

Addis Ababa University
School of Graduate Studies
Faculty of Humanities

**The Nikaah Ceremony Among The Muslim
Community of the City Of Gonder: A Case Study
(2000-2011)**



BY : HASSINA OUSMAN

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Addis Ababa University
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Of the City Of Gonder: A Case Study (2000-2011)

**A THESIS PRESENTED TO THE SCHOOL OF GRADUATE
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DOCUMENTARY LINGUISTICS AND CULTURE**



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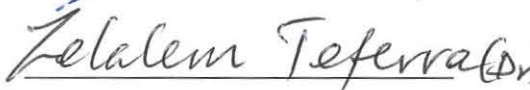
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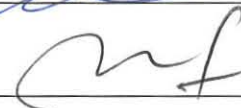
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Abstract

Marriage in Islam is supposed to be performed according to the commands and teachings of the Holy Qur'an and the Sunnah of the Prophet Mohammed. Its performance differs according to the geographic, economic and cultural features of diverse societies. Nevertheless, there exist common features while conducting an Islamic marriage. Nikaah, which literally means "to bind", becomes a common phenomenon for all Muslims around the world being basic and mandatory act of any valid Muslim marriage.

This thesis gives adequate information on how the Nikaah ceremony is performed in one of the Muslim communities found in Northern part of Ethiopia, the city of Gonder. Gonder city being one of the old centers of the Ethiopian state has also become one of the great cities which used to accommodate and still accommodates cultural and religious pluralities. This makes the city both a remarkable cultural and religious mosaic in addition to its historical heritages.

It is believed that the word Nikaah represents the concept of Islamic marriage that it has been used throughout the research. Nikaah, mostly known as "aqid" among the Gonderine Muslim community, is one feature of their daily lives yet, it was not studied.

The objective of this research is to study and digitally documenting the performance of Nikaah. Even though Nikaah is a mandatory act which legalizes any Muslim marriage, the performance of Nikaah as a whole and its performance with particular reference to Gonder were not studied well and get less attention among the researchers. Thus, this research has been done to meet multiple goals.

In order to implement the research qualitative method has been used and Purposive sampling has been applied based on different selection criteria. A total of 23 informants have been involved in order to get ample data. For data collection, observation, interview has been conducted and documents have been used.

As this research reveals, Nikaah is performed according to the Sharia law with its own rules and procedures. It is performed at the presence of the active participants of the ceremony. This ceremony is a combination of two main features I.e. religious and cultural features. Both features appear inseparably and harmoniously. The ceremony witnessed changes and replacements on some

procedures. There are changes that are exhibited on the past ten years due to cultural, economic pressure and the intervention of the government. One can observe also that cultural fusion as well as religious integrity. This further gives an overview on how intense religious and cultural process could operate through years.

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Key Words

Islam comes from the Arabic word “selam” that means “peace” linguistically and it refers to the complete submission to the will of God.

The Holy Qur’an: a Devine Scripture of Muslims sent from Allah through Angel Jibril (Gabreal).

Sunnah : The original meaning of the word is “way” or “path” to be followed, but it is used as a technical term for those words, actions and sanctions of the Prophet Mohammed that were reported and have come down to Muslims.

Hadith : The collected and compiled form of any statement of the Prophet Mohammed, His sayings, deeds, approvals and sanctions etc

The Sharia : The Devine law which is derived from the rules and regulations of the Qur’an and *Hadith*, consisting of ordinances and acts of worship such as fasting, prayer, pilgrimage and all of other acts of worship or acts of obedience to God.

Mahr : A bridal money or gift given to the bride by the bridegroom at the time of *Nikaah*(marriage).

Nikaah : An Arabic word referring to marriage contract or a term used to legalize a man-woman relationship as legally married as a husband and wife. In other words it is a Marriage (wedlock) according to Islamic law.

Qādī: A religious appointee who conduct *Nikaah* ceremony.

Imam: The person who leads others in the prayer or the Muslim Caliph (ruler)

Kuthba : A religious discourse recited to believers.

Surah : Chapter of the Qur’an.

Walliy : Protector, Guardian, supporter, helper, etc.

Chapter 1: INTRODUCTION

1. INTRODUCTION

1.1 Background of the Study

Marriage is a sacred institution which ties families together. It can be defined as a relation or a contract between a man and a woman, the contract recognized by custom or law and involves certain rights and duties, both in the case of the parties entering the “Union”, and in the process of which children can be born. It is through this bond that families could establish and children are born as well as continuity of human existence can be assured. It is therefore, through this bond that members of humanity survive on earth. Marriage is performed in various ways. People do it according to their customs, beliefs, traditions or legal codes. Thus, it is possible to categorize the marriage ceremonies as religious, customary and legal.

Judaism, Christianity and Islam, being the three “major religions” of the world, have established their own marriage ceremonies. The followers of these religions could perform it according to the faith rules, procedures or dogma. These rules or procedures are derived from the Divine scriptures which the Adherents of the religion can be guided by it.

Islam, being one of such “major” religions of the world, pays due attention for the concept of family. It is believed that family is the core of the society. Thus, marriage and family formation are attracted due attention in Islam. Hammudah(1976) states, Islam views marriage as a commitment to life itself, to society and to the dignified and meaningful survival of the human kind.

Muslims are ordered to follow the rules and guidance of the Holy Qur'an, as well as the tradition of the Prophet Mohammed, which is the *Sunnah*, throughout their walks of lives. Thus, marriage, as one main part and stage of life, should be ruled and performed accordingly. The Holy Qur'an clearly states, in its many chapters, about family, marriage relationship between spouses, roles and responsibilities of each spouse, the obligatory marriage dower (the *Mahr*), and the legitimate (acceptable) marriage between societies etc. For instance, the Holy Qur'an, in one of its chapters, clearly commands marriage to the spouseless (Qur'an, 24:23).

Among the *Hadiths* (sayings and deeds of the prophet Mohammed), the one which is reported by Muslim goes like this, "When a Muslim marries, he has perfected half of his religion" (*Hadith* 55), Another *Hadith* remarks the Prophet said that, "*Nikaah* is my *Sunna* (way). He who shuns my *Sunna* is not of me" (*ibid*:3236).

This indicates that Islam conceives marriage as a religious as well as social obligation. As Hammudah (1976:114) states marriage and family life are the central elements in Islamic social and religious hood. Due to this fact, Muslims advocate marriage. They perform it in the way prescribed in the Holy Qu'ran and the *Sunnah* of the Prophet. As the biography of the Prophet Mohammed reveals, he did it simply and taught Muslims to follow his own way. It is reported that the Prophet Mohammed saying, the best of marriages is the one which is least burdened in financial expenses to the newlyweds. However, Muslims are occasionally observed performing marriage with large expenses and extravagance.

Even though there are common features in the *Nikaah* ceremonies, it is possible to say these ceremonies, could vary in terms of form, degree, as well as depth of performance among

Muslims. This is especially related to the geography, culture and economic diversity of each society. The performance of the Muslim communities in Ethiopia is no exception to this fact. Thus, this thesis tries to describe the *Nikaah* ceremony in the City of Gondar, where parts of the Muslim communities have resided since long period of time.

As a core and important part of a valid Islamic marriage, the *Nikaah* ceremony is the case which this thesis is trying to explore and eventually introduce for a better understanding. *Nikaah* is a pronouncement of the wedding to those who gather to attend the ceremony. It is mandatory to the newlyweds that without it, the marriage is automatically considered invalid. Even though *Nikaah* is binding by itself making a marriage lawful, some Muslims take it as an entry point to marriage; others view it as marriage ceremony by itself. Some will accompany it with festivities; others do it in a simple manner without any social gathering. Since the operational meaning, definition and view about *Nikaah* varies among the society, the researcher prefers to use the word “*Nikaah*” to purely represent the Islamic concept of marriage.

Nikaah among Ethiopian Muslims could have its own features compared to other Muslims living outside Ethiopia (non-Ethiopian Muslims). Since Ethiopia is rich in cultural diversities, one can possibly observe the performance of marriage entertaining both the cultural and religious features. This thesis deals only with *Nikaah* as experienced by Muslims of Gonder. Thus, the City of Gonder and its Muslim community in accordance with the performance of *Nikaah* will be described at length. As history tells us, at the time of king Fasiledes (1632-1667A.D) Gonder became the center of the official seat of the Ethiopian state due to the economical, political as well as social benefits to the rulers. This enhances the frequent contact of people to and from the neighboring regions, the neighboring countries and even far from abroad.

This late medieval city of Gonder is a home for a number of beautiful and magnificent historical sites and palaces that makes it one of the tourist attractions of Ethiopia and an important center of heritage. Among the historical, cultural and religious heritages of this city, the Muslim community of Gonder has a lot to share.

This community holds some interesting ways of performing different religious and cultural events. Among these, *Nikaah* is the one that combines both religious and cultural performances. The Muslim community of the city of Gonder performs this ceremony in various ways. Some could perform it in pure religious form while others could mix the ceremony with traditional and cultural festivities. The forms and depths of the ceremony could depend on the religious and economic backgrounds as well as cultural consciousness of the city's Muslim community.

1.2 Statement of the Problem

Among the many cultural, traditional and religious events that take place in Ethiopia; marriage ceremony is a very common one. It is performed in various ways. The Ethiopian civil /family law allows citizens to perform marriage in customary (traditional), religious or through legal Mechanism.

The *Nikaah* ceremony is performed to strengthen social bonding. Due to this, the ceremony is performed in various degrees and details, ranging from the simple to the high standard fashions; and from purely religious forms to the stage of mixing both religious and customary activities. These varied forms and modes of performances are parts of the diverse cultural activities which in turn exposes the cultures to great danger. Considering culture as being fluid and easily exposable to changes, it is quite logical to think that there are changes in marriage styles as well.



Even though the *Nikaah* ceremony among Muslims in the City of Gonder is one feature of their daily activities, it is not well researched and documented. This activity should be studied carefully in order to fill the research gap. It is clear that this event has not yet attracted researchers' attention so far. Since there are rare cases of researches concerning *Nikaah* in this community, this research would be an important input to fill the knowledge gap as well. I believe there is a fertile ground to carry out research.

Ethiopia being a multicultural and multilingual country could encounter acculturation and fusion of different cultures. As of any cultural feature, *Nikaah* could easily be exposed to change and such changes should be carefully studied since changes are exhibited in various forms for a number of reasons. Realizing, researching and documenting these changes and studying modes of cultural performance would be of better importance for culture sensitive society. This brings the significance of documentation as a very crucial issue. This thesis tries to cover basic features and changes of the *Nikaah* ceremony that took place during the past ten years.

Thus, this research will describe the procedures and sequences of the actual event on the day of *Nikaah* ceremony performed by Gondar Muslims. This enables anyone to know the actual procedures and steps held in a *Nikaah* ceremony and the possible changes that have been observed in the past ten years. Due to this, the research will be a good entry point for extended research works for those who are interested to do it on religious as well as cultural matters.

1.3 Objective of the Study

1.3.1 Basic Objective

The main objective of the research is to study and document the procedures and steps of the *Nikaah* ceremony in the City of Gonder.

1.3.2 Specific Objectives

The specific objectives are:

- To explore the status of the *Nikaah* ceremony in Gonder City.
- To describe the events of the ceremony with particular reference to the Muslim community in the City of Gonder.
- To analyze the procedures of *Nikaah* ceremony of the Muslim community.
- To understand how *Nikaah* is performed between the bride and the bridegroom.
- To digitally capture and document the main events/performance based on acts related to this cultural feature and make it accessible for further research.

1.4 Research Questions

In order to get ample information about how *Nikaah* is done in the Muslim community of Gonder, the following are key questions

- What are the basic performances which take place during *Nikaah*?
- What are the basic features of the event?

- What are the procedures and steps of the ceremony?
- What does each event represent?
- What basic changes occurred in the study area during the last ten years?

1.5 Significance of the Study

Scholars agree that any culture should be well preserved so that new generations can trace his/her ancestor cultural and religious practice and way of lives. Needless to say that documentation is essential for a culture to be preserved. This is because, through time, any culture can be exposed to several changes. These changes, sometimes, are not noticeable that people couldn't easily realize that their culture is changing through time. Preserving the then performance of the *Nikaah* ceremony through documentation could be a good tool to maintain its originality. Thus, the significance of this thesis lies on the importance of preserving and digitally documenting the *Nikaah* performance in the city of Gondar. This is very important for researchers and policy makers.

1.6. Review of Related Local Literature

There are about 16 researches that are revised thoroughly for the purpose of this thesis. They are done in Muslim populated areas in which most of them focused on Marriage ceremonies. There are also researches that are explaining an Islamic marriages, comparing and contrasting Islamic rules with the secular ones, or pointing out the recent challenges in relation to marriage and divorce. These researches were done from sociological, anthropological, legal and cultural point of view. These researches mainly focus on cultural feature of marriage and its performance.

Each area of interest on these researches differ from one another, thus, the case of *Nikaah*, which is central issue in Islamic marriage, gets less attention on these researches specially on those anthropological and sociological researches. It is only a line or a single passage that was given to mention about *Nikaah*. Even in some researches the basic concepts were not realized correctly, and some of the concepts were explained with distorted meaning, such as, the concept of dower as a payment for families. Others tried to relate or assimilate some concepts with the Christian concepts such as in the BA thesis by Taffesse Kassa(1981) about “Marriage and the family system among the bale Oromo’s, with particular reference to Sinana Woreda”, explaining *Nikaah* as “*semany*”. Mostly *Nikaah* was portrayed as a cultural rather than a religious obligatory event. The validity, importance, and religious meaning of *Nikaah* get less heed in most of these researches.

While reviewing these researches, they mainly focus on cultural marriage ceremonies rather than the actual religious event of the *Nikaah* ceremony. Of course these researches indicate the *Nikaah* to some extent but not sufficiently explained in-depth. Thus, the researcher believes that this important event, which validates the legality of a Muslim marriage did not get due attention by other researchers.

A more detailed explanation was seen in the research of Workwuha Mekonnen (1986) “wedding among the Muslims of Dessie”. In this paper most procedures are mentioned, the religious features are relatively explained. But there are a lot of misconceptions and misinterpretations. For example, the logic of dower, as it is mentioned in the paper as bride –price, is “---a compensation they may use it to replace what they have lost by purchasing a girl for their young boy” (1986: 19) and it says it is paid for the parents. The research of Taffese about the Bale

Oromos indicates the same concept. This is not the feature and meaning of Islamic dower and the logic mentioned is far from the above meaning. Thus, the researcher believes that either the notions of bride –price is overlapping with Islamic Dower or the concept of dower (*mahr*) is misconceived.

In some research works, the procedures are not well ordered, not fully addressed, even some concepts are misinterpreted. For instance it says “the contract ceremony is not subject to strict formalities” (*ibid*: 3) while in reality it is this contract that is making a marriage legal and is accompanied by strict rules of the *Sharia*.

The preparation of this thesis mainly focuses on the event of *Nikaah* not the wedding ceremony. This is because *Nikaah* is the central (nucleus) issue of a Muslim marriage. *Nikaah* by itself is a marriage. My research will fill the gap that other researches lack. My research clearly states the validity, the procedure as well as the criteria of *Nikaah*. It encompasses both the religious and cultural feature of *Nikaah* among the Muslims of Gonder. It also clarifies the cultural feature of *Nikaah* ceremony with the religious commandments. It gives clue about the obligatory (*Fard*) and the recommended acts (*Sunnah*) during *Nikaah*. Each detail of *Nikaah* is explained, main verses and a lot of *Hadith* are mentioned, and each and every process is carefully presented. This thesis is also special in giving all the details about each event and its contextual meaning. It clarifies the misconception between *Nikaah* and marriage, *Nikaah* and wedding, wedding and banquet, and so on.

1.7 Scope of the Study

The scope of this research is limited to the event of *Nikaah* among the Muslim community of Gonder with minor explanation on the pre and post *Nikaah* events. It does not even go deeply on wedding ceremonies. The research focuses mainly on the event of *Nikaah* in order to magnify this process. Other researches that focused on marriage among the different Muslim communities in Ethiopia deeply interested on the wedding ceremonies rather than the *Nikaah* ceremony. Thus, the *Nikaah* ceremony, which makes any Muslim marriage valid and legal, gets less attention and in some cases it was ignored. Thus, the scope of this research is confined to the event of *Nikaah*. Since it encompasses a lot of valid religious as well as cultural beauties, however, it does cover some important events and conditions.

1.8 Limitations of the Study

Since the present researcher has little knowledge of Arabic language, the research is supported by the third person translation that may have limitations. In addition to this, due to lack of sponsorship, time as well as resource limitation had occurred. Thus it is very difficult to implement a more detailed research with best quality of filming and cover the whole wedding ceremony in the City of Gonder. Thus, this research is limited without treating the *Nikaah* ceremony in Gondar City in its totality.

1.9 Organization of the Study

This thesis is arranged in to five chapters. The first chapter introduces the aim and purpose of the thesis. Thus, background of the study, statement of the problem, objectives of the study, significance of the study, and limitation of the study are included in this chapter.

The second chapter dealt with research perspectives. The third chapter mainly focuses on how the preparation of the thesis has been performed. Thus; attention is given to the methods of the research. Chapter four discusses the data interpretation and presentation. The data is analyzed in chapter five. Then the major findings and conclusions are drawn. And finally recommendations are also given based on the research findings.

Chapter 2: Basic Concepts and Perspectives

Introduction:

In this chapter, the research tries to discuss about the conceptual framework of marriage both scholastic and religiously. Moreover, it will try to show the theoretical aspects related to the topic and similar researches.

2.1 The Sociological and religious Concept of Marriage

Scholars in the social sciences and Jurisprudence field define marriage in many ways. Oxford dictionary defined the word marriage as a state of being united to a person of the opposite sex as husband or wife in a consensual and contractual relationship recognized by law (www.Oxforddictionaries.com). The American jurisprudence (1970) defines it as the status or relation of a man and a woman, who have been legally united being husband and wife. The world book of Encyclopedia (1994) on its part defined marriage as a relationship between a man and women who have made a legal agreement to live together. The definition of marriage varies according to cultures, but it is usually defined as an institution which reveals interpersonal relationships, usually intimate and sexual, and as such acknowledged by societies. Such a union is often formalized via a wedding ceremony.

Sociologists define marriage in many ways and based on various perspectives thus, it is impossible to get one agreed definition of marriage which is accepted among sociologists. But it can be viewed as an institution of society which can have very different implications in different societies and cultures. Malinowski (1962) defined marriage as a contract for the production and maintenance of children. According to Majumdar (2009) marriage is socially sanctioned union of

male and female or as a secondary institution devised by society to sanction the union and mating of male and female for purposes of establishing a household, entering into sex relations, procreating and providing care for the offspring. Sociologists Horton and Hunt (1984) defined marriage as the approved social pattern whereby two or more persons establish a family.

Religious sects also define marriage based on religious grounds. Marriage according to the view of Christians moved beyond the union of two parties. A Christian marriage is more than just the union of two Christians of the opposite sex. For Christians, marriage goes beyond the earthly covenant; it is viewed as a divine picture of the relationship between Christ and the Church. It is a spiritual representation of the Christian relationship with God (<http://Christianity.com>).

In his article, "What Is a Christian marriage?" (1999) William C. states that, a Christian marriage is characterized and governed by Christian principles that are taught in the Bible. *Kristin J.* in her article " "One Flesh": The Christian Definition of Marriage"(2009) states that, for centuries the Christian Church, regardless of denomination, has viewed marriage as an exclusive and sacred union between one man and one woman. This view is found in the first words of the Bible, words revered by Jews and Muslims alike.

Genesis 1:27 says, "So God created man in his own image, in the image of God he created him; male and female he created them." Genesis 2:23-25 adds, "The man said, 'This is now bone of my bones and flesh of my flesh; she shall be called 'woman,' for she was taken out of man.' For this reason a man will leave his father and mother and be united to his wife, and they will become one flesh, Kristin explained (<http://ebible.com>).

The Jewish Scripture is clear about marriage being a holy and divinely established covenant. In Malachi 2:14 it refers about marriage being a holy divinely established covenant before God. For

Jews, the marriage covenant symbolically represents the covenant between God and his people, Israel. (www.merriam-Webster.com).

Under *Sharia* law, Marriage can be defined as a means of unity which ties a man and a woman, who desire to share a life together for creating a family according to the instruction of the Almighty Allah, and His messenger, the Prophet Mohammed (Mohammed, 2004). Supporting this idea, (Jemal, 2005) states, Marriage in Islam is recognized as the basis of society, a contract and also a sacred covenant. While defining marriage, Islam recognizes the religious virtue, the social necessity, and the moral advantages of marriage (Hammudah, 2006).

There are a number of verses in the Holy Qur'an and several statements by the Prophet Mohammed himself stating that Marriage is something sacred in which God puts love and mercy among the spouses: The Qur'an(1996) says, "And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts)" (30:21, 742).

This verse of Qur'an clearly indicates that marriage is a sign of God's blessing and His abundant mercy. Islam considers marriage as one of the most virtuous and approved Institutions. The Prophet Mohammed had also declared that there is no monasticism in Islam, rather, a house that has been built through marriage is considered more beloved in the sight of Allah. Islam underscores that the base for a strong and healthy community is the family. So that families should be established through the consent, mutual understanding and negotiation of the two

parties. Hammudah, (1996:116) refers it as a long lasting bond between the two spouses with a lot of commitments and responsibilities.

Because Islam considers Marriage a very serious commitment, it has prescribed certain measures to make the marital bond as permanent as humanly possible. The parties must strive to meet the conditions of proper age, general compatibility, reasonable dowry, good will, free consent, unselfish guardianship, honorable intentions and judicious discretion.

Thus, one can fairly say that Marriage in Islam is neither something a business deal negotiated by two parties nor a secular contract where material benefits and obligations are evaluated in contrast to another. It is rather a contract to which God Himself is the First Witness and the first Party; being concluded in His Name, in obedience to Him and according to His ordinances. The same is true for Christians that the scriptural example encourages believers to enter into marriage in a way that honors God's covenant relationship, submits to the laws of God first.

The act of marriage usually creates normative or legal obligations between the individuals involved. Islam recognizes the true nature of men and women while giving roles and responsibilities in marriage. Men (husbands) are responsible to the wellbeing of the family in that they are the heads or the guardians of the family. The husband's duty is to earn the family's living, meet its needs and defend it whenever necessary. Thus, they are in full responsibility for the maintenance of their family. On the other hand, women are responsible to manage domestic affairs of the family. They take care of their homes and the welfare of their families. This role, given to the sexes by Islam, is on the basis of belief to create a sense of cooperation among the spouses while ruling over the family.

According to sociologists, Marriage, like any other social institution, is a social contract between two consenting individuals who surrender some freedoms to gain some rights. This contract is

largely based on mutual goodwill and trust. The trust that each person places on the other shall not be betrayed. It involves some cherished concepts like love which in turn involves a lot of self-sacrifice and caring. This institution can be successfully negotiated by a set of individuals who are truly committed to make it succeed. Many spiritual qualities like 'faith', 'honesty', 'openness', 'love' figure in the contract and it involves a lot of striving to make it work.

Similarly, the spouses are portrayed in Islam as protectors and guardians at each other and this is stated in the Holy Qur'an (1996) as "They are your garments and ye are their garments (2: 187). While selecting a spouse, Islam teaches religious integrity as a main criterion for a successful marriage life. The Holy Qur'an above all states, "And do not marry *al-Mushrikun* (literarily mean idolatresses) till they believe (in Allah alone). And, indeed, a slave woman, who believes is better than a free *al-Mushrikah* (idolatress)" (*ibid* 2: 221). *Hadith* also teaches that a woman can be proposed for marriage for four reasons, i.e. for her wealth, family status, beauty and religious integrity and the best of all is choosing a woman having religious integrity. Besides, Mohammed, (1996), illustrates this idea by saying that only beauty, money, social status do not guarantee a perfect Islamic family, but basically religious strength and great personality are most important elements that will make a marriage long lasting.

Hammudah, (1996) further elaborated that Islamic teaching about marriage reveals that marriage should not be established in order to meet only sexual and economic desires. Rather, it should realize mankind's spiritual, psychological and social benefits. Spiritually, marriage is considered first and foremost as a righteous act, an act of responsible devotion. In his book entitled "The

Bride's Boon", Mahmoud (1998:14) states that, husband-wife relationship is not merely a utilitarian relationship. It is a spiritual relationship which sustains and generates love, kindness, mercy, compassion, mutual confidence, and self-sacrifice. It is to attain psychological, emotional and spiritual companionship.

The main objective of family formation in Islam lies on establishing an Islamic society (which means *Umma*) that has been built with Islamic morals guided by the Qur'an and the *Hadith*. Thus, the greatest purpose of marriage, according to Jemal (2005), is worshipping Allah by following His guidance through the rules to regulate the functioning of any Muslim family. In the teachings of the Prophet Mohammed, marriage is considered as the fulfillment of half of a religion so that a person who is able to marry should marry, that it will help believers to lower their gaze and protect them from temptation.

Thus it is possible to sum up, that Marriage in Islam is a means of permanent relationship and continuous harmony not only between man and woman but also between those and God. Other purposes include responding to the basic biological instinct of procreation. Unless human beings bore children, they cease to exist. This process of existence should be implemented under the umbrella of marriage. Islam further promotes and encourages its followers to bear a child without fearing what to feed. Marriage is one way of properly handling sexual needs. Human beings hold strong sexual desire that might lead to a strong stress and calamity unless it is properly settled. Thus, sexual needs can be legally entertained through a marriage. Marriage functions as a means to emotional and sexual gratification and a mechanism to reduce tension. It

serves also as a means to legitimate procreation and an approach to inter family alliance and group solidarity.

Socially, marriage is the change of status in life (social placement). This is one step forward which upgrades a son and daughter to a husband and a wife. It changes the roles of men and women both in commitments and in responsibilities. The consummation of marriage creates new roles for the parties concerned. Each role is a set of an equitable, proportionate rights and obligations. This role creates a social responsibility for each party and changes their earlier positions and roles in to an adulthood. Hammuadah (1996:179) summarizes that the major elements of marriage in Islam as moral charity, spiritual elevation, social integrity, human stability, peace and security.

Finally, for this thesis, the researcher uses the definition of marriage according to *Sharia* that defines it as a means of unity which binds a man and a woman to share a life together under the instruction of the Almighty Allah. It can be defined as a contract and also a sacred covenant.

2.2 Islamic Teachings about Marriage

The main sources of Islamic faith are the Qur'an and the teachings of the Prophet Mohammed (that is the *Hadith*). It is on these bases that the Islamic law, *Sharia*, is derived. Thus, marriage (*Nikaah*) is performed based on the rules and regulations of the *Sharia*. This relationship has been indicated by Workwuha (1986) in her B.A thesis that the law of marriage in Muslim societies is generally guided by Islamic legislation which in turn is drawn from the Qur'an itself. There is an intimate tie between religion and religious law in the Muslim faith. Cognizant of this fact, there are verses in the Qur'an (1996) which encourage marriage (*Nikaah*) for those who are

single (30:21) and God, who created mates, puts love and mercy among them even if they never knew before (7:189).

The verses of the Qur'an and *Hadith* of the Prophet Mohammed encourages marriage for spouseless and puts religious integrity as the basic condition for a suitable match. The purpose of marriage is not merely for sexual pleasure, rather it is a spiritual relationship that sustains and generates love, kindness, mercy and compassion between spouses.

Hammermann (2001:29) puts as follows;

It is this relationship of love, mercy and affection that gives the sense of security to the whole family, including children who enjoy this sense under the protection of their parents and subscribes to the Islamic concept, including the prescription of the rights and obligations for every member of the family so that stability may prevail in their lives.

According to Islam, the purpose of living in this world lies on obeying Almighty Allah and worshipping Him. Thus, families are responsible for cultivating a society that could worship Allah. For this reason, families should be established under the commandments of Allah and the way of the Prophet. These commandments are based on the nature of mankind and his interests. Among these, Islam permits men to marry up to four wives considering different situations. This is well versed in the Holy Qur'an (4:3,163) as follows:

Marry women of your choice, two or three, or four; But if ye fear that ye shall not be able to deal justly (with them) then only one, or that which your right hands possess. That will be more suitable, to prevent you from doing injustice.

Muslim scholars such as Zakir Naik, founder of Islamic Research Foundation (IRF) in India and an expert on comparative religion, indicated that, Islam permits polyandry i.e. a man to marry

more than one but not more than four wives. He further explains that possessing more than one wife was widely practiced among different societies before this Divine rule and Islam is the first religion to limit the number of wives in certain conditions. It is taken as an emergency solution not as such as a core of faith. Marrying four wives is not commanded but permitted and it has been put as a choice for those men, who want to share social responsibilities and can be fair and deal justly among their wives. The verse clearly states that, if a man fears he does not deal justly with all of his wives, then, it is better for him to marry only one wife (Webmaster@irf.net).

Stating the intimacy of spouses the Qur'an explains men and women are like a garment to each other i.e. they are of mutual support, mutual comfort, and mutual protection, fitting into each other as a garment fits the body, the Qur'an (1996) says: "They are your garments and ye are their garments" (2: 187).

Believers are commanded to stay away from any sin if they are unable to marry. They should guard their modesty and chastity for the wellbeing of themselves and for the whole society. Believers, who are single, should try their best to keep their Islamic moral values until God helps them to marry in His grace (*ibid*, 24: 33).

In addition to the above mentioned verses of the Qu'ran, there are also a lot of *Hadith* about marriage (*Nikaah*) that encourages Muslims to marry. These verses of *Hadith* teach that marriage is the best method to set Islamic values and enable believers to perform the righteous acts. A *Hadith* narrated by Muslim that indicates a marriage role as a remark of worship goes "when a man marries, he has perfected half of his religion" (www.cmje.org:*Hadith* 55).

Marriage is a good means to attain Islamic social morals and values among the society. Thus, Muslims are encouraged to marry since marriage help believers to protect and refrain themselves from sins, as the *Hadith* goes “Whoever is able to marry should marry, for that will help him to lower his gaze and guard his modesty”(Ibid: *Hadith* 3231).

Similar to Christians who view marriage as a spiritual representation and relationship of believers with God, the same concept is adhered with Muslims. According to Hammudah (2006,) Marriage in Islam is viewed as a bridge that will lead to the intimate relations of a believer with the commandments of God. A believer side by side should follow the commandments of God. While obeying God’s commands, Muslims are rewarded and spiritually guided to the right path. Islam reinforces believers to do lawful things through a means of marriage. It is told in one of the *Hadith* that when a man marries in order to restrain himself from any sin, then Allah will surely help in any case of his lifetime challenges. The Prophet teaches and encourages his Muslim followers to marry and bear children as much as possible for that he will compete of their numbers in the Day of Judgment, according to *Qāḍī* Al-haji Mohammednur and *Qāḍī* Jibril. He teaches men to marry the affectionate and fertile woman. This teaching is recited on the event of *Nikaah*, to help convey the message about the purpose of marriage.

Marriage and family are central issues in Islam (Hammudah, 1996:114) and that is why the concepts and rules of marriage are highly promoted in order to establish a good society. “On a larger scope, Islam laid down the foundations of security and peace in society by establishing comprehensive and fair rules and regulations for all human affairs: moral, social, political, military, economic and other fields of human endeavors” (Hammerman,2001: 29).



2.3. Marriage Conditions

As the view of Sociologists indicated, marriage is a legally and socially sanctioned union, usually between a man and a woman, that is regulated by laws, rules, customs, beliefs, and attitudes that prescribe the rights and duties of the partners and accords status to their offspring (if any). Thus, let us see the rules and regulations that could govern the Islamic marriage.

2.3.1 Permitted Cases

Any Muslim family structure could be established in its own rules and regulations based on the societal need and background in which Islamic rules are emphasized in each phase of establishment. Islam puts restrictions and permissions on who are lawful and unlawful to marry considering the societal moral values and its needs. On this ground, close relative Marriages are accepted in Islam and cousins and nephew could perform marriage for that matter. Marriage between the siblings of aunt and uncle is permitted (The Qur'an. 4:23). Marriage between clans or between two parties as long as he/she is a Muslim is permitted.

2.3.2 Prohibited Cases

Islam puts restrictions under which marriage should not be concluded in some cases. These restrictions generally include the blood lines, the in-law conditions and fosterage. Here, I prefer to mention scholars' ideas and cultural practices by taking a case and later support it by Quran. These conditions are clearly shown, in the Holy Qur'an, in several verses. For instance, it is prohibited to marry whom a father marries which means mothers or step mothers "And marry not women whom your fathers married" (the Qur'an 4: 22). It is also unlawful to marry those that are another man's wife. "Also (forbidden are) women already married" (*ibid* 4:24).

These restrictions are listed as a condition while a man and a woman could perform marriage; Abdulahi (2006) classified these marriage impediments as absolute and relative ones. Absolute impediments are, according to him, those which could impose absolute invalidity of a marriage. These normally include;

A .Consanguinity (marriage among those who have blood relations)

- Ascendants for instance marriage to mother or grand mother
- Descendants to mean daughter or grand daughter
- Relatives of the second rank that means a brother or sister
- Paternal and maternal uncles to mean the two parts of the corner stones of parental hood in a given family.

B. Affinity (marriage among those having marriage bond). In this case a man can't contract a marriage with his wife's daughter or granddaughter, his father's wife or any other ascendants wife, his son's or any other descendants' wife.

C. Fosterage, if a child sucks milk from the breast of a woman, she becomes his/her foster mother and children of this woman, foster brother or sister, are prohibited for marriage to the foster child.

D. polyandry (a woman having more than one husband).It is not possible for a women to marry more than one husband. Though Islam permits Polygyny (mostly known as polygamy) to men in certain conditions, it forbids Polyandry for women for several biological, moral and legal reasons.

These absolute prohibitions are clearly mentioned in the Holy Qur'an (1996), in women's chapter, forbidding a marriage between your mother, your daughter, your sisters, your father's sisters, your mother's sisters, your brother's daughters, your sisters' daughters, your foster mother who gave you suck, your foster milk suckling sisters, your wives' mothers, your step daughters. In addition, the chapter forbids a marriage the wives of your sons who (spring) from your own lines, and two sisters in wedlock at the same time is also forbidden (4:23).

The above mentioned absolute impediments are strong reasons to nullify a marriage. While those impediments that fall under relative marriage impediments are those which do not impose absolute prohibition for a marriage. Relative prohibitions include marriage with a fifth wife for a man, absence of proper witness, differences in religion (according to some verses of the Qur'an, it is possible for a man to marry a woman from the people of the book, i.e. a Christian or a Jewish woman), unlawful conduction and woman undergoing the time of *iddah* (waiting time for a divorcee or a widow) (abdulahi, 2005). *Sharia* puts different waiting period (*idda*) before conducting a second marriage according to the cause of the dissolution. If the cause is the death of a spouse, the woman should wait 4 months and 10 days (130 days) if the case of dissolution is divorce she should wait 3 months in order to conclude the next marriage (Redwan, 2009).

This waiting period helps to screen whether the woman conceives or not since conducting *Nikaah* with a pregnant woman is prohibited. Marrying two sisters at the same time, marrying more than four women, *Nikaah* while Muslims are performing their Hajj pilgrimage, marriage between a Muslim woman and a non Muslim man is also prohibited.

2.4 Marriage during the Life Time of the Prophet Mohammed

In the period of *Jahiliyya* (pre-Islamic Arab era), Marriage was conducted in different forms. According to Jemal (2005), there were about 13 forms of marriage. Wife lending, temporary marriage, lover secret cohabitation, marriage by purchase, by inheritance and capture, service marriage, experimental marriage and concubinage are included. Explaining these facts, Imam of Qéra -Selam Masjid, *Shaykh* Sa'id remarks that the feature of marriage before the pre-Islamic Arabia was arbitrary, a man can just marry any woman of his choice, in unlimited number, there was what was called *Nikahu Shigar* (marriage by exchanging children and sisters without *mahr*) and unlimited *Nikaah*.

With the introduction of Islam, marriage rules being one of the systems of societal guidance had mainly settled. Islam permits and restricts the forms and features of marriage based on concrete and reasonable conditions. One of the informants, *Shaykh* sa'id Muhammed, Imam of Qéra Selam Mesjid of Addis Ababa explains, "at the time of the Prophet Mohammed, *Nikaah* became limited, both in rules and in number, number of wives limited to four, witnesses and guardians, which never been criteria before, were main criteria for *Nikaah*. These rules and regulations were organized at the time of the Prophet". These rules and regulations are well maintained in the *Shari'a* law and functioning until now. Prophet Mohammed had assumed to be a role model at the time when the Arabs have a culture of burying women alive, when there were no right of women in property and business transaction, no life and economic security for women, no reasonable laws and regulations to perform marriage. And he introduced Islamic rules for it greatly helped the society to alleviate from delusion and dilemma. Especially, women were and still are beneficiaries from these rules. Among these rights, their consent on marriage being a key

criterion for her marriage, obligatory *Mahr* payment for her, exempting women from any expenses, financial worries, obligatory housework, owning property and engagement in transaction, keeping their family name are some benefits of marriage rules that need to be mentioned.

The Prophet had been the leading model for Muslims, in their walks of lives in terms of being wise states man, a judge, a brave warrior and a hero, a passionate father, a loving husband. When we see the marriage life of Prophet Mohammed, he married to a 40 year old wealthy merchant, Khadija, at the age of 25. She proposed him to marry because she was very much attracted to his honesty and excellent characters. Up until Khadija was passed away, he never married another woman. But after she passed away, the Prophet Mohammed, at the age of fifty, married eight wives in different times and for several conditions (reasons). The aim of these marriages were sharing social burden of widows who lost their husbands in the battle field, tension reduction between clans through marriage bonding and some of his marriages have a feature of an iconic(exemplary) nature that enables him teach the best characters for his followers. For instance the marriage of a slave woman reflects the exemplary teaching of the Prophet revealing the fact that all human beings are equal. As a model and icon to best character to the society, his wives differ from a wealthy merchant to a slave girl, from high tempered to an understanding wife, their age ranging from 9 to 40. He used to be a helping husband and a passionate father to introduce a paradigm shift of the then culture of men being remote to their wives.

He teaches and applies simple life style throughout his life. The Prophet used to invite people with simple wedding feast (*wallima*) while conducting his marriage. It is reported in a number of

Hadith that he used to invite people with a sheep and goat, wedding feast consisting of dates, cheese, and refined butter, he served the guests with bread and meat, he held a wedding feast in which there was neither meat nor bread. Among the *Hadith*, a *Hadith* narrated by Bukhari states, Allah's Messenger gave no better wedding feast than the one he did on the occasion of his marriage with Zainab. Moreover, he served and fed his guests bread and meat as a wedding feast (*Hadith* 97).

Type of dowry (*mahr*) at the time of the Prophet Mohammed, according to many *Hadith*, include a tooth stick, an iron ring, a date stone's weight of gold, memorizing some verses of the Qur'an, teaching Qur'an, embracing Islam, emancipating a girl from slavery and money not more than 500 *Dirhams*.

There is no obligatory bride price, or bridal gift in Islam. According to one of my informant *Shaykh* Sa'id, there is *mahr* (Islamic dower) that is obligatory. The bridegroom can give gifts like clothes or ear rings, foot wares as he wishes. But these kinds of gifts are not obligatory, only *mahr* is essential. The wedding ceremony should be medium, the banquet was not obligatory for the girls family; the man is responsible to conduct a simple banquet after the wedding day at the time of the Prophet. Excessive expense (extravagancy) in wedding ceremony is prohibited in Islam. Concerning dancing and music, women were permitted to sing Islamic wedding choruses (*neshidas*) accompanied by clapping, using drums and only women are involved for a limited time in separate places. Men on the other hand, are prohibited to clap or sing at the wedding ceremony. There is no *Shari'a* ground for a ring ceremony; ring by itself is a cultural gift that a bridegroom could give in his will. In some cases, people engaged in ring ceremony without

performing the Islamic contract (*Nikaah*) and act like husband and wife. According to *Shaykh* Sa'id, this is a culture brought from the non-Muslims.

2.5 The *Nikaah*

2.5.1 Definition

The Arabic word *Nikaah* is mentioned in the Qur'an in several times with different contexts referring to marriage. Let us see the details below.

The word *Nikaah* is Arabic term that linguistically means "to bind", its contextual meaning is "to marry someone", according to the interpretation given by a young scholar *Shaykh* Ali Hussien. *Shaykh* Sa'id Muhammed, Imam of Qera Selam masjid in Addis Ababa, defined the word "*nekaha*" or "*ankaha*" as "to intertwine", "to bind together" just like two trees come together with their branches intertwined together. Then the word *Nikaah* contextually refers to "the binding of two new people as one to live together". According to *Qāḍī* al-Haji mohamedamin, *Nikaah* also called "*Aqid*" in Arabic referring to contract or negotiation.

A recently published Arabic-Amharic-English dictionary (2003) defines the word "*nekeha*" as "promise to marry" or "get married". In its extended word formation, the word "*nikahun*" is defined as "marriage"(817 & 818). The translations of the Qur'an from Arabic to English(1996) and from Arabic to Amharic(2003) translated the word "*Nikaah*" as marriage with different contexts, such as, "*Nikaha*"(4,6), "*wa'ankihu*" as "marry"(24,32), "*nikahan*" as "marriage"(24,33), "*fea'ankihu*" as "marry"(4,3).

In different related researches the word, *Nikaah* is referred to mean “joining” and it literally refers to marriage (abdu,2005;abdu,2006;jemal,2005). Some researchers citing the Arabic word “*zawj*” that is used in the Qur’an meaning pair or mate, in usage it refers to marriage (jemal:2005). *Nikaah* is also referred to mean the marriage contract that legalizes a man and woman to be husband and wife (abdulfetah, 2008).

Thus, the term *Nikaah* refers to the signing ceremony for marriage or an oath for a marriage. Safia defining *Nikaah* states, “*Nikaah* is a social contract between the partners, a contract which holds appropriate right and duties for both, contracted in public in the presence of at least two witnesses” (2004:16). This definition clearly encompasses the basic concepts and criteria of *Nikaah* (marriage) such as, social contract, presence of witnesses, duties and rights, and publicity. From this definition we can understand that *Nikaah* is a social phenomenon that legalizes and publicizes the joining of two mates as husband and wife.

Nikaah makes a Muslim marriage legal or lawful even without a wedding banquet. Scholars of Islam agreed that *Nikaah* is mandatory and a very basic part for those two parties who agreed to start a family. Without *Nikaah* a marriage is disqualified and considered invalid. *Nikaah* has rules and procedures. It is guided by the rules and regulations of the *Sharia* law which are derived from the Qu’ran and *Hadith*. It is a promise that has been made between the bridegroom and the bride in front of witnesses. A man and a woman are considered to be married after they perform this *Nikaah* by signing a contract and publicly declared their marriage orally.

There are obligatory (*fard*) and recommended (*Sunnah*) performances during *Nikaah*. The obligatory procedures include appointing a guardian for the bride, witnesses, Islamic dowry (*mahr*), proposal and acceptance (*ijab* and *quebul*) i: e the declaration or offer of one party by

saying “I marry myself to you” or “I marry her to you” and the acceptance of the other by replying “I have accepted it”, the presence of a *Qāḍī* (religious scholar) or an Institution to conduct the ceremony. The recommended acts include the religious talk (*khutba*) and the religious prayers.

There are different views about *Nikaah* in our country. Some say *Nikaah* is the door to marriage considering a wedding banquet to be the final gate to enter marriage. Some believe that engagement with a ring legalizes marriage without the *Nikaah* ceremony. The other view is *Nikaah* by itself is an end; it legalizes a man and a woman to be husband and wife, without a wedding ceremony. Though, according to the Islamic teaching, *Nikaah* is the Arabic term that means marriage. According to my informant *Shaykh* sa’id Muhammed, wedding and its banquet are not obligatory for a marriage; rather, *Nikaah* is mandatory for a legal marriage. Its procedures and performances will be discussed below.

2.5.2 Basic Procedures of the *Nikaah*

Like any agreements made between two parties, there are basic conditions for *Nikaah* to be fulfilled. Among these, a guardian, witnesses, Islamic dowry (*mahr*), the consent of the two newlyweds, the presence of a *Qāḍī* and religious discourse are common concepts to any *Nikaah*. Each procedure will be discussed in brief.

2.5.2.1. The Appointment of the Guardian

A girl should bring a family member or a guardian while she marries someone according to this *Hadith* reported by Bukhari, "Invalid is marriage without a woman's guardian". The Prophet

repeated this Statement thrice in order to emphasize the importance of appointing a guardian. This Prophetic *Hadith* tells us that marriage is invalid without a girl's guardian.

Thus it is forbidden for a woman to conduct her own marriage alone. There should be a guardian who is responsible for concluding her marriage on behalf of her. However, the *Hanafis*, one of the four schools of thought in Islam, hold a view that it is permissible for a woman to conduct her own marriage if the marriage is for the second time.

The guardians that are to be appointed should be her father, her grandfather, her brother, her half brother related in father. Only the descendants of her father, like her uncle, her cousin, are appointed as a guardian if the bride has no father or brother, based on the belief that her father and his off springs are more powerful and influential to stand for her right than her mother's descendants, according to the informants. If there are no relatives for the bride or if she is an orphan, the *Qādī* can be appointed as a guardian. The bride should first be asked to appoint her guardian before she concludes *Nikaah*. The guardian act as a responsible representative on her marriage issue, he conducts the marriage on behalf of her. He hands over the bride to the groom according to the representation bestowed upon him. It is this guardian who says to the bridegroom "on the responsibility bestowed upon me I marry her to you as your wife" and declared the marriage publicly.

2.5.2.2 The Consent of the two parties

Consent is one condition before concluding a *Nikaah*. Each party is asked about the consent of the marriage at the beginning of the *Nikaah* ceremony. Specially asking the consent of the girl on

the marriage is one basic criterion before conducting a *Nikaah* since the Prophet Mohammad nullified a marriage that has been done without the consent of the girl (Bukhari, *Hadith* 69). After her agreement on the marriage and the appointment of the guardian is confirmed, the *Nikaah* ceremony will continue.

2.5.2.3 Witnesses

The *Nikaah* ceremony between two parties should not be done in secret, it needs to be declared for the public. It needs to be done also in front of witnesses. Thus, while *Nikaah* is performed, the presence of two witnesses is mandatory according to this *Hadith*, "Marriage is invalid without a guardian and two upright witnesses".

Thus two witnesses should be important. These witnesses should be adults or reach the age of puberty, mentally healthy (not mentally retarded or ill) and just. Witnesses should be male but in some cases when there are no men around, two women for compensating one man can be witnesses.

The importance of witnesses is attached to the publicity and reliability of the *Nikaah* according to *Shaykh* Ali, it helps to fight for the right at the time of dispute.

2.5.2.4 Mahr (Islamic dower)

The most general terms used to describe pretensions entailed in the marital contract are those of bride wealth, bride price and Dowry. The former refers to gifts presented by the groom's kin group to that of the bride, and the latter describes gifts made by the bride's kin group to that of the groom. The Dowry is the more familiar to westerns, since for centuries it has been a part of

marriage contract in Europe. However, both bride wealth and Dowry have been reported for various parts of the world. For Islamic marriage, Islamic Dowry (*Mahr*) has its own conceptual frame work.

Mahr (Islamic Dowry), which is one criterion for *Nikaah*, has a unique term that also holds a unique concept in Islamic marriage. In different literatures, some assimilate it as “bride-price”, “bride gift”, “bridal money”, “dower”, “dowry”. In some literatures, the concept of *Mahr* is correlated with some African cultures that consider bride price as a compensation for the girl’s absence to her parent’s home. But *Mahr* and its concepts in Islamic marriage have its own feature. *Mahr* is a portion of money or an item like gold which will be given to the bride by the groom at the time of *Nikaah*.

Al-nefis, a recently published Arabic-Amharic-English dictionary, defines the word “*mehrun*” as “dowry”, “dower”. And the root word “*mehare*” is defined as “to seal”, “to stamp” (2003: 773).

The Amharic translation of the Holy Qur’an by Haji Mohammed Sani Habib and *Shaykh* sa’id Muhammed Sadiq(2003:122) translated the word *mahr* as “money that is paid for the women at the time of *Nikaah*”. *Mahr* is an Arabic word that is mentioned in the Holy Qur’an in different names (words) such as: “*Al-sedeq*”, “*Al-seduqah*”, “*Al-nihlah*”, “*Al-ajir*”, “*Al-feridah*” and “*Al-aqid*” to mean “gift”. According to the meaning of the *Sharia*, *Mahr* means the portion of money or an item that has to be given to the bride by the bridegroom. It is given on the day of Marriage contract (*Nikaah*) (Al-Islam magazine, 2003). According to the Islamic context *mahr* is the confirmation for a *Nikaah* “a value for a marriage” (*Qādī* mohammed Nur). *Mahr* differs from other kinds of cloth or foot ware given to the bride as a gift. *Mahr* is an obligatory gift that has to

be given to the bride. This is done according to the command of the Holy Qur'an, "and give the women (on marriage) their dower as an obligation; but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer"(4: 4). "...and give them their dowers, according to what is reasonable"(4:24). Different *Hadiths* reported by different scholars strengthens the mandatory commandment of giving *Mahr* to women at the time of *Nikaah*.

Mahr (Islamic dowry) is a right of the bride, and an obligatory duty of the bridegroom. No one can do anything to this dowry without her permission. Moreover, it is desirable to give to her, either a whole or part of *Mahr* before the consummation of the marriage. *Mahr* can be fixed and paid before, after or at the time of the *Nikaah* ceremony. *Nikaah* can also be performed without mentioning the amount of *mahr* to be given. This does not nullify the *Nikaah*, according to one of my informants, *Shaykh* sa'id Muhammed, but the bridegroom should have to pay it in his life time since it is obligatory. The condition of *mahr* should be mentioned in the marriage contract paper i.e. the amount and item of the dowry in addition to the price should be mentioned, the amount that is paid on the *Nikaah* day and the remaining amount to be paid on the future, if it has to be paid in the future, the amount of properties in hand, the time to be paid should be mentioned in the contract (Al-Islam magazine, 2003: 34).

In Islam the payment of *Mahr* is considered as a sign of honoring her, and as a proof of the intention of the man to start a good life with her. *Mahr* is taken as a commitment of men to the marriage, a gesture that shows love to the bride, and an ambition and a strong will to start a good family.

A book entitled “Islamic family law in a changing world” stated, traditional *Sharia* Law requires that the dower (*mahr*) should be paid if a marriage contract is to be considered valid. Further, once paid, the dower is considered the sole property of the woman to use any way she sees fit (2002:45).

Although Islam put *Mahr* as one basic and mandatory criterion for a marriage, it might be left unpaid if the bride is willingly exempt her husband from paying it. A very influential Islamic scholar in the Middle East and popular teacher in Al’azhar University in Egypt, Yusuf Al-quardawi, in his book entitled “status of women in Islam” remarks; Islam commands the rights of a wife to her husband, among these rights *mahr* is obligatory for every man to be paid to his new wife. The notion behind the *mahr* is to show the commitment of the man to get married to the women. The injunction of dowry to the man is thus, to assure the woman is wanted, needed, and shows the willingness of the man to undertake his responsibilities, financially and otherwise (1999). Hammudah further stretches this idea saying; “Dowry is a symbolic gesture indicating that the woman will be secure, and that the man is not looking for any material gains as his motive for entering marriage. It draws the clear lines between what should be expected from each other” (2006:180).

There is no limit or fixed amount of payment for *mahr*. It is based on the negotiation of the two parties. The amount varies according to the culture and economic status of the society. It is permissible to be as much as even millions. It is also permissible to be as little as even an iron ring. It is worth noting that extravagance in dowry is detestable, and that the lesser the dowry, the more the marriage is easy and blessed. One *Hadith* reveals that a simplified *mahr* and engagement is one feature of a blessed woman.

Most religious scholars proved that there is no clear cut on the amount of *mahr* to be paid for the bride. But according to one of my informant, *Shaykh* sa'id, Prophet Mohammed used to marry women by giving a maximum *mahr* of 500 *Dinnar* (almost 500 thousand birr). The prophet recommended that the payment should not exceed above this amount.

Mahr can be paid in cash or in non cash items like gold. There are *Hadith* revealing that *mahr* is paid not only in cash or in gold. In one *Hadith*, it is reported that the *mahr* given to Umm Salim when marrying Abu Talha is his embracing Islam. In another *Hadith* a man married a woman for certain verses from the Qur'an he memorizes in his heart (Bukhari, *Hadith* 24).

In most cultures, dowry, bride wealth, bridal gift, bridal money, marriage payment or bride price is common. Those cultures permit bride wealth to be given to the bride's family to compensate the transaction. Though, in some African cultures like Yako, as Brown Daryll forde (1959) put it, marriage payments are considered to express the value of a wife to her husband and confirms his intention to maintain a stable union, which is a much more similar concept as *mahr*.

In most literatures *mahr* is translated as bride wealth, bridal gift, bride price and so on. Aisha Lemu, in her book "*Women in Islam*" (1976:20) argues that the meaning of *mahr* is far from these concepts.

When a girl or woman is married it is an essential part of the marriage for the bridegroom to give her a dowry (mahr), which may be of any value agreed upon. This dowry is not like the old European dowry which was given by a father to a daughter on her marriage and thence became the husband's property. Nor is the Muslim dowry like the African "bride-price" which is paid by the bridegroom to the father as a form of payment or compensation. The Muslim dowry is a gift from the bridegroom to the bride and it becomes her exclusive property.

Jemal (2005) prefers to identify *mahr* as “Islamic dowry” so that it may not be confusing to the dowry which normally used by English speaking people to mean money or property brought by the bride to her husband.

2.5.2.5. Proposal and Acceptance (*Ijaab and Qebul*)

This is the basic part of *Nikaah*. It is the announcement that publicizes the handing over of the bride to the bridegroom. The guardian or the representative of the bride announced his representation so that he has to perform the oath on behalf of her. He and the bridegroom sit in front of each other. Then, the guardian has to say to the bridegroom “I marry her to you as your wife”. In some cases, like in the second marriage of a woman, the bride herself have to say “I have married myself to you”, referred in Arabic “*zewejtuke*” contextually to mean “I gave”. Then the bridegroom has to respond in Arabic “*quebiltu*” to mean “I have accepted”.

2.5.2.6. The presence of a *Qādī* or a legal Institution that will conduct the marriage contract

A *Qādī* is a religiously and legally appointed person by the *Sharia* courts that are leading or conducting the *Nikaah* ceremony (marriage contract). The *Qādī* put everything in order and check every procedure. Then he recites *Khutba* and prayers to the crowd. The prayers cited in that moment are one, two or three selected verses from the Qur’an and a *Hadith* about importance and purpose of *Nikaah*.

The legal Institutions like the *Sharia* courts or government appointed bodies can also conduct *Nikaah* ceremonies. They give certificates that authenticate the marriage contract after the basic formalities are fulfilled.

2.5.2.7. Religious Discourse (*Khutba*) and prayers

While performing a *Nikaah*, the *Qāḍī* has to conduct and facilitate the ceremony. The *Nikaah* ceremony is started and concluded with *Kuthba* and prayers. The *Khutba* recited by the *Qāḍī* includes a religious discourse that reminds the newlyweds about the purpose and responsibilities of marriage. Then a prayer is conducted as a good wish for the future marriage.

It is recommended to give a short address by the *Qāḍī* while making a marriage proposal. Such an address begins by praising Allah, thanking Him and asking Him to bless the Prophet Mohammed. The best address is the following one taken from Islamic prayers book (86):

Praise be to Allah, we thank Him, seek His help and His forgiveness. We seek refuge in Allah from the evils of ourselves and that of our bad deeds. He whom Allah guides is truly guided, and he whom Allah leaves to stray, none can guide him. I bear witness that there is no god but Allah, besides Him no other partner is and I bear witness that Muhammad is His Messenger.

After the prayer, selected verses from the Qur'an should be read. The verses advise believers to fear Allah, to be truthful and thoughtful about the parents. Thus, it is recommendable to read one, two or three of the selected Qur'anic verses. The most common verses recites at this ceremony are *Surah Al-'Imran*: 102, *Surah Al-Nisa'* :1, and *Surah Al-Ahzab*: 70-71.

Then a *Hadith* will be recited that reminds the two newlyweds about the purpose of marriage and how the family that would be formed needs special care and attention throughout their life time.

As a conclusion of the ceremony, a prayer praising the Prophet Mohammed is recited. Finally, the *Qādī* forwards a prayer that reveals the good wish for the marriage. This marks the end of the *Nikaah* ceremony.

2.6 Legal Codes of Marriage in Ethiopian Civil and Family Laws

Marriage can be recognized by a state, an organization, a religious authority, a tribal group, a local community or peers. Since it is often viewed as a contract, it is recognized in the Ethiopian Civil and Family laws.

The definition of marriage in Ethiopian law is not clearly stated. Redwan (2009) referred Professor krecnovic's idea that, marriage is not a contract, it is not neither governed by roles of propriety nature nor under special contract. Marriage under 1960 Civil Code of Ethiopia is a status, an institution and social relationship between individuals within the society. The Federal Revised Family Code also does not define the term marriage.

But the 1960 Civil Code of Ethiopia in Article 577 stated about the various kinds of marriage which later on revised as "various forms of marriage" in the Revised Family Code of Ethiopia (Redwan, 2009).

The 1995 Ethiopian Constitution under Article 34 states that, in accordance with provision to be specified by law, a law giving recognition to marriage concluded under system of religious or customary laws may be enacted. "Thus Constitution shall not prelude the adjudication of disputes relating to personal and family laws in accordance with religious or customary law, with the consent of the parties to the dispute. Particulars shall be determined by law(*ibid*, 92).

These particular laws include the Civil, Penal, the Revised Family Code and the establishment of *Sharia* courts for Muslims.

The Civil Code of 1960 and the Federal Revised Family Law of 1992 recognized three forms of marriage ceremonies: Civil, Customary and Religious marriage.

Civil marriage is the legal concept of marriage concluded in the governmental institution irrespective of religious affiliation and in accordance with marriage laws of the jurisdiction. Thus, the Revised Family Code in article 2 explaining Civil marriage as a marriage which takes place on the presence of legal authorities. Customary marriage on the other hand, in Article 4 stated, is a marriage in which a man and a woman married according to their custom.

The Revised Family Code in Article 3 (1992:3), states about Religious marriage indicating that it is a marriage performed according to rules and ways of the religion of the newlyweds.

Religious Marriage takes place when a man and a woman with the intention to get married who prefer to conduct the ceremony according to their religion or the religion of one of them. A religious Marriage could be performed either in Church or Mosque or any other religious institution.

In part two of the Revised Family law, it states about the criteria (conditions) that has to be fulfilled in order to perform a marriage. Thus, consent of the two parties and age of marriage are basic conditions. The marriage age for both the girl and the boy should be 18 revising the 1970 Civil Code allowing the age of the girl should be 15 and the boy of 18.

Regarding prohibited cases of marriage, Articles 8, 9 and 11 are explaining that marriage among citizens having blood and marriage bond is prohibited. Thus, consanguinity (blood relation),

affinity (relation through marriage bond i.e. ascendants and descendants, and bigamy (entering in the second marriage while the first marriage is still active) is prohibited. Not only the Revised Family Code prohibited consanguinity, affinity and bigamy but also it is considered as a criminal act under the Penal Code of Ethiopia under Article 650 (Redwan, 2009). Some regions like Tigray, in its regional family law prohibits bigamy but under exceptional circumstances this rule might not be practical, this means if the marriage is celebrated in accordance with the formalities of religion or the custom, and if bigamy is an accepted norm of the religion or custom, the prohibition of bigamy by law shall not be applicable (Redwan, 2009).

In relation to the involvement to the second marriage, the RFC has provided six months waiting period after the dissolution of the first marriage.

The FDRE Constitution recognizes the *Sharia* courts providing for the establishment of and adjudication of cases (Aliyi, 2009). This implies the constitution gives a choice to Muslim citizens to be judged according to their choice. A Muslim can get service either in the government court system or in the *Sharia* courts to settle family and personal matters. This recognition of the *Sharia* courts is necessary to exercise the freedom of religion which is guaranteed under Article 27 of the constitution according to Aliyi.

The *Sharia* courts were established for settling personal and family matters of Muslims according to the *Sharia* law. They were first officially recognized by proclamation No.12/1942 which was later substituted by Proclamation No.62/1944 according to Aliyi (2009). *Sharia* courts were recognized for the first time by *Qādīs* courts proclamation of 1942. The official recognition of the *Sharia* courts cease as a result of the enactment of the 1960 Civil Code Article 3347. Again the *Sharia* courts regain recognition under the enactment of the FDRE Constitution.

Chapter 3: Methods

This thesis is designed and worked out based on qualitative research method by using different techniques, since it attempts to collect data which accommodate both religious and cultural grounds.

3.1 Subject of the Study

This thesis deals with the Muslim community of the City of Gonder. The City of Gonder is selected as a study area due to the familiarity, intimacy and close contact of the present researcher both to the community and the city itself. This intimacy has motivated the researcher to undertake this research believing that the *Nikaah* ceremony need to be documented and should be publicized. Within this proximity the researcher believes to get data, samples and informants and easily obtain cooperation and support from the Muslim community.

Among the Muslim community of the City of Gonder, key informants have been selected. Thus, the Imams of the mosque, the *Qādīs*, who still serve the community in *Nikaah* ceremony, Qur'an and *Hadith* scholars, local elders who repeatedly involved in *Nikaah* ceremony, residents having both academic and religious background, women who can reasonably reflect, compare and contrast the changes and continuity have divulged their intimate knowledge based on the questions raised were included in the research.

3.2 Sampling Size

A total number of 23 people have been used to individual interview and focus group discussion.¹⁷ *Nikaah* ceremonies and wedding archives had been attended and reviewed. Specifically six *Qādīs*, Imams and local elders, who served the community over the last 15 years



and still serving in the Mosques, in marriage and divorce matters have been contacted and their information have been incorporated or endorsed in the preparation of the thesis. Three Muslims who are married, one Muslim bachelor, and two youngsters were involved in the data collection process. One Judge from Gonder Zūria Wārāda *Sharia* Court, two students who are studying Qur'an interpretation and *Hadith* Scholars, two married women, who better know the ceremony, one scholar both from secular and religious corners, two newlyweds, and four young residents have participated in the data collection process. Two residents have given great help in the process of data collection.

In addition to the interviews, five *Nikaah* ceremonies have been carefully observed since the present researcher believes it is sufficient to observe five ceremonies. More than ten wedding ceremony archives of Muslims were thoroughly examined in order to get additional useful data.

3.3 Sampling Techniques

Different techniques are well known in the data collection process. The sampling technique selected for the research is purposive sampling. Informants had been selected based on several reasons. The status of these people among the community, such as giving service to the community as an Imam and as a *Qādī*, religious background and acceptance, proximity to the community, awareness about the community, capability in interpreting, religious and government appointment are some of the intended reasons. The samples were contacted through snowball sampling after the researcher communicated with the *Qādī* Judge of the *Sharia* Court of Gonder Zūria wārāda.

3.5.2 Interviews

3.5.2.1 Individual or personal Interviews

An interview has been held with selected persons within the range of the Islamic community of the City of Gondar. A total of 17 people are engaged in the interview. Local elders, Muslim scholars, *Qāḍī* (performers of *Nikaah*) of the City of Gonder, Imams of Mosques, newlywed, young residents, and women have been interviewed. This greatly helped the present researcher to get adequate and reliable data for the preparations of the thesis. Open ended questions were the best available means of obtaining reliable data.

3.5.2.2 Focus Group Discussions

A focus group discussion with six informants has been held based on their good religious and academic background. These informants are selected in their awareness in realizing changes around the community since they are well educated, well informed, and well aware of both the religious and cultural aspects of *Nikaah* ceremony in the community. This will help to verify dilemmas, or clear hesitations. The present researcher used open ended questions for a detailed data gathering. During the focus group discussion, the present researcher has taken notes as well as used a tape recorder for a better documentation and for further reference.

3.5.3 Documents

The present researcher has identified documents related to the topic of this thesis. Both religious and academic materials including books, research papers, newspapers, magazines, booklets, and private *Nikaah* archives were researched in order to obtain important data. Especially, the

photographs and movie pictures of the *Nikaah* ceremonies were gathered for the purpose of documentation and the eventual analysis.

3.6 Documentation Methods

Since the significance of this research is digitally documenting the *Nikaah* ceremony among the Muslim community of the city of Gonder, documentation was undertaken in the following two ways. A short descriptive documentary film has been prepared. In addition, a photo gallery was organized in order to preserve the ceremony.

3.6.1 Filming

After observing the *Nikaah* ceremonies, basic scenes were selected and filmed. For documentation purpose, each step of the ceremony was recorded using the latest Digital Video (DV) camera. In addition to the basic scenes, an interview with the informants was also filmed for description and explanation of the *Nikaah* ceremony. In this filming, the main parts of the event were basically recorded including the oath, the signing ceremony, the negotiation about the bride gift (*Mahr*), the recitation of the prayer by the Imam or *Shaykh* describing the duties and responsibilities of the bridegroom in the marriage.

After the raw data was analyzed, a script was prepared. A 15 minute documentary film with subtitles was prepared. The documentary included both the description and the meaning of each event of the *Nikaah* ceremony. While the informant is narrating the event, the speech will be accompanied or supported by the recorded movie. A narration, whenever necessary, added in order to describe things that need clarification. Natural sounds accompanied with the *Nikaah* ceremony, for example, the event of the oath, chorus of the prayer and so on.

After the editing is finished, the documentary film is documented in VCD/DVD format. This will ensure an enduring documentation. In addition, it will give a wider chance to access the information.

In addition to the Documentary file, the raw data is documented as well.

3.6.2 Photographing

After the present researcher has decided about the pictures that should be taken, descriptive Pictures have been taken on the basic steps of the *Nikaah* ceremony using the latest digital photo camera. After the pictures were taken, they would be arranged according to the chronological order of the ceremony. Short descriptions about each event have been written under the photographs. These photographs will be put in a soft (CD) or hard copy so that it would be easy for interested researchers to easily understand the *Nikaah* ceremony. In addition, it saves the pictures from possible damages, ensure enduring and everlasting documentations.

3.7 Method of Data Analysis

The data, which have been qualitatively, collected, through in-depth interview, Focus Group Discussion (FGD), informal discussions and observations would be discussed, interpreted and qualitatively analyzed and thematically presented.

The present researcher's personal observation, intimacy to the culture and the religious view itself would also support the present thesis analysis far better.

Chapter 4: Data Presentation and Interpretation

4.1 Muslim Traditions in the City of Gonder

The City of Gonder is situated in the Amhara National Regional State having a total population of 230,583 and covering an area of 6,800 Sq. meters. Bahru Zewdie, comments that, the city of Gonder was founded in the second quarter of the 17th century. And it had flourished as a major urban center until it fell on harsher days in the second half of the 19th century. According to Solomon Getahun(2006:8);

The city served as a permanent seat of the government in Ethiopia for about four centuries. During those times, the city witnessed the evolution of various quarters such as Echege bet, Abun bet, Kayla meda, Islam bet(Addis Alem & Dingaya).These quarters tell about stories on the social, economical and cultural operations in Gonder and about its Judaio-Christian and Muslim population.

It was in those years that Muslims of Gonder were forced to live only around the segregated area of *Islam bet* leaving their former residence throughout the city. *Islam bet*, probably referring to mean the house of Muslims and alternatively known as *Addis Alem*, was thus one of these quarters that the Muslims were confined to live in due to the Emperors fear of Muslim settlements around the Castles even though, Muslims of Gonder never participated in the political arenas. They were mainly involved in trade and weaving since long period of times.

Abdussamad in his article (2000:161) states that:

While it's true that the highlands were dominated by Christianity, it is equally true that the highlands possessed a permanent, indigenous Muslim minority, a minority whose native language has either Tigrigna or Amharic. As was so frequently the case elsewhere in Africa, the ongoing life of the highland Ethiopian Muslims was closely connected to trade.

Thus Muslims have played an important role in the economy of Gonder though they were excluded from the magistrate posts in the political life of Christian Ethiopia (*Ibid*). The import of foreign goods from the coast and the export of rare local commodities such as gold, ivory, civet and slavery were in the hands of the Muslim merchants who partly played pivotal role in their private business or being commercial agents of the Gondarine rulers. The trade route stretches to Mattama, Massawa and Asmara. The relations with Yemen also proved the intimate relations of the two countries, both in trade and in cultural exchange.

According to Solomon (1994:17-18) the Muslims of Gonder organized caravans and from them commercial agents were recruited by the Emperors, assigned to collect taxes at Derita, Gonder and Dabarq. During the Italian occupation (1936-1941), the Italian rulers seem affiliated to Muslims for their own divide and rule approach. Due to this fact Muslims have got a relative freedom of religion. During this era, Muslims built the first mosque near the site of the current Saturday market and started to flourish and establish their residence out of their confined area, *Islam bet*.

Consequently the Italians built a mosque with a minaret near the Saturday market of Gonder. Muslims themselves begun to build homes on the slope from islamge or Addis Alem up to the edge of the Saturday market. Muslims of Gonder had their own Qādī (judge) who functioned in matters relating to marriage, divorce and inheritance.”(Abdusommad:2000:171)

The Muslims of Gonder, following the establishment of the first Mosque, did not confine to the Quarters, rather, they eventually flourished to the centers of the city. It seems that Muslims had a better chance to live in freedom outside their restricted residence of *islam bet*. The interaction of Muslims with the non Muslims brought an intimacy both in social as well as cultural dimensions. They are now living in harmony, with the non Muslims, sharing a lot of lives together. Their

social intimacy and harmony with the non Muslims helped a lot to undergo wider culture integration and acculturation. The economic ties between the neighboring cities as well as countries like those of Yemen and Sudan, have also built strong cultural relations between the countries. One can see several shared cultures among the residents. Indeed, Muslims do have their own cultural and religious heritages: Among these heritages the *Nikaah* ceremony is one feature of Muslims life which this thesis will also deal about.

4.2. Common Practices of Marriage

The functionality of Islamic rules depends on the nature of each society, its relation with other non Muslim societies and on the pressure of immediate societal needs. Thus, the functionality varies accordingly. This is clearly observed among the Muslim community of the City of Gonder. The implementation of *Sharia* law among the Muslims of Gonder is accompanied with both cultural and ethnic identity. Marriage had its own cultural as well as ethnic identity in Gonder. The performance of marriage is thus, the combination of culture and ethnic identity. Some rules of the *Sharia* were not applicable due to cultural influence and social norm. Let us see some common practices of marriage along with the practice of *Sharia* law.

4.2.1 Marriage Practices among Close Relatives

Even though, Islam permits polygyny (a man marrying four wives) and marriage within close relatives, such practice is rare in Gonder. Marriage among close relatives is not as such a wide spread practice; rather, it is considered a taboo since there exists a strong social bond between the close relatives and the extended families. The strong social ties and intimacy between the extended families could lead them to think of or protect each other like just brothers and sisters.

The dominant culture and belief of the Christians that prohibited marriage with in the seven generation would probably deep rooted and accepted as a Muslim culture too as it was a case in most Christian dominated highland of Ethiopia. Workwuha (1986:12) in her B.A. thesis about marriage among the Muslims of Dessie, put the same notion like this,

The Amharas being the aboriginal converted to Islam, they are influenced by the culture of the Christian highlanders and they have preserved most of their culture. The same is true to marriage. In contrast to the three generation put on the law, the Amharas raise it up to seven generation both paternal and maternal at least theoretically. Thus, there is a more deviation from what the Sharia law says.

But this does not mean there is no marriage between close relatives, there are of course few and rare cases of marriage with in three generation.

4.2.2. Polygyny (Polygamy)

Sharia allows men to marry more than one wife (polygyny) with limited conditions. There were few practices of polygyny among the Muslims of Gonder. It is a practice by adults rather than youngsters for some reason. Abduselam (2007) in his research stated the causes of polygyny among few of his respondents. These respondents have practiced polygyny due to health problem, sterility of their first wife, far apart of work places from residences and recurrent journey to another city for trade. Most of them have favored monogamous marriage. Third or fourth marriage is not practiced in the city but very rare cases of a third wife could occur outside the city, according to my informants.

4.3 Age, Date and Time of the *Nikaah*

4.3.1 Age

Before a decade, girls get married at their early age of 12 or 13, mostly through arranged marriage. This assures that early marriage among the Muslim community of the city of Gonder is common. Qādī Shaykh Jibril said,

According to the Sharia, a girl is considered ready for marriage according to her puberty age; some will bloom at the age of 12 while others at 13. A girl is obliged to perform Salat (a daily prayer) at the age of 15, thus, marriage age was also fixed due to this reason. But now, the government put the age limit at 18 and we did perform marriage at this age.

Marriage age, among the Muslim community of Gonder, has been fixed on the consensus of the society and in accordance with the *Sharia* recommendation that puts puberty as an entry age to marriage. Since puberty depends on the physical nature of each girl, this community considered a girl could be ready for marriage as soon as she celebrates her 12th or 13th birthday. The society believes the sooner is the better to bear a child so that girls should marry at this early age. One of my informants, Ato Abdu agrees that early marriage was common and even in recent days girls use to get married at the age of 15 to 18 even if interventions were made by the government.

*Parents give their daughters for marriage as early as possible in order to keep the family's pride and honor. This is a deep rooted culture. They believed and accepted the idea that the time is challenging and insecure for girls. There was no system of giving and keeping birth certificates, so that they used to respond adding three or four years while they are asked about ages by local authorities at the time of *Nikaah*. And that is why there is still early marriage even if the government limits the marriage age at 18.*

Though, there are encouraging moves that the common age of marriage for girls is approaching to 18 due to legal pressures, according to my informants. Regarding consent, the decision differs according to the interest and background of the families. Some parents give the girl a chance to

decide. While some of them, unlike the rules of *Sharia* that demands the consent of the girl during marriage, take a decisive role themselves. The informants give real evidences that there are some parents that were involved in arranged marriage without the girl's consent. Ato Abdu told me that there are changes from time to time on the age and consent of the girl but early marriage is still real. According to him, due to the government intervention to stop early marriage, parents who prepare to wed their daughters before the age of 18 were sent to exile. A lot of wedding ceremonies were cancelled. Al-Haji Mohammedamin kemal, a *Qādī* in kebele 06 in the City of Gonder City says

We conducted three or four Nikaah ceremonies in a day, sometimes in a week. According to the Sharia, a girl is considered ready for marriage at the age of 14 or 15. But the government endorsed a law that limits the age of marriage at 18. And we followed this rule. We checked the age of the girl while conducting the Nikaah ceremony. If parents are prepared to involve in early marriage, then they will be sent to exile.

This is a result of government's intervention and public awareness. Girls are aware to ask their rights and take their question to the women affairs. Sometimes, the community members informed the offices about early marriage. If the office moves to check the request of the girl, parents are forced to assure the age and then the age and the consent of the girl will be checked. The *Sharia* judge, *Shaykh* Musa told me that as one main task, the *Qādī* should check the age and the consent of the girl while conducting marriage ceremonies.

4.3.2 Date and Time

Date of *Nikaah* can be set according to the agreement of the two parties. Sometimes date of *Nikaah* can be fixed alone without any wedding banquet. Some people fix different days for *Nikaah* and wedding ceremony. These people set a long time between the *Nikaah* and the

wedding day. Due to this fact, the bridegroom have to send clothes and foot wares on the two Muslim Holidays, i.e on *Id al-feter* and *Id al-adha (Arefa)*. Date of *Nikaah* and wedding ceremonies can also be set with in the same day but with different time. A majority of Muslims in Gonder prefer to do *Nikaah* on the morning while the wedding is conducted in the afternoon. There are also people among the Muslims of the City of Gonder who would like to do the *Nikaah* and the wedding ceremony at the same time in a case that the bridegroom coming from a far-off place. On the other hand, some Muslims prefer to set date and time of *Nikaah* to be conducted on Thursday. Some people, who believe wedding is unnecessary, perform *Nikaah* with simple banquet on Thursday. If a woman is getting married for the second time, the *Nikaah* ceremony, most of the time will be dated on Tuesday or Thursday.

Regarding months, according to the informants, there are rare *Nikaah* ceremonies during the month of *Ramadan* (the fasting month of Muslims), even though *Hadith* teaches that a *Nikaah* which is concluded on *Ramadan* is more blessed. A few decades ago, there was a cultural belief among the Muslim community of Gonder which views *Nikaah* and wedding should not be conducted on the month of May (*Ginbot*) saying that the marriage will not function well. But this is rather a cultural belief that has no Islamic ground and due to this fact Muslims of Gonder are performing *Nikaah* on May in recent years.

4.4. The *Nikaah* Ceremony among the Muslim Community of the City of Gonder

4.4.1. Stages of *Nikaah*

4.4.1.1. Betrothal Steps and Wedding Features

Betrothal in Gonder should go under some procedures. A girl is selected for marriage after the man has seen her through the help of his relatives and friends. In earlier times, it was through families and friends that a man selects a girl for a marriage after going through discussions about the girl's good manners and behaviors. According to an interview with wäyzäro Khadija Eshetu and wäyzäro Meryem Yusuf, women could be sent to propose marriage to the girl's mother after a man decided to ask that girls hand for marriage. According to an interview with Ato Abdu, the reason behind this can be realized on two grounds. Mothers are most likely forging a close attachment with their daughters, so that, this will help these women obtain information about the girl and her intention for marriage. Secondly, women posses high influential power to persuade the girl's mother to accept the indicated marriage proposal.

After the elderly women obtain the basic information about the proposal, a consensus will be reached to send elderly men as a next step. Then, elderly men could be sent to the father of the girl so as to ask for her hand. The elders could visit the girl's family, and, it is before taking their seat that they stand in front of the girl's father and propose the marriage. If the proposal is accepted, the elders will be invited to sit down. Then they could fix for the banquet for the acceptance. According to wäyzäro Kedija, elders would give 100 Birr, on the day of agreement, locally known as *ishitta*, just to reveal their happiness and as a promise to proceed the next step of marriage. Then time will be fixed for a *Nikaah* and wedding ceremony.



Wedding ceremonies in Gonder could vary in great deal. For some of them this ceremony is something optional, while for others, it seems an obligation and the manifestation of wealth and pride. Some newlyweds could arrange only the *Nikaah* ceremony with a simple banquet and the attendance of limited family members and friends. For such Muslims, what matters is the *Nikaah* ceremony and not the wedding ceremony with its inevitable excessive banquet. Islamic *neshidas* will be sung by separating boys and girls. No ring ceremony, no wedding gowns, only the Islamic clothing will be used. The ceremony is quite simple and less burdened one.

Others view wedding ceremony as a mark of publicizing the marriage and believed that it should be done well. For those Muslims, wedding ceremony should be accompanied by other consecutive ceremonies, including wearing the wedding gowns, ring and cakes, with music bands and the banquet. There will be a feast after the preparation of food on Saturday evening, accompanied with additional cultural songs. This is known as “*insosilaye mata*” contextually to mean the night that the bride beautify herself with “*insosila*”, a colored plant use to beautify the hands and feet of women.

4.4.1.2. The *Nikaah* Ceremony

4.4.1.2.1. General Performance of the *Nikaah* in the City of Gonder

According to the judge of the *Sharia* court of Gonder Zúria Wäräda , Shaykh Musa Mohammed, Marriage in Gonder is performed by the appointed *Qādī* in each village. The *Qādī* is recruited by village *Jam'iyä* (Islamic *iddir*) and approved and licensed by Gonder Zúria Wäräda *Sharia* court. Then, the *Qādī* perform *Nikaah* according to the *Sharia* law by checking the necessary

conditions. He should fill the form prepared by the *Sharia* court while conducting a *Nikaah* ceremony. The *Qādī* conducts any *Nikaah* ceremony in his surrounding *kebele* or village.

The appointed *Qādī* in each *kebele* have to conclude the *Nikaah* after the two parties fixed the day and time of *Nikaah*. At the day of *Nikaah*, the bridegroom could go to the bride's family house in order to perform the *Nikaah*. The bridegroom accompanied by some of his friends met the crowd gathered to attend the ceremony. The *Qādī* starts the ceremony by checking each procedure. After checking every detail, he starts the ceremony by sending a messenger to the bride to check her consent about the marriage and to verify her guardian. After the crowd witnesses the appointed guardian and her agreement for the marriage, the ceremony will proceed to the next step.

Qādī Al-Haji Mohammednur briefly remarks:

While we are conducting Nikaah in Gonder, the Guardian and the bridegroom approach together. Witnesses and the representative for the bridegroom or the was, will also be present. The marriage contract forms will be filled. Then the ceremony will begin by reciting a prayer and religious discourse (khutba) about marriage. The guardian announced the handing over of the bride through him. Then the bridegroom accepted the offer. I, recite some prayers from the Qur'an. The crowd recited a prayer for the Prophet Mohammed together with me. Then, I concluded the signing ceremony by reciting some prayers conveying good wishes for the new marriage.

The *Nikaah*, literally refers to bind to someone, is mandatory for an Islamic marriage. As the Islamic *Sharia* puts it clearly, *Nikaah* is the basic event that legalizes a man and woman to live together as husband and wife. As long as the two parties are tied with *Nikaah*, they can live together even without a wedding ceremony. So, how does this *Nikaah* ceremony be performed? What are the necessary preconditions that have to be fulfilled?

According to an interview made with the informants, there are conditions that are to be fulfilled before the marriage contract is done.

4.4.1.2.2. The Procedures of *Nikaah* in the City of Gonder

4.4.1.2.2.1. The Presence of a *Qādī*

In Gonder, usually, a *Qādī* is appointed to perform *Nikaah* in his respective village and *kebele*. The accredited *Qādī* is responsible to check the conditions that have to be fulfilled before concluding the *Nikaah*. He leads the *Nikaah* ceremony. In cases when the bride had no relative to be referred as a guardian, then he could be assigned as her guardian.

4.4.1.2.2.2 The appointment of a Guardian (*walliy*)

The *Sharia* law orders a girl to assign a guardian (*walliy* or locally known as *wakil*) when she gets married. A girl could not marry herself without a guardian. While *Nikaah* is performed a male guardian should be appointed in order to perform the *Nikaah* on behalf of the bride. As a first step of the *Nikaah*, the *Qādī* sent two men to the bride in order to ask assign her representative and ask about her consent on the since men and women sit in separate rooms most of the time. Then she appoints her guardian or *walliy*. The guardian should be of her male families such as her father, if not, her brothers. If she had no family members, according to the *Sharia* law, the representation will go to her extended families that should be from her father's decent. Thus, her uncles and her extended male families can be appointed as a guardian. If the bride had no relative or anyone who can deal on behalf of her, then the *Qādī* himself can be appointed as a guardian to the bride. According to the informants, there are tendencies that, sometimes, the *Qādī* is appointed as a guardian even if there are proper guardians that could be

appointed for the bride. Some *Qādīs*, such as Al-Haj Mohammednur, declined to accept the guardianship on such cases. This guardian fulfills the obligation of dealing every issue of the marriage on behalf of the bride. The mother of the bride, her female siblings and her mother's male descendants are not appointed as a guardian. This is based on the belief that a father and his male descendants are more powerful and influential to secure the rights of women and settle disputes of marriage than that of the mother.

4.4.1.2.2.3. The Consent of the Two Newlyweds.

Islam puts the consent of the girl as a mandatory condition for *Nikaah*. On the day of *Nikaah*, the two newlyweds should be asked about their consent on the marriage. Especially the consent of the girl is mandatory since the last prophet nullified any marriage without the agreement of the girl. In earlier times, marriage among the Muslim community of the City of Gonder was mostly arranged by families ignoring the girl's permission. But nowadays encouraging moves are witnessed that show youngsters arranging their own marriages. As one condition for *Nikaah*, each *Qādī* should prove the consent of the two parties before the marriage is concluded, according to the informants. Thus, the *Qādī* sent two messengers to the bride to ask her consent on the marriage.

4.4.1.2.2.4 Agreement on *Mahr*

The Mahr is a unique feature of dower in Islamic marriage which is commanded in the Holy Qur'an and further detailed in the *Hadith*. It is given for the bride by the bridegroom to show respect to the girl and the groom's commitment to the marriage. The bridegroom is obliged to give *Mahr* to the bride in the form of money or an item such as gold. There is no fixed amount

and type of *Mahr* in *Sharia* rather it will be negotiated between the two parties, mostly at the time of the *Nikaah* ceremony.

Among the Muslim community of the City of Gonder, *Mahr* is paid in cash at the time of *Nikaah*. As a tradition, half of the *Mahr*, mostly in cash, is paid at the time of *Nikaah* and the rest of it will be paid at the time of divorce. The amount of money is fixed based on the general consensus of the Muslim community.

Regarding to the amount of *Mahr*, it is increasing from time to time according to the social need and the economic status of the community. An interview with wäyzäro Meryem Yusuf, 57 years in marriage, reveals that while conducting a marriage in her time, the amount of *Mahr* was only 18 birr, of which only 9 birr was given to the bride together with some gifts: two cotton closes, Known as *Goda*, a head scarf known as *guwandie* and a top cotton made cultural *Kutta* at the time of *Nikaah*. In some cases an umbrella made of bamboo with some silver made bridal known as *albo* and *sindid* was given to the bride.

Before 40 years, the half paid *Mahr* raised to 13 birr. In recent times like before 10 and 15 years, the amount of *Mahr* was increased to 15 birr, 17 birr, and 50 birr respectively. Before the practicality of the written marriage contract paper by the *Sharia* Court of Gonder Zürä Wäräda, each *Nikaah* is performed only on *Mahr*. When the marriage fails and divorce is real, the women will get only the remaining half of her dower payment and she was left without any property which is contrary to the *Sharia* law. According to the *Sharia* law, a woman who got married on *Mahr* should get an amount of payment that equals to her labor work at home and child care contribution for her family.

As *Sharia* judge, *Shaykh* Musa told me, women were deprived of their *Sharia* rights. The *Sharia* rights of Muslim women were violated concerning the practicality of *Mahr*. To alleviate this challenge, the Gonder Zūria Wārāda *Sharia* court recommends a solution that allows a chance of property right for the woman. Thus, the court introduced a considerably high amount of fixed *Mahr* to be paid at the time of *Nikaah* so that at the time of divorce, the woman would be paid the agreed amount of *Mahr*. If one or the two parties disagree to get married in *Mahr*, then a choice is given that enables them to manage their property equally, then at the time of divorce, the woman gets half of her share from the property. This is clearly stated on the written marriage contract form introduced by the *Sharia* court.

According to *Shaykh* Musa Mohammed, the form has been started by himself in 1990 E.c. After the introduction of the form, the amount of *Mahr* was fixed. The form puts a marriage choice to be conducted either in *Mahr* or equality in property management. The *Sharia* Court puts it as a condition that if the bride and groom agreed to marry in *Mahr*, he should have to pay a *Mahr* that amounts between 5 thousand to 10 thousand Ethiopian Birr. And a certain amount should be paid at the time of *Nikaah*. If the two parties agreed to marry on equality, then, 100 Birr will be paid for the validity of the *Nikaah* and the two parties will have equal share on the properties they will have after they get married.

One of my informants, Ato Abdu, told me that the interventions made by the government through law enforcement, such as the enactment of Revised Family Code, put its impact on the practicality of *Mahr*. One of the *Qādīs*, Al-Haji Mohammednur further explains that in recent years, all marriage (*Nikaah*) is performed on equal property management bases according to the law of the government which reinforces equal property rights for women. In earlier years, the

Qādīs used to wed the two parties in *Mahr* only which caused a lot of problems during divorce. As a result of this women were left economically insecure. Now, most of the *Qādīs* did not encourage *Mahr*, rather, the *Qādīs* motivated their people to marry on equal property right bases. The issue of equality is reinforced by the government rules so that the *Qādīs* follow this rule. The *Sharia* does not nullify this equality concept as long as the two parties agreed upon it and this is the reason that the *Qādīs* are promoting it, according to my informants.

All my informants unanimously agree that the actual practice of *Mahr* in the City of Gonder, in contrast to the *Sharia* Law, was rather a good weapon for women oppression and resulted to the ill treatment of women. Thus, the concept of equality in managing property is a good solution to the deprived rights of women. But my informants could not give a clear cut answer as to whether the equality concept is an equal replacement of the payment of *Mahr*.

Whatever reasons given to introduction of equality property management between the spouses, it is clear that the functionality of *Mahr*, which is a very unique concept for a Muslim marriage, is fading away and its replacement by another approach is real. Recently, *Mahr*, and its 100 Birr last payment seems to be a past history in the City of Gonder. In earlier years, according to my informants, marriage is performed only and only in *Mahr* and now it is replaced by another concept.

4.4.1.2.2.5. The Presence of Witnesses

According to the *Sharia* Law, two witnesses should be present on the event of the *Nikaah*. Most of the time, Males are chosen to be witnesses. The witnesses should be adults, matured and healthy in their state of mind. In the Muslim community of the City of Gonder, a total of three

witnesses are present in addition to the other attendees according to the informants, *Qāḍī* Al-Hajī Mohammednur and *Shaykh* Jibril. These people witnessed the ceremony and help to publicize the event.

4.4.1.2.2.6. The Presence of a Person in lieu of the bridegroom (the *Wás*)

Even though, *Sharia* did not command *Wàs* , a special feature that commands a *Wás*, is applicable as one condition of *Nikaah* among the Muslim community of the City of Gonder. In Gonder, the bridegroom should bring a person in lieu of himself, what is known to as “*Wás*”, while performing *Nikaah*. The “*wás*” is the person who will be accountable to settle issues at the time of dispute or divorce in the absence of the bridegroom. According to the informants, the “*wás*” is also responsible to give answers if the husband vanishes from his wife for more than 6 months. In such cases, he should give house expenses if the husband fails to do so, if the husband abandoned his wife for a long time and if the wife asks for divorce, this “*wás*” should have to drop *tilaq* (the pronouncement of divorce). In other words he gives divorce permission on behalf of the lost husband.

4.4.1.2.2.7. The *Ijab* and *Qebiltu* Event (Proposal and Acceptance).

This is the event which takes place after the basic conditions are fulfilled. It is the basic event of the *Nikaah* that marks the proposal or request of marriage by the guardian and the acceptance of this offer by the groom. The father or the guardian could propose the handing over of the bride; then the groom approves his willingness to take her as his future wife. This main promise should be conducted between the two parties. This is the basic part of the *Nikaah*. While doing the

proposal and acceptance, an Islamic prayers and discourses about marriage should be conducted by the *Qādī* before and after the pronouncement of the *Nikaah*. Each detail of this event will be discussed below.

4.4.1.2.2.8. The Process of Signing a Written Agreement (Contract)

As the Holy Qur'an, in its *Surah* of *Al- baquarah*, ordered Muslims to write any transaction or agreements. As *Shaykh* Musa states that marriage contracts are one of these kinds that should be written and kept carefully. Before 13 years, the marriage contract in the City of Gonder was prepared by each *Qādī* and it was written in personal notebooks. At that time as one of the informants said, the *Qādī* used to write marriage agreements in Arabic alphabets with Amharic grammar probably because of the *Qādīs* acquaintance to Arabic than Amharic. After the contract was written, the meaning of the marriage contract used to be interpreted to the audience in Amharic.

This resulted to poor documentation, leaving most spouses without evidence. Nevertheless, in 1990, the judge introduced a formal written agreement replacing the traditional documentation, so that each appointed village *Qādī* should use this formal written form while he is conducting a *Nikaah* ceremony. The form is prepared in 3 copies so that the *Sharia* court, the *Qādīs* and the newlyweds have their own copy.

The formal signing agreement paper consists almost same contents as those earlier *Qādīs* who use to write *Nikaah* on their personal notebooks. Of course, it includes the names and photos of the two parties, the names of the witnesses, the name of the *Qādīs* who conduct the ceremony, the name of the Person in lieu of the bridegroom (*wàs*), the type of marriage i.e. whether the

agreement is on *Mahr* or equality in property, amount of advanced *Mahr* payments, the steps to be taken in the case of divorce.

4.4.1.2.3. Basic Performances of the *Nikaah* in the City of Gonder

After all the procedures and criteria are settled, the *Qāḍī* could begin the *Nikaah* ceremony. As it is mentioned earlier, the roles and responsibilities of each person are identified. The active participants of the *Nikaah* ceremony are present. Now, the guardian becomes official, *Mahr* is fixed or agreement is reached on the basis of equality, the *wás* and witnesses are present. Then the marriage form is filled by putting every name of the active participants of the signing ceremony. The *Qāḍī* leads the *Nikaah* ceremony. The guardian, the bridegroom, the witnesses, and the representative of the groom (*wás*) are the main actors. Now the *Qāḍī* is ready to start the basic event of the *Nikaah* in front of the crowd gathered to witness the publicity of the *Nikaah*.

When the *Qāḍī* gets the attention of the audience, he sat in front of the guardian and the groom to make a special sermon for the two parties that are going to be united in marriage. The ceremony is started with an opening prayer praising Allah and His messenger the Prophet Mohammed, as Muslims all over the world begin any discourse or prayer in the same way. Mostly, the following sermon that is taken from prayer book (1974:86) is recited since the Prophet taught his followers to deliver it at the time of *Nikaah* as an opening of ceremony.

All praise belongs to Allah. We seek His help and ask His forgiveness. And we seek refuge In Allah from the mischiefs our (baser) slaves. There is no one to misguide him whom Allah has guided aright and there is none to guide whom Allah has misguided. And I testify that Muhammed is His servant and Messenger.

After the opening prayer, a religious discourse (*khutba*) is followed by the *Qādī* that reminds the two parties about the aim of marriage and its responsibilities. This include the following verse of Qur'an (1996,30:21) ;

And among His Signs is this that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts): Verily in that are Signs for those who reflect.

This verse of the Qur'an is recited at the beginning of the *Nikaah* ceremony based on the understanding that if the newlyweds fear Allah throughout their life and respect the rights of one another, then, the marriage will function well. The number of the verses that are to be recited in this time could vary. Only one, or two or three of the verses from different chapters could be read. In fact, the following two verses could be recited additionally reminding believers to fear Allah and stand firm and die only being a Muslim(*ibid*,4:102 and 4:1).

O ye who believe, fear Allah as He should be feared, and die not except when you are a Muslim.

o ye mankind, fear your Lord Who Created you from a single person and created, of like nature, his mate and from them spread countless men and women. Fear Allah through whom ye demand your mutual (rights), and give due consideration to the wombs (that bore you): for Allah ever watches over you.

After this remark from the Qur'an, according to *Qādī* Jibril, the *Qādī* recites the following *Hadith* that reminds about the purpose of marriage,

[*tenákehü 'tekáθerü fε'ini káθirwün bikū:m ūmmε: yεwumal k'iyamah*]

This *Hadith* is recited aiming to remember the Prophet Mohammed's teaching his followers to marry and bear children as much as possible, for which in the number of Muslims he will boast on the Day of Judgment.

After the purpose and responsibility of a marriage and mutual respect of the spouses are taught in this short sermon, the two parties become ready to perform the main part of *Nikaah* which is known as *Ijab* and *Qebul* that remarks the handing over of the bride to the groom. While conducting this part, the two parties (the bridegroom and the father or guardian of the bride) could come together and sit facing each other. The witnesses could observe the event carefully. The *Qādī* could also accompany them. Then, the bridegroom kneels down in some of the clothes he brought as a gift to the bride. Indeed, the father or the guardian holds the thumb, sometimes the hand of the bridegroom. Then the *Qādī* could ask the father or the guardian to repeat the following proposal in Arabic:

[*Īsmē'u: īhadīrīn zewedĎjtu:kē fu:lanete bīḡte fu:lan mēwokelen bīmehri:n mezku:r*], meaning "According to the appointment given to me, I give my daughter (by telling her name) for a marriage to you (by naming the name of the bridegroom) on the agreed *Mahr*".

Or, if the *Qādī* himself or any male descendents are appointed as a guardian they have to underscore:

"According to the representation given to me, I gave this girl, a daughter of so and so, for a marriage to you".

This is called “*ijāb*” or “*zewejtuke*” in Arabic or “*seffeehu*” or “*agäbbähu*” in Amharic that remarks the proposal to hand over of the bride to the groom.

Then the bridegroom replies in Arabic;

“*qebiltü tezwijhà*”, meaning “I have accepted it”, it is called “*Qebiltü*” in Arabic “or “*teqebiyyällehu*” in Amharic which all in one confirms acceptance of the *Nikaah* by the groom.

In cases when the *Qādī* himself is a guardian to the bride, the *Qādī* took the thumb or hold the hand of the bridegroom and say “*zewejtuke*” and then the bridegroom replies “*Qebiltu*”. The *Qādī* made them say this oath after him and lead them to say it in Arabic and sometimes in Amharic. In order to publicize this main part of *Nikaah* clearly, the guardian and the bridegroom repeated this oath three times, sometimes one, to confirm that everyone hears what they said.

Qādī Shaykh Jibril, in his part has added the following exceptional remarks while he is concluding a *Nikaah*:

“I marry both of you according to the commandments of Allah, to live in peace and harmony and to separate peacefully if things are not working well”.

After the handing over (*Ijab* and *qebul* event) is concluded, according to *Qādī Al-Haj Mohammednur*, the following prayer (*Du'aa*) is recited in Arabic three times to praise the last Prophet Mohammed, his families and his followers and ask mercy from Allah.

[*Aluwahu:mme swo:lī afdō:lī swo:latīn ala afdwo:līj mēXlu:k'atīn seyīdīna mu:hamm:adīn wo:álá 'ālī: wo:sahbī:hī: wo:selem.adede má'lu:mátīke wo:mīdadīke lī kelīmatīke kulema wozekere zākīru:n wo:geferē an zīkrī zakīru:n*]

The crowd repeated this prayer together with the *Qādī*. Then, a prayer in Arabic that conveys a good wish for the marriage is recited.

[Bīsmīlahī: wolhamdu: līlahī wosselātu: wosselāmu: alā resu:līlahī seḷeluwáh: aleyç woseḷem. alu:wahu:mme Ďĵ'ál beynehu:má mewodete worehmete womehábá. alu:wahu:mme Ďĵ'ál ṣemlehu:má wot'woyīn ṣeslehu:má wo'ásleh ámrehu:má. Aluwahu:mme bárī:k ṣĵkáhu:má kemá bárekte ṣĵkáhá Xedī: Ďĵete wo:á'ṣete lī reu:līlah,seḷelwuahu: aleyhī woseḷem,wofátīmete lī ál:yīn keremeluwahu: woĎĵháhá. alu:wahu:mme Ďĵ'ál awoluhu:m xeyīr wo'áwset'ehum áxīyīrum xeyīr bīrehmetī:ke yá arhamē ráhīmī:n.]

Its meaning

In the name of Allah, peace be up on the Prophet .O Allah, put love and mercy between them. Make their issue in good way. O, Allah, bless their marriage like you blessed the marriage of khedija and ae'sha with the Prophet, and like the blessed marriage of Fatima with Ali. O, Allah bless this marriage in its beginning, its middle and its last, O, Allah, the most merciful.

When the *Qāḍī* pauses after reciting a phrase, the crowd said *amin* by stretching the palm of the hand in front of the face. After the sermon has been finished, the signing ceremony will be held. The Guardian, the bride, the groom, the witnesses, the *was* and the *Qāḍī* signed the contract.

This remarks the end of the *Nikaah* ceremony. Food and a coffee ceremony with bread will be served.

4.4.1.2.4. Post Nikaah Events

4.4.1.2.4.1. Introduction and Unification of the two families

After performing *Nikaah*, the two newlyweds kiss the knees of the girl's parent as a remark of honor, respect and farewell gesture.

The wedding ceremony and its banquet did not stop here. It could be extended on the weekdays. There will be a banquet through the invitation of the girl's parents, what is called "*mels*", mostly on Monday at lunch time. The bride's extended families gathered to welcome the newlyweds. Mostly cotton made "*gabi*" will be given as a gift to the groom by women. The bride's family

members and close relatives will sit making lines in order to put the “*gabi*” on the shoulder of the groom while he kisses their knees. Special feast will be served after this gift ceremony. Cultural music with dance adds a special color to this “*mels*” event. Mostly on Tuesday and Wednesday, the two families will invite each other by arranging a particular ceremony known as “*qiliqil*” or “*gitigit*”, this seems to renew the introduction, to build acquaintance and for further unification of the two families. There will also be a ceremony of giving nicknames for the newlyweds by families and friends and names will be given to the newlyweds by each other. The most common names given to the bride by her mother in-law are “*Mebratie*”, “*Yayne nur*”, “*Birhanie*” and “*Bayeligne*” and the most common and beloved names given to the bride by the groom could be “*Abren jennet*” remarking a wish to be together in the hereafter.

4.5. Main Features of the *Nikaah* in the City of Gonder

As we can see from the nature of some societies, it is common to see religious activities accompanied by cultural features. Sometimes, it is very difficult to set a boundary between culture and religion since both influenced by and highly overlapped into each other. By the same token, the *Nikaah* ceremony in the City of Gonder encompasses two main features i.e. religious and cultural features. Some of these cultural features always get along with the religious obligatory acts so that they are considered obligatory by the community. In marriage, some Muslims of Gonder follow only what the religion has ordered ignoring the cultural features while some of them perform marriage with both religious as well as cultural ways.

4.5.1. Religious Features

Nikaah among the Muslim community of the City of Gonder is done according to the rulings of *Sharia*. Among the procedures of *Nikaah*, it is observed that some of the religious actions are obligatory (*Fard*) in which they should not be left out or abandoned while some are recommended acts (*Sunnah*). The obligatory acts affect the *Nikaah* ceremony while the recommended acts did not. But these religious features are inseparable in the City of Gonder.

Hence, the obligatory acts in *Nikaah* are: the consent of the two newlyweds, especially the consent of the girl, the presence of her guardian, the presence of witnesses, the payment of *Mahr*, the proposal and acceptance event i.e. “*seffééhu*” and “*teqébiyyàlléhu*”.

The recommended acts (*Sunnah*) include: the religious discourses and prayers that are recited to remind the purpose of marriage, the wedding banquet, wedding choruses (*neshidas*) performed by women only.

4.5.2. Cultural Features

According to the informants, there are some cultural norms that are attached to the *Nikaah* ceremony. These features are almost combined with the religious commandments and mostly unable to differentiate and separate it from the main procedures. Even though these actions have no backing and of course do not contrast with the *Sharia* law, they are intertwined with the *Nikaah* ceremony. The presence of the person in lieu of the groom or *wás*, fulfilling an oath by taking hands of the two parties, performing the oath sitting on the dress of the bride, serving the coffee with bread are cultural features in our case. In some *Nikaah* ceremonies, engagement ring

and wedding gown together with cakes are additional features that were brought from other non-Ethiopian cultures.

These cultural features have got their own meanings.

While doing the promise, the two parties take each other's hand. According to the Imam of Qéra Selam Mesjid, *Shaykh* sa'id, this is to mean that the two parties are now united and become families, and according to *Qādī* Al-Haji Mohammednur, while the father or the guardian holds the thumb or the hand of the bride, it is a manifestation of making a promise and a remark of conveying happiness to the bridegroom. According to these scholars this has no *Sharia* backing rather it is only a cultural manifestation. The kneeling down of the bridegroom on some of the clothes of the bride while doing the promise is one cultural feature of *Nikaah* in Gonder. According to my informant *Shaykh* Jibril, this event literally has a meaning that the bride, from that time of vow, is lawful to the bridegroom. "Sitting on the cloth reflects the idea that the girl is now his wife. It is to mean that from now on you can take her as your wife, and be happy."

Al-Haji Mohammednur, *Qādī* of kebele 06 in the City of Gonder states that, "Sitting on clothes is our culture (norm). It reveals the sitting of the husband to his wife, After *Nikaah* the two parties are considered better half."

Sitting on the cloth is not an obligatory act since some grooms preferred to perform *Nikaah* without sitting on the clothes. Other unique feature of *Nikaah* in Gonder is the presence of the person in lieu of the groom (*wás* in Amharic). Though there is no *Sharia* backing for this act, Muslims of Gonder prepared "*wás*" as an obligatory condition for *Nikaah* to settle cases of emergency and dispute during the marriage. It is a measure of social security. This "*wás*" is

responsible to respond if a husband left his wife without any notice and also fulfill the duties of the absent husband like house expenses, dropping a marriage contract and so on. Even though a banquet is recommended after *Nikaah*, the banquet of serving guests with coffee and bread could be a special cultural feature observed among the Muslims of the City of Gonder.

In the post *Nikaah* ceremony, the event of giving a gift of cultural made “*gabi*” to the groom by the women is also a remarkable cultural event. This gift giving ceremony remarks the rite of passage of the groom from boy hood to manhood.

4.6. Changes Exhibited During the Past Ten Years

4.6.1. The Introduction and Application of the Written Form of Marriage

Nikaah is written and documented in personal note-books of the *Qāḍī* before the introduction of the formal contract paper. According to the informants, the *Qāḍī* used to write in Arabic Alphabets with Amharic grammar probably the *Qāḍī*'s knowledge of Arabic than Amharic. The content of the agreement used to be read to the audience during those times. The introduction of the formal marriage form brought a proper and clear documentation. This form is prepared in Amharic with photographs attached to it. The basic components, the state of marriage and the necessary addresses should be filled. This is one step forward to a well reserved documentation. It avoids the mismanagement and mishandling of marriage documents.

4.6.2. Fixed *Mahr* and its Decline.

A fixed amount of *Mahr*, considerably high compared from previous *Mahr* payments, was applied together with the application of the formal marriage form. This fixed *Mahr* discouraged the newlyweds so that the *Sharia* Court introduced the idea of property handling with equality

bases as a choice. According to *Shaykh* Musa, realizing the fact that women deprived of their *Sharia* rights on property ownership, the form encompasses an option that makes women to own every property equally that could come after their marriage. This gradually turns the newlyweds to leave the concept of *Mahr* and move away to equality in property. This proves the transition of *Mahr* in to the property ownership concept. In other words, *Mahr* is replaced by the property ownership concept.

4.6.3. The Dressing Codes

There are changes in the dressing codes of the newlyweds. It differs according to the interest and religious background of the bride and the groom. During *Nikaah* the bride may dress putting full *hijaab* (head scarf) while some of them could dress in a non Muslim fashion. Due to the awareness of the Muslim community and the strong interference of the City Islamic affairs on wedding codes, the dressing codes are now becoming more of Islamic in content than before. Brides, cover their heads with full *hijaab* (head scarf) in addition to the white wedding gown. Mostly, the groom wears a suit. But there is a growing tendency of wearing white dresses with red caravans of the Arabs especially when the *Nikaah* is done in morning. Even if some people argue this code as an Arab culture than Islamic, it is surely seen as one feature of Islamic wedding in the City of Gonder.

4.6.4. Age and Consent

Early marriage was one basic feature of Muslim marriage in the City of Gonder. However, things are now changing and parents and members of the neighboring residents are now well aware of

it. Currently, marriage age is approaching to the year 18. Regarding consent, the consent of the girl was a neglected matter and arranged marriages were common. Nevertheless, things are now gradually improving and girls are now well asked about their consent on marriage as this was a common affair.

4.6.5. Religious Melodies

Wedding music, accompanied by cultural dances is still one feature of the wedding ceremonies among the Muslim community of Gonder. Recently, there is a growing interest of chorusing religious melodies instead of wedding music. The content of these *neshidas* (religious melodies) are praising Prophet Mohammad, propagating the basic Muslim ideals, by well endorsing the purpose of marriage and so many social and religious issues.

Chapter 5: Analysis and Major Findings

5.1 The Data Analysis

The main purpose of this thesis is to explain the situation of the *Nikaah* among the Muslims of the City of Gonder, how, in what condition and when it is performed. Thus, it attempts to explore the status of the *Nikaah* ceremony in the study area. It also tries to describe and digitally document the events of the ceremony by analyzing all the necessary procedures.

The *Nikaah* ceremony among the Muslims of the City of Gonder is mainly performed according to the *Sharia* law, as this research has eventually revealed. The *Nikaah* ceremony is performed by the active participants of the ceremony. The main actors of the *Nikaah* ceremony in Gonder are the guardian, the witnesses, the *wás* (the person who takes in charge of the groom), the *Qāḍī* (the religious Judge) and the public or the audience. These active participants are important features of the *Nikaah* and these features appear inseparably. Each participant has his/her own role and responsibilities in the *Nikaah* ceremony. The role and responsibility of the guardian lies on accomplishing the oath and declaring the official handing over of the bride and dealing every marriage issue of the *Nikaah* on behalf of the bride. The role of the *wás* is to take accountability on the absence of the bridegroom. On the other hand, the role of the *Qāḍī* is to lead the *Nikaah* ceremony, to assure the fulfillment of the conditions, to be assigned as a guardian for those brides who could not present their families and to accompany the ceremony with proper prayers and religious discourses. The responsibility of the witnesses is to witness the event of the *Nikaah*.

The important conditions to be fulfilled in order to perform the *Nikaah* are again the presence of a guardian, the consent of the girl, the presence of the witnesses, the *wás* and the *Qādī*, the amount of *Mahr* to be paid or the agreement on equality in property. These conditions are the basis for *Nikaah*. The absence of one condition may affect the practicality or the legality of the *Nikaah*. Among the Muslim community of Gonder, these conditions are respected and get due attention.

The *Nikaah* ceremony accommodates its own procedures that brought the active participants to be involved in meaning full actions. The main procedures include the presence of active participants with the fulfillment of the basic conditions such as, the presence of the *Qādī*, the appointment of the guardian, the presence of witnesses and the *wás*, which leads to the next step. This step contains the consecutive events of *Nikaah* which will be done with the active participants. These events are; the process of proposal and acceptance (*Ijab* and *Qebul*), the recitation of discourses and prayers which finalized the ceremony by the signing of the marriage contract. Each event of the *Nikaah* represents meaningful religious and cultural meanings. In accordance with the roles and responsibilities rested on each participant of the *Nikaah*, the main performance of the *Nikaah* ceremony will be concluded with the pivotal role of guidance by the *Qādī*.

The general performance of the *Nikaah* ceremony can be summarized shortly as follows: first the crowd will be gathered, the *Qādī* is responsible on handling the ceremony. He starts his work by confirming the fulfillment of the conditions. Girls consent will be asked and *Mahr* issue will be settled. After doing so, he opens the ceremony reciting prayers, praising Allah and His messenger Mohammed, and then *Khutba* about the purpose of marriage could be recited by



referring explanatory verses of the Qur'an and supportive quotes of the *Hadith*. Then he approached the two parties (the guardian and the bridegroom) in order to perform the core part of the *Nikaah*, that is, the "I give" and "I have accepted" occasions. To perform this, the two parties could sit facing each other while the groom could sit on some of the clothes of the bride. Then the father or the guardian takes the thumb or the hand of the groom to perform the proposal and acceptance event that remarks the handing over of the bride with the inevitable oath. Then, the father recites "by the appointment given to me, I give my daughter (by calling her name) to you as your wife", and then the bridegroom replies "I have accepted". On the occasion that the *Qādī* himself or any extended family has been assigned as a guardian, he states "by the representation given to me, I give this girl as your wife to you". Then the *Qādī* concludes the ceremony by reciting prayers which could reveal the good wish for the new marriage. Then the active participants of the *Nikaah*, i.e., the bride, the bridegroom, the *wás*, the witnesses, the *Qādī*, will sign the marriage contract form. Finally, a 100 Birr will be paid for the validity of the *Nikaah*. A reasonable banquet will be held after the ceremony and in most cases food and coffee are regularly served.

In the City of Gonder, the main procedures of the *Nikaah* among its Muslim community can be performed according to the commandments of the *Sharia*. Of course, there are some alterations and additions in some minor procedures. These alterations and additions are in fact manifestations of cultural influence and economic pressure of the society, as the present thesis reveals this fact.

The feature of the *Nikaah* among the Muslims of the City of Gonder is both a mixture of religious and unique cultural events. These two features appear inseparably and harmoniously in

such a way that they resulted to be the important features of the ceremony. It is believed that the combination of these religious and cultural features in the ceremony could not contradict with the *Sharia* rules. The cases of *Mahr* replacement, the age and consent of the girl, the transfer of representation from the guardian to the *Qādī*, the number of witness, and the dress codes could be realized in accordance to the *Sharia* law. The changes that are observed in such concepts are in some cases affected by the cultural pressure as well as social need of the society. On this ground it is reasonable to analyze some points cognizant to this fact.

The appointment of the guardian can be effected based on the *Sharia*. Nevertheless, there are cases in which the guardian passes over his representation to the *Qādī* so that the *Qādī* performs the *Nikah* re-representing the father or the guardian. What matters here is that the transition of representation is held from the father to the *Qādī* on the presence of the proper guardian. As it is discussed earlier, the *Qādī* should be appointed as a guardian for those brides who are either orphans or no close families in a nearby area. The role of the *Qādī* in the *Nikaah* ceremony includes: performing or leading the *Nikaah* ceremony, acting as a guardian for those who have no families around, makes sure of each procedure to be settled properly, finally, leading and reciting prayers. Though, in some cases, additional role is observed in the City of Gonder by transferring the representation of the guardian to the *Qādī* by the bride's family. Some *Qādīs* resisted this request of re-representation and follow the rules strictly, while some of them declined to follow what the *Sharia* says. Concerning the witnesses, the *Sharia* puts the presence of two witnesses as a mandatory condition while in the case of the City of Gonder a total of three witnesses are observed as a tradition.

Mahr payment is one of the pre conditions for *Nikaah* though it does not necessarily be paid on the event of the *Nikaah* as long as the two parties are agreed upon it. In the City of Gonder, most of the time, half of the *Mahr* is paid on the spot and the rest will be paid at the time of divorce a decade ago. But now it is not practiced due to its replacement by other concept resulting from economical pressure, which is not against *Sharia* law, according to the informants. The *Qādīs* did not promote marriage in *Mahr* due to the inclination of men paying little amount of *Mahr* as a tool to oppress women's *Shari'a* rights that in a way leave woman economically insecure. Due to this, two choices are given to the newlyweds either to manage their property on an equal basis or the bridegroom should promise to pay a *Mahr* which amounts 10,000 to 15,000 Birr in his life time. In such cases, a certain amount is paid at the time of *Nikaah*, mostly 100 Birr. The replacement of *Mahr* aims to ensure economic security of women at the time of divorce. Thus, *Mahr* becomes fixed and raised high between 10,000 to 15,000 Ethiopian Birr. Due to this, the implementation of *Mahr* is fading away since bridegrooms are discouraged to pay such amount of *Mahr*. When an agreement is set to manage any property equally which comes after their marriage, then, 100 Birr will be paid at the time of *Nikaah*. There is still no clear cut distinction as to whether this 100 Birr payment replaces the earlier 100 *Mahr* payment or not. The *Sharia* could not prohibit spouses to equally manage their property. Nevertheless, some scholars from my informants such as *Shaykh* Ali, argue that the *Mahr* concept differs from the idea of managing property equally in a marriage and the choice of *Mahr* and equality should not be put in the same ground. *Mahr* is a portion of money that is paid for the bride to show love for the bride and to confirm the commitment of the bridegroom to that marriage while managing property based on equality is to work for a living equally and share the property in case of divorce.

The kind of marriage which is common in Gonder is monogamy. Polygyny (Polygamy) is in fact a rare practice. Polygamy is practiced in conditions of sterility, health complexities and on cases such as the working place and the residence is located in different cities. Marriage within the close relatives is not a common practice among the residents of the Muslims of Gonder even though the *Sharia* permits it. This is due to strong social bond between relatives in such a way that it restrains them from marrying member of their own extended families. In addition to this it might be reasoned out that the deep rooted cultural influence of the Orthodox Christian religion that prohibited marriage up to the seven generation is also a belief of Muslim residents in Gonder, and, the impact of this belief is well reflected among the Muslims of Gonder. Though, there are growing interests and inclinations practicing this type of marriage.

The marriage age of a girl in the City of Gonder mostly ranges from 13 to 16. According to the *Sharia*, a girl is ready for marriage with regard to her puberty age. The Muslims of the City of Gonder, mostly adhered this practice and arrange a marriage for girls at the age that they think a girl reaches in to her puberty stage. Since there is no universally accepted age limit for marriage and the demarcation of puberty period entertains wide and controversial interpretations, i.e. its symptoms are based on the assumptions of the physical maturation, it is difficult to fix the exact age of marriage based on this notion. As a result of this, it is difficult to clearly put the exact age of marriage in their respective City. Thus marriage is fixed according to the consensus of the community on the basis of *Sharia* rules. On the other hand, the government fixed the marriage age of citizens at 18. Thus, the impact of this law as well as the intervention of the government to abolish early marriage resulted to the adherence of a proper marriage age at 18, of course girls would perform marriage at their age of 16 and 17. Nevertheless, our informants have unanimously agreed that early marriage is now sharply declining.

The consent of the girl is one criterion for marriage in *Sharia*, so it is now implemented in the City of Gonder, against forced marriages. Of course, it is difficult to conclude that there are no forced and arranged marriages, but families are more aware of the consequences so that they decreased their influence on upper decision making. In the past, girls were not asked about their agreement on marriage in which families are the main actors of arranging a marriage. Compared to the past experiences, an improvement in terms of girl's consent has been well observed.

On the other hand, it is evident to witness some special features in the *Nikaah* ceremony that are related to the cultural point of view. Even though the *Sharia* does not command or reject these features, they are always correlated and appeared with the *Nikaah* ceremony. These cultural features could be emerged from the social need, norm, identity, economic status of the society and based on a growing interest of assuring social security of the community. In this case, it would be relevant to mention some procedures of *Nikaah* that could concretely support the previous premise. On the occasion of the proposal and acceptance, the performance differed in some ways compared to other cultures of Ethiopian Muslims who live elsewhere than in Gonder. In this case, three special features could be observed in this event, these are thumb holding, kneeling on the clothes and the obligatory presence of the *wás*. Concerning the grabbing of the thumb of the groom, the guardian and the bridegroom could perform oath by holding their hands. The father or the guardian grabs the thumb, sometimes the hands of the bridegroom, while they perform the promise. This implies a strong oath that could be mastered at the time of the handing over of the bride to the groom. In Addis Ababa, for instance, it has been observed that the oath is concluded by shaking hands. This could remark thumb holding as a special feature of *Nikaah* ceremony among the Muslims of the City Gonder. The other important cultural feature is kneeling down of the bridegroom on some of the clothes that he brought as a gift to the bride.

This happens to be an evitable and obligatory act while concluding *Nikaah* in Gonder in earlier years as an implication of possession of the bride. Though, according to the informants, nowadays kneeling down on the cloth is not a mandatory task but a choice given to the groom.

Although there is no ground in *Sharia* to present a *wás* (representative) for the bridegroom, the research result reveals that this is one criterion for *Nikaah* among the Muslims of the City of Gonder. This is to secure the wellbeing of women in the absence and abundance of her husband. This is the mandate of the community for assuring the economical and social security of women.

While performing the *Nikaah* ceremony, it is obvious to see some active participants of the ceremony performing dual roles in the event. To concretize this point, we can raise some points on the role and responsibility of the *Qāḍī*. The role of the *Qāḍī* is to conduct the ceremony and lead the prayers. In cases where the bride has no close family to be assigned as a guardian, the *Qāḍī* himself could be appointed as a guardian, in such cases, the *Qāḍī* is expected to perform dual actions, as a guardian and the leader of the *Nikaah* occasion.

Concerning banquet and wedding, it is a rare case that a girl is sent to her new husband before the wedding banquet even if she conducts *Nikaah*. The majority of the Muslims in the City of Gonder accept that the wedding is the final publicity of the marriage not the *Nikaah* ceremony. The cultural influence seems strong that the community strongly believes wedding is as equally important and obligatory act as *Nikaah* for a Muslim Marriage. Even though a wedding banquet is a recommended act for the girls side and not as such an obligatory act in *Sharia*, Muslims of Gonder have been seen highly attached to the banquets and the wedding for both cultural influence and a manifestation of their wealth and pride. Nevertheless, this does not mean there

are no Muslims who conclude their *Nikaah* with simple ceremonies and lesser wedding banquets. Simple banquets and few social gatherings are now exhibited among the Muslim community.

In recent years, the dress code of the bride is changing in to Islamic codes, switched to a wedding gown with *hijaab* or a *julbab* which covers the whole body of the girl, due to the growing awareness of the community and interference of the Islamic scholars on dressing and wedding codes. In some *Nikaah* ceremonies, the dress codes of the bridegroom and his best men are changed into white Arab gowns and red head covers specially at the event of *Nikaah*.

Even though, wedding ceremonies have always been inseparable with cultural melodies, *Neshidas* are becoming more influential in these days. The Islamic *neshida* praising the Prophet Mohammed and promoting Islamic personalities are becoming one feature of melodies in recent years. In some *Nikaah* or wedding ceremonies, a *neshida* (Islamic chorus) full of Islamic concepts are emerging as a revelation of happiness eventually replacing the cultural music and dances.

5.2 Major Research Findings

The aim of this thesis is to describe and document the *Nikaah* ceremony in the City of Gonder. Thus, the following findings are drawn from the research.

The word *Nikaah* is an Arabic word which linguistically means “to bind” or “to inter wine” and it refers to mean marriage. It is a very significant and basic performance that legalizes a man and woman’s relationship as husband and wife. Since family is viewed as a central issue in Islam, families that are formed through *Nikaah* are considered legal and valid. Due to this fact, we can

find a lot of verses from the Qu'ran and statements of the *Hadith* that refers to the *Nikaah*. In other words, these Qura'nic verses and statements of the *Hadith* formed rules of the Sharia about the *Nikaah*. As these rules and regulations state, the performance of *Nikaah* ceremony needs some basic conditions and procedures that have to be followed. It is performed in front of people and should be publicized. Among the Muslims of the City of Gonder, *Nikaah* is performed on the presence of the guardian, witnesses, the *Qādī* and the *wás* for the bridegroom, which are active participants of the *Nikaah* ceremony. In Gonder, *Nikaah* is mostly named as "*Aqid*". *Nikaah* among the Muslims of the City of Gonder is performed through the appointed *Qādī* in each village or kebele. The *Qādī* is recruited by village *jami'as* (local Islamic *iddirs*), and then the *Sharia* approved their legality to conduct the *Nikaah* ceremony in their respective villages (*kebele*).

On the performance of *Nikaah* among the Muslims of the City of Gonder, there are purely religious and cultural features. Within the religious features, there are mandatory (*fard*) and recommended actions (*Sunnah*). Mandatory actions include the presence of a guardian, the presence of witnesses, the consent of the girl, and the payment of *Mahr*. The recommended acts are the prayers and religious discourses performed by the *Qādī*. The cultural features of the *Nikaah* in the City of Gonder are the grabbing of the thumb of the groom by the guardian, the mandatory presence of the *wás* for the bridegroom and the kneeling down of the groom on some of the clothes.

The research reveals that, there are changes and replacements in some performances of the *Nikaah* inside the procedures. It would be reasonable to trace some points here regarding to the replacement of *Mahr* payment by equality, the transfer of guardianship to the *Qādī*, additional

number of witnesses and marriage age. It should be clear that *Mahr* was fixed with low amount of money through consensus and mutual understanding with in the community in earlier years. There was a gradual increment on the amount of *Mahr* payment in the past 60 years, it followed a gradual increment, that is from 13 ,15,17,birr to 15,000 Birr, which seems demanding compared to the economic status of the community. A decade ago *Nikaah* was done only in *Mahr* payment. Now, the fading away of *Mahr* and its replacement by a choice given to the newlyweds to manage their property equally is evident. The fading away of *Mahr* is reasoned out to be due to a high fixed amount of payment that has been imposed by the Gonder Zūria Wārāda *Sharia* Court. The new approach that allows the newlyweds to manage their property equally is introduced and implemented for the past ten years gradually replacing the *Mahr* payment. This could be resulted out of the community's demand for social pressure and economic security for women.

The transfer of guardian from the father to the *Qādī* is one change within the procedures. The rule of the *Sharia* regarding this reveals that guardianship is applied in its own way. There is a tendency of shifting the guardian ship to the *Qādī* in which the appropriate reason is unclear. Regarding the number of witnesses, three witnesses should be present while concluding *Nikaah* in the City of Gonder even though *Sharia* puts the presence of two witnesses. In contrast to early marriage, which has been one feature of Marriage among the Muslim community of Gonder, the marriage age of girls gradually approaching to 18 due to government intervention. The average age of marriage for girls' ranges from 13 to 16, implying that early marriage is still real. Though there are strong signs in that arranged and early marriages, which are features of Muslim marriage in Gonder are sharply declining. The reasons given by parents to early and arranged marriage are, keeping the dignity and pride of the family and the girl since the time is

challenging for girls. Regarding consent, the girl's consent on the marriage is asked and marriage is concluded based on the agreement of the two newlyweds. The influence of parents on decision has been decreasing every time.

The date and time of *Nikaah* among the Muslims of the City of Gonder depends on the agreement of the two parties. Date of *Nikaah* can be fixed alone, or it will be held in the morning of wedding day, or *Nikaah* will be held at the same time on the beginning of the wedding banquet. Regarding to filling and documentation systems, the introduction and implementation of the formal marriage form a decade ago helps to facilitate a better documentation.

Generally, the performance of *Nikaah* in accordance to the rules and regulations of the *Sharia* are analyzed in this section. The results show that efforts have been made by the Muslim community to mediate the religious and the secular laws. The findings show the cultural influence and the economic pressure of the Muslim community put its impact on the practicality of the *Sharia* rules concerning the *Nikaah* ceremony.

The struggle to maintain both the cultural identity irrespective of the religious identity is observed among the Muslim community of Gonder. A struggle is also observed to preserve the values of the two identities harmoniously, i.e. the Muslim vs. the Amhara. The research also reveals the acculturation of this ceremony with other non Ethiopian and non Muslim cultures.

As a conclusion, the present researcher found out that there are little researches and documentations concerning the Muslim tradition as a whole, and the *Nikaah* ceremony in particular. Academic research interventions seem low in the area of culture in the City of Gonder, that in a way request their intervention.

CONCLUSIONS

Based on the research findings, the following conclusions are drawn.

Nikaah is an Arabic term which denotes the union of two parties (male and female) to be married. A Muslim marriage is invalid without the performance of *Nikaah*. It should be concluded according to the *Sharia*, rules and regulations which are derived from the Holy Qur'an and the *Sunnah* of the Prophet Mohammed. Even though *Nikaah* should be performed according to the *Sharia*, there are variations amongst the Muslims all over the world due to social, economical, geographical and cultural factors. Based on the above assumptions, it will be reasonable to conclude that variation could be seen on the performance of *Nikaah* among the Muslim communities found in Ethiopia.

This research is done in one of the Muslim communities in Ethiopia, Muslims of Gonder. This community concluded *Nikaah* according to the rules of the *Sharia* with some particular cultural features added to it. The *Nikaah* ceremony also encompasses the obligatory and recommended acts.

The *Nikaah* ceremony in Gonder, mostly known as "*aqid*", is performed by village *Qādī* appointed by the Gonder Zuria wäräda *Sharia* Court. The *Qādī* is responsible for concluding and leading the ceremony. The main actors involved in the *Nikaah* ceremony in Gonder are: the guardian, the *was* (representative to the groom), the witnesses, the *Qādī*, the bride and groom.

The basic procedures of *Nikaah* in Gonder are: the appointment of the guardian, the presence of witnesses and the *was*, the process of proposal and acceptance (the "I gave", "I have accepted" event),the recitation of discourses and prayers ,and the signing ceremony. The important

conditions of *Nikaah* in Gonder are: the consent of the girl, the payment of *Mahr*(Islamic Dower),the presence of a guardian, the presence of witnesses and the *wás*.

This ceremony is done in front of the crowd. The *Qāḍī* makes sure of the procedures and conditions to be fulfilled. He also accompanied the ceremony while the guardian and the groom make an oath by taking each other's hands. He made them repeat the "I gave" and "I accept" part three times to make sure of the ceremony were heard and witnessed by the crowd.

There are some additional features on minor procedures, like the presence of the *wás* and the number of witnesses, which do not affect the practicality of the *Nikaah* ceremony. Regarding to the consent and age of marriage for girls, there are encouraging moves that were observed in the community. The consent of the girl became one of the strict rules that in a way decreased parents' decisions on this matter. Due to this fact, there are great signs of declined early marriages that enabled the marriage age to climb up to 16 and 18.

Concerning date, place and time of *Nikaah*, it is based on the agreement of the two parties. Mostly in Gonder, *Nikaah* is concluded at the residence of the bride's parents and Sunday is the choice of many brides and grooms as *Nikaah* and wedding day.

Since culture is dynamic, it eventually been exposed to changes in various reasons with various degrees. Due to this fact, there are changes that are exhibited within the rules, performance and activities of the *Nikaah* ceremony in Gonder for the last ten years. Among the changes the introduction of the formal signing paper, the increment of the *Mahr* payment and, the decline of *Mahr* payment and its replacement by equal property sharing, the dress codes and religious melodies could be mentioned.

It can be concluded that the Muslims of the City of Gonder performed the *Nikaah* ceremony combining both the religious aspects with the cultural features. It is also evident that the community tries to maintain and preserve both the religious and the Ethnic identity through harmonizing the religious rule and the cultural features together. There is still an on-going effort by the Muslim community to keep the borders between religious commandments and cultural pressures.

Recommendations

Any community which does not give proper attention for its cultural preservation could expose the valuable assets to invisible changes that in a way led to extinction. Unless proper documentation is applied to preserve these valuable cultures, it would end up with cultural loss. There are little researches and documentations done concerning the Muslim tradition in Gonder as a whole, *Nikaah* ceremony in particular. Academic research interventions seem low in the area of culture in the City of Gonder; thus, the City needs the interventions of academicians and researchers at large.

Thus, different cultures of the Muslims in general and the *Nikaah* ceremony in particular, would need to be documented in order to preserve the then culture.

Based on the findings of this research, there are changes occurred in the last ten years. The community should be aware of such alterations and changes of *Nikaah* through cultural exchanging programs and by implementing various intervention strategies in order to build culturally informed and change sensitive community.

As the research revealed, some of the *Sharia* rights of women were violated. In order to alleviate this problem, measures should be taken for the practicality of the *Sharia* rights. The deprived *Sharia* rights of women should be addressed by capacitating the *Sharia* Courts and their implementation strategies. In addition to this, awareness should be a good tool to address the community and various approaches should be implemented.

Muslims of Gonder should give due attention for the harmonious relations of culture and religious features in order to prevent the ceremony from invention. Attention should be given to

the harmonious interactions and peaceful treatment of social pressures, economical needs of the society while dealing with cultural and religious activities.

There are encouraging interventions by the government to reduce early and arranged marriages. In order to implement this intervention at full length, the intervention area of the government should include the religious leaders and the Muslim community at large, since it will be a good approach to obtain higher achievements on this regard.

In order to introduce and publicize the *Nikaah* ceremony along with its cultural features, pertinent government bodies and the cultural institutions should work hard to promote this *Nikaah* ceremony using cultural exchange programs.

This research will have an eye opening effect for those who are interested do more research about the community's culture, its co-existence with the non-Muslims. The City is a fertile research area for policy makers and for those academicians who are interested to study in family law, anthropology, cultural heritages and so on.

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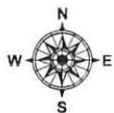
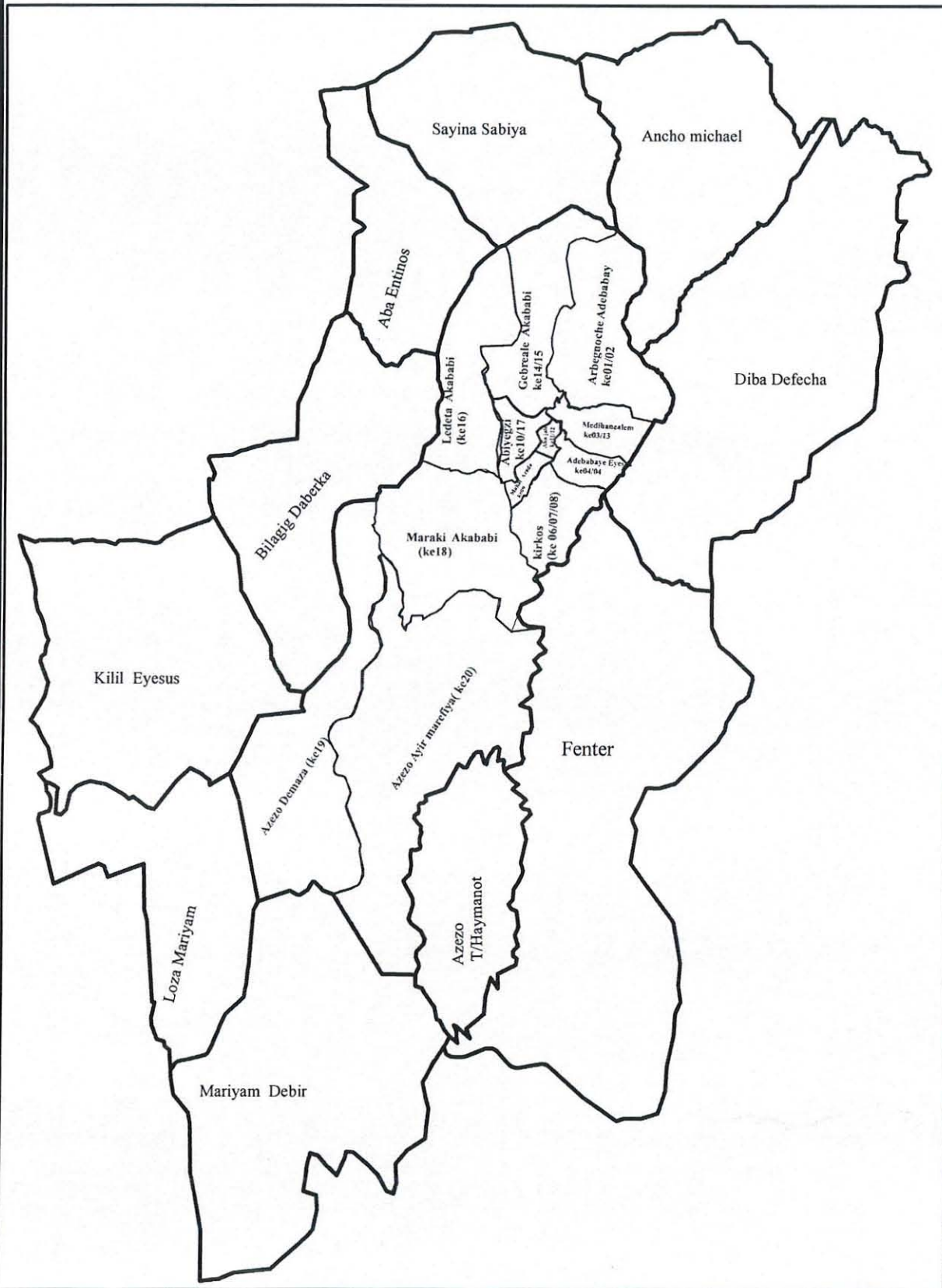
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2. A program aired on TV Africa, *Shaykh* Mohammed Hamiddin, a scholar in Qur'an and *Hadith*, preacher (da'ee in Arabic) on "*Alfetawa*" live question and answer session, aired on 05\01\2004 at 3.00 local time.
3. Audio and video interview with Haj Mohammadamin Kamil *Qādī* and Imam of Kebele 06 in Gonder City. Interviewed on 20/11/03 at 4.30 at his home.
4. Audio and video interview with Haji Mohammednur Nuru ,Imam of kebele 10 masjid and Gonder 06 *Qādī* Sharia Court representative interviewed on 19\11\03 at 4.30 local time.
5. Audio and video interview with *Shaykh* Musa Muhammed, North Gonder zone, Gonder wäräda *Qādī* Sharia court Judge interviewed on 18\11\03 at 4.30 and on 27/11/03 at 5.00 local time at his office.
6. Audio and video interview with *Shaykh* Sa'ed Ahmed, A Scholar and teacher of *Hadith*, interviewed on 20\11\03 at 3.30 local time at his home.
7. Audio interview with Ato Abdu Hussien, born and resides in Gonder, a teacher of Maths and Physics for over 25 years ,interviewed on 27\11\03 at 10.30 local time.
8. Audio interview with Imam of *Qera* Selam Masjid in Addis Ababa, *Shaykh* Seid Muhammed Musa. Interviewed on October 21,2011 at 4.30 P.M.
9. Audio interview with Sheik Ali mohammed, A 28 year old young Scholar of Islam who is studying Qur'an, *Fiqh*(Law), *Hadith*, and now residing in Gonder interviewed on 30\11\03 at 1.30 local time.

10. Audio interview with *Shaykh* Jibril Ali, Imam of *Qengn Bet* Masjid and *Qádi* of kebele 10 area. Interviewed on 25/11/03 at 4:00 at his home.
11. Notes from an interview with Ato Nesru Mohammednur on 21/11/03 interviewed on 12.30 local time in his working place.
12. Oral interview with Wäyzäro Khedija Eshetu, a 47year old house wife and resident in Gonder city interviewed on 26/11/03 at 8.00 local time in her home.
13. Oral interview with Wäyzäro Meryem Yusuf, a 72 year old mother of 6 and resident in Gonder city on 27/11/03 interviewed at 11.00 local time in her home.
14. Interview with Ato Abdu Mohammed, 38 year old merchant and participates in many *Nikaah* ceremonies interviewed on 22/11/03.
15. Interview with Ato Bedru Aman, a bachelor and a resident in Gonder interviewed on 27/11/03.
16. Focus Group Discussions with six people who preferred to be un identified.

Gondar map



0 850 1,700 3,400 5,100 6,800 Meters



Legend	
	ke 01/02
	ke 03/13
	ke04/05
	ke06/07/08
	ke09
	ke10/17
	ke11/12
	ke 14/15
	ke16
	kebele 18
	ke19
	ke20
	Rural_ kebele Boundary



የወንጀል ርዕስ

የሰጠ ፍታ

የገንደር ከተማ ወ/አስሰምና

ጉዳይ ኤ/ምክር ቤት

«በሕሳብ ስም እጅግ በጣም ረህረህ በጣም እዛኝ በሆነው»

የሸረሕ ጋብቻ ውልና ማስረጃ

የባለ ስም ከፊርማ _____ አድራሻ ከተማ _____ ተባብ _____
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 የባለ ስም _____ አድራሻ ከተማ _____ ተባብ _____
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 የእናት ስም _____ አድራሻ ከተማ _____ ተባብ _____
 የወብል ስም _____ አድራሻ ከተማ _____ ተባብ _____
 የጋብቻ ማረጋገጫ ክፍያ _____ ገማሽ _____ ሙሉ _____ ተሪ _____
 የጋብቻ አይነት በመሆኑ _____ በአኩል _____ የባለ ወይም የሚሰጥ
 ጋብቻ ካል _____ ባለና ሚስት በሚሰማሙበት _____

የተጋባዎች የጋራ ስምምነት

ከዚህ በፊት ለማንኛውም የተገለጸው ባለና ሚስት ጋብቻውን በሽሪላ ህግ መሰረት ከላይ ተገለጸው ቀን የረዘመን ሲሆን በፊት በአጋማሚ ምክንያት ብንለያይ የፍቅር ስርዓታችን በሽሪላ ህግ መሰረት ለመፈጸም ተስማምተናል፡፡ ጋብቻው በመሆኑ በሆነና የሰጠው የገቢ ሁኔታ ግን ሽሪላው በሚፈታው መንገድ ባይሆን ሲቀርና ከዚህም አልፎ በማንኛውም የቤተሰብ ሥራ ስትሠራ የኖረች ከሆነ በሚለያይ ጊዜ ሽሪላው በሚፈታው መሰረት የአገልግሎት ጥጋጥን ባል ይከፍላል፡፡ ጋብቻው በሕይወት ከሆነ ከተጋቡ በሁጥላ የሚያፈሩት ማንኛውም ጉብረት በጋራ እንዲሆን ተስማምተዋል፡፡ ጥል ጋራ ወብል ተጋባዎች በተሰማሙበት ውል ሁሉ ተጠያቂዎች መሆናቸውን ተስማምተዋል፡፡

የቃዲ ወኪል

ዓህ የጋብቻ ውል በቤተሰብም ተጋባዎች ፈቃደኝነትና ፍላጎት ላይ የተመሰረተ ስለሆነ ምስክሮች በተገኙበት ስርዓቱን በጥንቃቄ መሆኑን አረጋግጣለሁ፡፡

ቃዲ ወኪል ስም _____ ፊርማ _____

የምስክሮች ስም ከፊርማ

1	ከተማ	ተባብ	ፊርማ
2	ከተማ	ተባብ	ፊርማ
3	ከተማ	ተባብ	ፊርማ

ዓህ የጋብቻ ውል _____ ቀን _____ ወር _____ ስም ተፈፀመ
 የባለ ፊርማ _____ የባለ ፊርማ _____
 የሚሰጥ ፊርማ _____ የወብል ፊርማ _____

Appendix = III - Nikaah certificate taken from the Qadi note book

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የአቶ ብርሃን ታደሰ አለን እና

የወራት ዘይነብ ሙስጦፋ አብድልቃድር የጋብቻ ውል የሚፈጸምት ቀን ሚያዚያ 5\8\95 ዓ ም

የጋብ ስነስርዓት አላህና ነቢዩ ባዘዙት በኪታብና በሃዲስ ማለት ነው ባልየው ሙሉ ልብስና ነገር 100 ሲወን በኢትዮፕያ ብር አወን 50 ብር ተከፍሏል በወኪሏ 50 ቀሪ ባልየው ወኪሉ ይወናል

የወኪሉ ስም ፤ አቶ ጀማል ኑርየ

የዋስ ስም ፤ አቶ ሙሐመድ ይብራይም

አቶ ታደሰ አለን

የባልየው ወኪል ፤ አቶ ሙስጦፋ አብድልቃድር

የወኪሉ ዋስ ፤ አቶ አህመድ አብዱልቃድር

ባልየው ከሃገር ቢርቅ ከ 6 ወር በላይ ያለልብስ ያለቀለብ ፍችው በጅዋ ወይም በባሏ ወኪል ይወናል

የማኞች ስም ፤ ሐጅ ኑሩ አልሐዲ

1ኛ ፤ አቶ የህያ አብደላ

2ኛ ፤ አቶ ኑሩ አህመድ

3ኛ ፤

የባልየው ፊርማ ፤ አቶ ብርሃን ታደሰ

የሚስት ፊርማ ፤ ዘይነብ ሙስጦፋ

ወደፊት በሚያፈሩት ነገር ወይም ሀብት እደውላቸው ይፈጸማል።በናሐር



Appendix ~~IV~~ Basic Research Questions

1. What does the word *Nikaah* refers to?
2. How do you perform *Nikaah*?
3. What are the main procedures of *Nikaah* in the City of Gonder?
4. What are the rules of Sharia while conducting *Nikaah*?
5. What are the basic prayers and *Kuthba* recited at the time of *Nikaah*?
6. What are the reasons why the groom sits on the cloth?
7. Is there any reason attached to the grabbing of the thumb of the groom while making the *Ijaab* and *qebiltu* event?
8. The presence of the person in lieu of the groom is mandatory in your City, why?
9. What is the reason for *Mahr* replacement?

Appendix Check List

	<i>Nikaah 1</i>	<i>Nikaah 2</i>	<i>Nikaah 3</i>	<i>Nikaah 4</i>	<i>Nikaah 5</i>
How many witnesses present?	3	3	3	3	3
Did the groom sit on the dress to perform the oath?	no	no	no	yes	yes
Who is represented as a guardian?	father	father	The <i>Qādī</i>	uncle	brother
Does an agreement reached on <i>mahr</i> or equality?	equality	equality	equality	equality	equality
Does the bridegroom pay <i>mahr</i> ?	no	no	no	no	no
Did the <i>Nikaah</i> done with the same day of the wedding?	yes	no	no	yes	yes
Did the ceremony accompanied with <i>Neshida</i> or cultural songs?	Cultural songs	nothing	neshida	nothing	nothing
What kind of banquet served after the <i>Nikaah</i> ?	Coffee and bread	Coffee, bread and <i>Injera</i>	Coffee and bread	Coffee and bread and <i>injera</i>	Coffee and bread and <i>injera</i>
Did the <i>Qādī</i> recite prayers and <i>khutba</i> at the beginning and at the end of the ceremony	yes	yes	yes	yes	yes
How many times the pronouncement of the marriage	one	three	one	one	one

is repeated?					
Did the crowd observed the ceremony?	yes	yes	yes	yes	yes
Did the <i>Qádī</i> check the girls consent and age?	yes	yes	yes	yes	yes



discussion about the conditions of Nikaah



Qadi preparing to recite Kuthba



Qadi reciting Kuthba



Qadi explaining the aim of Nikaah

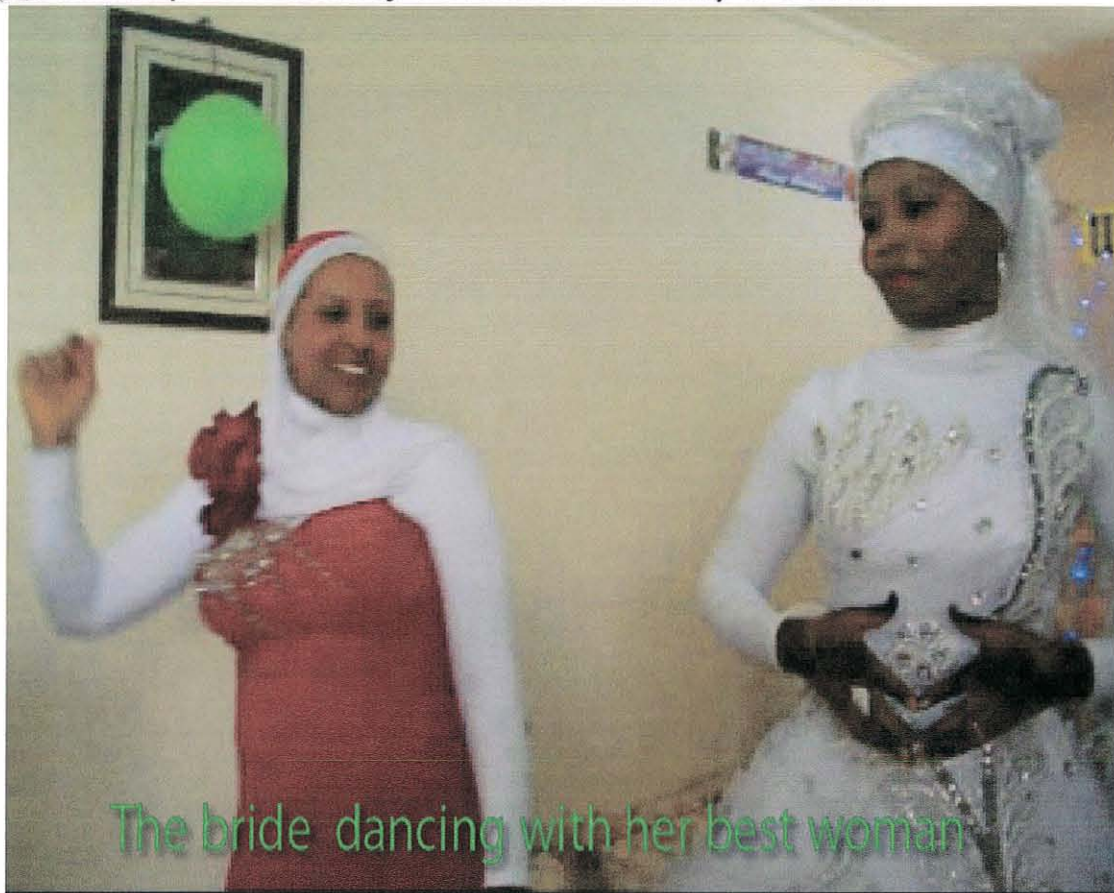


The Ijab and Qebul event

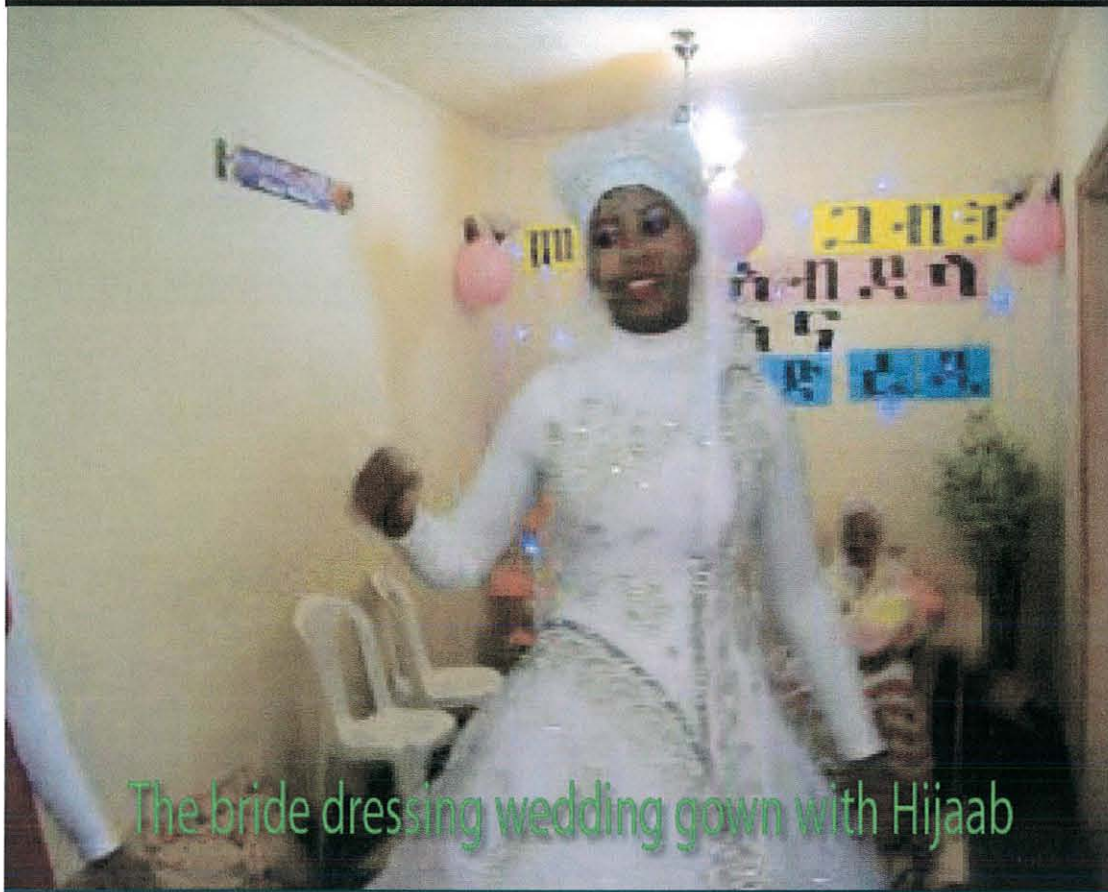


Banquet served after the Nikaah ceremony





The bride dancing with her best woman



The bride dressing wedding gown with Hijaab