.<sup>74</sup> The current penal code has criminalized the practice of polygamous marriage in article 650.<sup>75</sup>

*1) Whoever, being tied by the bond of a valid marriage, intentionally contracts another marriage before the first union has been dissolved or annulled,*

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<sup>72</sup>.See, FDRE Constitution, Art 25.

<sup>73</sup>. See, revised family code proclamation of 2000

<sup>74</sup>.Recommendations of UN Human Rights Committee.(2011).

<sup>75</sup> .See, the penal code article 650.

*is punishable with simple imprisonment, or, in grave cases, and especially where the criminal has knowingly misled his partner in the second union as to his true state, with rigorous imprisonment not exceeding five years.*<sup>76</sup>

***Article 651.- Exception.***

*The preceding Article shall not apply where bigamy is committed in conformity with religious or traditional practices recognized by law.*<sup>77</sup>

The 2001 recommendations of UN Human Rights Committee discuss that "*ensure that polygamy is effectively prosecuted at the Federal level and also prohibited at all levels and subject to prosecution.*"<sup>78</sup>

The current constitution of Ethiopia has approved that women have equal rights with men. The above recommendation has revealed that the polygamous marriage needs to be prohibited not only at the level federal but also at the regional.

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<sup>76</sup> .Ibid

<sup>77</sup> .Ibid. Article 651.

<sup>78</sup> . Recommendations of UN Human Rights Committee.(2011).

## Chapter Three

### 3. Methodology

#### 3.1. Research Site and Description of Area

This study was conducted in jijiga area. The area was selected based on the culture of the community, within the practice of polygamy. So it was assumed it would be easy to access information in this specific community where the practice is acknowledged. The researchers have interviewed fifteen women who are engaged in polygamous marital status.

Jijiga is found in the eastern part of Ethiopia and it is approximately 80km(50mi) east of Harer and 60km(37mi). The elevation of jijiga is 1,609meters above sea level. The main road of the city is between Harar and the Somali city of Hargeisa. Depending on the information of Central Statistical Agency of Ethiopia the Somali total population are 4,445,219 in 2007. Consisting 2,472,490 men and 1,972,729 women; urban number 623,004 population or 14% and 1,687, 858 or 37.97% of the people are pastoralist. Jijiga has a subtropical highland climate which is influenced by the mountains because it is located on a plain of mountains and its distance to the sea level. <sup>79</sup>The literacy rate of Somali people is 22% for men and 9.8% for women. <sup>80</sup>

#### 3.2. Research design

Qualitative research is used in this paper. The main purpose to choose this approach is to explore experience of women who are engaged in polygamous marriage.

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<sup>79</sup> .Ethiopian Government.2012.*The Somali National Regional state* ,Ethiopian Government Portal .Published online. Available at <http://www.ethiopia.gov.et/statesomali>, accessed on March 29,2016.

<sup>80</sup> .UNPO.2010.*Ogaden*.Brussels.Avaliable at: <http://unpo.org/members/10714>,accesed on March 29,2016.

The research is interested in the individual experience of women who are engaged in polygamy marriage. To understand their experience, phenomenology approach will be used from the five approach of qualitative. The approach begins with description of main issues and attaches different concepts that are used in the conditions which can help others to understand the situation easily. The experience of wives may be different from one another; the approach will explore this difference experience of women. Phenomenology approach allows readers to place themselves in the shoe of those women who are in polygamous marriage and also reveals that the meaning phenomena's are different depending on our experience. After observing the different experience of women, the approach will open a door to find if there is any a common ground between women who are in polygamy.<sup>81</sup>

In the end the approach include a common ground of the experience. With this approach it would be easy to find the common or shared experience of women in polygamous marriage.<sup>82</sup>

### **3.3. Research's Assumptions**

In a qualitative research approach different researches will influence the researcher paper. These help researcher to compare and narrate the reality. Personally, the researcher believes that accurate sources and undiscovered complex issues in a research can be easy when we have develop a connection with the informant directly. Considering this qualitative approach is applied to this paper.

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<sup>81</sup> . Yitayew Alemayehu and Wondemagegn Tadesse.2013. *"Human Rights Research :A practical Guidebook on Methodology and Methods*. Addis Ababa. Addis Ababa University. Pp. 113-114.

<sup>82</sup>.Ibid.p-126.

The data collection method and analysis procedures reflect on the experience of wives in the Dir clan. While designing the research question the researcher has tried to be more flexible but still it was bounded according to the research objective.

### **3.4. Sampling method**

The research has conducted snowball sampling method. This sampling method is selected to identify units on the basis of the research judgment about which units will be more efficient to the research. This sampling technique is often used in hidden population; in this research women in polygamy marriage don't reveal their story easily, in addition the administration of the state refuse to give any information regarding polygamous marriage. With this limitation snowballing can consider some recommendations to find women who are in this specific situation.

### **3.5. Participants**

This community is selected based on their culture and religion. The participant has been group in three categories (first wives, second wives and third wives). Fifteen participates were selected as participant for this study. The sampling method for the selection of participant was snowball method. The participant was selected considering different criteria: being in polygamous marriage, has to be from Dir clan and stays in the marriage at least for 5 years.

#### **3.5.1. Procedures of participant selection**

While in the selection of participant for this paper, I used my Somali friend/translator connection to get the trust of wives and to identify participant relevant to this specific study. After a warm greeting to the participant, I have asked their permission if they are willing to conduct my research based on their experience.

After getting approval from the participant, they were told to inform me they could help this research. The first participant was the most helpful participant from all, because she has open a door for other informants and provide all informants who are eligible to the study. Once I meet the participant, the informants have to fulfill the criteria that are used to manage the research. The selection of participants was mostly conducted by the researcher considering the criteria of the study. Afterward the research has focused on the information of the participant and tries to increase the number of participant to enhance the believability of the study. As long as the research method choose the snow ball sampling, participants are highly recommended to identify other participants.

### **3.6. Data Collection Techniques**

In this study, qualitative data collection is included. To the purpose of women in polygamous marriage. The information was gathered with semi-structured interview guide which was designed by the researcher to conduct the study. The participants were asked questions regarding their marital status, their general view about polygamy marriage, their relationship with their husband, co-wives and children in particular.

Secondary sources of data were also confirmed to examine the given information about the subject of the study. The necessity of secondary source of data in this study to compare to the academic and conceptual framework in the perspective of primary data which can help the researcher how it could analyzed.

#### **3.6.1. Procedures of data collection**

This study used in depth interview as the main instrument for the data collection. So the informants who have participated in this study were the main sources of the information. All the

participants know what was expected from them and how the research will conduct. Therefore, the research has clearly states to participant their consent is the researcher priority and clearly knows that their information is only for academic purpose ,all this conditions are set to build trust and to get relevant information from participants.

After making sure the participant willingness, the participants will inform the suitable time for interview. At the same time the participant choice the place of interview for their own sake. The choice was given to informants considering their relation with their husband and co-wives.

Engaging in new environment with new culture and social life might lead the researcher to be judgmental. Assuming this, the researcher has tried to understand the situation as any problem and invite the translate the right terms for their language not to exaggerate or lessen the information. This assumption has help the researcher to be prepared well and to act normal in front of interviews. Some of the informant has refused to record their voice and this has also been considered by the researcher.

After all these, the research has listened the recorders with the translator and examined the interviewer's information. The notes and records sessions were transcribed carefully.

### **3.7. Data Management and Analysis**

The collected data through interview was organized and analyzed and presented as follow. The first step of the management was to transcribe the recorded sessions with the translator. After this, the information was categorized in three different class (first, second and third wives). Categories were important to understand if one of the class share some features. Furthermore, after analysis of the record sessions the research has crossed check the participant information.

### **3.8. Ethical consideration**

This study has considered some ethical concerns which help the research to be conducted in the right way and to consider the interest of participant. The consent of participant was the main issue that the researcher consider, and participants has also choice where they will be interviewed. So that participants won't be at risk.

After the participants agree to conduct interview, they have the right to withdrawal anytime without any hesitation. The informants are not expected to enclose their reason of withdrawal. Participant has also know that their experience will be shared for academic purpose only. The researcher has given pseudonyms names to informant and this has also been mentioned to participants.

## **Chapter four**

### **4. Data analysis and Interpretation**

#### **4.1. Participant profile**

The research build a study which would serve as a framework for achieving a description to understand how the rights of women's are limited because of their marital status and their relationship with other wives, other children , and explore the cultural justification given to the practice of polygamous marriage. This analysis has gained a clear view how polygamy marriage limits the right of women's with the irrelevant information of participant. In most qualitative research data's are based on the participants, thus the paper has conducted participants from the Dir clan of Somali.

The participant has identified their clan, educational background and the age rate of informants was from range of the following 18,-20, 21-30, 31-40, 41-50-60. Fifteen participants were asked to respond all the research questions in their chosen language Somali or Amharic, from the fifteen six of them were first wives, five of them were second wives and third wives were four in number. Only four wives have attained primary school from the fifteen informants.

#### **4.2.Cultural justification for polygamy**

##### **4.2.1. To avoid cheating**

Different reasons are usually used to justify the practice of polygamy. One of the common reasons used in support of polygamy is the belief that the practice prevents husbands from cheating on their wives. Somali communities generally believe that men, by nature, have unlimited desires in life and that one woman or a wife cannot fulfill all those desires. For example, a man can easily get attracted to another woman. Such attraction would be considered

emotional cheating unless he proposes a Nikkah (engagement) to that woman. The husband is then required to seek the permission of his first wife if he is interested in another marriage. At the same time, the first wife must permit his desire because he did not cheat otherwise she is pushing her husband to cheat. The Dir clan of Somali also believe that polygamy is allowed in the holy Quran so that a husband won't cheat.

In Somalia, extramarital affairs are extremely opposed by all communities. However, it's also commonly believed that if a man is allowed to get what he desires, including polygamy marriage, fulfilling such desires is within his rights provided that it does not cause him a conflict with his religion.

Somali communities believe that cheating causes more pain to women than polygamy. Polygamy helps women to control their husbands' in terms of resources, while husbands are expected to be fair and just to all their wives. A wife can only know where husband is, where he is spending his time and money when he is around. It's believed that when a man cheats it's because of one of these two reasons. One, because the man has a bad habit of cheating in other words he has a permesquious life style leading him to sleep with more than one women. Two, his wife's unwillingness to let him marry another wife, which is believed to create pressure causing him to secretly have affairs with other women. Most of the time, if a husband is having an affair he is going to invest his resource and time to his mistress in order to keep their relationship in secret.

*"I never asked why polygamy is practiced in our community but one day when I was shopping, women's were talking about, which is better ,whether you see your husband sleeping with his another wife in your own home or if he cheat without you knowing, then they ask me which I will choose, then I understand the justification of polygamy. I didn't say a word I just bought what I want and walked out. While I was walking to home I said , I would choose his cheating rather than seeing him with another women because I will assume that a mistake he made and he will change. "* <sup>83</sup>

It assumed that if a husband is having an affair , the transmission of sexual diseases rates may be high within and between communities. The holy Quran has stressed that husbands are required to take care of their wives almost in all matters.

*"Make sure that you feed her when you get food to eat, clothe her when you get clothing for yourself ,do not hit her in her face, do not curse her avoid her (discipliner purpose)except in bed."*

The above Quote shows the duty of husbands towards their wives.

*Whoever makes efforts to realize a wish of an ill person, would be purified from his sins, just as the day he was born."*

This statement shows the Dir clan has redefined the meaning and responsibilities of husband and wife according to the holy Quran. Depending on the conditions, spouses might not have the

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<sup>83</sup>.Seada ali, interviewed on March 20.

ability to engage in activities because of the illness, thus the responsibility to nurture will move to one spouse. Besides this, both spouses shall not cause any pain towards each other. To prevent any type illness spouses need to consider their partner needs. Accordingly, if a husband desire to remarry again, his wife needs to consider such situation. Otherwise a husband may be forced to have an affair.

#### **4.2.2. To increase the marriage rate among women**

The other justification given to the practice of polygamy is the argument for increase the marriages rate among women. Communities also encourage women to get married at an early age as it's considered a sign of success for young women who get married and enjoy having stable families. Men are not bound by age limit; however, the perception is that women age faster than men, thus early marriage for women is highly encouraged in many Dir Somali communities.<sup>84</sup>

Another justification for increasing the number of married woman in the community is the first wife's work overload and the fact that she is consumed in taking care of her children as well as her home exerts influence on the husband to look for a more younger wife who can serve him better and share the workload of his first wife. This is believed to benefit the younger women in the community who are not married.

In addition, families are responsible to their daughter until she gets married. Among the Dir clan of Somali women are raised according to their culture. A women is under her family control until her husband take the responsibility because of this daughters are strictly raised compared to sons. At the same time daughters are seen as burden so every family wants their daughter to get

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<sup>84</sup>.Rihanna Ali, interviewd on March 16.

married as quick as possible. If a man is marrying again and again it is assumed that he is not only helping himself but also helping brides family.

*"My family was worried about me because I did not get married until I was 23. Most women's get married at the they age of 18 in my community, so when my husband ask for Nikkah to be his third wife I accept it. I was so happy to get married since everyone was talking about me why I did not get married.."85*

In the holy Quran it is stated that men are the protectors and maintainers of women, thus women are assumed weak among the Dir clan of Somali. Considering this, women are encouraged to get married rather than live with her family after the age of sixteen. Furthermore, the community has a very positive attitude to a married women as the community understand that marriage is the most important phenomena for human being. With this perception, the community discourages women when they are single.

The community culture indicates that a husband has a right over his wife, a wife is commanded to obey her husband, treat him well and make him her precedence above her parents and siblings. This perception of the community is not only determined by the culture of the society but also the holy Quran declares it as:

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<sup>85</sup>.Hiba Abdi, Interviewed on March18.

" If a women says her prayers ,fasts her month (Ramadan),guards her private parts and obey her husband, she may enter paradise by any door she likes".<sup>86</sup>

#### **4.2.3. As supporting and protecting system**

Polygamous marriage in the Dir clan is perceived as a support system for women in a way that the husband provides support in all aspects of life to the wife after she marries him. This comes from the cultural perception that women are weak and need support either from their family or their husbands. Therefore, when a man marries, he takes responsibility to support the wife in other words he is sharing responsibility. For instance, if a man marries a widow in the dir clan, he is considered noble in the community as he made a good decision to help the widow woman. Accordingly, polygamy is considered in this clan as a means of helping more women.

### **4.3.Polygamy and Limitation of Rights**

#### **4.3.1. Gender inequality in polygamous marriage**

The principle of equality has been one of the commitments of international and regional human rights instruments. Equality has been defined as the right of being free from any discrimination, exclusion or restriction on the foundation of equality between men and women.<sup>87</sup>The current constitution of Ethiopia has stated about gender equality in article 7as"Provisions of this Constitution set out in the masculine gender shall also apply to the feminine gender."<sup>88</sup>

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<sup>86</sup>.Dr. Phillips, Abu Ameenah Bilal and Dr. Jamila Jones.2005.*Polygamy in Islam*. Saudi Arabia. International Islamic Publication 2005.p-22.

<sup>87</sup> .Onyango .J. and Tamale sylvia.2011.*The Personal is Political,or why women's Rights are Indeed Human Rights: An Africa Perspective on International Feminism*. The Johns Hopkins University press.

<sup>88</sup>.See, FDRE costitution,article7.

While promoting and protecting gender equality varies from one religion to the other and from one tradition to the other of the different communities. The Somali people, attitudes, cultures, norms and gender rules are principally based on the shari'a law. Referring to the shari'a the Dir clan of Somali refuse to implement women's human rights according to the international, regional .national legal provisions .<sup>89</sup>

The holy Quran has stated the equality of men and women. *"I shall not lose sight of the labor of any of you who labors in My way, be it man or woman; each of you is equal to the other (3:195)"*More over the Quran has also mentioned within polygamy marriage a husband needs to be fair to his wives to ensure the equality among wives. The husband might protect the equality of wives in their own terms but the findings reveals that gender equality has not been protected in polygamous marriage.

To analyze the invisibility of human rights in polygamous marriages One manifestation of gender inequality is the exercise of decision making power. In polygamous marriages, the decision making power is more likely to be in the hand of the husband. The first phase of the gender inequality is the belief that a husband is the one who provides everything for his family and is required to do so.

The division of labor(domestic work for wives and public for husbands) can be the second manifestation of gender Inequality, a woman in polygamy marriage has a big burden private sphere. For instance, cooking, cleaning, and child nurturing. All these activities are not

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<sup>89</sup>UNICEF.2002.Women's right in Islam and Somali Culture. Kenya. Available at: [http://www.unicef.org/somali/SOM\\_WomenInIslam.pdf](http://www.unicef.org/somali/SOM_WomenInIslam.pdf)

acknowledged by the community or by the husband. The other huge gap is that, the works of wives are unlimited and restless. As the finding, most of the time the workloads are covered by first wives ,this is because the new bride will not work for weeks until she feels like home. The new bride will be familiar with the already existing work set up.

*"Most of the time I do the cooking and the cleaning, we never talked how we should work.. We all stay at home, sometimes they help me whenever they feel like it , especially his third wife take care of my children, she did not have a baby yet so she takes care of them. I am not happy about the work load but if I don't do it no one will do it plus I would rather distract myself with such things rather than facing the reality."<sup>90</sup>*

In the community of Dir clan of Somali, wherever a man decides to marry or remarry he needs to have the capacity to provide at least the basic needs. Husbands are the once who decide where their wives are going to stay. This decision making power reflects that the important decisions will be made by the husband.

After the study was conducted, it is understood that as long as a husband provide a place, preference of place will not be considered. In the case of polygamous marriage the preference of first wife might be considered, however husbands will have economical challenges after investment of their resources when they decide to remarry. With this circumstance wives needs to accept the choice of their husband almost in every matters. The economic effect they faced

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<sup>90</sup>.Nejat Redfan, Interviewed on March 21.

limit the needs of wives. The Dir clan of Somali women refuses the practice of polygamous marriage from different perspective. When husbands fail to provide needs of wives especially a place to stay, wives will be forced to live together. First, second and third wives will not have a say about where they are staying, this creates a family that sticks jealousy and competition environment.

Parents have their own principles on how to discipline and correct their children, and until children begun to think critically, decisions will be made in the interest of parents. In polygamous marriage children are not only from first wives but also from second and third wives. Any decisions regarding children will be decide by the husband, since it is assumed step mothers might influence the decision making considering their child benefit, so husband are encourage to decide about children issues.

In polygamous marriage, husband's treatment towards wives needs to be equally and fair in every matter according to the Holy Quran. However the findings of this study disclose that wife has accepted the reality that they equality and fairness cannot be realized while they husband have their one favorite wife. On the other hand, whenever the husband decides to marry again and again, the needs of his first wife is limited in order to be blessed form the new bride family. Discussion regarding how to balance expense for the sake of fist wives and her children is not carry out because of husbands. Male dominance and the gap of gender inequality can be seen with these conditions of the Dir clan of Somali. According to this thesis finding, husband abuse their wives in different directions, though women are not allowed to correct their husband, on the contrary the husband has power to punish and correct whomever he likes.

#### **4.4.Rights Verses Polygamy**

The study also explores whether participants has some concepts about human right. Depending on study, most of the informants have no information about the notion of human right. Though women in polygamous marriage understand that their rights are limited from the perspective of the holy Quran and morally. The culture of Dir clan of Somali has placed different customs towards women. This customs has shaped the mind of women from different dimensions.

One of the custom is that a women needs to be patient. In other word the custom is telling wives, she needs to tolerate her husband within different circumstances. In polygamous marriage different physiological, economical and other forms of abuse exists, still a wife needs to tolerant all these situation. Custom, values and traditions of the community is for all women in the Dir clan, which also include wives in monogamy marital status. Nonetheless, the effect of polygamy became out of their control. In polygamous marriage a women is not only expected to be patient to her husband rather to his wives, children and the entire thing that are cause by their marital status.

Facing number of challenges everyday which is not likely to be changed, will force wives to think about divorce as a solution. According to the sharia law wives can seek divorce, for instance when her husband refuse to fulfill her needs and family desires. As any concept the society accept women seeking divorce, while in the practice ,if a women seek to divorce her husband and the society will assume that she is unfaithful wife.

Most of the time, wives prefer staying in their marriage. The first reason is that the social stigma towards divorce , Secondly women don't have formal jobs thus they fear they won't be able to provide for their children .

After all, if she still decides to seek divorce, fair distributions of goods cannot be guaranteed. While in the process of divorce, the number of wives and children of the husband will be considered. Even though those wives fight in the side of their husband at the end all the resources will be in the hand of their husband, since he is the bread winner of the family and the rest of the wives wont risk losing that.

Women have the right to decide about their marriage in different matters and their consent needs to be considered. Moreover the right to preference still needs to be included. Most informants have mentioned that have chosen monogamy marriage however their husbands have refused their opposition against polygamy. Some of them were not even asked for permission. In polygamous marriage women have right as women in monogamy. However these rights become limited because of their husband behavioral changes. The husband need to get the approval or at least he need to ask permission from his wife before he remarry, whereas the limitation of right begun when the husband refused to ask for permission.<sup>91</sup>

#### **4.5.Narrative of wives Experience**

##### **4.5.1. The psychological effect of polygamy**

Women have faced different difficulties within their polygamous marital relationship. The psychological effect of polygamy could be one. Isolation, neglected and abandoned feeling has been attached to wives because their husband. Most of the wives have stated the feeling of jealousy has lead them to stress and to compete with the other wives, some of them mentioned that their husband treatment towards children varies from one another, this circumstance, seeing their children disappointed by their father creates a negative feeling to wives. Knowing that their

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<sup>91</sup>.Yasmine Mohammed, Interviewed on March 19.

father has not be fair to his children and not providing the necessity needs of their children fairly direct wives to be violent against other children. Unless there is an excessive resource that can manage all the family members equally, economic challenges and insecurity will be one problem. Furthermore, most wives are not encouraged to work in the public sphere. This norm limits the right to work of women's rights. As the participant discuss they want to work for the sake of their children, to provide goods and material without looking their husband hand.

*"I wanted to work when we first get married but I never asked my husband, because I know that he wouldn't allow it. My husband is insecure man, he never trusted me. He never allows me to go out from our place. If I asked him a permission to work he will think that i wanted to go out so I never asked him."<sup>92</sup>*

However the norm those women need a permission from their husband to work limits wives not to work. The community of Dir clan believes when a husband allows his wife to work, it is assumed that he has failed to provide the needs of his family. Even though the family is having difficulties husband wouldn't admit the challenges.

Another challenge in polygamous marriage is the physiological problems; one ground for the problem is worrying. In polygamous marriage women worries about their children and their relationship with their husband

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<sup>92</sup>.Amira Yasin, interviewed on March 25.

The action of husbands causes different negative feelings. Husbands order their wives to stay together, wives stay in suffering marriage. The dynamic challenges of polygamous marriage are that wives have to stay in jealous and competition environment. Most of the participant highly shares these feelings; these situations create frustration, hurt and isolation. These problems of wives in polygamous marriage can highly create a mental illness to women. In addition this are feeling, they have no power to stop the way they feel unless the situation changes.

*"I always try not to be jealous but I just can't , he is my husband. Whenever he laugh with her or when he do something nice I really get jealous and my temperature increased, when he know that he find out am jealous he said I had my turn now it's her turn, whenever he said this I feel so small and invisible."<sup>93</sup>*

Most first wives have blamed themselves because their husband decides to remarry. They feel like they have not done enough and if they do everything correctly he wouldn't decide to remarry again. Even though numbers of thing have changes in their marriage they still don't give up on their husband. With this assumption, wives became engaged in competition with co-wives. If the husband has not shown any changes, the feelings of hopeless, and loneliness will be developed. Especially the loneliness feeling will be high since wife are not allowed to visit their family without the permission of her husband. The consequence of polygamous marriage like the inability to possess their husband and being hidden is a one form of psychological abuse.

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<sup>93</sup> .Nejat Redfan, interviewed on March18.

Some has mentioned the opposite of this, they feel like they have been betrayed by their husband. The responsibility of wives among Dir clan of Somali is high. The experience of women as a wife in polygamous marriage is diverse because of the various abuses. Wives define and classify different if it's right or wrong considering their husband needs. After sacrificing their lives for the sake of their husband and when the husband refuses to acknowledge that wives began to feel invisible which is one means of creating psychological illness.

The changes in behavior and the unfairness of their husband have caused more painful experience to wives among polygamous marriage. Furthermore, women in the Dir clan has been raised and told that a wife has not right to blame her husband and she should always need to be silent about her marriage. To be respected and to get acceptance from her society she shall not reveal that husband is treating her wrong. In consequence, a wife has no place to talk about her challenges so that she can find a remedy.

Physical abuses has not be mentioned with all informants but the psychological abuse is very high in polygamous marriage from different dimensions, one could be, the verbal aggression which is painful to wives, these women has faced this kind of problems almost in their daily live. Because of this they lose their self-esteem and feel inferior.

*"I am his first wife and I can really say and know what really changes about Ahmed (husband) He used to insult me before he married Hayat(second wife). I didn't like it, it hurt my feeling but I always forget it. One day he insult me in front of Hayat and I felt so small and bad because she was there. After two days I fought*

*with Hayat and she told me why I am still living with him, she said what he said and that really hurt my feeling."*<sup>94</sup>

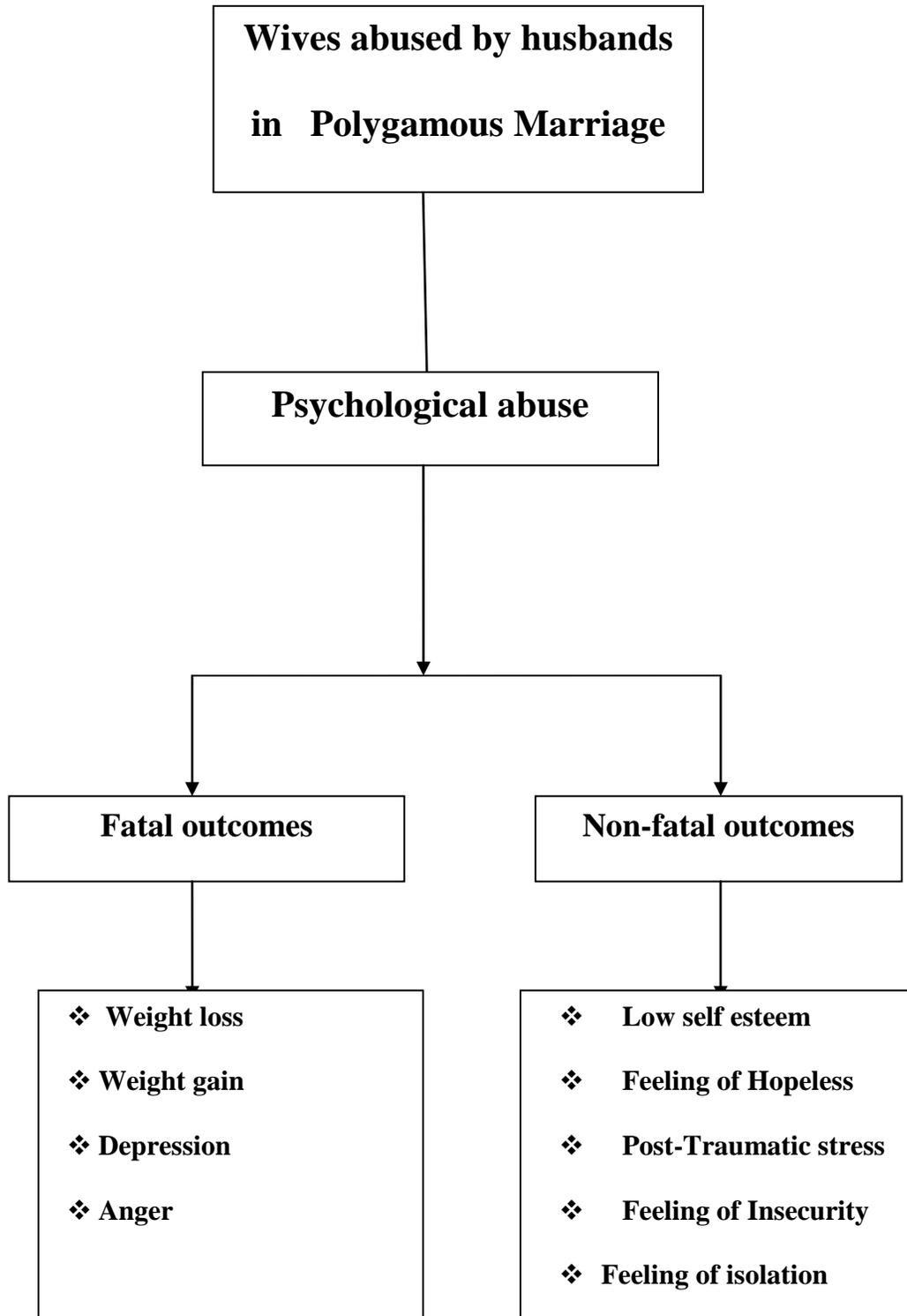
The idea of being replaced by another wife, knowing her husband has fell in love with another woman while she is still there and the idea of not being a priority to her husband will be an alarm to wives. Sharing her husband with another woman in her own home while her children are there to observe the reality, and thinking how to explain the situation to her children will be difficult. These conditions can be another incident that create psychological problems.

Compared to others, first wives can be more affected by psychological problems. They feel very old, invisible and neglected with their lives. Whenever husband decides to remarry, the preference of the husband will be younger women.

All marriages are monogamy until the husband decides to change it to polygamy. Different changes took place when the monogamy marriage became polygamy. The changes can be from the dimension of economic, physiological, and social. This change can highly affect wives physiologically. Each wives will see the changes whenever the husband decide to marry again and again. With this condition, privacy, discussion, attention and psychological supports will be limited in polygamous marriage. This change creates quarrel with their husband. Women in polygamous marriage loss their confidence in their ability to have a normal relationship as they have experienced a life filled with stress, anger and resentment.

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<sup>94</sup>.Niyama Ahamed, interviewed on March 22.



Source: World Health organization.(1993)modified.

#### 4.5.2. Relation with co-wives

The relationship between co-wives is mostly not good as the finding of this study. Within polygamous marriage wife are expected to develop sisterhood,<sup>95</sup> however rather than building a good relationship, wives begun to challenge one another. First wives become more violent to the second wife because of the jealousy. Most of the time women compete with each other in polygamous marriage in win their husband heart and to became his favorite wife.

The competition among wives are not only to win their husband heart rather they compete with each other not to do some activity (cooking, cleaning and so on) in the household. Depending on the personality wives will influence each other negatively.

Children are another reason causing conflict among wives. As any normal family children polygamous marriage fight with one another. Whenever this happen wives forget to be logical and fix the problem as adults, rather they starting fighting with one another by taking side. As the participant express their relationship with one another most of the time it is not good and its has never been good unless the husband is there. Wives will pick a silly reason to fight with each other. At the same time each wives tires to make each other look bad in front of their husband, so that the wife could be punished by the husband in his own term. These women have no reason to fight or hate each other rather it's because they love their husband.

*"We stay in the same house, my relationship with his wives are not good. I don't like them at all. I feel like they take my husband and it makes me feel like my life is a mess because of them not only my life but also my children life. We almost fight everyday with*

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<sup>95</sup> .Adula Ahamed, interviewd on March 20.

*everything. His second wife always tells me that my husband thinks of me as his servant rather than his wife if he had ever loved me he wouldn't marry her."*

#### **4.6.Effect on children**

Even though I did not interview children, I have asked wives if their father had practiced polygamy to understand the effect of polygamy as a wife and as a child. *"How many wives did your father had ? If there were more than one, which wife was your mother and how did you see the relationship between your father and mother, your mother and your step-mothers and you and your step-mothers, you and your father?"* In general the response to this question was negative. Respondent describe their relationship with their step mothers were not likely good, while they have to take sides with their mother and avoidance of conversations were common. Children relationship as sisters and brothers is not as a normal family; rather it was influenced with by their mother.

In addition, the researcher has asked participants, if the existence of another children and step mothers limited their relationship with their father and if the treat of their father varies from one child to other. The finding has revealed, from the general themes of respondent polygamous marriage created confusion, lack of following, lack resources and limit love and connection with fathers. Confusion of roles as a child and lack of resources were the two disadvantage that were mentioned as a common challenge of polygamy. These two issues which are visible in polygamous

families go along with other finding of researcher, researcher has found that economic struggles and supporting overcrowded family is hard to manage.<sup>96</sup>

Their childhood experience has created confusion towards the strength of relationships. Furthermore, living with another wife in the same household will create vulnerable to the jealousy wife that could lead violence to the other women.

With the wives experience we can understand the children problem regarding polygamy. Children gets number of lessons from their parent and tend to accept right or wrong activities from their parents perspective without any refusal. This condition will develop the relationship between parents and children, nonetheless the overcrowded nature of polygamy marriage reduce connection among family, which means children will not be able to have that connection.

Having a economic struggle in polygamous marriage has impact on children. Different school activities can be limited and the less ability of parents providing nutrition and balanced diet can highly affect the performance of children in school compounds.<sup>97</sup>

Most of the time children relationship with their step mothers and step sister or brother is not good. Children might not feel secure with this kind of environment. The relationship between their mother, step mother and their mother and father will confuse them until they understand the practice of polygamy, furthermore the competition and the jealousy atmospheres not a good environment for children to live in.

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<sup>96</sup>. Al-Krenawi, A.1999.*Explanations of mental health symptoms by the Bedouin-Arabs of the Negev*. International Journal of Social Psychiatry, 45 (1), 56-65.

<sup>97</sup>. Yang,Manee .2003A *qualitative study examining the effect of polygamy on Hmong individuals who has been raised in polygynous household* .Vietnam. University of Wisconsin -Stout. M.A thesis .P-3

#### **4.7.The economic effect of polygamy**

The Dir community has set different norms towards women. This situation has been taught to the members of Dir clan since their childhood, at the same time they were told no excuse is enough to break the rules of the community. One rule of the community is that a husband is responsible in different themes. A husband has to provide a financial support to his wife.<sup>98</sup>

In polygamy marriage it's hard to provide all the basic necessities to family members. Food expenses, cloth and school supplies and other item shall be provided from the husband equally to all his family members. To provide this, the husband needs to work very hard. Most of the participant states that husbands only provide good for their favorite wives, in addition the favorite wife shops groceries for the family members.

*I will never forget that day, our neighbor daughter was going to get married, Three of us(wives)were working and our friend suggest that we collect some money and buy something for the new bride, everyone agrees. I had some one and I wanted to contribute more, so I asked my husband for many he told me he has not much. Then I walked out, after some minutes I get back to give mattress for my neighbor, while I was there I heard kedja(Third wife) voice from the bedroom asking money. He didn't say a word he count and give her. <sup>99</sup>*

Having a favorite wife and child from the family member is another problem that causes economic challenge in polygamous marriage. Husband or father provides their support only to

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<sup>98</sup>. Fathiya Mohammed, interviewed on March 20.

<sup>99</sup>.Hadra Nesirdine. interviewed on March 18.

their favorite ones. Economic challenges can be easy to manage if husbands make an exception for his wives to work.

The other reason that creates economic challenge in polygamous marriage is, the tradition of weeding. When a man decides to marry someone, he has to give gifts for the bride and her family. As long as he wants the marriage he has to cover all the expense for the ceremony. So whenever the marriage took place in polygamous marriage the economic challenges will be increasing.

#### **4.8.The effect of polygamy regarding health**

Concerns have also been raised about the impact of polygamy on the spread of HIV/AIDS and STDs. While no specific study has been conducted on connections between polygamy and the disease, As Peter Bire, director of the National AIDS Council, highlighted that high-risk behaviors (transmission of diseases) and situations could not be ignored.<sup>100</sup>

A husband within polygamy marriage needs to sleep with all his wives. Most of the time husbands marry a virgin woman in the Dir clan of Somali, whereas the husband is not. STDs disease can be transmitted from husband to the wives. Furthermore it is not a tradition to go to a hospital before getting married as long as she is a virgin. This philosophy can highly impact the health of women, since the husband is exercising the intercourse with his wives. The mortality rate of mothers and wives will be high if they didn't get the right treatment in the right time. These conditions can affect children and societies negatively. On a different note, the family code states that married couple should have a healthy sexual life. But in a polygamous marriage,

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<sup>100</sup>. <http://www.ipsnews.net/2014/07/outlawing>

this is not practical because the husband prefers to have sexual intercourse with the youngest of the wives and ignores the rest.<sup>101</sup>

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<sup>101</sup>. See the revised family code.2002.

## Chapter Five

### 5. Conclusion and Recommendation

#### 5.2. Conclusion

The research has the effect of polygamous marriage towards women; it has made its study based on the experience of Dir clan of Somali. Considering this, the paper has tried to explore the cultural justification of polygamy marriage among the Dir clan and the effect of polygamous marriage towards women. Secondly, seeks to understand to what extent the rights of women are limited because of their marital status and thirdly, it aimed to understand the narrative experience of women within polygamous marriage. Fourthly, it tries to see the limitation of women's right.

The finding has revealed that the cultural justification to the practice of polygamy marriage is to avoid an affair, to increase number of married women and to support women psychologically, economically and socially. The purpose of all this justifications is assumed that it will benefit women from different direction. Depending on my informants this justification has not helped women from any direction. Most of the informant has stated that they are living in a jealousy, competition and isolation atmosphere. Some has mentions their husband has forget about them completely and they feel like he has made his choice so they are still in the house for the sake of their children. A husband might not have an affair if he has the right to remarry again and again, whereas no one has considered that the feeling of wives (neglected, jealousy and competing feelings) towards the practice of polygamy. This can be limited if the husband is fair in all condition but the finding has proved that after the new bride has arrived to the household she will be his only concern.

The community highly recommends women to get married, so younger women won't hesitate a proposal of a man, even though they are going to be a second or third wife. The relationship of co-wives are not good most of the time, this creates a bad environment in the household. At the same time they compete with each other in order to get an attention from the husband.

Most of the income sources are generated from husband; this has influenced women not to share their opinion freely, so most of the decision makings lies in the hand of men. In polygamous marriage husband is not only fulfilling the need of his wife rather the need of wives which is really difficult to manage. Even if the husband has open a discussion to some topic he has to consider the idea of his wives and most of the time they will be influenced with the one they like more ,so the finding has shown that husband fail to support all their wives equally, so most of them are having economic insecurity.

According to the finding of this paper, one of the effect in polygamous marriage can be in terms of psychological illness, which has surround women to be sad, depressed, and confused. Polygamy marriage has built aground to women with economic insecurity whether their husband will support them financial after has invest many resources to his new bride. The effect of polygamous marriage has also impact the relationship of children with their father, mother and step mothers. With this condition, children cannot also have a normal life within polygamous marriage. The paper has also revealed that the cultural domination and traditional practice highly affect women's rights.

The result also indicates that polygamous marriage creates inequality among men and women. The culture of Dir clan Somali has make the duty of women to take all the measurements in order to make her husband happy. With this perception if the husband decides to remarry again,

she shall allow it for two reasons. One his wish are her priority and two because she shall not oppose her husband as long as he desire it.

The study has discover that most women in polygamous marriage are not happy with their marriage. The interviewed women has stress that they have faced different abuse since they entered in the polygamous marriage. Husbands become more superior in polygamous marriage since the made the choose in every aspect without considering the needs of his wife. The action of husbands highly affects the lives of their wives. In addition the culture of the Dir clan of Somali enlarges the challenges of women in the community. Women are expected to sacrifice their lives for the sake of her husband and children , which mean she need to stay at home nurturing her children and do all the thing he husband desire. This assumption is common in the Dir clan of Somali whether they are in polygamous or monogamous marriage. However in polygamous marriage, wives are not treated equally as they deserve too and different negative feeling are attached to them because of their marital status.

### **5.3.Recommendations**

Refereeing to the findings, some recommendations can be stated to limit the practice of polygamy.

- Encouraging women to make movements against the practice of polygamy with the support of regional government.
- Based on the finding, religious leader and older people plays a big role in shaping community behavior. If the government has proven to effect of polygamy marriage towards women to influential people, it would be easy to change the minimize the practice of polygamy.

- At the same time designing a policy against polygamous marriage at the federal level and encourage regional states to include such provisions while teaching the community about the down sides of polygamous marriage.
- Developing a committee that can check the enforcement of law and provisions.
- Creating an easy access to information for the community to know about right, obligation and duties with the referral of laws and provisions rather than norms and values.
- In order to promote the right of women in the Dir clan of Somali, women need to know about the concept of human rights and has to participate in different areas. So the regional government with the help of federal government needs to develop a training program on the such subjects.

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African Charter on Human and people's Rights

Beijing Declaration and Platform

Convention On the Elimination of All Forms of Violence Against Women

Convention on the Rights of Persons with Disabilities

Federal Democratic Republic of Ethiopia Constitution

International Convention on the Elimination of All Forms of Racial Discrimination

International Covenant on Civil and Political Rights

International Covenant on Economic and Social and cultural Rights

The Revised Family Code

Universal Declaration of Human Rights

## Appendix

### Participant Profile

<b>Name</b>	<b>Age</b>	<b>Formal education background</b>	<b>Marital status</b>	<b>Yearsof marriage</b>
NiymaAhamed	53	Has not attained	First wife	30
Rihanna Ali	58	Has not attained	First wife	38
Fathiya Mohammed	56	Has not attained	First wife	38
Aydaabdurazak	32	Attained primary school	Third wife	12
Hanan Mohammed	48	Has not attained	Second wife	30
HadraNesrdine	33	Attained primary school	Third wife	10
Yasmine Mohammed	45	Has not attained	First wife	26
AdulaAhamed	34	Has attained primary school	Second wife	18
Hiba Abdi	48	Has not attained	First wife	25
NejatRedfan	61	Has not attained	First wife	42
Hayat Ali	27	Has not attained	Third wife	9
Seada Ali	28	Attained primary school	Third wife	9
Subrine Dini	37	attained primary school	Second wife	17
Amira Yasin	39	Has not attained	Second wife	19
FozyaYesuf	48	Has not attained	Second wife	29

## **Interview Guidelines for First wives**

- ❖ Name
- ❖ Age
- ❖ Sex
- ❖ Marital Status
- ❖ Formal educational Background

1. How old were you when you first learned about marriage?
2. Did you ever want to get married?
3. How many wives did your father had ? If there were more than one, which wife was your mother and how did you see the relationship between your father and mother, your mother and your step-mothers and you and your step-mothers?
4. How many wives does your husband have and what do you feel about your marriage?  
Did he ask your permission or inform you when he took another wife?
5. How do you see the treatment your husband gives to you and the other wives, in terms of economic support, time allocation, attention and care, treatment of children?
6. What does your relationship with the other wives look like? Do you live in the same compound or household? If so please tell me about your daily interactions?
7. How do you allocate the work load between the wives (cleaning, cooking, taking care of children?) Are you happy with this allocation?
8. What do you think about polygamous marriages, How do you see the culture of polygamy in terms of equality ?
9. Do you accept the cultural justification given to polygamy marriage?
10. How much religious education do you have?

- 11.** What do you know about women human rights or rights in general? Have you ever been given any trainings on these issues?
- 12.** Do you think the culture of polygamy is beneficial for women or not? Why?
- 13.** Do you have a daughter? If yes would you chose the polygamous marriage for her ?yes/no? why?
- 14.** Do you think your life would be better or worse if you were not in polygamy marriage? Why?
- 15.** What is the common problem in polygamy marriage?

## **Interview Guidelines for Second wives**

- ❖ Name
- ❖ Age
- ❖ Sex
- ❖ Marital Status
- ❖ Formal educational Background

1. How old were you when you first learned about marriage?
2. Did you ever want to get married?
3. How many wives did your father had ? If there were more than one, which wife was your mother and how did you see the relationship between your father and mother, your mother and your step-mothers and you and your step-mothers?
4. Did you know that you were going to be his second wife? How did you find out that he is married? How do you define your relation with his first wife?
5. How do you see the treatment your husband gives to you and the other wives, in terms of economic support, time allocation, attention and care, treatment of children?
6. Do he give you a choice where you want to live? Is it your choice to live with his first which or you are forced because of economy?
7. How do you allocate the work load between the wives (cleaning, cooking, taking care of children?) Are you happy with this allocation?
8. How do you define your relationship with you step-children?
9. What do you think about polygamous marriages, How do you see the culture of polygamy in terms of equality ?
10. Do you accept the cultural justification given to polygamy marriage?

11. How much religious education do you have?
12. What do you know about women human rights or rights in general? Have you ever been given any trainings on these issues?
13. Do you think the culture of polygamy is beneficial for women or not? Why?
14. Do you have a daughter? If yes would you chose the polygamous marriage for her  
?yes/no? why?
15. Do you think your life would be better or worse if you were not in polygamy marriage?  
Why?
16. What is the common problem in polygamy marriage?

### **Interview Guidelines for Third wives**

- ❖ Name
- ❖ Age
- ❖ Sex
- ❖ Marital Status
- ❖ Formal educational Background

1. How old were you when you first learned about marriage?
2. Did you ever want to get married?
3. How many wives did your father had ? If there were more than one, which wife was your mother and how did you see the relationship between your father and mother, your mother and your step-mothers and you and your step-mothers?
4. How many wives does your husband have and what do you feel about your marriage?How do you define being a third wife?
5. How do you see the treatment your husband gives to you and the other wives, in terms of economic support, time allocation, attention and care, treatment of children?
6. Do he give you a choice where you want to live? Is it your choice to live with his first which or you are forced because of economy?
7. What does your relationship with the other wives look like? Do you live in the same compound or household? If so please tell me about your daily interactions?
8. How do you allocate the work load between the wives (cleaning, cooking, taking care of children?) Are you happy with this allocation?
9. What do you think about polygamous marriages, How do you see the culture of polygamy in terms of equality ?

- 10.** Do you accept the cultural justification given to polygamy marriage?
- 11.** How much religious education do you have?
- 12.** What do you know about women human rights or rights in general? Have you ever been given any trainings on these issues?
- 13.** Do you think the culture of polygamy is beneficial for women or not? Why?
- 14.** Do you have a daughter? If yes would you chose the polygamous marriage for her  
?yes/no? why?
- 15.** Do you think your life would be better or worse if you were not in polygamy marriage?  
Why?
- 16.** What is the common problem in polygamy marriage?