

**ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES**

**MARRIAGE AND MARITAL CONFLICT RESOLUTION
AMONG ORTHODOX CHRISTIANS IN SOME
SELECTED AREAS OF ADDIS ABABA**

TASSEW SHIFERAW

MAY 1998

SDAN
TAS

02940

**ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES**

**MARRIAGE AND MARITAL CONFLICT RESOLUTION
AMONG ORTHODOX CHRISTIANS IN SOME
SELECTED AREAS OF ADDIS ABABA**

**By
TASSEW SHIFERAW**

**A THESIS PRESENTED TO THE SCHOOL OF GRADUATE
STUDIES ADDIS ABABA UNIVERSITY IN PARTIAL FULFILMENT
OF THE REQUIREMENTS FOR THE MASTERS DEGREE OF
ARTS IN SOCIAL ANTHROPOLOGY**

June, 1998

**ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES**

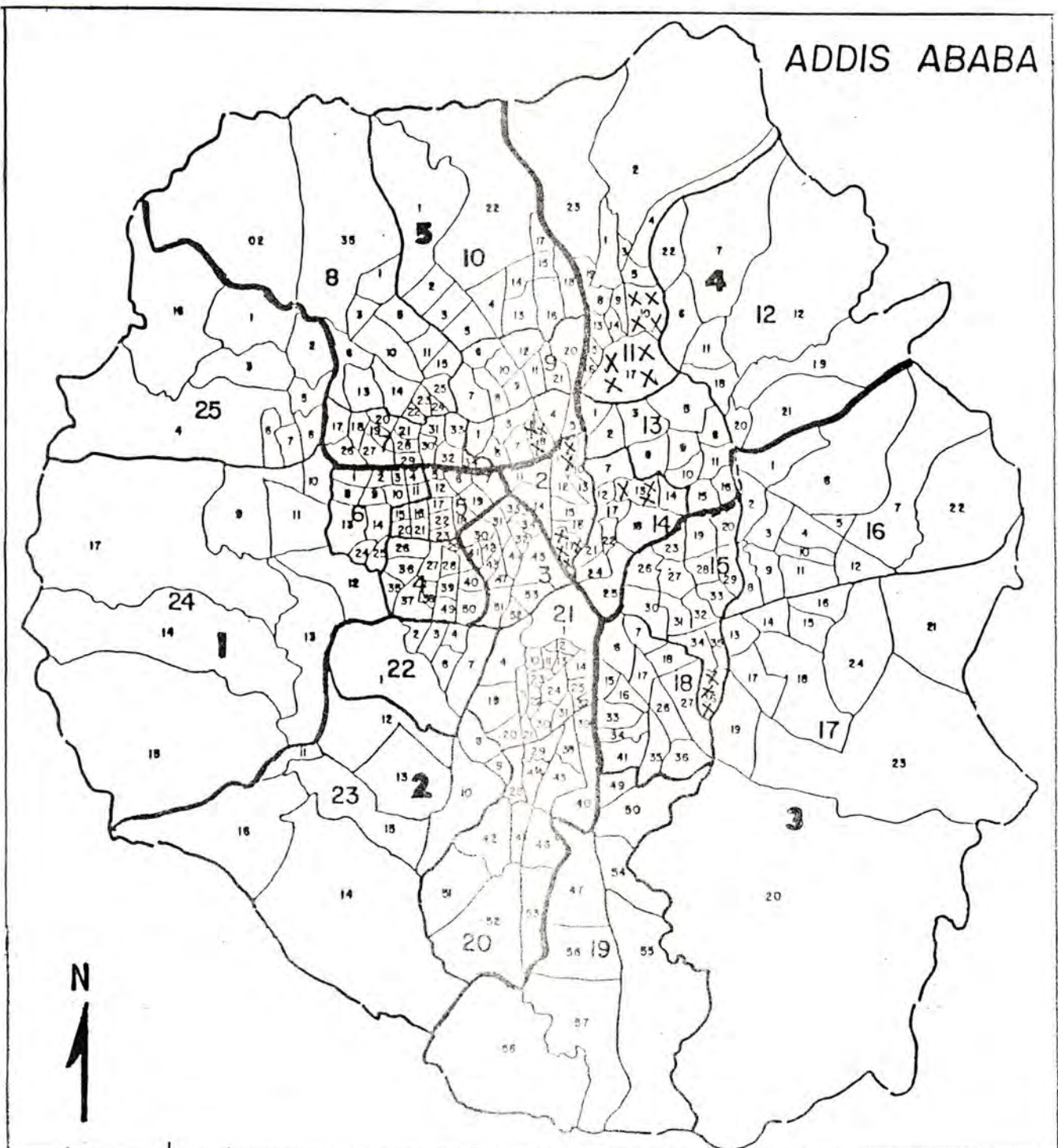
**Marriage and Marital Conflict Resolution
among Orthodox Christians in Some
Selected Areas of Addis Ababa**

**By
Tassew Shiferaw
Department of Sociology & Social Administration
College of Social Sciences**

Approved by Board of Examiners:

_____	_____	_____
Adviser	Signature	Date
_____	_____	_____
Examiner	Signature	Date
_____	_____	_____
Examiner	Signature	Date

ADDIS ABABA



ZÓNE	WOREDA				
1	4	5	6	24	25
2	3	20	21	22	23
3	15	16	17	18	19
4	2	11	12	13	14
5	1	7	8	9	10

LEGEND

- Zone boundary
- Woreda boundary
- Kebele boundary
- Research site

Scale: 1:75,000

SOURCE: CENTRAL STATISTICS AUTHORITY

TABLE OF CONTENTS

	PAGE
LIST OF TABLES	iv
GLOSSARY	v
TRANSLITERATION	ix
ACKNOWLEDGEMENTS	x
ABSTRACT	xi
PREFACExii
CHAPTER ONE	
INTRODUCTION	1
1.1 The Research Subject and Study Site	1
1.2 Statement of the Problem	2
1.3 Objectives of the Study	9
1.4 Significance of the Study	10
1.5 Scope of the Study	10
1.6 Methods of Data Collection	11
CHAPTER TWO	
LITERATURE REVIEW	14
2.1 Marriage	14
2.1.1 Some Theories on Marriage	14
2.1.1.1. Change in Marriage Patterns	16
2.1.2 The Ethiopian Material	24
2.2 Marital Conflict	29
2.2.1 Some Theories on Marital conflict	29
2.2.2 The Ethiopian Material	33

CHAPTER THREE

FORMS OF MARRIAGE AND THEIR CHARACTERISTICS	37
3.1 Church Marriage	37
3.1.1 Regulations of Church Marriage	37
3.1.2 Ceremony of Church Marriage	41
3.2 Civil Marriage	44
3.2.1 The Contractual Signing Scene at the Three Parks	49
3.2.2 The contractual Signing Formalities of Civil Marriage	51
3.2.3 Accommodations and Payments	52
3.3 Customary Marriage	56
3.3.1 Habtish-behabte Marriage	57
3.3.2 Indemist besemaniya-indeserategna bedemoz Marriage	57

CHAPTER FOUR

CONDITIONS of MARRIAGE	61
4.1 Mate Selection and Betrothal	61
4.2 The Bridal Gift-Giving Custom	68
4.3 Weddings and Their Arrangement	73
4.4 The Impact of Socio-Economic Obligations of Marriage Customs	85

CHAPTER FIVE

MARITAL CONFLICT RESOLUTION AND COURT PROCEEDINGS	90
5.1 The Process of Marital Conflict Resolution and Court Litigation Procedures	90
5.1.1 Court Litigation Procedure	90
5.1.2 The Mode of Arbitration	93
5.1.3 Arbitration Money	97
5.2 Conflict Resolution and Its Drawbacks	100

5.2.1 Conflict Resolution and Favouritism 100

5.2.2 Conflict Resolution and the Adjournment Problem 105

 5.2.2.1 Court Litigation and Its Persistence 105

 5.2.2.2 Arbitration Procedures and the
 Adjournment Problem 107

CHAPTER SIX

CAUSES AND IMPACT OF MARITAL CONFLICT 111

6.1 Causes of Marital Conflict 111

6.2 The Impact of Marital Conflict 120

CHAPTER SEVEN

CONCLUSION 124

BIBLIOGRAPHY 130

ANNEX 138

LIST OF TABLES

	PAGE
Table No. 1 Number of civil marriages performed from 1992 up to 1995 by people of different religious groups	46
Table No. 2 Educational levels of individuals who performed civil marriages from 1992 up to 1995	48
Table No. 3 Number of spaces within the Hamle 19 Park	54
Table No. 4 Number of spaces within the Peacock Park	55
Table No. 5 Preliminaries through which the interviewed married individuals got married	66
Table No. 6 Ages of individuals who performed civil marriage from 1992 up to 1995	86
Table No. 7 Issues raised at the first case of marital conflict attempt	97
Table No. 8 Arbitration payments made in five marital conflict arbitrations	98
Table No. 9 Causes of marital conflict cases which were appointed to be seen in September 1995, at the six woreda courts of Addis Ababa	112
Table No.10 Causes of marital conflict that ended in divorce	114

GLOSSARY

Abel	:	Money paid to family arbitrators for the arbitration service they render.
Abiy-tsom	:	The longest fasting season (beginning of February up to the end of March) for Orthodox Christians.
Amač	:	A "marriage by brokerage" whereby a person betrothes a partner for someone.
Andegna yeset mizé	:	The first bridesmaid.
Azmari	:	A minstrel who uses a local musical instrument called masink'o .
Berkinet	:	A form of marriage found in Adua, Almeda village (Tigray province), which is performed by divorcees. It also refers to marriage performed by widowers and widows among the "pocket" people of Agaw in Raya Azabo District of Tigray Province.
Birr	:	Ethiopian legal tender.
Čagula-bet	:	A special room prepared for a groom and a bride particularly for the bridal night.
Čhat	:	A green stimulant leaf which causes euphoria. It is also known as khat .
Feriha-Egziabher	:	Fear of God.
Gezmi	:	The term which corresponds to the English word "dowry" used in Tigray.
Habitsh-behabte	:	A form of customary marriage literally, "your wealth with my wealth", in which the contractual agreement includes the condition that the properties that the couple acquire during their married life will belong to both of them.
Idir	:	A burial association.

Ililita	:	A joyful uttering (ululation) made by women during bridal gift-giving rites and wedding songs.
Indemist besemaniya-indeserategna bedemoz	:	A form of customary marriage in which a woman is both a wife and a housemaid.
Injera	:	A pancake-like local bread.
Iqub	:	A local credit association.
K'ilik'il	:	A ritual union of the couple families and relatives marked by a feast prepared by the groom's parents and relatives.
Kalkidan	:	A form of marriage found in Adua (Tigray Province) which is performed as a first marriage.
K'ebele	:	The lowest government administration organ.
Kebero	:	A local drum.
K'elebet	:	A ring exchange ceremony.
Kendish-bekindie	:	A form of marriage of poor individuals practised by the "pocket" people of Agaw in Raya and Azabo District of Tigray Province.
K'idus k'urban	:	Holy communion.
Kisara yik'oretilign	:	A request for defrayment.
Kurban	:	The name of church marriage in Zegie (Gojjam province). It literally means holy communion.
Mahibär	:	Fraternal religious association.
Mäls	:	A feast prepared after wedding.
Mäts'afe-teklil	:	A holy matrimonial book.
Mushirochu	:	A collective noun for the groom and the bride. The singular form is mushira .
Sat'in	:	A term which corresponds to the English word: rack.

Semania or Balekul	:	A form of marriage found around Zegie (Gojjam Province) in which both of the couple, as a criteria, bring in the same amount of property to the wed-lock. Semaniya also refers to as a marriage document of a customary marriage.
Shimgilina	:	An institution for dispute settlement through the mediation of elders.
Teklil	:	A church marriage which means sacrament of matrimony performed by devout orthodox christians.
T'ejj	:	Ethiopian mead.
T'ejj-bet	:	A drinking house where mead drink is sold.
T'ella	:	Local beer.
T'ilosh	:	Bridal gifts presented by the groom to the bride as an obligatory part of marriage.
Ts'enats'il	:	A religious object with cymbals in which incense is burnt
Tsigereda	:	Roses.
woreda	:	An administrative area which may correspond to the English term district.
Yaredawi shibsheba	:	A movement-like dance of churchmen performed in singing religious songs. The term has been developed after Yared, a religious music composer of the Ethiopian Orthodox Church.
Yäwil abatoch	:	Witnessing elders for a marriage contractual agreement. The singular form of the term is called yäwil abat .
Ye-teklil k'ob	:	Holy crown worn by a marrying couple in church marriage.
Yedesita-megleča	:	A message of congratulations.
Yegabicha mezigeb	:	A marriage register.

Yekiristina-abat	:	Male God-parent.
Yekiristna-inat	:	Female God-parent.
Yeniseha-abat	:	Father confessor.
Yezeit-ik'a	:	Anointing oil can.
Yezufan chilot	:	A special court that was found in the palace during Emperor Haile Selassie's time.
Zemanawinet	:	Modernism
Zerefa	:	A form of marriage practised by the "pocket" people of Agaw in Raya and Azabo District of Tigray Province, which is performed through abduction.

Transliteration

Since it is difficult to represent some vernacular sounds using the Roman characters, I have attempted to use an operational transliteration. This is done by adding a certain symbol to a character, as shown below.

Blended Character	Key to Reading	Illustration
k'	velar	k'ilk'il
ä	central, low, unrounded vowel	yäwil abatoch
–	palatal	Čagula-bet
t'	dental	t'ella
ts'	alveolar	mets'afe-teklil

ACKNOWLEDGEMENTS

I am grateful to several people and institutions without whose cooperation this thesis would not have got its current form. I must first of all thank my advisors, Dr. Yeraswork Admassie and Dr. Idris Salim, for their praiseworthy comments, critiques and effective counsel. I am also thankful to Dr. Alula Pankhurst for his noble advice. I am also indebted to Dr. Ronald Reminick of Cleveland Ohio State University who advised me from the inception up to the advancement of the research project. I express my sincere gratitude to Professor Dr. Birgitta Benzing of Göttingen University whose advice and close follow-up was essential and imperative in the development of my research project. I am also indebted to Professor Andargatchew Tesfaye and Dr. Antonio Palmisano for their comments.

Among the institutions, I primarily thank DAAD (The German Academic Exchange Agency) for having sponsored my study; particularly for having financed the short-term research visit to the University of Göttingen (Germany). I would also like to thank officials of the City Council of Addis Ababa, the Holy Saviour Church, the Holy Trinity Cathedral, the six **woreda** courts of the Arada Provincial Area and the High Court of Addis Ababa. I also extend my appreciation to my informants without whose cooperation the undertaking of this thesis would not have been successful. Last but not least is the appreciation I should extend to individuals and institutions, which I have not specified, for any help they rendered to me.

ABSTRACT

In Addis Ababa, there are three forms of marriage practiced by Orthodox Christians: civil, customary, and church marriages. An attempt is here made to describe these marriage forms as well as marital conflicts and their resolution. The rules governing each marriage form as well as the process of establishing it are examined. Similarly, marital conflicts and the procedures employed in their resolution are described. Literature review, observation, case studies, and interviewing have been used with the view of gathering information on marriage and marital conflict resolution.

It is shown that the three forms of marriage have their own respective regulations. Devout Orthodox Christians usually perform church marriages, while non-devout ones enter into one of the other two forms of marriage. Though they seek the advice of friends and relatives, people in Addis Ababa are generally free to select their spouses.

Bridal gifts (**t'ilosh**) are often given by the groom to the bride. This, along with wedding costs and the shortage of housing result in late age at marriage in Addis Ababa, thereby negatively affecting the family life cycle. Those who get married at later ages may pass away before their children become self-sufficient adults.

Marriages often result in conflicts which can eventually lead to divorce. Such conflicts are resolved according to the provisions of the Civil Code which usually involves tedious procedures and arbitration money. This appears to have undermined the traditional arbitration mechanism, resulting in marital arbitration becoming an income-generating profession. Marital conflict causes different troubles to the partners and their children. The conflict or divorce of their parents can cause considerable suffering to children.

PREFACE

This thesis is concerned with Orthodox Christian marriage and marital conflict resolution customs in some selected areas Addis Ababa. The three marriage sites of the City Council of Addis Ababa were selected to observe marriage ceremonies. St. George Church compound was selected to gather data concerning marital conflict resolution. I have also observed marital litigations at the six **woreda** (district) courts of the Arada Provincial Area found in one compound nearby St. George Church. Participant observation and interviews are the major methods employed in the process of data collection.

The thesis has seven chapters. The first chapter is concerned with an introduction. The second chapter focuses on the literature review. The third chapter discusses forms of marriage and their characteristics. The fourth chapter presents conditions and processes of marriage. Issues concerning marital conflict resolution, and causes and impact of marital conflict are treated in chapter five and six. The conclusion, bibliography and annex follow.

CHAPTER ONE

INTRODUCTION

1.1 The Research Subject and Study Site

This thesis is concerned with marriage, marital conflict and its resolution among Orthodox Christians in Addis Ababa. The major research site, St. George Church, is located in **woreda** 1 at the center of the city. The office of the City Council of Addis Ababa, which is responsible for civil marriages and runs three marriage contractual signing parks at different locations in the city, is also found close to the Church. So are the six district courts of the Arada Provincial Area, where I observed litigations arising from marital conflicts.

St. George church is one of the oldest churches in Addis Ababa which has a historical significance for the establishment of the capital (Bahru zewde, 1991: 69). As in the case of most other Orthodox churches in the city, this Church serves the residents of the area as a forum for a variety of community activities, especially as a meeting place for **mahibers** (religious associations) and **idirs** (burial associations). People come to this place to chat, exchange news, resolve disputes of all sorts, or attend social functions. Like all other Orthodox Christian churches, St. George Church also has a cemetery and every day one is bound to see funeral services and a lot of mourners milling around the Church compound. Perhaps because of these and especially because of the fact that the Church is conveniently located close to the six district courts and the city council, the Church compound is also a place where many people from around the city customarily choose to meet in order to resolve marital conflicts. This site was, therefore, selected for this study partly due to the factors

mentioned above and partly because of the fact that the writer was personally acquainted with some of the arbitrators who were helpful in obtaining the consent of some litigants me to attend their marital conflict resolution sessions, events usually considered very private.

1.2 Statement of the Problem

Within the context of the urbanization and modernization that have been occurring in Ethiopia, the writer wanted to examine the changes that may have taken place with regard to marriage and marital conflict resolution in Addis Ababa. In doing so, the writer hoped to answer questions such as the following: What are the forms of marriage practiced by Orthodox Christians in Addis Ababa and how, if any, do these differ from those practiced by Orthodox Christians in the past and in other parts of the country? Similarly, what rules and procedure are employed in marital conflict resolution in Addis Ababa? How do these differ, if at all, from those employed in the past and in other parts of the country?

Addis Ababa is not only the capital of the country but also a center for many international organizations such as the Organization of African Unity and the Economic Commission for Africa. It became the capital of the nation around 1892 (Bahru Zewde 1991:69). Among the contributing factors for Addis Ababa to be a capital perhaps the most significant one is the victory of Ethiopians over the invading Italians at the battle of Adwa in 1896 after which settled life became possible as opposed to the preceding era of constant campaigning and movement by the emperors (Eshetu Assen 1987:79; Bahru Zewde 1991:69). Moreover, the establishment of Emperor Menilik's palace encouraged the formation of permanent settlement which formed the basis for the emergence of the town and urban life.

St. George Church, besides its religious importance, also helped the town to have a commercial center - Arada - where craftsmen and merchants settled. The nobility as well started settling on hilltops of the emerging town on lands given to them as a reward for the services they had rendered to Emperor Menilik. These nobles settled along with their followers in what soon became known as **safars** (encampments). The construction of permanent residences by the natives and the advent and gradual settlement of foreigners began to speed up the rise in the town's inhabitants. In addition to the Ethiopian victory at the Battle of Adwa which caused the influx of foreign nationals and natives, the famine that occurred between 1889 and 1892 resulted in high immigration which ultimately led to an increase in the city's population. Persistent immigration and the demand for urban facilities gave rise to the new era of modernization necessitating the establishment of municipal administration around 1909.

Emperor Menilik's efforts at modernizing the country have been documented elsewhere (Pankhurst, R., 1967:29-86; Marcus 1994:77-90). The first modern school, hospital, telecommunications, and other modern services were introduced into the country during this early history of Addis Ababa. Bahru writes (1991:110) that the introduction of modern education contributed to the development of ideas of change with some of those who had benefitted from the limited educational opportunity, advocating several reforms.

The reforms they recommend included the introduction of fixed tax; religious freedom; updating the traditional code, the *Fetha Nagast* (the Law of Kings); rationalization of the Amharic alphabet, which has about 300 characters based on seven forms to which diacritical marks are added; institution of centralized and uniform customs administration; and military and currency reforms.

He also indicates that the intellectuals wished to transform the country, taking Japan as their model, since the latter appeared to them to have once been a similarly backward feudal society, but which was able to transform itself into an industrialized nation within a short period of time. If only Ethiopia could introduce a series of changes similar to those undertaken in Japan, it could achieve the same results. Apparently, some of their suggestions must have been heeded by those in power though not with the speed they would have liked. The 1931 constitution which was drafted by one of these intellectuals seems to have been inspired and developed on the basis of the 1889 Japanese Constitution. Similarly, the Civil Code of 1960 was also the result of the modernization process that had been initiated by Emperor Menilik and further pursued by Emperor Haile Sellassie after him.

The Code came about by declaring, *inter alia*, that legal marriage should take three forms: customary, religious and civil. Customary marriage refers to marriage performed according to traditional rules and regulations. Religious marriage signifies the performance of marriage by religious law. According to the clergymen, church marriage is performed by Orthodox Christians on the basis of regulations associated with the Bible. Similarly, Muslim marriage is performed according to Islamic law (Abdul Fatah Abdullahi 1977:12; Abebe Getahun 1992:7)¹. On the other hand, civil marriage has its respective regulations and can be performed by people of any religious group. Regardless of this, according to the head of the Vital Statistics Section of the City Council of Addis Ababa, civil marriage is

¹ Since the study focuses on the marriage practices of Orthodox Christians, I refrain from discussing the marriage customs of other religious groups.

predominantly performed by Orthodox Christians. His assertion is in fact supported by the data shown in chapter three².

It appears that the Civil Code regarding marriage has been influenced by the marriage rules of the Ethiopian Orthodox Church. "Under the Civil Code of Ethiopia, marriage is a monogamous union, as indeed it has always been in Christian Ethiopia; it is the voluntary union of one man and one woman to the exclusion of all others." (Buhagiar, 1964:73). When the Code was developed during the reign of Emperor Haile Sellassie, the church was part and parcel of the state where the church's regulations could have a great impact on the draft of the Code. The constitution of 1955 shows the close connection of these two bodies. Article 126 declares that "The Emperor shall always profess the Ethiopian Orthodox Faith. The name of the Emperor shall be mentioned in all religious services (Revised Constitution of Ethiopia, 1955:32)." Like the Church, the Code prohibits bigamy (Articles 585 and 611) and marriage between relatives up to seven generations (article 551). According to Vanderlinden (1970:13), asserts that the considerable influence of the Ethiopian Orthodox Church in shaping the Civil Code despite the fact that Ethiopian society was composed of Muslim and pagan ethnic groups most of which normally practice polygamy is

..... easily understandable as soon as one knows of the privileged position of the Coptic [Orthodox] Church in the country; this is not only a matter of fact, but also a matter of constitutional organization: under article 126 of the revised constitution [in 1955], the Coptic Church of Ethiopia gives its official faith to the Empire. Under those circumstances the justification for the provision of article 585 of the Civil Code is found easily.

According to Mergeta Askal, marriage officer of the St. Saviour Church, people were able to perform **teklil** marriage in the church without taking holy communion before October

² See table 1 and discussion in chapter three.

Theoretically, church marriage, especially **kurban** marriage, is indissoluble and partners are expected to be faithful to one another even after the death of one of them with the surviving partner often becoming a monk or nun. Partners of **teklil** marriage, while expected to be faithful to each other, are believed to be not so strongly bound to one another. As such, the former is the strongest monogamous, while the latter is relatively less so. In the middle of the continuum would be civil marriage, indicating its comparative weakness as a monogamous marriage form. Next, to the right side on the continuum, we can put the now banned **teklil** marriage. At the other end of the continuum come the customary marriage forms of **habtish-behabte** and **indemist besemaniya-indeserategna bedemoz**. They are more prone to dissolution and the partners are freer to commit adultery if they are so inclined. This is particularly more true of **indemist besmaniya - indeserategna bedemoz** which is an irregular union, sometimes lacking any written contractual agreement. The partners are not only more prone to commit adultery but also to practise concubinage. Thus, as one moves from the left to the right on the continuum, the relationship between partners increasingly becomes more of a pairing rather than a legally binding matrimonial union. If we draw an imaginary extension to the right on the continuum, we simply have pairs which in most cases would be very loose unions of two members of the opposite sex. In other words, having concubines here and there and practising fornication could better illustrate this situation. Similarly, if we draw an extension to the left end of the continuum, we get the situation under which a person has become a monk or a nun after the death of his/her partner. Here is a situation where sexual relationship is given up as a condition of monogamy, suggesting that sex is not the only binding element.

On February 9, 1998, the head of the Vital Statistics Section of the City Council of Addis Ababa informed the writer in his office that the Civil Code regarding marriage was based on the development of the new form of marriage - civil marriage - which emerged within the urbanization process that had been accelerating since the founding of the city. The Code retained the two traditional forms of marriage found in areas inhabited by Orthodox Christians: church and secular-customary marriages.

The official also explained that civil or municipal marriage was began in 1943 with the registration of 5 marriages. Urbanites who belonged to the royal family and who got the chance to go to the first modern schools, like Menilik II School³, and who had foreign influence performed civil marriage for the first time. This paved the way for other educated urbanites to follow suit. Such marriages have now become so common in Addis Ababa that one is bound to see queues of people waiting for their turns to sign matrimonial contracts especially on Saturdays and Sundays during the traditional marriage seasons beginning from November and ending in April. Religious (church) marriages, often combined with civil ceremonies, are similarly common in the city, especially at the two more popular churches of Holy Trinity and Saviour's Churches.

Marital conflict cases are also often resolved in church yards, especially at the St. George Church in the center of the city. Here, one encounters groups of people gathered, on Sundays and holidays, to resolve marital disputes.

³ Bahru (1991:108) states that Minilik II School was the first modern school which was established in 1908 with staff composed of Egyptians of the Orthodox Coptic Christian Church. This, according to him, was an attempt to play a compromise role between the tradition and innovation and to bring about modest ideas of modernization.

The Civil Code came about by taking into consideration the traditional methods of marital conflict resolution. It declared that disputing couples should select two family arbitrators from each side. They are also obligated to select commonly one person who would act as a chairperson. Conflicting couples would then select those family arbitrators who are reputed for their legal know-how and arbitration skills. The Code also declared that arbitrators were entitled to payment for their services by the disputing couples. Thus, the traditional marital conflict arbitration, which did not involve payment, was thus transformed into a money-making profession, especially in the urban context such as Addis Ababa.

1.3 Objectives of the Study:

The thesis, therefore, attempts to show the transformation of marriage and marital conflict resolution customs of Orthodox Christians in Addis Ababa. Changes in mate selection and betrothal, bridal gift-giving customs, some of the main causes of marital conflict, and court litigations will also be examined. The specific objectives of the study on which this thesis is based are to:

- i. describe, within the context of the changes that have been occurring in the society, the forms and conditions of marriage that are common among Orthodox Christians in Addis Ababa,
- ii. examine major causes of marital conflict among the same group,
- iii. examine the procedures and processes involved in marital conflict resolution, and
- iv. indicate the impact of marital conflict on conflicting parties and their children.

1.4 Significance of the Study

Until now, the focus of MA theses in the Department of Sociology and Social Administration has been on rural communities. Urban cultural phenomena have been relatively neglected. Since "urban anthropology is a very new branch of the general field of social anthropology...." (Gutkind, 1974:30), an attempt needs to be made in order to rectify this situation. By dealing with marriage among Orthodox Christians in Addis Ababa, this study hopes to serve as a springboard for further studies in the area of urban cultural phenomena.

Secondly, among Orthodox Christians in Addis Ababa, an individual who wants to marry has to meet lots of traditional as well as newly introduced requirements which are sometimes very difficult to fulfil. The retention of old traditions and the adoption of modern practices appear to have compounded the situation of newly marrying couples in such urban areas as Addis Ababa. Marital conflict and divorce also brings considerable socioeconomic and emotional difficulties for the divorcing couple, their children, those close to the couple, and society at large. The study may also contribute to the formulation and implementation of appropriate policies as well as to the provision of badly needed services that would help couples in such situations. It may particularly remind policy makers to adopt mitigating measures to eradicate the unfair practices and the tedious procedures that are involved in the resolution of marital conflicts.

1.5 Scope of the Study

Given temporal and spatial constraints, the study is limited to Orthodox Christians in Addis Ababa and to the topics related to marriage and marital conflict. The cases studied for

this thesis are not in any way representative of all Orthodox Christians in the city. For instance, marital conflict resolution cases are limited to a few of those whose arbitrators were kind enough to allow me to study. These cases were picked from among the many such cases that are dealt with within the compound of St. George Church. Moreover, the limited topics (i.e., forms of marriage and marital conflict resolution) discussed here do affect the generalizability of the findings of the study.

1.6 Methods of Data Collection

To collect the necessary primary data, participatory observation and interviewing were used.

1.6.1 Participant Observation

From November 11 to 30, 1995 and two week-ends (Saturdays and Sundays in January) and one week-end in mid-February the writer was able to attend marriage ceremonies at the three marriage sites of the City Council of Addis Ababa (CCAA). In Addis Ababa, marriages are performed mainly in January, February and April. Wedding ceremonies are also common on weekends of these months. The three CCAA marriage parks are Ambassador, Hamle 19, and Peacock Parks.

During two week-ends (Saturdays and Sundays) in November, 1995, and two week-ends in January, religious matrimonial ceremonies at two of the biggest cathedrals (Holy Trinity and Saviour Churches) in Addis were observed. Appointments were made by taking the Orthodox Christians fasting seasons, which are slack seasons for marriage, into

consideration⁴. At the same time, four marriage arrangements were closely observed at the houses of individuals known to the researcher.

Through extended case studies, marital conflict resolution attempts and one post-divorce arbitration were closely followed in order to investigate how family arbitrators deal with the division of conjugal properties at the St. George church-yard. Arbitrations are held on week-ends and holidays by arranging appointments every one or two week-ends. Consequently, some of them may last for a considerable period of time. For instance, one marital conflict arbitration case that was followed for this study had 18 sessions held between June 18, 1995 and June 2, 1996, i.e., almost for one year..

Forty-two court litigation sessions at the six **woreda** (district) courts (**woreda** 1, 2, 8, 9, 10 and 14) found in a compound near St. George Church. were also attended from September 14 to December 20, 1995.

1.6.2 Interviews

From December 21 up to January 14, 1996, thirty married individuals (16 males and 14 females) living around St. George Church have been interviewed in order to draw information about their own marriages. Given the sensitive nature of this type of investigation and the need to convince informants to divulge private information concerning their personal marital lives, the writer adopted a strategy of selecting individuals with whom the writer himself had prior contact or establishing contact through mutual friends. Similarly, from

⁴For instance, the time between November 25 to January 6 is the Christmas fasting season, while the nearly two months of Lent, usually lasting between the second half of February and the beginning of April. Orthodox Christians do not marry during these occasions.

November 12 up to December 20, 1995, 30 divorcees (15 males and 15 females) who had litigations concerning property-sharing at the six courts were interviewed to discern the causes of marital conflict. These interviewees were identified during court hearings concerning property divisions. The **woreda** 10 court kindly allowed the researcher to use an office in the compound where the other five **woreda** courts were also located.

In addition to the 60 informants indicated above, relevant information was elicited from 30 individuals. During observations of marriage ceremonies (from November 11 to 30, 1995), five officials were interviewed to obtain information about civil marriage at the City Council and seven clergymen at the Holy Trinity Cathedral and the Saviour's Church concerning church marriage. From May 18 to June 2, 1996 (on three week-ends), twelve marital conflict arbitrators were interviewed around St. George Church in order to obtain information about people coming to seek their help. On December 27, 1995, a person who lived around St. George Church and whose case was famous in **woreda** 1 court, was interviewed regarding a protracted marital conflict resolution attempt. In November, 1995, two individuals, reputed for their repeated role as **Yäwil abat** (literally, "father of a contract") or as witnessing elders in customary marriage contractual agreements, were interviewed concerning this form of marriage. During court observations in December, 1995, three **woreda** (district) court judges were consulted concerning marital litigation court procedures.

CHAPTER TWO

LITERATURE REVIEW

2.1 Marriage

2.1.1 Some Theories on Marriage

Marriage, as one of the important social institutions, serves the purpose of regenerating society through the formation of the family. It legitimizes the relationship between couples and provides certain rights and duties which facilitate the functioning of family life in socially acceptable ways. Its forms and regulations differ from society to society.

Marriage may be defined as a culturally approved relationship of one man and one woman (monogamy), of one man and two or more women (polygyny) or of one woman and two or more men (polyandry), in which there is cultural endorsement of sexual intercourse between the marital partners of opposite sex and generally, the expectation that children will be born of the relationship ("polygamy" is the term that subsumes both polygyny and polyandry). (Sills L. David, 1972: Vol.x, p.2)

Among the more important regulations governing marriage in many societies of the world are incest taboo and the related requirements to marry either within a group (endogamy) or to marry outside one's own group (exogamy).

The universality of such rules and regulations concerning marriage are constantly questioned and debated, since variations do exist reflecting the diversity of the conditions under which humans have lived. For instance, Mair (1984:14) affirms that marriage in Africa is performed for the sake of establishing alliance between groups, rendering marriage a crucial issue not only for the parents of potential spouses who decide whom their son or daughter will marry, but also for other relatives. Mair also explains about child betrothal, which can be

referred to as "child marriage". She says that such a type of marriage arrangement is sometimes between girls and older men, and sometimes between children.

One might say that betrothal was regarded as the first step of a series of acts which would inevitably culminate in marriage, and, therefore, as much more than a mere public announcement of the couple's intention to marry. From the moment of betrothal the two groups considered themselves to be linked in relationship created by marriage. Moreover, there comes into play from this moment the conception of marriage as an alliance in which one group gives to the other a woman who will bear children to reinforce its members and perpetuate its existence (Mair, 1984: 14).

It is not only children who are betrothed without their consent, but there are also young people for whom parents choose mates who would not know each other until the betrothal is announced. According to Radcliffe-Brown (1987:43), African marriages involve a partial break or some changes in the relationship between brides and their relatives. In some African societies the women leave their natal groups and live with their grooms' families. Under certain conditions prospective husbands are required to work for and live with their future in-laws till the girls reach puberty. When they become nubile girls and start to live with their husbands' families in a way forming extended families, their families of orientation would experience a loss, resulting in family disruption and the undermining the solidarity of these families. A sort of hostility between the kinsmen of the couple is expressed symbolically during the wedding ceremony, as if the brides were taken by force.

2.1.1.1. Change in Marriage Patterns

Radcliffe-Brown (1987:45-6) argues that we are prone to evaluate the customs of other people by comparing them with our own. For instance, it would be inappropriate to compare African marriage customs with contemporary ideas of marriage in England. According to him, marriage customs of a society are the result of a particular social development or the result of recent social changes. In England, parents' approval of a marriage is only necessary for minors. Similarly, the role of religion is minimal and religious ceremonies are optional. Explaining the change, he states:

Not only are marriage and ideas about marriage in England and America the product of a recent, special, and complex development, but there is a good evidence that they are still changing. The demand for greater freedom of divorce is one indication of this. Yet it is clear, despite all this some people take twentieth century English marriage as a standard of civilized marriage with which to compare African marriage.

The complex changes that Radcliffe-Brown refers to could be understood as:

... variations over time in the ecological ordering of populations and communities, in patterns of roles and social interactions, in structure and functioning of institutions, and in the cultures of societies. Such changes can result from forces building within societies (endogenous forces) as well as from forces exerted from the outside (exogenous forces). (Kornblum, 1988 : 583).

Kornblum explains that changes that emanate from the need of a particular society are associated with endogenous forces, whereas changes caused by external forces are related to exogenous ones. He argues that changes which result from the culture and social organization to meet the food satisfaction of an expanding population can be an example of endogenous

forces of change. On the other hand, the effects of colonialism upon traditional communities can be considered as exogenous forces.

Kornblum states that change can be seen at three levels of social life: the micro, middle and macro levels. The micro level pertains to the condition that social change can be experienced from the interaction of individual and small groups' new patterns of interaction. He says that new norms can develop in intimate groups such as among couples or the family, like the norms that guide the behaviour of sex or that organize roles of the family. He also makes distinctions as to the formation of primary groups within rural and urban areas. Kinship, gender and age are the basis for primary group formation in villages unlike the urban milieu where similar groups are formed on the basis of friendship through associations, that are secondary as compared to the rural areas, such as schools, offices and other community organizations. He adds that urbanization gives greater freedom in terms of friendship or life style choice, unlike the village life where an individual should be a conformist.

At the second level of social life (the middle level), change is commonly manifested in communities, economic organizations and governing bodies. He argues that political life becoming democratized and bureaucratic organizations becoming complex are the two major conditions that characterize this level of social life.

At the macro, the third level of social life, change would be experienced in the society at large. Changes that are manifested at the micro and middle levels are the effects of the changes that are manifested at the macro level. Kornblum says that large-scale changes like revolutionary changes can generate new things in the micro and middle levels of social life. In other words, changes at the macro level can bring about change in the entire society.

Traditional agriculturists would be absorbed into a modern market and individuals who cannot make their living from lands can be forced to join the industrial working force through changes generated at a macro level. At this level, changes happen slowly and alter several things such as social institutions and systems of stratification of the whole society. Changes at this level also make population to be urbanized causing the demand for more food, transportation and other facilities which in turn contribute to the development of new technologies. Kornblum asserts that changes at the three levels of social life (micro, middle and macro) are closely interrelated, ultimately resulting in fundamental social change and modernization.

"Modernization is a term used to describe a set of social changes that have taken place in societies throughout the world as a result of industrialization, urbanization, and the development of nation-states." (Kornblum, 1988:583).

Robertson (1987:522) points out that some modernization theorists explain change in terms of individual psychology and structure of the society. Those who see change in terms of the individual argue that such features like individualistic feelings are found in modern societies. On the other hand, people of traditional societies do not have this sense of individualism. Those theorists who see change in the structure of the society compare the family systems that are found in modern and traditional societies. In modern countries, the system of nuclear family makes mobility (both social and spatial) easy. Whereas, extended family system which is typically found in traditional societies, through its kinship obligations, discourages social and geographic mobility.

Henslin (1995:617) elucidates Ogburn's theory of social change. The theory suggests that there is a process which involves three elements along with the idea that technology paves

the way for social change. These are invention, discovery and diffusion. Invention refers to the condition of combining the already existing materials to produce new things. Inventions are not only material but also social. "Inventions may be either material (cigarettes, can openers, microchips) or social (slavery, democratic institutions, corporations)." (Robertson, 1987:510).

The second point in Ogburn's theory of social change is discovery. It indicates the condition of seeing the already existing reality in a new way. A particular discovery would become part of the culture of a society when it is shared by the members of that society. In other words, it would be a store of knowledge and additional culture to the society. A discovery, however, becomes an agent of social change only when it is applied to be useful.

What Ogburn shows as a third point in his theory of social change is diffusion. Diffusion refers to the condition in which elements of invention and discovery spread from one society to another. Travelling, trading and conquering are the usual routes for diffusion. Migration or visiting a new place or the contact of people through trade brings about change in material aspects as well as in people's thought. This situation in turn affects social life. Following Ogburn's theory of social change, Henslin argues that technology has the power to transform society. It transforms the existing technologies, social organization, ideology, values and social relationships.

Hutter (1981:45) reviews Goode's theory regarding the effects of industrialization on mate selection, which maintains that mate selection as a free choice emerged with the conjugal family system as a result of the transition from a predominantly agrarian society to a

predominantly industrial one. He says that arranged marriage is found where the system of extended family prevails.

In extended family system marriages are arranged by family elders, frequently without the marrying couple meeting prior to the actual marriage. This is to minimize the development of potentially conflicting emotional and obligatory ties between spouses and to maintain control over the future generational development of the extended kinship system. Marriages today, Goode concludes, are being based on love; dowry and brideprice arrangements are disappearing.. (Hutter, 1981:49)

He also suggests that neolocality in contrast to patrilocality and matrilocality eradicates the control and the interaction found in the extended family system. As a result, the condition where spouses pursue their own independent life facilitates the norm of free choice of mate selection.

Stark (1989:385) also shows the relation between mate selection and industrialization. As a result of the consequences of industrialization, people became free from dependence on their parents. This is because conditions of life have changed and individuals have obtained more chances to pursue happiness. For example, they can look for job opportunities to earn wages. Young individuals started to go to urban areas to work and get income. This condition helped individuals to choose their own partners without the approval of their parents. In the process of choosing spouses, people began to base their marriages on love:

And as men and women began to select their marriage partners, they began to seek people who appealed to them. Romantic attraction rapidly became the basis for marriage. "I love You" became the precondition for asking, "will you marry me?" (Stark, 1989:387).

Explaining the origin of Christian marriage, Wake (1967: 457) notes the theory of M. de Coulanges, which revolves around ancestral worship suggesting that the basis for the establishment of marriage is "domestic religion." He says that the aim was to preserve the

religion itself. According to M. de Coulanges, marriage has religious consequences. Only members of a family were allowed to attend domestic worship rites. A marrying woman had to leave the hearth of her father and start to worship that of another family (her husband's). A marrying man had to introduce his wife to her new hearth (the hearth he inherited with the rites from his family). He states:

The ceremonies of marriage terminated with the bride groom and bride eating together a cake or some bread at the husband's hearth," in the midst of the recitation of prayers, and in the presence of and under the eyes of domestic divinities," and from that moment they are associated in the same worship. The dissolution of such a marriage was almost impossible, and a new religious ceremony was necessary for the purpose. (Wake, 1967:458)

M. de Coulanges notes that a man was not permitted to marry more than one time with a ceremony (as cited above), even if his wife died.

According to Wake, marriage was initially considered as being against the idea of spiritual purity which used to promote the notion of virginity. He says that Christian fathers such as Jerome were more in favour of virginity than marriage depending on the saying of Jesus: "There are eunuchs which make themselves eunuchs for the kingdom of heaven's sake." According to the teachings of St. Paul, the body should be kept holy because it is a holy temple. Wake says that such ideas stemmed from the notion that Christ's virginity implies Christ's bride was the church. Therefore, marriage was considered adultery and celibacy was strongly encouraged in the fourth century as a relatively perfect divinity. Marriage became tolerated as a necessary evil for the sake of generational continuity. Hence:

Marriage required, in the view of the early christians, an excuse arising from the imperfection or weakness of man's material nature, and the author of the first epistle to Timothy (iv.3) condemns those who forbid to marry. A second marriage was, however, regarded as evidence of a degenerate state. (Wake, 1967:471-72)

Thus, marriage became sacred with the rule of indissolubility. Wake also suggests that with the teachings of Christianity the degree of prohibition to whom one should get married increased, the delimitation being extended beyond what existed in "primitive systems of marriage." This rule is not only based on consanguinity but also on affinity. The idea that husband and wife are one flesh is the basis for affinity to be considered part of the rule that prohibits marriage between relatives of husband and wife. That is, according to Wake, this relationship is considered as if consanguineal. He notes: "...by English Law, a man cannot marry the sister, aunt, or niece, of his deceased wife, and a woman cannot marry her deceased husband's brother, uncle or nephew." (Wake, 1967:470).

Collins (1988:62) notes that during the medieval period in Europe, the church encouraged celibacy regarding marriage as a concession to man's weakness. To this effect, a groom was supposed to wear a red gown as a sign of sensual love. He notes that the wearing of white gowns during wedding ceremonies emerged in the 1800s.

He continues that a bride was supposed to be taken from her father's "domestic religion" to the groom's. The rite included offering a sacrifice on an altar by the bride's father at home declaring to the gods of his home that his daughter was being given to another family. The bride was veiled and dressed in a special robe reserved for religious rites. Then she was taken in a procession to the house of the groom. According to Collins, the escorting people carried a torch and sang religious songs: "...with the refrain *O hymen, Hymanaië* (*Hymen* being the Greek god of marriage)".

Apart from this, marriage generally involves payments which may also be referred to as marriage transactions including bridewealth or dowry (Seymour-Smith, 1986:181).

Bridewealth signifies the flow of property from the husband or from his group to the wife's group and dowry from the bride's group to the groom's group.

Goody (1973: 1-2) argues that a marriage payment received by the bride can be referred to as indirect dowry. He asserts:

...in a good number of societies in Europe and Asia, the marriage prestations are made by the groom or his kin, and are consequently often classified as bridewealth (or brideprice). But the ultimate recipient of the gifts is the bride and not her kin... Rather than employ the misleading term bridewealth (or brideprice), which has been used for example to translate the Sanskrit word *asura*, I would refer to such transactions as 'indirect dowry'." (Goody, 1973:2)

Moreover, bridewealth and dowry have both symbolic and economic implications. As to the economic implication, they involve the redistribution of property and as a symbolic implication, they help to ratify the marriage. It is only when the bridewealth is transferred to the bride's parents that the bridegroom is eligible to have full rights over the woman's sexuality and procreative capacities. Along with this, divorce is only possible when the bridewealth is returned to the kin of the bridegroom. Goody notes that bridewealth is mostly found in societies where unilineal descent system exists. In patrilineal descent systems, the husband's group acquires rights over the woman's sexuality, labour and children. In a matrilineal descent system where bridewealth is found, a prospective bride is required to live with the prospective groom's family to give services, being away from her parents or matrilineage.

According to Goody, in African societies the payment is usually made through cattle. The amount of payment is decided according to custom. Identifying the areas where bridewealth and dowry exist, Goody states:

"The dowry is virtually confined to Europe and Asia. It is absent from Africa, except where that continent has been penetrated by Islam or other universalistic world religions, though the words dot and dowry are often used as bridewealth in francophone and anglophone areas. Even in Europe and Asia it is not very common." (Goody, 1973:22)

In the opinion of this writer, though a more thorough investigation as to the existence of bridewealth, dowry, etc., is needed, bridal gift (t'ilosh) does exist in Addis Ababa. That is, the most commonly practiced marriage payment found in Addis Ababa is **t'losh**. It is presented by the groom to the bride in all three forms of marriage, i.e., civil, religious, and customary.⁵

2.1.2 The Ethiopian Material

Under the Ethiopian Civil Code (articles 578-580), it is categorically codified that marriage may generally be performed according to civil, religious and customary regulations. In other words, civil, religious and customary forms of marriage have their own specific procedures by which the partners are united in matrimony, but all are governed by the provisions of the Civil Code. Buhagiar (1964: 73), acknowledges the existence of these three forms of marriages and asserts:

A marriage in Ethiopia may take place in any one of these formalities, but the effects of the marriage, both as regards the personal relationship between the husband and the wife and as regards their property are the same in all three types [forms] of marriage; this is so also in regard to customary marriages so that, although a marriage may have been solemnized according to the custom of the husband or of the wife, the effects of the marriage are governed by the provisions of the Code and not by the customary law under which the marriage was solemnized.

⁵ T'ilosh will be discussed in chapter 4, section 4.2.

Ideally, the Ethiopian Orthodox Church expects its members to marry through the church, preferably by taking holy communion (**kurban**). According to the main judge of the Canonical Supreme Court of the Ethiopian Orthodox Christian Church, in spite of this, it is usually those devout Orthodox Christians who get married through the church; whereas the non-devout get married through civil and customary forms of marriage.

Writing about Gojjam Amhara social organization, Hoben states: "It is necessary to distinguish four types of union, three of which (equal partners, communion, and pay marriage) are considered fully legitimate forms of marriage by the Amhara." (Hoben, 1963:112-113). According to him, the common form of marriage is the equal partners which is called **balakkul**. It involves the condition where the couple pools equal property to the marriage. He says that livestock and cattle are the important properties. Hoben points out that this form of marriage is invariably performed as a first marriage.

The second form of marriage which is known as **qurban** (communion marriage) is commonly performed by deacons and here divorce is not possible. Old married partners can also perform this form of marriage. "Old couples who live together in simple equal-partners marriage for many years occasionally are married by communion, an act which obligates both husband and wife to take monastic vows upon the death of the spouse." The third form of marriage known as **demoz** (pay marriage) involves the condition where the husband pays his wife a salary monthly or yearly for the tasks she undertakes.

The pay marriage does not involve any property contribution... The woman's movable property in livestock remains in the custody of her male relatives...in general this form of marriage has less prestige than other types and is most commonly found in administrative centers and towns where it enables a man away from his home to make himself reasonably comfortable for a moderate

price. The period of the contract may be as short as two weeks. (Hoben, 1963:115)

The fourth form of union, which Hoben does not regard as a marriage at all, involves a sort of cohabitation. He says that such unions are not the result of loss of social control or urbanism. "They may be casual affairs of mutual pleasure, but more often they are associated with extreme poverty or the union of a wealthy independent woman and a poor husband. In either case, the union may be very stable. (Hoben, 1963 : 115).

There are three forms of marriages in Adua, Almeda village, Tigray province, which are known as **kalkidan**, **berkinet** and **gerdena** (Fessaha, 1983:19). The **kalkidan** marriage refers to the first marriage of an individual. A bride is required to be virgin to perform this form of marriage. The second form of marriage, **berkinet**, is a marriage performed by divorcees. The third form of marriage, **gerdna**, is a form of marriage in which the husband is obliged to pay a certain amount of money or grain in a form of salary to his wife who also serves him as a house maid.

Anteneh Admassu (1987:7) writes that forms of marriage known as **kendsh-be-kindie**, **demoz**, **semania** or **balekkul** and **kurban** are found in Zegie, Gojjam province. The form of marriage called **kendsh-be-kindie** is performed by poor people who are employed by the rich people of the community. The couple pools its money or whatever it gets for its livelihood. The **demoz** marriage refers to a situation in which a man marries a woman on the condition that she accomplishes household tasks for which he pays her a monthly or yearly salary. Here, the woman cannot claim to share property with her husband on separation, unlike the form of marriage known as the **semania** or **balekkul** in which the couple, as a rule, brings in the

same amount of property, and divides its property in the case of divorce. **Kurban** is a form of marriage that should not be dissolved and which is performed by deacons in Zegie.

Messing, (1957:455-466) also notes that there are three forms of marriage among the highland Amhara of Ethiopia:

- 1) The eucharistic church marriage, "**qurban**", engaged in only by a minority, such as some of the nobility, some of the older persons, and all of the priesthood; 2) the Kin-negotiated ("civil") marriage, "**semaniya**", sworn before the **cheqashum** headman, and most common; 3) the temporary marriage, for which the man engages to pay regular housekeeping wages, "**demoz**", especially among those who travel to markets. (Messing, 1957:456)

The first form of marriage known as **qurban** is church marriage. This form of marriage is commonly performed by the priesthood. A couple that performs this form of marriage is rebaptized and wears **aklil** (holy crown). The church does not allow this form of marriage to be dissolved. The second form of marriage known as **semaniya** is a form of marriage performed before **cheqashum** (headman). Couples who enter this form of marriage will divide their property when divorce occurs. The third form, the **demoz** marriage is a form of marriage that involves the condition where the husband pays a certain amount of money to his wife where the latter is also expected to cook and offer food. Messing points out that this form of marriage developed with caravan trade. That is, when traders stay at big markets for protracted periods, there came a need to get married through **demoz** form of marriage implying that such a marriage is determined in advance to be a temporary one.

Even though he does not give an explanation as to the forms of marriage found in Ankober, Shewa province, Weissleder (1965:226) notes that there are three forms of marriage found in this area: the sacramental, the secular, and "salaried" forms of marriage all similar to the forms of marriage indicated above.

Reminick (1973:58) notes that among the Menz Amhara, Shewa province, upon first marriages, the properties of the husband and the wife be stated in the contractual agreement. He says that when the partners lead a peaceful married life, their personal properties and the wealth they acquire within the marriage will belong to both of them. Even though he does not indicate the name of this form of marriage, Reminick also mentions a form of marriage known as **gerdina**. He says that the husband pays wages to his wife, since she is his wife and maidservant. The man is not entitled to control her earnings including any property that she brings from outside the marriage. However, the wife may share her wealth if she wants to do so. Reminick does not explain whether the husband shares his wealth with his wife or not under this **gerdina** form of marriage.

Generally, the forms of marriage performed by Orthodox Christians in northern Ethiopia have similarities not only among the different regions but also with those practiced by Orthodox Christians in Addis Ababa. However, the same form of marriage performed in one place may be known by a different name in another. For instance, **gerdina** marriage among the Menz may be the same as **demoz** marriage in Gojjam. The **Kurban** form of marriage shown above is similar to the **teklil** or church marriage of devout Orthodox Christians in Addis Ababa. The remaining forms of marriage are also practised under a general creed of customary marriage. Even the **demoz** marriage and its modified form - **indemist-besemaniya indeserategna-bedemoz** - is also practised in Addis Ababa despite the fact that it may be incompatible to the emerging concern about the equality. In short, the forms of marriage practised among Orthodox Christians in Addis Ababa, especially the church and the customary ones, are the continuity of the rural forms of marriage that are performed

in the areas mainly inhabited by Orthodox Christians. As will be shown in chapter three below, these essentially rural forms of marriage have undergone modifications in Addis Ababa, especially with regard to the ceremonies accompanying them, as a result of the intensification of urbanization and the introduction of external ideas and practices.

2.2 Marital Conflict

2.2.1 Some Theories on Marital Conflict

Marital conflict is a disagreement experienced by a couple when certain misunderstandings arise between the partners. When the misunderstanding escalates and when the married partners are unable to resolve their differences with or without the mediation of third parties, divorce ensues.

Divorce is a way of dissolving a legal marriage, which permits the partners to remarry if they choose. It differs from an annulment, which declares a marriage invalid because of some defect in the contract. Divorce involves the recognition that a marriage has irreparably failed and that at least one of the partners has no desire to continue living with the other. (Academic American Encyclopedia, 1986: V.6,205)

According to Nock, Levinger's theory of divorce suggests that divorce is likely to occur when rewards for maintaining the couple's relationship are lower than the costs. At the early stage of relationship, couples tend to tolerate these costs. Whereas at later stages, when their relationship becomes routine, they increasingly become dissatisfied with the costs. Nock (1987: 152 -153) notes the following points:

Levinger's theory directs attention to three components: 1. the attraction to remaining married. 2. the barriers to leaving the relationship or joining another, and 3. alternative attractions outside the marriage.

According to Nock (1987:162), Levinger argues that couples prefer to remain married especially when costs are lesser than rewards. According to him, love, security, respect, status, information, goods, services or money are rewards; whereas time, energy, expenditure and the like are included in the costs. Levinger also discusses what he calls alternative attractions. Whatever relationship an individual may have with anyone other than his or her spouse, such as relatives, colleagues, friends and the like, he or she is likely to have alternative attractions. According to him, though there are conditions whereby relationships with third parties create good atmospheres in a married life, there are also times when it would be disruptive. That is emotion, time or energy invested out of the marriage may negatively affect one of the spouses. This condition may eventually cause marital conflict which in turn may result in the marriage ending in divorce.

Nock mentions the importance of certain forces that hold a marriage intact, which he calls "barriers". He suggests that children are the usual "barriers" that hold the couple together when the inter-personal relationship of the spouses becomes eroded. Property interests, financial considerations and the like can also be barriers that prevent dissolution of marriages. The reason here seems to be that the married partners may regard divorce as disrupting a comfortable life style and foresee that living independently may incur greater cost and would be unaffordable. He states that some couples may continue living in unhappy marriages due to their religious backgrounds. However, a wedlock which is held by barriers without attraction is simply like a prison. So, Levinger's theory maintains that a marriage is likely to last long as far as barriers and attractions are stronger than alternatives. In other words, a person is likely to face marital conflict or divorce when he or she gets greater

material, affectional or other rewards out of the marriage with less barriers to hold his or her marriage intact.

Broderick (1988: 353) refers to Duck's work. According to the latter, there are three steps through which people dissolve their marriages. First, the discontented spouse contemplates his or her frustrations. This may include rehearsing complaints silently or divulging them to relatives or friends.

As a second step, according to Duck, the disaffected spouse starts to confront his or her partner. He or she also expresses his or her preference to be divorced if things continue the way they are. Then, if things do not change, he or she takes into account the possible divorce costs and checks his or her marketability by flirting with someone else. Such a situation of confrontation, depending on one's partner's response, may cause separation. According to Duck, the third step in the dissolution of marriage is its legal termination. That is, since marriage is a formal (legal) contract, it is dissolved on the basis of the court's approval. In other words, both or one of the spouses should present an application to the court stating his or her desire to divorce. The court, of course, passes its decision after examining several matters related to children, the couple's mutual material situation and the like.

Giddens (1991:491-2) notes Paul Bohannan's theory that entails six overlapping steps in the process of divorce, in the latter's words: "stations of divorce" which partners in a marital conflict and divorce experience. They are: the emotional divorce, the legal divorce, the economic divorce, the coparental divorce, the community divorce and psychic divorce.

The emotional divorce shows the deterioration of a marriage in which the couple's conflict escalates. This leads the couple to separate. The legal divorce entails the processes

or grounds that facilitate the dissolution of a marriage. The economic divorce indicates the condition wherein the couple divide their property. The coparental divorce refers to the situation in which matters related to the custody of children and the non-custodial parent's visits are dealt with. The community divorce is concerned with the divorcee's impact on social relations with friends and other people. The last step is the psychic divorce whereby a divorcee suffers from loneliness and emotional dependence. "All may create difficulties and tensions, affecting the two people themselves, their children, relatives, and freinds." (Giddens, 1991:491)

The limited literature reviewed regarding marital conflict and divorce suggest that marital conflicts are so common as to be natural and universal. The parties involved become engaged in various efforts to resolve their conflicts. Third parties become involved at later stages and when the couples appear to fail in successully resolving their conflicts. A variety of factors influence the outcome of attempts to resolve marital conflicts. The existence of barriers such as children, property, religious values, and the emotional ties between the partners themselves, i.e., barriers and attractions, contribute to the successful resolution of marital conflicts, resulting in the continuity of the marital bond. On the other hand, the greater the material and emotional costs of staying married may and do often lead to dissolution of marriages, especially when one or both of the partners feel are able to secure greater material emotional benefits from outside their marriages.

In those cases where the marital conflicts end in divorce, there appear to be a number of related steps through which the couple's relationship passes. These essentially consist of

contemplation, confrontation, and divorce which consists of emotional, legal, economic, coparental, community, and psychic divorce.

2.2.2 The Ethiopian Material

Among the reasons for marital conflict or divorce, such factors as unfaithfulness, infertility, and other social and economic tensions play a major part.

According to the Ethiopian Civil Code, a marriage is liable to be dissolved due to the death of one of the partners, when the court annuls a marriage as a sanction and due to divorce. The court, as a sanction, dissolves a marriage which it does not consider legally valid. That is, it is categorically codified that the following marriages are illegal: bigamy (article 611), a marriage between relatives that have consanguineal relationship up to seven generations (Article 551), and a marriage between affines up to third degree of collateral relationship (Article 553).

Pankhurst, H. (1992:114-115) points out that among the Amhara people of Menz divorce and remarriage are common. As to the reason of divorce in this area, she asserts:

Two types of reasons are almost always given for divorce: the precipitating factors and systematic ones, the latter usually being a number of complaints over time which come to a head and lead to divorce after a precipitating event. Men complained of such factors as wives' adultery; barrenness; not keeping the house properly; disobeying them and challenging their authority.

Likewise, Weissleder (1965: 199) notes that the common causes for marital conflict and divorce among people found around Ankober (northern Shewa) are adultery and general misconduct. Women complain that their husbands are not good providers; and men complain that their wives are not good at cooking or at housekeeping.

Some of the causes of marital conflict and divorce of this area may also be common in other parts of the country. Dessalegn Teressa (1983:27), for instance, states that complaints based on barrenness, sickness, adultery and negligence of household duties are made by husbands against their wives among the Oromo Tuqur of Western Shewa. Whereas, according to him, ill-treatment and wife beating are common complaints made by wives against their husbands.

On the other hand, the causes of marital conflict and divorce of some areas may be tolerable in other localities. As Getachew Demissie (1985:40) indicates in Alaba society in southern Ethiopia, barrenness cannot necessarily be a reason for a man to accuse his wife and divorce her. A man who marries a barren woman has the right to have an additional wife who can give birth to a child.

According to a questionnaire survey conducted by Rahel Demeke (1992:28) in Addis Ababa, out of forty divorcees (twenty men and twenty women) fifty percent responded that the reason for the dissolution of their marriages had been marital conflict caused due to suspicions of infidelity by either of the spouses. She also shows that twenty percent of the respondents reported that family interferences caused their marriages to be dissolved. The rest of the respondents stated that the causes of their divorces were: desertion during imprisonment, misunderstanding over step-children or indifference towards the marriage.

Messing (1954:478) explains the marital conflict resolution custom of the highland Amhara of Ethiopia. When spouses want to get divorced, they appeal to a priest whom Messing calls "the soul-counsellor". This priest has a role to arbitrate and dissolve a marriage. Before this person dissolves a marriage he tries to reconcile the partners by arbitrating

between the quarrelled couple. He also postpones the matter until the couple regains its patience.

If the divorce is granted, each mate must pay a fine of ETH \$5.-, for technically they have "torn the marriage oath". The divorce is witnessed by *mizé*, the kin of each mate, and the *cheqa shum*⁶. Half of the husband's property goes to her, particularly of their communal property and its increase, except items called "gil" which they had agreed in writing not to divide and retain as individual property. Unweaned babies remain with the mother, also, usually children below the "age of reason" (ages 7 to 10). The husband will often take older children, especially sons. (Messing, 1954: 479)

Messing also notes that if a wife is physically injured by her husband, he is obliged to compensate her for damages, whether he is to divorce or continue to live with her.

Among the Menz Amhara, according to Reminick (1973:64), when a marital conflict occurs one of them reports to his or her **Yäwil abat** (father of the agreement). This person and elders from both sides of the two partners, in his words: elders from the individual communities of the spouses, discuss the matter and try to reconcile the marital partners. When reconciliation is not possible, these people investigate the cause of the conflict and decide that the guilty party should pay compensation. Then the marriage would be dissolved after dividing the commonly owned property and after each of them takes the property he or she originally brought to the marriage (Reminick, 1973: 64-65).

Solomon Tessema (1984:18) states that in Bichena (Gojjam) when the dispute between a husband and a wife escalates, one of the spouses reports to family arbitrators. These individuals seek to reconcile the partners. In the case of divorce the couple shares its common property. He also says that unweaned children stay with their mother after divorce.

⁶ *Mizé* means best man; and a *chiqa shum* was a local government appointee during the regime of Haile Selasie I.

The marital conflict resolution attempt of the area of which Messing describes is at the hand of a priest. The latter cases discussed by Reminick and Solomon, however, show that the marital conflict resolution custom of these areas is the concern of elders of both sides of the spouses. This appears to be true in rural areas in general. For instance, when there is conflict between a husband and wife, it is the elderly people who resolve it among the Oromo of Arsi (Genna, 1983:29). In Shebedino Sidancho District (Sidama Province), it is the father of the woman who gathers elders to resolve a marital conflict (Yitna Worku, 1983:43). In Alaba society (Southern Ethiopia), when a dispute arises between a couple, one of them accuses the other before elders of the kin group of the accused (Getachew, 1985:40). Even though Wagaw (1984:29) does not indicate who resolves marital conflict, he notes that divorce is not possible among the Agaw People of Raya and Azebo District (Tigray Province) without the permission of the families of orientation of both parties. If married partners dissolve their marriage without the consent of the parents of both parties, they will be ostracized by their relatives and by the community at large.

The marital conflict resolution attempt of Orthodox Christians around St. George church involves the selection of two elders from each conflicting party. Nonetheless, here, elders can be chosen simply on the basis of their legal know-how not because they know the conflicting spouses personally. This will be discussed in chapter five of the thesis.

CHAPTER THREE

FORMS OF MARRIAGE AND THEIR CHARACTERISTICS

It is generally known that among Orthodox Christians of Addis Ababa, marriage is an institution which creates status differentiation between married and the unmarried, in which the married individuals are accorded more respect than the unmarried. The former are accorded priority to leading roles that are given greater value in social offices like **idir** (burial associations), **iqub** (local credit association) and **shimgilina** (institution for dispute settlement).

Orthodox Christians in Addis Ababa perform three forms of marriage. These are: church marriage, civil marriage and customary marriage. In all three forms of marriage between Orthodox Christians, whether devout or not, individuals are expected to marry outside of their group, delimiting marriage to be performed beyond the seventh degree of consanguinity. In other words, sexual mating between individuals who are related up to the seventh degree of consanguinity is disapproved and considered as incest taboo.

3.1 Church Marriage

Church marriage refers to the religious marriage performed by devout Orthodox Christians.

3.1.1 Regulations of Church Marriage

This form of marriage is concluded through what is known as (**teklil**) sacrament of matrimony.

The Sacrament of matrimony is the holy service through which the bridegroom and the bride are united together and given the divine grace which sanctifies their matrimonial union, makes it perfect and spiritual like the union of Christ and the church. (Marcos, 1951:46)

According to the interviews conducted with Lik'e-silitant Aba Gebremariam Atsibiha, administrator of Trinity Cathedral, Deacon Bantayehu Alemu, marriage officer of the same cathedral, Merigeta Askal Workineh, marriage officer of the Holy Saviour Church, individuals who want to perform church marriage should fulfil the following requirements.

1. They should be members of the Ethiopian Orthodox Christian Church. To be a member, among other requirements, one has to be a baptized Orthodox Christian.

Baptism is the sacrament through which a person is born again and accepted into the membership of the church after being dipped into holy water three times in the name of the Father, the Son and the Holy Ghost. (Marcos, 1951:8)

2. Both of the couple should have a **yeniseha-abat** (Father confessor). Lik'e-siltanat Aba Gebremariam said that this helps a fellow Orthodox Christian to be taught the regulations of the church and to properly know what he or she should do in line with the regulations.

3. The marrying couple are expected not to have had premarital sexual experience. In other words, they should remain virgins until they consummate their marriage.

4. The couple should present a document which shows that they have not been married before from **kebele** offices. This, according to Deacon Bantayehu, helps the church to prevent bigamy. Merigeta Askal commented that those who cannot produce the document from **kebele** offices can present a letter signed by their Godfather certifying that they are conformists.

5. The marrying couple should not have a religious relationship in addition to the consanguineal and affinal relationship that prohibits marriage among all Orthodox Christians.

Religious relation that prohibits marriage, which may be referred to as fictive kinship, is a Godparent-Godchild relationship. This is a relation established when a man becomes **yekiristna-abat** (male Godparent) for a baby boy and a woman **yekiristna-inat** (female Godparent) for a baby girl during the baptism in childhood.

The regulations of church marriage are based on various religious doctrines. God himself brought about the union of our first parents creating a woman to be the companion and helpmate of man (Genesis 2:18). So, according to the Orthodox Church, marriage should be performed according to God's will. It instructs that married partners should help one another and strictly adhere to the rules given by Him. This includes the rule that marriage should be monogamous.

... and the rib which the LORD God had taken from the man he made into a woman and brought her to the man. Then the man said, "This at last is bone of my bones and flesh of my flesh; she shall be called Woman, because she was taken out of Man." Therefore a man leaves his father and his mother and cleaves to his wife, and they become one flesh." (Genesis 2:22-24)

Merigeta Askal suggested that church marriage is indissoluble according to the teachings of Christ. To clarify his point, he quoted a verse from the Amharic bible whose corresponding English verse is the following:

And Pharisees came up to him and tested him by asking, "Is it lawful to divorce one's wife for any cause?" He answered, "Have you not read that He who made them from the beginning made them male and female....So they are no longer two but one flesh. What therefore God has joined together, let not man put asunder." (Genesis 19:3-9)

The idea of indissolubility of marriage of the Orthodox Christian Church is similar to the theory of M. de Coulanges, as noted by Wake, which maintains that the indissolubility of marriage came about from the notion of spiritual purity. That is, as has been shown in chapter 1, the rules of monogamy and indissolubility resulted from man's weakness. Collins (1988:62)

also affirms that celibacy was encouraged during the medieval period in Europe. Wake explains that consanguinity and affinity considerations in marriage that are based on the idea that husband and wife are one flesh are also reflected in Orthodox Christian marriage rules.

Lik'e-siltanat Aba Gebremariam explained that church marriage may be performed by persons whose marriages are dissolved due to the death of one of the spouses. To get a clear idea as to the possibility of remarrying through church marriage, I interviewed two religious judges of the Canonical Supreme Court of the Ethiopian Orthodox Christian Church: Memihir Yikuno Amlak Reda (main judge) and Lik'e-birhanat Kelemework Meressa (vice-judge).

Memihir Yikuno Amlak said that remarriage is possible when the religious court approves a divorce. He stated that divorce may be permitted when one of the spouses commits adultery, sexual incompatibility, or if one of the partners changes his or her religion. Adultery, according to him, may be tolerable if a person commits it unexpectedly (without repetition) and if it does not cause disease, result in an illegitimate child, or if the guilty partner adheres to the sacrament of penance through which he or she may confess his or her sin to his or her Godfather who often prescribes fasting and repentance for the wrong deed he committed.

Although believers are reborn through the sacrament of baptism, and receive the Holy Ghost through the sacrament of confirmation, yet this does not mean that they have got immunity against sin. The Bible teaches us that even the best saints are liable to sin. (Marcos, 1951:19).

Lik'e-birhanat commented that the court approves divorce proposals based on medical certificates for complaints related to problems like impotence. He added that one has to have the evidence that his or her spouse has changed his or her religion, if one wants to divorce.

He also explained that individuals who secure divorce can remarry or become monks or nuns by joining a monastery.

The religious judges explained that church marriage is generally performed by virgin couples. However, if one of the couple is not a virgin, and if the person has confessed according to the rule of the faith, the marriage performed between persons with and without virginity may be considered as a marriage performed between virgin couples. Their argument is that the person who is not a virgin would be absolved from his sin through his or her virgin partner.

To the rest I say, not the Lord, that if any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her. If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him. For the unbelieving husband is consecrated through his wife, and the unbelieving wife is consecrated through her husband. (1 Corinthians 7:12-14).

Here, we see that there is some deviation from the theory of spiritual purity in that the idea of indissoluble church marriage emerged out of man's inability to adhere to celibacy. It may be argued that a kind of change has occurred over time in that some modifications like incorporating certain rules that allow remarriages.

Generally, the interviewed religious authorities of the Orthodox church underscored the idea that marriage performed within the church is sacred and its vulnerability to divorce is insignificant especially when compared to other forms of marriage.

3.1.2 Ceremony of Church Marriage

The following discussion on the ceremony of Church marriage is based on my own observations at the Holy Trinity Cathedral and the Holy Saviour Church.

Prior to the arrival of the marrying couple, the clergymen arrange procedures that are important for the ceremony. Items such as **ye-teklil k'ob** (holy crown) for both bride and groom, **mets'afe-teklil** (holy matrimonial book), and **yezeit-ik'a** (anointing oil can) are put on the table. Special seats are arranged for the bride and the groom. A priest burns incense in a **ts'enats'il** (a religious object with cymbals in which incense is burnt) in the matrimonial hall inside the church. Until the main programme begins, various types of religious songs, praising the Lord God and the Virgin Mary, are played on a tape recorder.

When the bride and groom arrive at the church, a religious choir sings marriage songs. The repeatedly sung refrain is "**Hule-tu-m and honu zare**" ("The two have become one today.") The groom and the bride enter the matrimonial hall, led by pages who hold candles, and escorted by their bestmen and bridesmaids and take their respective seats. The best men and their escorts, including relatives and friends sit on benches prepared for them. Then, a priest blesses them with a cross saying: "Let your marriage be that of Abraham and Sarah."

A priest gives an order to the marrying couple to kneel down and to swear to be faithful to each other. They are given a paper which contains words of solemn promise. They swear reading the paper repeating some phrases after the priest. This is done turn by turn. It is the groom who swears first:

I, [Gebremariam]⁷ accept [Woletemariam] to be my legal wife. As of today, I will help her in all her work as much as I can. I will be with her during her sickness and health, happiness and sorrow. I will not leave her saying that she is barren and lazy until I die because I have willingly accepted her. So, I give my word swearing in front of God and this consecrated church of Orthodox Christian congregation.

⁷ The name in the square bracket is hypothetical. In the course of swearing, baptistic names are used. A baptistic name is given when one is baptised an Orthodox Christian.

The bride also swears similarly.

One can argue that unlike the other two forms of marriage wherein partners are required to sign on the marriage contract paper, here it is through the solemn promise and the matrimonial holy communion which the marrying couple receive that church marriage is ratified. Holy communion, which is locally called **k'idus-k'urban**, is received by the couple prior to the marriage ceremony. According to Merigeta Askal, those who want to celebrate their marriage ceremony on Saturdays and Sundays receive the holy communion on Fridays and Saturdays around 5:00 a.m. respectively.

After saying a particular prayer, the couple exchanges wedding rings. A priest puts a ceremonial overcoat on each of them and anoints them with oil on their hands and foreheads. Standing at the back of the sitting couple, he criss-crosses two holy crowns three times, which symbolically signifies that they are one starting from that time on. He places the crowns on their heads. After another prayer is recited, a marriage orientation is given. Every thing starts from the groom. Merigeta Askal said that this is because Adam was the first person who was created before Eve.

Even though there are some variations in the sequence of the steps in the two churches, I found that the general content of the orientation is similar and it is based on the teachings of the Bible. At the beginning of explaining the importance of marriage, the biblical statement from Genesis (2:18) "Then the lord said, 'It is not good that the man should be alone; I will make him a helper fit for him', is quoted to justify the union of the couple.

Aba Fikreselassie Tsegaw, a clergyman whose main duty is giving marriage orientations at the Holy Trinity Cathedral, stated the following:

It is not good to marry out of God's order. We see that people get married at the municipality, the practise which is imported from Europe. This is not good. We must adhere to our own tradition. For instance, even here the bridesmaids are a bit naked wearing foreign imported dresses. I don't know why you tend to have foreign items. Look at these ladies [pointing to the ladies with traditional costume] they are beautifully dressed. So, we have to appreciate our culture. Husband is the head of a woman and she is his eyes. They must live together through their lives end helping each other respecting God's order.

At the end of a marriage ceremony the couple are given a marriage certificate and go back home with their escorts. Finally, various religious songs are sung. I noticed that religious marriage songs sung at the Holy Trinity Cathedral and at the Holy Saviour Church are different. That is, at the Holy Trinity Cathedral churchmen sing songs using a big drum which is locally called **kebero**. Whereas at the Holy Saviour Church, people (men and women) with uniforms in a choir sing various songs. I asked Aba Fikreselassie about the difference. He said that because the Holy Saviour Church is a monastery, singing songs using a drum is impossible. He added that since the Holy Trinity Church is not a monastery, they use drums, especially for what is called **yaredawi shibsheba** (a religious dance), which is named after Yared, a religious music composer of the Ethiopian Orthodox Church.

3.2 Civil Marriage

Non-devout Orthodox Christians perform this form of marriage through the City Council of Addis Ababa (CCAA). According to an interview conducted with Ato Gebretsadik Demissie, Head of the Vital Statistics Section of the CCAA, the individuals who want to perform civil marriages are expected to fulfil the following requirements. Prospective couples should not have a consanguineal or affinal relationship. This is related to the Civil Code (article 551) which prohibits marriage between individuals that have blood relationship up to

the seventh and affinal relationship up to the third degree of collateral relationship (article 553). This rule is apparently rooted in the religious belief regarding the indissolubility of marriage discussed in chapter 2 above. The Ethiopian Civil Code, having been adopted from European countries (David, 1967:346), has incorporated secular changes in order to cater to followers of other religions. This appears to have emerged out of the various changes brought about by modernization. And yet, as shown in table 1, the majority (85.16 %) of the people who enter civil marriage are Orthodox Christians.

The minimum age requirement to perform civil marriage for men is 18 and for women 15. Prospective couples are required to present a written document from their respective **k'ebele** (the lowest government administrative organ) offices which shows that they are not married currently. Those who want to remarry should present a divorce certificate or a letter which indicates that they have divorced and become single. A letter from a prospective spouse's kebele office should be accompanied by another supporting document on which the words of three witnesses, who know that the person is single, are written to serve as proof. This helps to prevent bigamy.

Even though civil marriage is performed chiefly by Orthodox Christians, it also indiscriminately includes people of other religious groups as shown in the following table.

Table 1: Number of civil marriages performed from 1992 up to 1995 by people of different religions

Religion	1992		1993		1994		1995		Total	%
	M	F	M	F	M	M	M	F		
O.Chris.	2006	2005	2581	2589	2782	2779	4416	4407	23565	85.16
Protest.	137	133	98	93	69	71	166	159	926	3.35
Cathol.	27	32	31	26	15	16	28	35	210	0.76
Muslims	199	199	162	165	312	312	716	708	2773	10.02
unknown	9	9	6	5	12	12	64	81	198	0.71
Total	4,756		5,756		6,380		10,780		27672	100

Source: The City Council of Addis Ababa (tabulated by the researcher)

Though comparatively small, followers of the Protestant (3.35%) and Catholic (0.76%) denominations as well as Islam (10%) perform civil marriages. The low proportion of following these non-Orthodox Christian faiths is largely explainable by the fact that followers of these religions are low in number compared to people of Orthodox Christians and Muslims found in the capital. According to the Central Statistics Authority's census of 1994, the population size of urban Addis Ababa was 2,084,588; out of which 81.81%, 12.80%, 3.91%, 0.79%, 0.59%, 0.08%, 0.02% were Orthodox Christians, Muslims, Protestants, Catholics, others, unknown and traditional respectively (Population and Housing Census of Ethiopia, 1994: Analytical Report on Results for Addis Ababa, 1995:55).

Ato Gebretsadik argues that civil marriage is less prone to dissolution than customary marriage. He justifies his position by associating civil marriage with education. That is, since civil marriage is performed by educated individuals whose world outlook is better than those who perform customary marriage, their marriages are less likely to dissolve. The argument of this official as to the correlation between civil marriage and education is, in fact, supported by the interviews I conducted with 30 divorcees (see Table 2 below). Out of the 30 divorced individuals I interviewed, 21 had been married through the customary marriage. Out of this number, except one man who completed high school, the rest 20 (9 men and 11 women) acquired elementary school education. The remaining 9 individuals were married through civil marriage. That is, 7 individuals (5 men and 2 women who attained secondary education) and 2 persons (a man and a woman who are both BA degree holders) married through civil marriage. Out of these individuals, one of them (an 11 grade dropout) said that after having performed customary marriage he changed his marriage to civil marriage to make the contract "more legal." It is possible to do so if such a person reports to the City Council of Addis Ababa. Out of the 12 arbitrators of marital conflict, 11 of them said that it is people of customary marriage who mostly face marital conflict and who need their arbitration. Woizero Asnakech Abebe, the registrar of **Woreda 2** court, suggested that most of the applications that are forwarded before the court are accompanied by handwritten contractual agreement letters of customary marriage. Based on the information I received from the Holy Trinity and St. Saviour churches, the clergymen claim that church marriage of Orthodox Christians is less likely to dissolve.

Table 2: Educational levels of individuals who performed civil marriages from 1992 up to 1995

Educational Level	1992		1993		1994		1995		Total	%
	M	F	M	F	M	F	M	F		
unknown	13	6	5	13	4	11	2	9	63	0.23
Element.	156	317	516	811	436	826	406	1651	5119	18.50
Secondary	1954	1984	2104	2003	2613	2252	3611	3008	19529	70.57
Tertiary	255	71	253	51	137	101	1371	722	2961	10.70
Total	4,756		5,756		6,380		10,780		27,672	100

Source: The City Council of Addis Ababa (tabulated by the researcher)

Ato Gebretsadik explained that the number of people who perform this form of marriage is increasing. He stated that some government, non-government and international organizations, including embassies, request their employees to present marriage certificates. The marriage certificate given by the City Council of Addis Ababa has international acceptance. Hence, many people who go abroad need this certificate. Such things contribute to the increasing popularity of this form of marriage.

3.2.1 The Contractual Signing Scene of Civil Marriage at the Three Marriage Parks

The contractual signing sites of civil marriage are Ambassador Park, Hamle 19 Park and Peacock Park. According to Ato Gebretsadik Demissie, Head of the Vital Statistics Section of the City Council and Woizero Tsige Tekle, Contractual Signing Officer at the Ambassador Park, these parks were established to serve the ever-increasing civil marriages in the city. Before April 1992, the contractual agreement of this form of marriage had been signed in the main building of the CCAA, where the vital statistics section is found. The three parks are the extension of this section. Individuals who want to marry report to this section, fill forms and submit the necessary documents. The actual signing of contracts, however, takes place at the parks, with the exception of a few individuals who do not want to have ceremonies and who sign the contract in the main building of the CCAA.

W/ro Tsige said that in spite of the availability of three contract-signing sites, each of these sites is obliged to give services for about 30 couples a day especially in the months of **Tir** (January) and **Miazia** (April). Some individuals with less income and those who do not want to spend their money conclude their wedding ceremonies at the parks. However, many people do not consider contractual signing as a marriage contract until another wedding ceremony is held. The contractual signing at the parks is referred to as **K'elebet** (literally, ring exchange ceremony) which seems to correspond to the English term engagement.

W/ro Tsige noted that those couples who celebrate their weddings at the sites have advantages. They do not have to rent hotels or halls. Nor do they have to worry about locating sufficient and appropriate space for mounting tents. Therefore, they do not spend too

much money renting items such as tables, chairs, plates, bottles and the like, a few items that can be used by the bride, the groom and their bridesmaids and bestmen being enough. Other participants may sit on the ground or stand until the end of the ceremony.

Relatives, friends and others whose presence is desired are invited to come to the parks at the appointed time for the signing of the contract. During my frequent research visits at these sites, I observed a lot of people milling around apparently lost in the crowd looking for the couple they had come to escort. This is often caused, I was told, by the late arrival of the bridegroom and the bride. Often too, the bride appears to be the main cause of these delays, since she takes considerable time beautifying herself in beauty salons. During the time I was writing this part of my thesis, Woizero Tsige gave an interview to the Ethiopian Radio about lateness and narrated the following incident caused by this problem:

The groom who has been living in the United States of America for many years came to Addis Ababa to marry a daughter of his country [an Ethiopian lady]. He, I think, has been highly influenced by American culture. He, his bestmen, and other escorts were punctual coming to the park. But the bride came after an hour or so. He was very much upset and since the marriage had been arranged by his parents without the couple knowing each other very well, the groom suspected the bride of harbouring an anti-marriage attitude, and he refused to sign the contract. It was after explaining the situation and after we made him calm down that he eventually signed the contract. He wrote a letter of appreciation from the States stating that he is leading a happy marriage and that he would not have gotten this chance if we were unable to convince him to sign the contract at that time.

To deal with this problem of lateness, services at the parks are now being rendered on a first come first served basis.

Some individuals use video- recording. Photographing and video-recording take place until the couple leave the park. Then the couple take their respective places in the park where they cut the cake and open a bottle of champagne. All of these ceremonies are not always observed, however. W/ro Tsige informed me that there are times when the bride and the bridegroom come to the contractual signing site accompanied only by four of the elders to simply sign the contract.

3.2.3 Accommodation and Payments

Individuals who come to the marriage parks escorting marrying couples pay 0.50 **birr** each at the gates to the respective park administration offices. Similarly, the groom and the bride are required to pay a certain amount of money for the services they get from the parks, in addition to the 27.00 **birr** they pay at the main office. The amount of money the couples pay varies from park to park depending on the particular spot they choose within each park.

Ato Adefris Teshneh, the Ambassador's Park Administrator, explained that there are 15 spots within his park. These spaces are divided by short and relatively dense coniferous hedges. Here, the couple cut the cake, which is small and different from the wedding cake proper, and open a bottle of champagne. The people escorting the couple would then be invited to cookies and, often, soft drinks. Some couples serve **t'ela** (local beer) and home made bread to the escorting people at the parks. At times, there may not be invitations to stay at the parks, and the couple may leave the compound immediately with their guests.

Before a bride and a groom enter the compound of a park, they are required to pay 90 **birr** at the Ambassador's Park. Here, unlike the two other parks, no difference in payment

is made depending on the quality of the places within the park. However, a distinction is made based on the following condition. Those couples who want to stay for a prolonged time, for instance, for half a day, pay 90 **birr** and those who stay for short time in the park pay 20 **birr**.

Ato Temesgen Mengesha, 38, who signed a contract there, explained the situation:

There are two types of payments fixed whose difference is simply related to how many **sat'in** [racks] of soft drinks one takes into the park. So, we decided to take one **sat'in** of soft drink in order not to pay more than 20 **birr**. However, our relatives were able to bring **t'ela** [local beer] in small jerrycans and some home made bread. We, therefore, succeeded in inviting our guests to **t'ela** and soft drinks.

There is also a problem of renting chairs and tables from the nearby bars and canteens for the marrying couple. That is, in the spaces within the park there are only some three or four concrete benches without tables. Relatives and friends of the marrying couple rent chairs and tables for the bride and the groom, paying about 10 **birr** for each item. In some cases, relatives and friends bring their own portable chairs and tables from their homes.

The Hamle 19 park has 45 spaces. They are classified into six classes and payments are fixed accordingly as shown in the following table:

Table 3: Number of spaces within the Hamle 19 Park

Class	Amount to be paid	No. of places
First	150	4
Second	100	6
Third	80	8
Fourth	60	4
Fifth	40	12
Sixth	30	11
Total		45

According to the former acting administrator of the Peacock Park and the current administrator of the Hamle 19 Park, Ato Shoazemed Zergaw, the payment of the spaces within this park is fixed; on the basis of the size of a space and the type of chairs and tables that each space contains. From first up to third class, the size of the spaces are relatively bigger. They are furnished with chairs and tables which are made of concrete and marble. Spaces in the remaining classes have no chairs and tables. People who rent the latter places come with their own chairs and tables for the marrying couples. Unlike the Ambassador Park, there are no bars in this area from where one can rent tables and chairs. The Peacock Park has 23 spaces which are grouped in four classes.

Table 4: Number of spaces within the Peacock Park

Class	Amount to be paid	Number of places
First	200	6
Second	150	7
Third	120	3
Fourth	100	7
Total		23

Spaces of first and second classes are furnished with bigger chairs and tables. They have big tables made of concrete which are used for serving buffets. The first class spaces also have one small concrete built tanker that contains water used for washing hands. The third and fourth class spaces are furnished with smaller chairs and tables made of concrete, but no tables.

According to Ato Shoazemed, many individuals arrange their weddings at the two parks. This includes those who sign the contract at these parks and those who perform both customary and church marriages.

Even though the Hamle 19 Park has more spaces than the other two parks, Ato Debebe Asrat, the Peacock Park Administrator, said that the biggest park is the one he is now running. The spaces within the Peacock Park are very wide ones. Besides, this park has parking places which can hold many cars as compared to Hamle 19 Park. The Ambassador

Park has no parking places and people are obliged to park outside the park. The selection at which park to sign a marriage contract depends upon the preference of the couple.

3.3 Customary Marriage

This is one of the forms of marriage found in the capital which has no standardized regulations and no fixed place where such marriages take place. The following description is based on the interviews conducted with Kesis Sisay Ayele, 72, a former employee of the Ministry of Information, who is now a pensioner, and Captain Tamene Haile Gabriel, 66, a retired Navy officer. Both have had experiences of serving as **yäwil abatoch**, witnesses of many marriage contractual agreements as well as arbitrators of marital conflicts.

To prepare the contractual agreement, six elders (three from each side of the couple) are elected. Among them, one elder from each side of the couple is elected to be **yäwil abat** (father of the contract). A draft of the marriage contract is prepared in a group or by any one of the elders. It is later endorsed as it is or after adding further points. The contract is written in two copies. The two copies of the contract are kept with the two elders (fathers of the contract). This prevents the couple from tearing the contract paper whenever they quarrel for trivial matters. When they find their marital conflict is a serious one, they should report to their respective father of the contract. The remaining four elders also take part in the arbitration attempt if the couple want their participation. The contents of the contractual agreement of customary marriage vary on the bases of the ideas proposed by the elders. There are two forms of customary marriage: **habtish-behabte** and **indemist besemaniya - indeserategna bedemoz**. These are discussed briefly below.

3.3.1 **Habtish-behabite Marriage**

This stipulates the condition that when the contract is written, the properties of both partners are declared and recorded. These and those that the couple acquire in their married life will belong to both of them. It is from this provision that this form of marriage is called **habtish-behabte** (literally, "your wealth with my wealth", implying that the wealth of each partner belongs to both of them. Kesis Sisay said that there is a case where the wife does not bring property to the marriage, though the term "**habtish behabte**" is written in the agreement. In such cases, it is tacitly understood that the property before or after the marriage does not belong to her until she gives birth to a child. However, Captain Tamene disagreed with this. He said that though the wife cannot have the right of ownership over the property that her husband had possessed before he married her, she has the right of ownership over the property that they acquire within their marriage. In other words, should the marriage break up, the wife can claim half of the property that they have acquired within the time of their married life. This latter idea appears to be supported by the civil code (article 652, 1 and 2).

1. The salaries and the income of the spouses shall be common property. 2. All property acquired by the spouses during marriage by an onerous title and which has not been declared by the family arbitrators to be personal property shall be common. 3. Property donated or bequeathed conjointly to the two spouses shall be common, unless and otherwise stipulated in the act of donation or will.

3.3.2 **Indemist-besemaniya Indeserategna-bedemoz Marriage**

This phrase literally means: As a wife by eighty (**semaniya**)⁸ and as a housemaid with a wage. This form of customary marriage is usually performed between widowers and widows

⁸ *Semaniya [eighty] is a legal marriage document (Amsalu Aklilu, 1987: 50). It is a contractual agreement for a customary marriage which may be written differently depending on the views of marriage witnessing elders and the partners entering into the marriage, unlike civil and church marriages for which there are standardized certificates.*

or between widowers and divorced women. Since in this society the husband is usually considered to be the bread-winner, men are given priority to select a marriage partner. There are two conditions whereby a widower marries a widow or a divorced woman: the proper and disguised forms. According to Captain Tamene, the proper form refers to the condition wherein a man marries a woman as a wife and as a servant. As a wife she does all wifely things, while as a housemaid she accomplishes household tasks and her husband pays her a monthly or annual salary. The property of her husband does not belong to her. Nor can she claim to share his property if he divorces her. According to Kesis Sisay, however, there is a conditional agreement that may be included in some contracts which entitles a wife to share the property of her husband. If she gives birth to a child she can share equally the property with her husband upon divorce. However, this conditional agreement should be clearly noted in the contractual agreement to be effective. This form of customary marriage can be changed to **habtish-behabte** marriage when children are born or when the husband fails to pay the salary of his wife regularly. In this case her salary may be accumulated over time which makes him indebted to her to the extent of being unable to pay. Kesis Sisay narrated the following case which clarifies this point.

It was during Emperor Haile Selassie's time that a woman indicted her husband who was also her master for refusing to pay her salary which was accumulated over time. Even though the man was a member of the aristocracy he could not pay her. After going to the various courts, she could not get a favourable verdict. She finally appealed to the Emperor's court which was called **yezufan chilot**. The Emperor asked the man through his spokesman as to the agreement of the marriage. The man explained the exact situation. Again the Emperor raised a question as to why he stopped paying her salary for so long. The man replied that he paid her for some time and that he failed to pay her afterwards because she did not ask him. The Emperor gave the decision that he must pay her the salary according to their agreement and that the wife had no right of ownership over his property.

Kesis Sisay said that the case had been referred to the council of arbitration. Since the man was facing financial hardship and was unable to pay her accumulated salary and she had no right to share his property on divorce, they persuaded the partners to live together by changing their initial marriage to the **habtish-behabte** form.

Another reason for people getting into **indemist besemaniya - indeserategna bedemoz** relationship is widowers' interest in preventing the claim that may arise over their property by their would-be-wives. Such a marriage is usually performed between widowers and widows and between widowers and divorced women. Particularly, widowers who have grown-up children by earlier wives prefer to enter into this contract. This helps them prevent the possible grudge that may develop on the part of their children against them due to the legal right they have to inherit the property which also belongs to their deceased mother. It also helps the newly marrying wives prove that they do not marry for the sake of property ownership and hence to lead a normal married life. To this effect, according to Captain Tamene, the new trend is that especially widowers and widows perform marriages through this form of contractual agreement. Wives in this marriage neither dare to ask their husbands to pay them salaries nor to give them access to property ownership. In other words, people who perform this form of marriage are those who plan in advance to avoid possible conflicts over property. Kesis Sisay gave me an illustration of a recent marriage performed between a widower and a widow who are both affluent.

The widower is my neighbour and he is rich. He got married to a rich widow through **indemist besemaniya - indeserategna bedemoz** marriage in which I took part. They lead a normal husband-wife relationship. They have a housemaid and a guard and gardener and the wife acts only as a wife, she does not accomplish the tasks of a housemaid. Her son and daughter who now live in America were unhappy with the fact that she got married through this form

of marriage which they were informed makes her a housemaid. She got the opportunity of visiting them and she explained the real situation.

Generally, customary marriage is performed by all people, rich or poor, but poor people more often enter into this form of marriage than the other two forms of marriages discussed in the previous sections. This is because, according to my informants, many people who perform such a marriage can simply celebrate with few individuals at home without big feasts.

CHAPTER FOUR

CONDITIONS AND PROCESSES OF MARRIAGE

4.1 Mate Selection and Betrothal

Even though some parents or relatives arrange marriages, generally marriage in Addis Ababa is a matter of free choice of couples. However, conditions were different in earlier times. Ato Makonnen Zewdie, 61, a retired judge and an arbitrator of marital conflicts, explained that marriage was generally arranged by relatives or guardians during the time of Emperor Haile Selessie. The poor used to marry the poor whereas the rich married their equals or richer ones. Here, one can argue that *hypergamy* and *isogamy* were practised.

In most societies, marriages reflect the status aspirations of the respective exchange-units, but if they do not involve status differences of any regular or systematic kind, they are said to be *isogamous*. Conventionally, "*isogamy*" has meant simply "marriage between equals", but in some circumstances it may be preferable to employ the alternative, stricter definition, "marriage without prescriptive status implications". There are two kinds of *anisogamy*: *hypergamy*, in which the natal family, lineage, clan or exchange unit of the H is always, or ideally, higher in status than that of the W; and *hypogamy*, in which the reverse is true. (Barnard, 1984:106-107)

According to Ato Makonnen, some individuals also practised child marriage in the 1950's. Parents who wanted to create strong bonds between two families used to arrange marriage before their children reached marriageable ages. The physical consummation of such a marriage used to be declared when the couple reached a certain age. Mostly for the bridegroom it was above 16 and for the girl 14.

He told me of one instance of child marriage dissolution. The fathers of the couple quarrelled due to a boarder dispute over land ownership. As a result, they cancelled the

marriage of their children before its actual consummation. This may indicate how the fate of children had been at the mercy of their parents. However, there had been a few cases of educated individuals refusing to marry those whom their parents had chosen for them. Such individuals had been considered deviants from the accepted standard. As such, they were considered to be rude for failing to obey their parents in particular and failing to meet the societal norms in general.

Another important criteria for marriage then was the question of virginity. That is, a girl had to be virgin to get married. In rare cases where a girl had been deflowered before her wedding day, she would be physically beaten by her husband who would then divorce her. This would cause considerable embarrassment and shame to her parents and relatives, since the society used to believe that the girl's misfortune was a reflection of the failure of her parents to rear their daughter properly.

Gradually, however, with modernization ("zemenawinet"- "modernism") {Levine [1965] (1972)} and its subsequent effects in attitude changes, some people began to be against the status quo. Having conducted a survey of 615 high school and college students in Ethiopia, Levine (1972:124) states:

Most of them insist on the right to choose their own spouses, and they tend to approach that choice with criteria which differ from those of their parents. Instead of following such traditional criteria as a good upbringing, family background, and wealth, a number of modern adolescents aspire to find spouses who above all else are educated, who share their opinions and beliefs, and who will be good companions.

According to my informant, Ato Makonnen, educated people started to choose their mates on their own. However, they still based their choice on factors such as wealth or social background of their spouses, as had been done previously by parents. Virginity as a criteria

for marriage started to lose its importance. Then, imperceptibly, spouse selection became the concern of the couple. This appears to be generally true in urban societies. For instance, according to Epstein (1981:260-3) with the development of urbanization and schooling, arranged marriage was replaced by free choice of mate selection in Copperbelt, Zambia. Parkin (1973:224) also indicates that such elements like education and occupation are important in urban marriage. He shows that marriage has become increasingly the duty of marrying partners themselves rather than being the concern of their relatives in Kampala. Similarly, according to Little and Prince (1973:188-89), in some West African urban centers like Lagos and Accra, due to the effect of education, selection of marriage partner has often become the concern of the couple though parents or relatives are involved only in formalizing the agreement, after the already made choice. The case of Addis Ababa also fits with Radcliffe-Brown's idea that marriage customs change over time.

Since the time of the Derg regime (1974-1991), though some parents continued to arrange marriages for their sons and daughters, in Addis Ababa people became increasingly free to choose their mates, perhaps with the advice of close relatives and friends. Free choice is of course relative, since such choice has legal limitations. The Civil Code prohibits marriage between persons that have blood relations up to seven generation (article 551) and the marriage of people who are related by marriage up to the third degree of affinal collateral relationship (article 553). This rule in effect delimits group boundaries in marriage "Because of the association of sex and marriage, prohibitions on incest produce an almost universal rule of exogamy within the primary family group of parents and children and between brothers and sisters." (Nanda, 1994:227). Similarly, Parkin (1987:2) relating to the terms of Levi-Strauss'

"complex systems of marriage and kinship" notes the regulation of kinship in urban marriages. According to him, the rule that determines choice of mate selection in urban areas is only the prohibition of marriage between those considered as close relatives.

Mate selection among Orthodox Christians in Addis Ababa has to be accompanied by an implicit approval of the parents of the couple. To effect the approval, about three elders from the side of the groom visit the parents of the bride and request them to endorse the marriage proposal. The elders are chosen by the prospective husband though he may ask his parents, close relatives or friends for their advice. Some parents endorse the proposed marriage quickly. Others, who may be referred to as conservatives, hesitate and demand to take their time to discuss the matter with family members.

Such issues as the income of the groom, whether he is capable of supporting the prospective family, may be raised by the parents of the woman. This is because husbands are still expected to be breadwinners, even though this too may be changing slowly. Whatever questions may be raised as to the prospective husband and whether the approval of the proposed marriage may be delayed just as custom requires, it is usually expected that the proposal be endorsed eventually because it is usually the couple who reach an agreement in advance to marry each other. My informant stated that this was impossible in earlier times. As pointed out above, this has now changed and "Marriage in urban areas is no longer an arrangement between families based upon economic and social alliances that take little account of the personal preferences of young people." {(Eshleman, [1974] (1988:169))}.

Free mate selection in Addis Ababa involves certain relationships. It is known that in recent times some couples establish a boy-friend - girl-friend relationship before they get

married. There is also the relatively new practice of "trial marriage" (equivalent to "cohabitation") in which the couple may decide to live together until such time as they feel their relationship will last if they formalize it.

Duvall and Miller (1985:98-99) refer to Musterin's theory of mate selection. The theory suggests that there are three stages in the process of mate selection. During the first phase which is called the stimulus stage, individuals decide to pair up or to quit a relationship with someone of the opposite sex. Here, attributes such as physical appearance, social background, education and other characteristics of an individual with whom a person wants to pair up are evaluated and screened. In the second stage and through the development of their acquaintanceship, partners start to compare their attitudes and values related with things such as sex and marriage. According to Murstein's theory, when their values become compatible and after filtering their relationship, partners are likely to enter the third stage. "During the third stage of couple choice, partners consider expected behaviours (self and other) in their present and future relationship. Murstein's theory predicts that couples where role expectations fit are likely to continue their relationship, whereas couples whose roles fit less well are more likely to break up."

In the Ethiopian context, there is also what is called *amač* ("broker"). This entails the situation wherein a person wishing to get married requests his relatives, neighbours and the like to help him find a spouse. These individuals mediate between the prospective partners to, arrange meetings between them, and encourage them to get to know each other. Kesis Sisay commented that this is commonly maintained by people who practise customary marriage, especially by those who remarry.

To the question as to how they first came to know each other, the 30 married individuals around St. George Church and whom I interviewed responded as follows:

Table 5: Preliminaries through which respondents got married

Duration of Marriage	Preliminaries to the marriage			Sex		Total	%
	B.G.R	A. Ma.	Ama_	Male	Female		
1/2 - 6	10	1	-	4	7	11	36.67
7 - 11	9	-	-	5	4	9	30.00
12 - 14	2	3	1	4	2	6	20.00
17 - 20	-	2	1	2	1	3	10.00
26	-	1	-	1	-	1	3.33
Total	21	7	2	16	14	30	100

KEY: B.G.R. = Boy friend - girl friend relationship; A.Ma. = Arranged Marriage

Ten individuals (four males and six females) out of the 11 who have been married from half a year to six, and all nine (five men and four women) who were married from seven to eleven years, as well as two (one male and female) who have been married from 12 to 14

years, said that they got married as a result of their girl friend - boy friend relationship. One respondent, married from 12 to 14 years, said that he had cohabited with his wife before they got married, through civil marriage, as a result of the birth of a child. Two men who have been married from 12 to 18 years stated that they got married through *amaç* ("marriage by brokerage"). One of these, Ato Bekele Alemu, 59 and a father of five children, recited how he got married.

I came to Addis Ababa from Inchini, my country [from his birth place] to look for a job. Firstly, I became a daily labourer in a quarry. Then, I started to work for Varnero Construction Company as an assistant to a mason. I myself became a mason afterwards. Since I was fed up with licking plates [not being satisfied with the food] at hotels, I consulted a woman who was my neighbour to find me a wife. After some time, I married through the *ama_inet* ["marriage brokerage"] of this woman.

The man who attained a 26 year married life said that he had got married because he had to accept the marriage arranged by his mother. He explained that he was the only son to his parents and it was after his father's death that his mother prodded him to marry to replace him and herself in time by begetting children.

Among individuals who are free to select their mates, there is a tendency of getting married to those who have better income and education than themselves. This is particularly true for women. This has rendered marriage one of convenience, a phenomenon that some individuals frown upon as something that is debasing marriage. Marriage for these people should be based on love which, to quote Burgess {(1963) [1971:368]}

The sentiment of love varies from infatuation, which is almost as fleeting as it is intense, to a companionship in which two personalities are united in a lifelong union. The sentiment of love may contribute markedly to early adjustments in marriage, and it may promote family unity over an extended period.

Love would be long-lasting if it has financial security, however. On the other hand, it is not uncommon to see people who married primarily for economic reasons developing love and affection in the course of their married lives.

According to my informants, in earlier times in Addis Ababa, marriage was not only arranged by parents and relatives but also the newly-wed couple would, especially Orthodox Christians, establish their new residence nearby the parents of the man. This has now virtually disappeared in Addis Ababa where neolocality has become the norm, confirming Goode's and Stark's theory that modernization or industrialization correlates with free choice of mate selection in urban areas. Among others factors, individuals are no longer dependent on their parents or extended family as they can earn their living on their own. Secondly, neolocality presupposes free choice of mate and Addis Ababa are no exception, since Orthodox Christians of Addis Ababa maintain neolocality.

It may be argued that these days predetermined marriage for the purpose of alliance is performed only infrequently in Addis Ababa among Orthodox Christians. And yet, alliance is still established through marriage based on free choice of mate selection; but it is after the marriage, unlike arranged marriage where alliance is established before or on the actual consummation of the marriage.

4.2 The Bridal Gift Giving Custom

In Addis Ababa a prospective husband, as an obligatory part of marriage, has to traditionally provide **t'ilosh** (bridal presents). He presents bridal gifts to his prospective wife in the form of clothes of various types and jewellery, usually of gold, consisting of necklaces,

bracelets, earrings and the like. The bridal gifts are handed over by the best men, on behalf of the groom, to the bridesmaids on the bridal-gift-giving ceremony arranged on the eve of the wedding day at the house of the bride's parents.

Kin of the couple also give them different valuable presents mostly a week before and after the wedding day as a sign of good wish for the success of the marriage. The gifts range from household utensils to cars and houses. Cars and houses are usually given to the couple by rich parents and close rich relatives. Kesis Sisay told me that in the olden days parents gave to their marrying sons or daughters some money and less valuable things as compared to the current situation. **T'ilosh** was also limited to a ring and lesser qualities of presents as compared to the current ones.

These days, however, a groom is expected to present very expensive gifts for his bride. If he does not have the money, he may be forced to borrow to make them available. The customary ceremonial display of the bridal gifts to the relatives and neighbours makes the presentation even more obligatory. To this effect, couples with less income, especially the bride, borrow some items such as golden earrings, necklaces, bracelets or other items which the groom or the couple cannot afford to buy. Borrowed items would be returned to the owners after the display implying a sort of "make believe theatrics." This is done by couples who do not have an adequate income or who dislike spending money for this purpose.

During the ceremonial display, the gifts would be taken to the house of the bride's parents. Upon their arrival, wedding songs are sung by the best men in the presence of the bride's relatives, neighbours and other friends who are invited to the bridal-gift-giving ceremony. Then, each of the items are displayed one by one.

The purpose of the display of the items helps those who gather to see what qualities and types of gifts the groom presents to the bride. The gift symbolically signifies how much the bridegroom respects the marriage and loves the bride. It also indicates his prestige in directly showing his capacity to economically support the marriage without difficulties. Those at the display would be discussing the quality and quantity of the gifts displayed, eventually telling others about these gifts. During the bridal gift-giving ceremony, there is a joking relationship between the bridesmaids and the best men. The bridesmaids jokingly confront the best men by raising questions related to the fulfilment of the bridal gifts claiming that some items are missing. In one of the bridal gift giving ceremonies I attended, there was a seeming enmity, but actually an amusing one:

First best man: Sorry, we have arrived late because the aeroplane was delayed at one airport [flattering and quickly opening two baggages with the other three best men]. This is a bracelet! This is a necklace that has only been worn by Queen Elizabeth of Great Britain. [In the meantime, one of the bridesmaids mockingly steals one of the shoes which the bride is supposed to wear on the wedding day].

First bridesmaid: [when the best men starts displaying the bride's gown and her shoes] Where is one of the shoes of the bride? Do you think that she is one legged? Are you insulting her? [The best men were confused].

Second best man: It is you who must have stolen it.

First best man: If we watch the video we can show everybody in this gathering that you have stolen it.

Third best man: We thought that our brother's [friend's] fiancée's people would be trustworthy, but....

A woman (a relative of the bride): No, you cannot trick us by talking like that! You have to make the shoe available within a short time. You must make someone a guarantor until you bring it.

First best man: [bowing to one elder] Please, I would like you to be my guarantor till we bring the shoe.

The man: Ok! But you must bring it in the morning so that the bride can wear it on the wedding occasion.

A woman: [after some moments] You have not brought brown shoes which fit these two dresses [showing two brownish dresses].

First best man: overlook this simple thing, our son [friend] has given his life [to live with the bride through his life] to her.

First bridesmaid: No! You must also make somebody a guarantor until you bring the right type of shoes which fit the dresses.

First best man: [again bowing to an elder] Please, be my guarantor.

The man: But this would be the last time that I accept to be your guarantor.

The best men showed each bridal gift to the gathering and the people attending were clapping their hands in appreciation. The ladies were joyfully crying the usual *ililita* (ululation). This was also done in the other three bridal gift-giving ceremonies I attended. Generally, this custom is common among Orthodox Christians in Addis Ababa. Bridal gift-giving ceremony is generally part of the three forms of marriage, especially for first marriages. According to Kesis Sisay, the form of customary marriage known as *indemist besemania-indeserategna bedemoz* marriage does not involve the giving of bridal gifts.

One can argue that the giving of bridal gifts or *t'ilosh* may be regarded as a sign of commitment by the groom to the bride. According to Pankhurst, A. (1992:228) which was conducted among settlers (whose origin is Wollo) in Qéto, South-western Welega province, the custom of presenting bridal gifts, particularly giving bridal dress, is a sign of commitment by the groom to the bride. He states: "The dress was the standard form of compensation, a

way for women to obtain a share of common property, or argue for divorce, and a symbol of commitment to the marital relationship and ultimately a life in the village."

Another point to be noted here is whether **t'ilosh** is to be considered as bridewealth or dowry. According to Goody (1973:1), bridewealth and dowry are marriage payments which may also be referred to as marriage transactions. Tylor (1973:251-2) argues that bridewealth and dowry are the means to ratify a marriage. He States:

Aside from wedding ceremonies, there are many means of ratifying a marriage relationship. Some kind of property transfer is found in all parts of the world, frequently in the form of what anthropologists call either bride price or bride wealth. This is paid by the groom's relatives to the bride's relatives not only in compensation for the woman's loss but also for the loss of the children she will bear.

As to dowry Tylor also states: "The dowry is a substantial transfer of property from the bridal group to that of the groom --just the opposite of the bride price [bridewealth] (Tylor, 1973:252).

Since **t'ilosh** is a bridal gift given by the groom to the bride it does not involve the flow of significant property to either of the couple's group. The gifts are meant for the exclusive use by the bride. Consequently, **t'ilosh** is neither dowry nor bridewealth.

On the other hand, dowry is practised among people of the Tigray ethnic group in Addis Ababa though its form is not similar to that practised in Tigray province. According to Asmelash, (1995: 70-71; also Kiros, 1995: 111), dowry in Tigray comprises primarily of livestock (mainly oxen). Asmelash also told me that the practice of giving livestock as dowry is prevalent in rural Tigray while in the urban part it takes monetary form. Likewise, the form of dowry in Addis Ababa takes place mostly in monetary forms though affluent parents of brides give items such as cars and houses and a considerable amount of money. Ato Mehari

Firdu, 57, who belongs to the Tigray ethnic group and who is an owner of a legal consultancy office around the St. George Church explained about dowry:

The Tigrian speakers [people of the Tigrian ethnic group] in Addis Ababa maintain both **t'ilosh** and **gezmi** [dowry]. A groom is expected to fulfil **t'ilosh**. The parents of the bride give to the groom **gezmi** [dowry]. This is given on the third day after the wedding at the house of the bride where **mäls** [a feast prepared at the house of the bride's parents to welcome the marriage] is arranged. As opposed to Tigray province where things such as cattle and pack animals are given to the groom, here in Addis Ababa parents of the bride give mostly money by putting it in an envelope. The money can be in thousands or hundreds depending on the income of the bride's parents. Those affluent one's may give a car or a house as **gezmi**.

4.3 Weddings and Their Arrangement

In Addis Ababa, wedding celebrations vary again depending on the income and interest of couples. Some prepare big ceremonies with big feasts and others prepare cocktail or even tea parties for their weddings. As a recent phenomena, there are some people who simply distribute cards to their relatives and friends announcing their marriage rather than arranging elaborate ceremonies. Individuals who prefer this are usually either poor or those who do not want to spend a lot of money on wedding ceremonies. The latter group of people prefer to allocate the money for the purchase of other necessary household materials. On the hand there are those who do not have the resources but still prefer to be indebted than to marry without big ceremonies. Such individuals seem to believe in the saying that "a poor wedding is a prologue to misery." So, they have to give big feasts during their marriages, even if they have to borrow the money for this. These days it has become common for government employees to borrow money for their wedding ceremonies from credit and savings associations in which they are members. Obviously, this has tended to put many newly married couples in

considerable financial difficulties, to say nothing about the emotional ones. They find it very difficult to extricate themselves from what appears to be perpetual indebtedness. Individuals who borrow from their friends or relatives are required to pay it back within a specified time, though some pay on an instalment basis. As for government employees' who borrow money for their wedding ceremonies from credit associations, Ato Alemayehu Kassa, the Head of Addis Ababa University Employees' Credit and Savings Association had the following to say:

Credit and savings associations lend money for members who need money in case of financial hardship during sickness, house construction, wedding ceremonies and the like. A member can borrow 1/3 of the amount of money that he or she can repay within 72 months. For example, if a person's monthly salary is 500 **birr** he can borrow 8,200 **birr**. This is true for all government employees of the country, since the associations are established according to government decree.

Thus, some individuals may be indebted up to seven years. This is true especially for those who want to have big ceremonies who thus need a large sum of money. There is a possibility for marriages to be dissolved because of the difficulties arising from this indebtedness and their inability to repay their loans. One such case is that of a couple that was being handled by arbitrators during the time of this study. The husband presented his marital problems as follows:

The conflict was caused due to the fact that I decreased the monthly household budget. This is because I faced financial hardship caused by the debt I borrowed from the Credit and Thrift Association of an organization I am working for. I drank up the money with my friends. Now, I have solved the conflict through the advice of elders at our locality and here the judge effected the reconciliation. The solution to our problem is achieved through the repayment of the debt I borrowed. Since I have been a member of the Credit and Thrift Association for the last eight years, I have had an interest which amounted to what I borrowed. So, I paid the debt and promised my wife to give the biggest portion of my salary for our monthly ration hereafter.

A similar case is that of a young couple who had borrowed money for their wedding from a relative of the husband. The husband presented the problem as follows:

We were both students of the Addis Ababa Technical School Evening Program. We started a boy-friend-girl-friend relationship. She became pregnant unintentionally. To avoid the social embarrassment that would come out of a pre-marital birth to her, our friends, especially one of her relatives, persuaded us to get married. Then came another trouble of how to finance our wedding. Because she wanted a big wedding she prodded me to borrow seven thousand **birr** from my late uncle who was an owner of a bar on the condition that both of us pay the debt from our monthly salary on a instalment basis. After paying a certain amount of money for three months, she refused to pay by saying that she must support her parents and that wedding expenses must be covered by husbands, not by wives. Then, this grievance intensified and I divorced her.

The participation of relatives and friends in the arrangement of marriage ceremonies is indispensable. Some relatives, typically parents, cover the expenses of wedding ceremonies of their sons or daughters. Some relatives lend money to their kindred to cover wedding costs. Besides this financial assistance, relatives, neighbours and friends share the responsibility for technical arrangements of the wedding ceremony such as printing and distributing invitation cards, and preparing and arranging feasts. With the exception of four individuals who got married without wedding ceremonies, out of the 30 individuals whom I interviewed, 26 interviewees said that their relatives, friends and neighbours participated in their wedding ceremonies. Sometimes family members who contribute money for the groom or bride participate in the decision of how and how much money should be expended. In some cases, disagreements ensue regarding the type of ceremony to be held and the amount of money that could be expended. One informant, 34, who has been married for six months, narrated as follows how his step-mother attempted to interfere in his marriage arrangements:

My wife and myself are government employees. We had taken considerable time in discussing and planning how to celebrate our wedding. Since I got

some money from my part-time job and since my wife also got additional money from her relatives abroad, we reached an agreement to pool our money together and to celebrate our wedding with a cocktail party without any debts. However, my step-mother was so conservative that she was not happy with the decision because she wanted to arrange a big feast by squandering my money. I tried to convince her by explaining the negative consequences of spending too much money for wedding ceremonies. However, she was so stiff-necked that she was crying repeatedly, telling everybody that I failed to do so because she is not my mother [biological mother]. My half sister, who had been very intimate with me, eventually took her side. She became emotionally sympathetic to her mother to the extent that she in turn influenced her wishy-washy husband, who works as a Third Secretary of one of the embassies in Addis Ababa, to quarrel with me. Since he abused me I sued him in the police station. The case was referred to the Ministry of Foreign Affairs because the accused person is a diplomat and the dispute was eventually settled through a seeming reconciliation. Even though I succeeded in having a very spectacular cocktail wedding ceremony through the cooperation of relatives and friends, I abandoned any relationship with my step-mother, my sister and her husband thereafter.

Relatives and friends are also indispensable with respect to the logistics of wedding ceremonies. It is they, especially the women, who play essential roles in preparing various types of food and drinks, often local drinks such as **t'ella** and **t'ejj**, for the wedding feast. Both men and women serve as hosts and hostesses to the invited guests. For weddings arranged at the houses of marrying couples, men mount big tents and furnish them with sufficient amount of chairs and tables. Often, they also provide the plates, bottles, glasses and other necessary utensils. Since no relative or friend can have as many of these utensils, especially in the case of bigger feasts, nowadays these items have to be rented from private shops, **idirs** (burial associations), bars, hotels or government employees' clubs.

Should the marrying couple prefer to hold their wedding ceremony outside of their own or their parents' houses, they will have to rent suitable halls. The amount of money paid for the rent varies from hall to hall and the size and furniture with which a hall is equipped and

the duration of the ceremony. Government employees' clubs' halls are cheaper than renting the halls within bigger hotels. The preference of which hall to rent depends on one's taste and resources and the number of people to be invited. Marrying couples who are government employees prefer to have halls of their respective or other employees' club.

For instance, the Addis Ababa University Restaurant Hall can hold about 500 guests and the rent is 400 **birr**. According to Ato Tilahun Tadesse, the supervisor of the Ethiopian Electric, Light And Power Authority Employees' Club, the largest hall among the clubs in Addis Ababa is the one he serves. It can hold up to 3000 people and its rent is 700 **birr**. He added that two sets of couples could and do rent this hall. This helps the two couples to save money from the expenses they would have incurred as single sets. People who rent government employees' clubs' halls and parks for their wedding ceremonies are mostly middle income earners.

Due to the relatively cheaper cost of renting halls of clubs, people rush to them. Prospective spouses have to secure a hall by paying the rent in advance, deciding the date of the wedding ceremony according to the availability of the hall. Otherwise, marrying couples may pay more money to rent halls of individually owned bigger bars, thereby incurring unexpected costs. As has been mentioned in the preceding chapter, arranging wedding ceremonies at the contract signing parks of the CCAA is also cheaper. According to my informants, any person can rent one of the places within the park, regardless of the form of marriage one chooses. Besides, persons who sign civil marriage contracts at the parks can celebrate their wedding ceremonies either at the time of their contract-signing ceremonies or later. These people too have to pay the rent earlier, before the day of the ceremony.

For comparative purposes, in the halls of bigger hotels such as, for instance, the Hilton, marrying couples are obliged to pay according to the following classifications. For people who arrange a cocktail party, an entrance fee of 55 birr is paid per person. Those who arrange lunch and dinner feasts are required to pay 65 and 75 birr per invited guest respectively. This hotel hall has an adjustable partition and it can hold up to 1500 people. In general, a wedding arranged in such hotels is costly and it is feasible only for the affluent.

Along with the expenses of wedding feasts, the costs of the ceremonial clothes and a decorated car for the groom and bride are other expenditures. The groom must rent a gown for the bride from private shops. The rent for the bridal gown ranges from 1,000 up to 2,500 birr for a single ceremony (one day usage) depending on its quality. Surprisingly, there is no opportunity for the groom to rent a suit and he is obliged to buy a brand new one from the market. The price for a suit again depends upon the quality and suitability. One cannot find a woollen suit for a groom below 1,000 birr.

The best men and the bridesmaids are also expected to buy ceremonial clothes. Even though some affluent individuals buy the required clothes for their best men or bridesmaids, generally these people have to fulfil what is needed from them in making their friends' weddings colourful. It has become common for marrying people to look for individuals who can be their bestmen or bridesmaids very early before their wedding ceremony. Due to the expenses of the ceremonial clothes, there are situations in which marrying individuals can hardly find bestmen or bridesmaids to the extent that those who had promised to serve as such may back out by giving several reasons as pretexts.

Generally, three best men and bridesmaids are needed for a wedding, though recently some prefer to have one more. There are also other expenses beyond buying suits customarily expected to be covered by bestmen. For instance, best men are obliged to buy special perfumes to be sprayed on the occasion. There is a wedding song which portrays the importance of the quality of the perfume the best men have to buy: "**Arre mizéw deha nāw, shitow wouha nāw**. It literally means: "The bestman is so poor that his perfume is water."

Duvall and Miller (1985:126) say that many couples think obsessively about how to plan their weddings. Even though the writers agree that a wedding is important as an event, they note that elaborate weddings can cause financial problems. Referring to the work of Roessing regarding American wedding costs, they say that

The president of the Association of Bridal Consultants sees weddings as a major industry in the multi-billion dollar class, with annual expenditures for such things as catered food and drink, flowers, rings, weddings and bridesmaids' gowns, luggage, and the money etceteras totalling literally billions of dollars every year.

Among other costs beautifying materials, fireworks of various types and festival sprays have become much more common to make a wedding ceremony colourful. Fireworks, one of the newly imported practices, are becoming increasingly common at wedding ceremonies in Addis Ababa, perhaps indicating that other practices of Western cultures may soon be introduced, thereby raising further the expenses of wedding ceremonies. Collins (1988:62) shows the American wedding ritual elements as follows:

Our wedding customs include many ritual elements, the church ceremony itself, the bride's white dress, throwing rice on the couple as they emerge from the church, tying tin cans to their car, the bride's throwing her wedding bouquet to the maids of honour. In other societies, the rituals are quite different.

Collins further indicates that some marriage customs have ancient origins. We can compare a wedding ceremony of ancient Greece with one of the medieval period in Europe discussed in chapter 1. That is, a bride was supposed to wear a religious robe and she was escorted from her family of orientation up to her family of procreation in Greece. Similarly, in medieval Europe, a bride was supposed to wear a red gown, indicating celibacy, a condition that was highly valued. The red gown was replaced by a white one in the 1800s. The custom in which a bride is supposed to wear a white gown during a wedding occasion in Addis Ababa is an imported cultural trait. Indeed, the various wedding preparations such as wedding gowns, parades, fireworks, and other ceremonial decorations that we encounter in Addis Ababa these days are assimilated cultural elements from abroad, since according to my informants, these were not found in the olden days of Addis Ababa.

Due to the skyrocketing marriage costs on the one hand and the obligation to meet traditional expectation on the other, the giving of bridal gift (**t'ilosh**) has become simply an exercise in "make-belief theatrics." In the early days, the groom was obliged to present clothes to the parents of his bride in addition to the **t'ilosh** he had to give to his bride. These days, however, though the groom is obliged to present the wedding ring and other small items to the bride, most other articles are collected by the bride herself either by borrowing them from friends or relatives or, if she has the money, buying them from the market.

In addition to the rising wedding costs along with the general soaring living costs, the competition to show one's prestige and status through expensive weddings plays a major causal role in rendering weddings very lavish in the city. The coming of many Ethiopians, who live in the United States and Europe because of the diaspora of the 70s and the 80s, in

search of brides and/or to celebrate their marriages in their homeland and its subsequent effect in introducing new elements to the already existing marriage customs is also notable in raising people's expectation to have expensive weddings.

Technology has also its own impact on marriage celebrations. The photograph and video requirements in marriage ceremonies mark how marriage customs change with changing technology since the requirements, particularly recording the marriage ceremony with a video camera, is a recent phenomenon. The impact of this technology has resulted in hired video and photograph men becoming the masters of marriage ceremonies, a role that had formerly been the exclusive domain of close relatives or friends.

As a new development, I think, there is a general feeling among the public that marriage ceremonies should be moderate. A panel discussion was held in the summer of 1997 concerning this issue at the Imperial Hotel. The participants of the panel discussion deliberated how to introduce the tradition of arranging less costly and cheap weddings. To this effect, a mass wedding ceremony was arranged for 128 couples in Addis ababa on May 3, 1998, sponsored by Lucy Entertainment Agency. Even though the objective of this private enterprise is not clear, its demonstrative effort to enlighten the public develop and get used to the tradition of having a moderate and less costly marriage ceremony is not insignificant.

With regard to marriage seasons, most people marry in the months of TIRR (January) and Miazia (April), and Saturdays and Sundays are preferred, apparently because they are non-working days. In the parks of the CCAA, the number of couples who sign marriage contracts on Wednesdays and Fridays are small. This is because those days are fasting days for Orthodox Christians. On February 18, 1996 (Saturday), I observed a couple appealing

through the best men to the Ambassador's Park Marriage Contract Signing Officer, W/ro Tsige Tekle because the couple had mistakenly scheduled to sign the contract on February 17, 1996 (Friday). However, even though the appointed time had been Friday, they went to the park on Saturday. W/ro Tsige was explaining that such a delay creates trouble for other couples who sign their contract according to their appointed day and time. After some argument, they were given the chance to sign.

Similarly, most people fear lest they should encounter misfortune by marrying in **Ginbot** (May). "Marriage is rarely arranged by Ethiopians in May, because it is widely believed that a couple married in this month will become poor, or die too soon." (Ezra, 1970:111). I talked to Lik'e-birhanat Kelemework Meressa, the Vice-Judge of the Canonical Supreme Court of the Ethiopian Orthodox Church who explained the reasons why **Ginbot** is associated with bad luck:

There is a belief among Orthodox Christians of the northern part of the country that wood cut for house construction in **Ginbot** is exposed to termites' attack. This belief is extended to the preference not to arrange marriage in **Ginbot**. It is believed that people who marry in **Ginbot** may not procreate offspring or their children may be feeble. Since from **Hidar** 16 up to **Tahisas** 29 [end of November and beginning of January] is a Christmas-fasting time and the month of **Yekatit** and **Megabit** [beginning of February up to end of March] is the time of **abiy-tsom** [Lent, the longest fasting season of Orthodox Christians], **Tir** (January) and **Miazia** (April) are preferred for weddings.

The actual wedding ceremony starts when the bride has been adorned and when the groom comes to take her from her home. At the arrival of the groom, his escorts, and his best men at the bride's parents' house, wedding songs reach their climax. At this particular time, a special song which marks the occasion and which involves a simulation of seeming hostility between the groom's and the bride's group is sung. Usually such a refrain is sung:

"**anasgebam sergegna idej yitagna!**" meaning: "We won't allow the groom and his escorts to come inside, let them sleep [stay] outside". This confirms Radcliffe-Brown's observation of African wedding ceremonies. It customarily reflects the unhappiness of the bride's relatives and friends at her impending absence from her group. As a prestige marker for the bride, there is also a special song. The refrain is "**yegna mushira kuribachew bengliz anagriachew**", meaning, "Show them your pride, our bride, speak to them in English". In this country, it is generally assumed that to speak English one must go to school and learn the language. The phrase may be an evidence of the increasing importance of education in mate selection and marriage as a direct effect of modernity on established traditions.

On the way to the place where the bride is waiting for her groom and on the way to a picnic (which is optional) hall or to the groom's house after the ceremony, the couple will be escorted by vehicles with horns honking and lights flashing. Upon the arrival at a hall where their guests are waiting, the couple is led by two pages with lighted candles accompanied by one or two confetti-throwing girls. The couple, with their best men and bridesmaids, take their respective decorated places. The guests sing various songs accompanied by a band. It has become common to see the couple cutting the wedding cake and opening a bottle or two of champagne at any cocktail wedding party. It appears that the presence of a band is essential for wedding ceremonies with cocktail parties. The cost for a band depends on its reputation, on the fame of its singers and on the duration of its performance. The payment for music bands generally ranges from 800 to 3000 **birr**. If the band is delayed beyond what has been agreed upon, the cost rises accordingly. In one of the wedding ceremonies I attended at the Armed Forces' Officers' Club, the band stopped playing

music suddenly by announcing that the band leaders wanted to speak with the best men. Since the incident occurred at the commencement of the cake-cutting ceremony which needs to be accompanied by a special melodious song, everyone in the hall was astonished. After the discussion between band members and the best men, which took some time, the playing resumed. Later, the band leader explained the incident to me as follows:

Our agreement was to play from 5:30 p.m up to 7:30 p.m and we were paid 1,050:00 **birr**. We gave them a two hour service and, as you can see the time is 7:45 p.m and **mushirochu** (the bride and the groom) have not yet cut the cake. Since asking for payment after giving service creates conflict in business, we opted to discuss the matter with the best men of the wedding before the end of the ceremony. Now we have, therefore, reached an agreement to continue playing up to the end of the programme since we are paid an additional 300 **birr**, which is fair.

When the wedding ceremony ends, the marrying couple will be escorted to the groom's house where both are to live together from that day onwards. Here, again various songs are sung and a dinner party is arranged. After the dinner is served and after the wedding songs end, the couple go to their room (**ćagula-bet**) which is decorated for the occasion.

The next morning the best men go to the bride's parents home and declare the physical consummation of the marriage. This is to give veneration to her parents' proper rearing of their daughter. It is implicitly understood that the issue of virginity is considered here. This is because certain value is apparently given to virginity in marriage, especially in the rural parts of the country and in the early days of Addis Ababa. The best men present **ts'igereda** (red roses) to the bride's parents, the roses symbolizing the fact of her virginity. Songs related to virginity and defloration are sung. The usual refrain is "**isti amt'aw yedemun shema**", (literally, "bring the cloth stained with blood". This would be over after the best men are invited to food and drinks along with relatives, friends and neighbours of the bride.

After all these performances, **mäls**, a feast prepared to welcome the union of the newly wed, is prepared by the parents and relatives of the bride. Then, a feast which is called **k'ilik'il**, marking the union of the couple's families and relatives, is prepared by the groom's parents and relatives.

4.4 The Impact of Socio-Economic Obligations of Marriage Customs

The socio-economic obligations discussed above, particularly the money needed to finance the fulfilment of the custom of bridal-gifts (**t'ilosh**), the wedding ceremony and the feast, the requirement for neolocality are some of the main factors contributing to late marriages in Addis Ababa.

The City Council of Addis Ababa marriage record shows the trend of age at marriage in the capital.

Table 6: Ages of individuals who performed civil marriage from 1992 up to 1995

Age Group	1992		1993		1994		1995		Total	%
	M	F	M	F	M	F	M	F		
15-24	65	430	44	516	17	481	390	918	2861	10.34
25-29	710	956	953	941	1180	1201	2566	2803	11310	40.87
30-34	790	620	1002	861	1226	1206	1086	1020	7811	28.23
35-39	577	219	587	400	514	167	901	303	3668	13.26
40-44	167	99	210	83	166	59	281	196	1257	4.54
45-49	37	24	41	39	28	13	61	53	296	1.07
Above 49	36	30	41	38	59	63	105	97	469	1.69
Total	4,756		5,756		6,380		10,780		27,672	100

Source: The City Council of Addis Ababa (tabulated by the researcher)

If we compare the proportion of marriages within each age group of the above table, the number of marriages decreases with the increase in age, especially above the age of 34. This fact is even more related to the ages of females. The assumption is that more females than males tend to marry earlier within child bearing ages. The table also indicates that the proportion of people who performed civil marriages above the age 24 is 89% and above the age of 29 is about 48%. It can, therefore, be shown that most people who perform civil marriages marry at a late age. This can be contrasted with the minimum age (for men: 18

years; for women: 15 years) at which the legal marriageable starting age is acknowledged by the Ethiopian Civil Code (article 581, No.1).

The residence pattern could be one of the reasons of late age at marriage. Even though patri-and matrilocal residence arrangements are insignificant, Orthodox Christians of Addis Ababa in general maintain a neolocal residence pattern. Prospective spouses are expected to set up their own domestic units, leaving their family of socialization (orientation). Girma Demissie (1994:21) states that this norm along with the problems of unemployment and expenses for bridal gifts (**t'ilosh**) causes postponement of marriage in Addis Ababa. On the basis of questionnaires filled out by sixty employees of the Ethiopian Electric Light & Power Authority in Addis Ababa, he confirms that the majority of them were forced to postpone their marriages until they obtained their own quarters for family formation. Based on questionnaires filled by 40 state hostel residents of Addis Ababa, Kerealem (1989:17) also notes that the majority of the respondents stated that they were not able to get married when they wished due to the lack of residential houses convenient for family formation. Even though it does not explain the cause, the 1984 population and housing census (Analytical Report on Results for Addis Ababa, 1987:16) reflects on the late age at marriage in Addis Ababa.

An examination of the marital status of the population of the city suggests late age at marriage. The proportion of females married at ages 10 to 14 and 15-19 was small (1.9 percent and 5.5 percent, respectively) and by age 20-24 slightly less than one-third of the females were married. The highest percentage of married males was found in the age group 45-49 while the proportion of married [marriage] among females is highest in the age group 35-39. (Population and Housing Census of Ethiopia, 1984: Analytical Report on the Results for Addis Ababa, 1987:16-18).

Considering what Duvall et Miller (1985:24) state regarding the life cycle of the family, it is not difficult to discern the possible negative consequences of late-age marriages, especially on the proper upbringing of children.

The family life cycle may be divided into few or many stages on the basis of several factors. It is possible to think of a two-stage family life cycle: 1. the expanding family stage, in which the family is taken from its inception to the time when its children are grown; and 2. the contracting family stage, in which children are being launched by the family into lives of their own and in which the family continues to contract through the later years until only one or both of the original pair still remain at home.

If, for instance, a government employee marries at the age of 38, he may have a 17 year old son at the time of his retirement. In this country it is known that at the age of retirement, one's income decreases by 40%. At the time when a retired person has grown up children, he or she would hardly be able to support them financially. This is even more severe in families with many children. The following case of Ato Shishige G. Mariam, a widower, 56, a father of 4, who just retired a year ago after a 21 year service from the Ethiopian Electric Light and Power Authority can clarify this point:

I earn 304 **birr** pension allowance. My wife, whom I married at 35 immediately after I got a permanent job, died two years ago. My first child, a daughter, 18, has just completed high school and has no job. My second child, a son, 16, is a ninth grade student and goes to the Ethiopia Tikidem No. 1 School where there is no tuition fee. However, my other two sons go to the New Era Public School where tuition fee is paid. The one whose age is 14 is a fifth grade and the one whose age is 12 is a fourth grade student. When I was an employee, I used to earn additional money most of the time because I used to work over time. On average I used to get about 900 **birr** per month. Hence, I did not have financial problem. These days as a pensioner, however, I earn a small amount of money and living expenses are skyrocketing so that I can hardly fill the bellies of my children. I have now the intention to send the two children to a government school [here, no tuition fee is paid]. If this is not possible, because a lot of parents send their children to government schools, and if I am not able to get spaces for my children, I will be forced to make them remain at home, I cannot help it.

Having considered how marriages are established, the next chapter will dwell on marital conflict and conflict resolution among Orthodox Christians in Addis Ababa.

children and living somewhere else. The defendant was telling the court that they had torn up their marriage certificate by mutual consent. The woman explained that she had not agreed. Then, the judge pointed out that a marriage cannot be dissolved by simply tearing up the contract without the court's approval. Since the reference to the contract indicated that the husband acknowledged the marriage, the court ordered the couple to select family arbitrators. For partners who mutually forward an application for divorce to the court, the latter approves it after determining that the couple are really husband and wife. This is usually ascertained through a marriage certificate.

As to divorce requested by one of the partners, the court makes the plaintiff deliver a summons to the defendant. In the presence of both parties, the court raises questions such as whether the defendant recognizes the plaintiff as his or her spouse and whether or not the plaintiff can present a marriage certificate. Some individuals present unsubstantiated accusations against people who are not their spouses. In **woreda** one court, I observed one such case on September 18, 1995. The defendant denied that the lady plaintiff was his wife. The judge gave an order to check the authenticity of a religious marriage certificate presented by the plaintiff. The concerned church replied that the certificate was fake. The court, therefore, invalidated this wrongful accusation.

When a defendant denies a marriage and the plaintiff cannot present a marriage certificate, the court examines the matter. The process is related to the following article of the Civil Code (Art. 699):

Possession of civil status: 1. In default of the record of civil status, marriage is proved by the possession of the status of spouse. 2. Two persons have the possession of the status of spouses when they mutually consider and treat

themselves as spouses and when they are considered and treated as such by their family and by society.

As to the actual investigation of whether two persons are married or not Ato Aklok Nekatibeb, a judge at **Woreda** nine court, explained:

In identifying whether a marriage claim is true or not, we first ask a plaintiff to present a marriage certificate when a defendant denies a marriage. If a plaintiff cannot present a certificate, we carefully examine through the following methods: 1. We check the records of **k'ebele** office or **idir** of the plaintiff or the defendant whether they have been registered as husband and wife. 2. We also check through three witnesses, neighbours or acquaintances who know about whether or not they knew the couple to be married through, for instance, a feast or a small coffee ceremony, as a marker of marriage.

Ato Aklok also commented that an individual cannot claim that someone is his or her married partner even if they live together and beget children without a marriage certificate or a witnessed wedding ceremony.

It may be difficult for a plaintiff to get a document from an **idir** to prove that a defendant is his or her spouse. On September 25, 1995, I observed a woman who had been ordered to bring a document of marriage from her **idir** to **woreda** 10 court. On this date she was complaining that the elected **idir** officials had not cooperated in giving her the required document because they were in favour of her husband. Ato Girum Ayele, judge at **woreda** eight, gave an appointment to see the case again by saying that the court would write a letter to the concerned **k'ebele** office to bring the couple's file to verify whether they were married or not.

The court also tries to reconcile litigants by giving advice to them. The case which I observed at **woreda** 10 court on September 14, 1995, was seen for the second time on

September 18, 1995. That date was appointed for the couple to report whether they had selected their family arbitrators. The judge tried to reconcile the disputants by reiterating that their children would suffer and that the couple themselves would face problems. However, since the couple refused to accept his advice, the judge referred the case to their arbitrators. I also observed a successful court reconciliation at **woreda** nine court on September 8, 1995.

5.1.2 The Mode of Arbitration

Family arbitrators try to mediate between quarrelling couples to resolve marital disputes. However, the Civil Code of Ethiopia shows that the court simply announces divorce by approving the suggestions of the family arbitrators when they make such recommendations.

Family arbitrators also determine the custody of children and the division of marital properties between a couple during divorce and make recommendations to the court. It is codified that children under the age of 5 are given the chance to stay under the custody of their mother (Article 681). The father is obliged to pay a certain amount of money based on his income, depending on the recommendations of the arbitrators and the approval of the court.

The council of family arbitrators, as a rule, consists of five elders one of whom will serve as the chairperson or "main judge". A disputing husband and wife select two elders each, including the chairperson. If the couple is not able to get a chairperson whom the two spouses know and agree upon, the court assigns someone considered experienced. Usually marital conflict resolution is conducted on weekends and on holidays.

The manner of conflict resolution requires the quarrelling couple to express their grievances to the family arbitrators who meet to settle the dispute. First of all, as an ethical matter, the arbitrators advise a disputing couple to be reconciled. Hearings involve the couple expressing their complaints in such a way as to reach the sensibilities of the arbitrators. The arbitrators raise questions to the couple on unclear allegations. After each hearing, they discuss points raised by the couple without the latter's presence. Litigants are also required to present evidence or witnesses for every accusation, i.e. the cause of their marital conflict. The following are very brief, illustrative cases that were observed for this study.

Case 1

The couple had been married for one year and two months. The wife, 24, accused her husband, who was 27, of kicking her and their one child out of the house. On the other hand, the husband claimed that she always abused him and his mother who came to visit him. He said that she also threw a knife to hit his sister. He generally accused her of bad conduct and of not knowing how to conduct her social life to the extent that she quarrelled with their neighbours. Both of the couple had their witnesses appear before the council. However, due to various reasons that caused a series of 18 appointments which took one year, the case ended without solution (see the table below).

The people involved in the case were the husband, Ato Alemu Sisay, 31; wife, W/ro Workinesh Teshale, 24; and members of the council of arbitrators (Ato Dinku Gari, 57, chairman; Ato Eyob Mindaye, 46, an elder on the side of the wife; Ato Malede Eshetu, 59,

an elder on the side of the wife; Ato Negash Mamo, 64, an elder on the side of the husband; and Ato Legesse Tesfa, 56, an elder on the side of the husband

Case 2

In the second case, the wife, 51, accused her husband of having left his home, after a 40 year married life, for his concubine. The man, 63, defended himself by saying that he left his home because she and one of "her" sons (the son also belongs to him) beat him with a heavy stick until he was soaked with blood. He strongly expressed the fear that if he were to start living with her again she would kill him. After the arbitrators examined the case for five meetings (three meetings were adjourned), they decided upon the divorce of the couple.

Case 3

The conflict in the third case was related to hiding the truth. The man, 33, indicted his wife for not telling him that she had given birth to two children before she married him two years ago. The wife, 26, at the first instance, tried to defend herself by saying that the accusation was false. However, after she was advised by the elders that her husband had evidence for his complaint, she accepted her fault. She explained that she loved her husband so much she failed to tell him the truth because she was afraid he might not want to marry her. After four sessions of arbitration the elders succeeded in reconciling the couple.

Table 7: Issues raised at the first case of marital conflict resolution attempt

Sess.	Date	Main issue raised	Decision of the council
1	18-6-95	The reconciliation idea was proposed but failed.	The couple were given an order to come next time with their litigation points.
2	29-6-95	Discussion was held on the amount of child-support money that the husband had to pay.	Since the litigants did not agree on the amount of child-support money that the husband had to pay, and since the elders took the sides of their respective litigants, the meeting was adjourned.
3	16-7-95	The council again discussed the child-support money and reached consensus.	It was decided that the husband should pay 50 birr for child-support.
4	23-7-95	The elders proposed that the couple forward a common application for divorce. The husband accepted; the wife disagreed.	Since the wife refused to dissolve the marriage before dividing common property, the meeting was adjourned until the wife would agree with the proposed idea after consulting knowledgeable individuals.
5	06-8-95	The wife brought a summons from woreda one court because her husband failed to pay child support. The elders discussed their arbitration money.	After deciding that the husband should pay 500 birr arbitration money, the meeting was adjourned to hear litigation points of the couple at the next session.
6	03-8-95	The case was not seen ⁹ because elders, one from each of the disputant's sides did not show up.	The meeting was adjourned for the next time.
7	24-8-95	The council conducted the hearings of the witnesses so that the wife could prove her accusation.	To identify the wrong doer, the husband was ordered to come with his witnesses to defend himself.

5.1.3 Arbitration Money

Quarrelling couples are required to pay a certain amount of money to the elders who arbitrate in their case. This is provided for by the Civil Procedure Code (Art. 318, No.5). The

⁹ The case ended without resolution after 12 adjournments including the sixth session especially starting from the eight appointment. The adjournment was caused, except for the ninth session where the witnesses of the husband were absent, due to the fact that elders of one of the litigants on both sides did not come to the arbitration.

fact that the amount is not fixed makes it difficult for quarrelling couples to pay arbitration money, which is locally called **abel**, and is often beyond the disputants' ability. Arbitration fees around St. George Church may be paid either on a session basis or as a lump sum at the beginning of the process. The amount of payment is based upon the quarrelling couple's financial capability and on the decision of the arbitrators themselves. The following Table shows the payments made in the five cases observed for this study.

Table 8: Arbitration payments made in five marital conflict arbitrations

Cases	Monthly income		Type of Payment	Amount of Payment	Total	No of sessions
	H	W				
case 1	300	--	u t c	250.00/each	500.00	18
case 2	326	--	u t c	125.00/each	250.00	5
case 3	898	602	p s s	250.00/each	1000.00	4
case 4	U1	569	u t c	500.00/each	1000.00	3
case 5	U2	--	u t c	1000.00/each	2000.00	9

Key: H = Husband; W = Wife; U1 = the income of the husband is unknown; the decision was given in the presence of the wife only; U2 = the income of the husband is unknown. He drives a mini-bus taxi which according to him belongs to his parents; utc = up to the end of the case; pss = per session

Even though disputants may bargain, the amount of payment is decided by the arbitrators. However, if the elders are not sympathetic, litigants would be forced to pay what

is fixed by the arbitrators. Out of the five cases, the highest arbitration fee paid by each of the couple was 1000 **birr**. As compared to the others, this fee was not fair, especially for the wife who was dependent economically on her husband.

The sixth case of arbitration I attended was for the division of the conjugal, or common, property of a divorced couple. For this arbitration, each of the couple was asked to pay an arbitration fee of 3000.00 **birr** for the entire case. However, the husband strongly argued and submitted a letter to the council of arbitrators that the amount was too much. After the council reconsidered the matter, it decided that each should pay 2500.00 **birr**. As to the fairness of the decision, the chairman said that the couple was affluent and that the council is arbitrating a division of common property worth 986,699.00 **birr**. He added that this case was tiresome to resolve and since the partners were rich, they must pay a fair amount of money for the arbitration.

In the data collected through interviews conducted with 30 divorced individuals (males and females alike), 21 of those who paid for arbitration service paid an average of 767.00 **birr**. The remaining nine divorcees did not pay for their arbitration. Three men and one woman got divorce through declaration of absence given to them because of their spouse's disappearance. One male divorcee reported that he got the divorce because his wife became insane. Four divorced women reported that they did not pay money for arbitration due to the fact that they did not have money. Two of them noted that their husbands were forced by the chairman of the council of arbitration to cover their respective wives' fees. The remaining two said that their councils did not force them to pay because they were poor.

Therefore, to get a reconciliation or divorce, quarrelling couples must pass through all procedures declared by law. This fits with Bohannan's second step in the process of divorce - legal divorce though with a distinction in the case of Addis Ababa. In his theory, he does not talk about marital conflict resolution. The Ethiopian law, as a principle, having the idea of resolving marital conflict through reconciliation or dissolution by council of family arbitrators differs slightly from the theory. The procedures of marital conflict resolution are often tedious. They will be discussed in the next section.

5.2 Conflict Resolution and Its Drawbacks

5.2.1 Conflict Resolution and Favouritism

As a matter of principle, the elders selected by both parties should arbitrate by treating the disputants fairly and equally. However, at times the elders appear to take the side of the litigant they are selected by. Often, the chairman's position can influence the rest of the members of the council of arbitration, though legally he has only one vote like any of the other members. The outcome of such arbitration is often the escalation of the conflict and among the five cases of arbitration attempts observed for this study, only in one was a successful reconciliation effected.

It is because of this that people say that some arbitrators are money-minded, that they arbitrate not because they are interested in arbitration but because they want to get money out of it. Observations for this study support this claim, since disputing couples invariably expressed their dissatisfactions with their arbitrators. For one thing, they claimed that they were simply forced to pay money to get arbitration services. Secondly, elders seem to be

interested not so much in effecting reconciliation as in what they can extract from the couple. For instance, W/ro Azalech Makonen, 51, a female litigant in the second conflict resolution attempt observed, expressed her feelings against the family arbitrators in the following words:

Elders are expected to effect reconciliation so that the quarrelled couple retain their marriage. However, these days the reverse has become prevalent. Arbitrations are expected to mediate in accordance with our tradition of arbitration. That tradition stipulates that elders try to reconcile quarrelling couples even by any means. These days, however, elders are not God-fearing. They rather arbitrate by swindling and making the already quarrelling couple angrier at each other. They ate [snatched] my money to resolve our dispute but they rather drove my husband to divorce me. The government must pay attention to avoid these deceivers.

There is also a suspicion that arbitrators take money in the form of bribes from spouses wishing to influence their decisions. Even an elder elected by a litigant can turn against his or her interest. Before the beginning of the second session of the first conflict resolution case mentioned earlier, the wife submitted a letter sent from the court saying that a woman arbitrator had been bribed. The message of the letter was that the disputant had replaced one of the elders on her side by a new one because she suspected the elder of favouring her husband. When the chairman of the council of arbitration announced the replacement, the elder shouted at the woman disputant, saying, "how do you suspect me of being bribed by your husband?" The woman elder indignantly and repeatedly said, "Where did I take a bribe from your husband?" The wife explained that she had her own reasons for the replacement. Then, the lady arbitrator abused her verbally. Since the replacement was approved by the court, the lady arbitrator had to leave the arbitration. I talked to W/ro Workinesh Teshale, 24, a mother of a child, after the end of the session as to why she did that. She said:

I elected the woman to be an elder on my side. However, on the first arbitration day in the afternoon [the arbitration was held in the morning] she

was talking with my husband without my knowledge. My elder brother with whom I am living now advised me to change her because he also saw that he [the husband] was also giving her a rolled paper (perhaps containing bribe money). So, I had to get rid of her.

There can be bribed arbitrators who prod one or the other of the couple to divorce or who favour one of them in passing decisions, although one cannot prove it without catching the wrong-doers red-handed. That is, a mere allegation without evidence simply remains a rumour. For that matter, this wife was penalized 100 birr on the day of the tenth arbitration session because she insulted the elders by saying, "You are bribed." She had, in fact, no grounds for the accusation. Her insinuations were caused by the fact that the elders had decided to adjourn the meeting for another day. The elders had their own reasons for the adjournment. That particular session was meant for hearing the testimony of witnesses. However, one elder from the woman's side, one out of three witnesses, and the husband did not show up. According to the elders, they could not conduct the arbitration in the absence of these individuals. The council noted that the couple themselves prolonged their dispute. It, therefore, passed the resolution that the wife had to persuade one of her elders, who usually did not come at the meeting, to do so or she had to replace him with another person. Similarly, the husband was ordered to urge all of his witnesses to come for the next appointment. According to Ato Aklok Nekatibeb, the arbitrators were right, because all the witnesses should give their testimony in turn on the same day in the presence of all the elders. Otherwise, if witnesses are heard at different times, the reliability of the testimonies would be questionable.

The large majority of the disputing partners (23 out of 30) also complained about the partiality of the arbitrators, favouring one of the partners in their decisions. They accused the

chairmen of the arbitration councils of taking either the husband's or wife's elders' side when voting on certain issues. For instance, W/ro Saba Menberu, 36, explained her grievance in the following words:

I was not forced to pay arbitration money because I have no money. The two elders on my side suggested that he (her ex-husband) should pay me 1000 **birr** in compensation. However, the chairman took the side of the two elders of my ex-husband and I got only 500 **birr**.

W/ro Yeshiwork Abate, 47, expressed her feelings against family arbitrators: "They unfairly decided that I should rear my four year daughter alone without my husband paying anything for her. Their reason was that I have a monthly salary."

Similarly, a male divorcee Ato Nigussie Molalign, 64, reported that a council of arbitration favoured his ex-wife in that the arbitrators had decided that he had to pay her 365 **birr** per month until divorce was secured and after that to pay her 200 **birr**. Ato Nigussie said that this was decided without knowing the source or amount of the income he earns. Another male divorcee said that through a majority vote of three to two, the council of arbitration decided that he should award to his ex-wife a **tejj-bet** (a local mead house) which this male divorcee said was established by him.

I also observed complaints which were made against councils of arbitration at the court of **woreda** 1, **woreda** 10 and 14. On September 19, 1995, a husband reported that the chairman should be changed, but the wife was against this idea. The plaintiff was arguing that the chairman was in favour of his wife. The judge postponed seeing the case.

On September 27, 1995, I also encountered a husband accusing the chairman of a council of arbitration. That is, the defendant was accused by his wife at **woreda** 10 court. The plaintiff's accusation was that her husband failed to pay her 200 **birr** monthly until the council

reached a final resolution, which award was decided by the arbitrators. The defendant was arguing that the council did not pass this decision. He was explaining to the court that it was the chairman who wrote the minutes and who cheated the two elders on his side to sign it. This judge also gave an appointment to examine the case at a later date.

Similarly, I observed a wife in the second marital conflict resolution attempt which I followed appealing to the court and saying that the chairman favoured her husband. The reason for the accusation was that the husband's request for **kisara yik'oret'ilign**¹⁰, a request for defrayment because the two elders on her side did not show up for the second arbitration session which caused the arbitration not to be conducted on that day. The two elders on the man's side, with the chairman, decided that the wife should pay a certain amount of money which would be decided upon at the third session in the presence of the two elders on her side. In the meantime, before the appointed day, the wife sued the chairman who strongly supported the proposal of defrayment, in the court of **woreda** 14. The accused chairman defended himself by saying that the wife was hasty in accusing him for an issue which had not materialized. After the judge, Ato Mesfin Kidanemariam, explained that the council should base its arbitration on non-favouritism, the accusation came to an end.

The other problem for disputants is the prolongation of the case through many adjournments or postponements of the resolution of marital conflict. This will be discussed in the following sub-topics.

¹⁰ **Kisara yik'oret'ilign** is a request for defrayment of a litigant in a court or in a conflict resolution effort as a compensation for that his or her contending party should pay since the latter has done something against the litigation process. Delaying the litigation processes by failing to persuade one's witness(es) or elder(s) to come to the arbitration place could be the reason for requesting defrayment since this results in the adjournment of a case which the contending party can argue to be a deliberate attempt to make him or her suffer.

5.2.2 Conflict Resolution and the Adjournment Problem

5.2.2.1 Court Litigation and Its persistence

The process of marital conflict resolution is often complex and takes a long time, a single case taking months and, sometimes, even years. The court also sometimes needs a considerable time to check whether an accusation is a conjugal matter, especially for an application which has no marriage certificate. The court usually postpones a case when either the defendant or the plaintiff or their legal representative (a lawyer) or witnesses do not show up on the appointed day. I have seen 17 adjourned cases due to these reasons at the six **woreda** courts during my court observations.

In a case when the accused does not show up because of an address change and his or her new address is not known, the accuser will send him or her a summons through the Post Office using registered mail. When a defendant refuses to appear before the court after receiving a summons, there is a possibility for him or her to be forced legally to come to the court. On September 15, 1995 the **woreda** 10 judge gave an instruction to the police that a defendant who did not come at this appointed date be brought before the court forcefully. Besides these pre-conflict resolution court proceedings, marital litigation takes time to be concluded. There are execution problems where litigants do not respect the decision of arbitrators. According to article 386 of the Civil Procedure Code the following is codified:

Where an application for execution is admitted, a copy thereof shall be served on the judgement-debater together with a summons requiring him to appear before the court on a day fixed in the summons to show the cause why the decree should not be executed. (Civil Procedure Code, 1965:126)

I came across two cases concerning failure to pay child-support money at **woreda** one and nine courts. In the first case, the defendant (the breadwinner) was put under arrest after

he told the court that he is a daily labourer and that he could not pay child-support money (50 birr). Since he did not promise to pay even in the future the court decided that he be arrested until he pays. I talked to **woreda** one court judge, W/ro Kibnesh Bekele, during her break-time how the court could take such a measure. She explained:

The court could put the defendant in jail for six months if his income would have been known because he is making his child suffer. However, in this case I am simply making him staying in a room for some hours to make him afraid and persuade him to change his mind to pay if he has the money.

The defendant was in fact released after a couple of hours because he promised to pay the money in the near future. The judge's suggestion cited above is related to the following Civil Procedure Code:

Where, after examination held under Art. 386 [cited above]: a. the judgement-debator refuses without good cause to comply with the decree; or b. the court is satisfied that the judgement-debator, although able to comply with the decree, has wilfully failed to do so, the court may order the arrest, and his detention in the civil prison for a period not exceeding six months. (Civil Procedure Code, 1965: 127-8)

The other plaintiff who failed to pay child-support (40 birr) at the court of **woreda** nine argued that he was not able to pay because the time during which he was supposed to pay was too short. Since he promised to pay within a short time, the court adjourned the case by giving him a warning.

Such accusations are also prevalent in post-divorce litigation. I encountered three post-divorce proceedings of which one was caused by failure to provide child-support payment and the other two related to conjugal property division. One can understand how marital litigation can persist even after divorce. The issues concerning child-support payment and division of

conjugal property being part of the divorce process illustrate the third step in Bohannan's theory of the process of divorce, the economic divorce.

5.2.2.2 Arbitration Procedures and the Adjournment Problem

The process of marital conflict resolution involves a series of appointments for arbitration. After a court confirms a dispute as being one between a husband and a wife, it refers to a council of arbitrators. The procedure is that the five elders, one being a chairman, arrange a meeting. First of all they discuss the problem of the quarrelling couple without the presence of the litigants. The two elders selected from the husband's side and the wife's side, being led by the chairman, exchange views as to how to resolve the marital conflict. The next procedure is that the partners explain their individual grievances to the council in turn and respond to questions raised by the arbitrators. Then, the latter cross-check issues raised in the presence of both the couple so that they can discuss the causes for their conflict in order to effect reconciliation.

There usually ensues a series of such sessions whereby the elders attempt to explore into the details of the dispute, while the litigants themselves come to each session with what appear to give the case new dimensions. In this long process, the disputants become even more obsessed with their conflicts.

Among the conflict arbitration cases I attended, it was only the fourth case which was finished within three short appointments of three weeks. I suppose that this case was ended in divorce within this time because of the refusal of the husband to come to the arbitration. The third case, which ended in reconciliation, was resolved within a month (four sessions).

This was because the husband forgave his wife. Had he not done so, the case would have been prolonged. After the reconciliation was effected, the husband, Ato Takele Berihun, 33, informed me:

"I have accepted the reconciliation not because I am going to live with her any longer. It is because she got a scholarship. If I continue litigating, her chance of going abroad would be spoiled. She made a big mistake. However, I have preferred the conflict not to be directed towards divorce litigation which takes time."

The second marital conflict case ended in divorce after five appointments within four months, including three adjourned meetings. The problem for the first adjournment was that one elder of the husband's side did not show up. The second and the third adjournment were caused by the absence of the elders on the wife's side.

The fifth case was resolved after eight meetings. The third meeting was adjourned because one elder from the wife's side did not come to the meeting; unlike the fourth appointment when discussion was held (see annex).

The first marital conflict case ended without resolution after 12 adjournments due to the absence of elders and witnesses. By coincidence, I met the wife, W/ro Workinesh Teshale, 24, after the end of the case and asked her why she did not come to the eighteenth appointment. She explained:

I have been sick, suffering from heart attacks and gastritis. My kid was also sick. As you observed the arbitrators did not work successfully. When the court starts its proper function [the court was being restructured], I will resume my accusation. What should I do? God created me to suffer.

This lady appeared frustrated that her case ended without resolution after a year of litigation.

Such prolongation of arbitration is common. According to the interviews conducted with 30 divorcees, the majority (22) of them stated that their litigation persisted from one to three years until they got divorced. Six of them got divorced after less than one year's litigation. The other two reported that their litigation continued for four and four and one-half years. W/ro Kibnesh Bekele, the judge of **woreda** one court, told me that there was one marital conflict which persisted for 15 years. After tracing the address of the couple through **woreda** one registrar, I was successful in talking to the husband, Ato Teferi H/Michael, who is 48. He said:

The marital arbitration of myself and my wife has gone on for 15 years. The council of arbitration had been established five times. We tried to establish one after the other hoping the next would be better. However, all except the last one were the same. The arbitrators pended our case by being absent from the arbitration. They also ordered us to pay large sums of money. We paid for some of them because we were afraid that they would favour one of us until reconciliation was made possible by the last council of arbitration.

Ato Teferi added that during the 15 years conflict he was living in a partitioned room with his wife in the same house. One, therefore, can imagine the pain that people in marital conflict face.

Apart from the reasons that cause conflict, the procedures involved in marital conflict resolution make those people in the conflict suffer more. This is especially attributed to the arbitration payment (arbitration has become a business) which creates favouritism and makes the traditional ways of conflict resolution mechanisms, which are assumed to involve fair judgement fade.

The traditional marital conflict resolution customs in some rural parts of the country, as I tried to indicate in chapter two, involve those persons who are close to both of the

couple, unlike St. George Church in Addis Ababa where quarrelling couples simply choose those whom they think are familiar with legal procedures.

One can, therefore, imagine that marital conflict can be resolved through reconciliation in rural parts of the country effected through the social control mechanisms. In comparison, I would conclude that there is no strong social control mechanism regarding marital conflict resolution around St. George church in Addis Ababa due to its urban features.

Urbanization brings about pronounced changes in the way of life, the patterns of population distribution, contracts with ever-wider circles of people with subsequent increases in impersonal relationships, differences in leisure-time pursuits, and the great diversity of subcultures and countercultures. Increased urbanization has meant extensive conflicts of norms and values, rapid social change, increased mobility of the population, emphasis on material goods, and individualism. It has also brought about greater release from informal social controls. (Clinard, 1975:561)

CHAPTER SIX

CAUSES AND IMPACT OF MARITAL CONFLICT

6.1 Causes of Marital Conflict

The causes of marital conflict often reflect societal conditions. Some marital conflicts may be relatively minor and easily resolvable, while others may be serious and lead to divorce.

Marriages can be terminated in most cultures for a wide range of reasons, from a failure of a wife to bear children, to neglect of a husband or wife in a time of illness, for adultery, being lazy in essential household work activities, acquiring debts that cannot be paid, for verbal insults issued by in-laws, continued bad omens concerning a marriage relationship, to personal whim. (Williams, 1990: 278)

The causes for marital conflict and eventual divorce around St. George in Addis Ababa may not be very much different from the ones mentioned in the above quotation. The 50 marital conflict cases that were seen in September, 1995 at the six *woreda* courts near St. George Church were based on reasons similar to those of the marital conflict causes of the 30 divorced individuals who were interviewed for this study (see tables 9 and 10).

Table 9: Causes of marital conflict cases brought before the six *wereda* courts in September 1995

Causes	W.1	W.2	W.8	W.9	W.1	W.14	Total	Remarks
					0			
Husband's failure to provide household budget	2	2	3	6	5	4	20	AFBW
Wife beating and forcing to leave the home	1	2	2	2	1	1	9	AFBW
Disappearance of one of the spouses	2	2	1	2	-	-	7	FFBW
Drunkenness	-	-	-	1	1	1	3	AFBW
Property-related conflicts	-	-	1	-	1	-	2	AFBM
Adultery	2	-	1	1	1	-	5	AFBW
Changing previous marital behaviour	-	-	-	-	1	-	2	AFBW
Unknown	-	1	-	-	1	-	2	OFBM
TOTAL	7	7	8	12	11	5	50	

Key : W = **woreda**; AFBW = All were filed by women; FFBW = Five of them were filed by women;

AFBM = All were filed by men; OFBM = One of them was filed by a man

As shown in the above table, the majority (90%) had been filed by women. Out of these, 44.4% accused their husbands of failure to provide money for the household budget. Wife beating and forcing a wife to leave from the home was the second biggest reason with nine accusations (20%). Five women accused their husbands of disappearance; three others complained of their husbands of drunkenness, while five women accused their husbands of adultery. The remaining accused their husbands of "changing previous marital behaviour" and one case had an unclear cause.

On the other hand, only five cases were filed by men. Two men accused their wives of disappearance. Two of the other men accused their wives of property - related conflicts. One of them stated that his wife took the household goods to her parents. Another man sued his wife but stated an unclear accusation that "she wasted property." One man stated that he could not live with his wife without stating the reason for the conflict.

The reason for the large number of women who accused their husbands of not providing money for the household budget appears to be related to the fact that they were housewives with no income of their own. I presume that some of the reasons for various accusations may be related to each other. For instance a husband may fail to provide money for the household because of his drinking habit. Or a drunken husband may beat his wife and kick her out of their home. One can also argue that a husband may drink because of his wife's nagging behaviour. Adams (1971:224) referring to the work of Blood and Wolfe, notes that money causes the greatest problems in husband-wife disagreements.

The majority (90%) of the accusations which were made by women indicate their dependence on their husbands and that the dependence created trouble for them because of their economic subservience.

The reasons that cause marital conflict can eventually lead to divorce. This is shown by this study as many of the reasons that caused their marriages to end in divorce had initially caused marital conflicts (compare tables 9 and 10). For that matter, the interviewees stated that they divorced after the causes resulted in an escalation of their marital conflicts.

Table 10: Causes of marital conflict that ended in divorce

Causes	Reported by		Total
	Male	Female	
Failing to provide household budget	-	5	5
Drunkenness	-	5	5
Adultery	1	2	3
Suspicion of unfaithfulness	4	-	4
Property - related conflict	2	-	2
Conflict caused by in-laws	1	-	1
Illness	1	-	1
Wife dominance	2	-	2
Disappearance	3	1	4
Barreness	1	-	1
Indebtedness	1	-	1
Sexual incompatibility	-	1	1
TOTAL	15	15	30

Among the 30 divorcees, failing to provide the household budget, as a cause for marital conflict that resulted in divorce, was reported by five women (16.67%). These women said that their husbands failed to give them money for food. All reported that they divorced after repeated conflicts regarding this. W/ro Aberash Wordofa, 37, a mother of four who had been married for 16 years, recounted:

My ex-husband is a driver who usually travels to different regions of the country. When he comes back home, he used to bring us various things such as grain, firewood and charcoal for cooking. After some time, he started decreasing the amount of household stuff he used to bring home. Gradually, he started refusing to give me money for the monthly ration. He eventually stopped living with us [they have four children]. My father and my ex-husband's brother tried to advise him several times but they could not succeed. After they said that he started living with a woman, I divorced him.

According to Macionis (1987:426), individuals who move from place to place away from their families are more prone to divorce than those who stay at a specific place.

There could be a number of reasons for a husband's failure to provide for his family's material needs. One divorcee said that her husband failed to give her money because he used to drink after receiving his salary and would come home late at night. Another divorcee reported that her's failed to give her money because he thought that she gave the money to her parents. The categorization of table 10 in fact is made according to the emphasis the interviewees gave. If a husband used his money for drinking or for anything else, it would be difficult for him to supply his wife with the necessary household budget.

Out of the five divorced women who reported drunkenness as a cause for their marital conflict, three of them explained that their husbands committed adultery and they often came

home late at night and beat them. One of them, W/ro Anketse Belayneh, 36, a mother of two who had been married for 12 years said:

Gradually, his love for me started to fade away. He began squandering money and coming home drunk late at night and beating me. I tried everything that could prevent him from these bad habits; especially through my cousin. Then, he even started to come home after two or three days. I completely lost patience and affection for him when I finally knew that he begot a child outside of our marriage and I opted for divorce.

Two women reported that they divorced their husbands because their husbands had mistresses. Similar complaints of unfaithfulness were made by men as well. One such case was reported by a male divorcee, Ato Ayehu Masresha, 45, who had been married for three years.

I am a driver for the World Vision. Since I frequently go for field work, I delegated my colleague to receive my salary from my organization every month on behalf of me and to give it to my wife. After some time, one of my relatives informed me that my wife was having an affair with this man. This made me angry and I started to investigate. One day I told my wife that I would leave for a field work and left home. I did not actually go anywhere. Surprisingly, I was successful in proving my wife's extra marital affair because I saw her entering a hotel with this man at dusk. Then, I sued her in the court. The court referred our case to a council of arbitration. While leaving for home after a session of arbitration, the man stabbed me with a knife and soaked me with blood. He was in fact sentenced to five years. It is after having survived such a deadly assault that I divorced her.

The other three divorcees (one man and two women) who accused their spouses of adultery simply told me that they had concrete proof. Accusations of adultery, based on mere suspicion, may not be sufficient for divorce. Four men reported that they divorced their wives because of the marital conflict caused by suspicions of unfaithfulness. The statements they gave showed that their suspicions were based on probable cause. Three of these men reported

that their wives usually did not stay at home; that they were out of home with their unmarried women friends. These individuals have no other substantial reason for their complaints; a mere allegation of having unmarried friends is not a sufficient ground for divorce. The fourth man, Ato Tadesse Getachew, 40, a father of three and married for nine years, recited the following:

In addition to my salary I opened a shop for my ex-wife thinking that it would help us economically. She soon made several merchant friends. I started suspecting her of unfaithfulness; especially thinking that she had an extramarital affair with one wholesaler. One day, I caught her taking birth control pills. Since she had not informed me in advance, I divorced her because I was angry and my suspicion was intensified.

Property related conflicts were reported by two men as a cause for their divorces. The first one, who had been married for 12 years, said that he divorced his wife because he was forced to leave the house which had been given to them by his wife's parents. He refused to elaborate upon the exact situation. The other one, Ato Nigussu Molalign, 64, a father of six and married for 28 years, reported a property related conflict he had as follows:

I was a carpenter. Through my hard work, I built my own house and got considerable money. With that money, I opened a t'ej-bet [a local drink house] in the name of my ex-wife. After some time, she began giving the profit to her parents and her siblings. I tried to advise her that this would create bankruptcy. However, she refused to accept my advice in contempt. Then our conflict escalated when she warned me not to interfere and when one of her sisters become an assistant to her. I tried to solve the problem through friends and neighbours until I divorced her through the decision of a council of arbitration which favoured her in making her the owner of the drinking house.

Sometimes it is hard to believe that a couple who divorce after a long married life quarrel over what we may appear a minor dispute as in the above case. Nonetheless, such seemingly minor marital conflicts resulting in the dissolution of marriages of long duration

may not be so strange. The second marital conflict resolution I followed ended in dissolving a 40-year marriage. As a tradition, it is also normal for individuals who are economically better off to help their relatives. The second case too involved in-laws but here, the in-laws were directly involved in causing the marital conflict. A male divorcee, Ato Tesfaye Tewodros, 44, who had been married for four years, explained the cause for the marital conflict that caused his divorce:

Because I could not get an affordable residential house to rent, I opted to live with my wife by partitioning a room, sharing the house in which my mother and my sister live. This was a good chance for me to help my mother and sister economically. However, after two years' married life, my wife started telling me various complaints. She repeatedly told me that my sister insulted her. I asked my sister what happened. She said that my wife was not willing to clean the kitchen and the living room we were sharing. I tried to advise my wife to cooperate somehow. She said, "I am not a servant." Even though there were minor grievances after this time, we lived together with my mother and sister. It was at the end of our third year of married life that my wife quarrelled with my sister seriously. They beat each other. My mother, while trying to stop them, was beaten by my wife, and suffered a wound on her forehead. When I came home, exhausted from my job, a mess was waiting for me. My wife, locked in our bed room, was weeping. My sister was with my mother sitting on a bed beside her. Then without even giving me a chance to rent another house, my wife divorced me.

Two men who had civil servant wives reported that the cause for the marital conflicts that led to the dissolution of their marriages was because their wives refused to accept their ideas and became dominant. Wives are customarily expected to obey the orders of their husbands. It appears that with the economic independence that such women acquire, they may often try to assert their rights unlike other house wives who are economically dependent upon their husbands.

One woman divorcee informed me that because she was erroneously labelled barren her husband quarreled with her and since the conflict escalated their marriage was dissolved. However, after the divorce she had two children by another marriage. Sometimes, in this society, as a convention, the problem of not begetting children is imputed to women. According to Tassew (1995:18), even if a husband may be infertile, a woman's failure to give birth in Yetmen (Gojjam province) would be viewed as her fault and would be labelled as **beklo** (mule). However, the preceding case shows instances when the reproductive fault can be on the side of men as well.

Ato Teferi H/Michael, 48, who married for 15 years and whose conflict with his wife had been caused by his wife's alleged failure to give him a child, was reconciled with her because he begot a child by another woman. He said:

The cause for the conflict between myself and my wife was due to her barrenness. I felt that I was in an incomplete marriage. Little things used to irritate me especially when I saw children of my friends and my neighbours. This problem pushed me to have a relationship with another woman and I got a child. Because I committed adultery, I could have been punished. Luckily, I was saved because my wife wasted our common 12,000 **birr** for her personal interest which was considered by the council of arbitration to cancel my fault and we became reconciled.

The other reason which is assumed to be a covert cause for marital conflict or divorce in this society is sexual incompatibility. It is believed that some marital conflicts caused by this reason may be reported as if caused by other reasons such as drunkenness. To bring up the issue of incompatibility openly is considered embarrassing to both partners. Interestingly enough, a woman reported to me that she divorced her husband due to the marital conflict caused by sexual incompatibility. She is 27 and stayed with her husband for one year and nine months. She narrated:

My ex-husband was a drunkard who used to chew chat¹¹ excessively every day. Due to his addictions, he did not have any sexual appetite. When I wanted sex, I used to do horseplay with him to arouse his erotic feeling. Because I was taught biology in high school, I tried to advice him how we could satisfy ourselves. However, he did not accept my advice and he considered me as if I was a street girl. After repeated conflicts we divorced.

6.2 The Impact of Marital Conflict

As marital conflict is caused by different reasons, it in turn causes many problems. It is known that the victims of marital conflict are the conflicting parties themselves and their children.

Out of the 30 divorcees interviewed for this study, most of them said that they had several health problems. Those who were still in litigation regarding marital property division at the six courts during the data collection period complained of suffering from various illnesses. To the question whether they encountered illnesses during marital conflict or divorce, eight divorcees (26.67%) responded that they had no illnesses caused by marital conflict or divorce. The rest (73.33%) reported that they had illnesses such as headaches, gastritis, heart problems, hyper tension, depression or sleeplessness. Five males and three women had headaches during their marital conflict. Similarly, gastritis and depression were reported by two women, and one man reported hypertension. One male and four female divorcees reported that they had combined illnesses of headaches, gastritis and depression. One male and two females reported that they were still suffering from headaches after their divorces. Likewise, one female and one male divorcee reported that they were still suffering from depression after their divorces. One male interviewee explained:

¹¹Chat which is also known as khat is a green leaf. According to Peter (1984:69), it is a stimulant which causes euphoria and which can also cause medical problems of mental health.

I had no pain before I got married. After I got married, especially after the marital conflict between myself and my wife, I developed frequent headaches. Now, after divorce, I have several illnesses. At night I cannot sleep without taking this medicine [showing me a bottle of tablet which had a label, "Limbrol"¹²].

One female divorcee said that she is still suffering from gastritis and heart attacks. This female divorcee, Melke Woldegebriel, 41, a mother of five, who stayed in a 17-year married life, recounted:

I was in bed for a protracted time suffering from gastritis and heart attacks due to marital conflict and divorce. I sold all my golden jewellery, such as my necklace, earnings and my ring, which I got during my wedding, to finance my medical treatment. There was also a time when I came to the court on an appointed day being supported by individuals so as not to fall down. I am still suffering from these illnesses though not as seriously as previously.

Nock, (1987:162) paraphrasing Weiss, notes that both male and female divorcees suffer from emotional stress, regardless of who initiated the divorce. He says that divorcees tend to be drawn to their ex-partners for some months after they stopped living together. According to him this may create post divorce emotional problems. This concurs with the sixth step of Bohannon's theory of divorce process -- the psychic divorce. Kammeyer, (1987:529)} points out that divorcees' relationships with old friends may be altered. As to why they lose old friends, he states: "Friends feel awkward with them and do not know what to say. The standard topics of conversation - kids, family, and home are either gone or are too sensitive to discuss." (Kammeyer, 1987:529).

¹²Dr. Getachew Tizazu, of the Amanuel Mental Hospital, informed the writer that the medicine is in fact prescribed for those people who suffer from depression or anxiety.

A divorced woman informed me that her 15 year old daughter swallowed a number of valium tablets to kill herself due to her parents' conflict. This mother said that her daughter's life was saved because she was quickly taken to the Ras Desta Damtew Hospital. I talked to Dr. Geremew Adugna who treated the girl. He explained:

The girl was brought to the hospital in the evening in an emergency and it was the doctor on duty who examined her first. Starting the next morning it was I who was following her. This girl's life was at risk and hence it is after giving her the necessary treatment that she became well and the toxic nature of the tablets she swallowed was made short-lived.

We can see the trauma of children suffering from a problem which was not caused by them. The most frequent accusations that have been filed by women at the six courts of the Arada Provincial Area in September, 1995 were related to their husbands' failure in supplying the household budget. Similarly, children who have a drunken parent would suffer from economically caused troubles. Due to problems caused by parents, it is the innocent child or children who suffer from lack of care, sometimes even by not getting enough food to eat.

The most shocking event about which I was informed was an unfortunate incident which happened to a child. W/ro Bizunesh Sileshi, 31, who accused her husband of failing to give her money for the household, informed me about what happened to her two-year child, as follows:

After my husband started going for field work, there happened to be a conflict between us. He did not give me money for our household ration regularly. This problem became severe when he was assigned to work at Sheno on a temporary basis. First, I was forced to stop buying milk and started feeding my child liquid porridge. Then, I could hardly get enough food to feed my baby. I sued my husband in the court. During the court process, the child passed away because he was sick and I could not buy medicine for him.

In a litigation which occurred between divorced partners in the fifth marital conflict resolution attempt observed for this study, the husband was arguing that one of their children was sick and needed medical treatment. On the other hand, the wife was complaining that her husband had stopped giving her child-support money, let alone paying for the required medical treatment. In the conflict, it was the child who suffered (see annex, session six). Similarly, a woman accusing her husband at **woreda** 10 court on September 14, 1995 of failing to give her money for the household rations. She said that she was feeding her two daughters with the money she got through making **injera** (local bread) as a housemaid. What made her litigation special was that she was accompanied by her two children at the court. One can imagine what impression would be left in the minds of the children who were observing the litigation in addition to the problems they were facing at home.

CHAPTER SEVEN

CONCLUSION

Orthodox Christians of Addis Ababa maintain three forms of marriage; namely, church, civil, and customary marriages. Each of these forms of marriage has its own regulations and procedures.

Church marriage is ideally practiced by devout Orthodox Christians. Those who want to enter this form of marriage should adhere to the religious doctrines of the church. The fact that this form of marriage is based on the notion that marriage must be a life-long contract appears to have relationship with M. de Coulange's theory of the indissolubility of marriage. The contractual agreement is performed through several prayers. Even though this form of marriage can be performed at any church, a lot of people Orthodox Christians in Addis Ababa conventionally enter this marriage at the Holy Saviour Church and the Holy Trinity Cathedral due to the reputation of these churches.

Civil marriage is performed through the City Council of Addis Ababa. Followers of other religions adhering to monogamy are catered for. The prohibition of bigamy being codified under article 585 suggests that the Civil Code of Ethiopia regarding marriage was developed from Christian rules that marriage should be monogamous. The fact that the Civil Code was adopted from European countries could also imply influences from Western cultures. The educated urbanites of Addis Ababa prefer to enter this form of marriage. It has international recognition. The council has three contractual signing places. At these sites marriage ceremonies are also held along with the signing of the contract.

The third form of marriage is customary marriage. It has no standardized regulation or office. This form of marriage takes two forms: **habtish-behabte** and **indemist besemania-indeserategna bedemoz** contracts. **Habtish-behabte** marriage, which literally means "your wealth with my wealth," stipulates that the properties of the marrying couple are described in the marriage contract. It also includes the agreement that the properties that the couple acquire in their married life will belong to both of them. The second form is called **indemist besemania-indeserategna bedemoz** marriage, which literally means, "As a wife by eighty and as a paid housemaid with a salary." The woman is both a wife and housemaid who performs household tasks in addition to her wifely duties.

The rule of exogamy is observed in all three forms of marriage. This is based on Articles 551 and 553 of the Civil Code. The first prohibits marriage between people who have consanguineal relationship up to the seventh degree, while the second forbids marriage between people who are related up to the third degree of affinal collateral relationship. Along with this, sexual intercourse between people who have consanguineal or affinal relations within the indicated degree of relations is considered incestuous and thus taboo.

Individuals in Addis Ababa are in general free to get married to those they choose, though they may seek the advice of their relatives and friends. Arranged marriage appears to be relatively uncommon for first marriages especially as compared to earlier times. What is commonly observed these days, presumably as a consequence of urbanization and modernization, is that couples who marry for the first time go through their courting in a boy friend - girl friend relationship. The preliminary through which marriage is established that

is locally known as **amać** ("marriage by brokerage") is often practised by individuals who remarry.

Even though marriage may still be important in the establishment of alliances between families, these days such alliance seems to have become an important consequence rather a cause for marriage and the choice of a mate. Alliance is exhibited among affines during various social events such as mournings and weddings whether a marriage is arranged or performed on the basis of free choice of spouses.

Bridal gifts, which are locally know as **t'ilosh**, comprising of golden jewellery such as necklaces, earrings, and bracelets as well as clothes, shoes and the like, are given to the bride by the groom during the wedding occasion. The fact that **t'ilosh** does not result in the flow of property from one group to another, it does not meet the criteria or definitions for either bridewealth or dowry as set by Goody and Tylor.

The giving of bridal gifts signifies the commitment by the groom to the bride. The study of Pankhurst confirms this fact. Since the bridal gift giving custom involves the public display of the gifts to be given, the groom is expected to allocate large sums of money for this purpose apart from the money needed to finance the feast. Even though some individuals frown upon this practice, there are relatively many people who conform to it. Those who do not have the money borrow from relatives, friends or credit and thrift societies. It is not uncommon to encounter those who borrow money for their weddings facing financial hardships in their attempt to repay the debts. The incorporation of foreign wedding practices is also resulting in an increase in expenditure. This condition, coupled with the shortage of residential houses in Addis Ababa, is negatively contributing to the late age at marriage which

prevails in Addis Ababa. As has been discussed in chapter four, late age at marriage affects the family life cycle. Those people who get married at later ages would pass away before their children become adults. Particularly, civil servants who marry late are becoming unable to support their families financially when they retire as their monthly incomes decrease by at least 40%.

Despite arranging and going through all the elaborate and expensive marriage ceremonies, conflicts unexpectedly arise between married partners. The reasons for the conflicts vary from individual to individual. According to the data collected, the causes of marital conflict and divorce among Orthodox Christian in Addis Ababa were reported as being husbands' failure to provide materially to the household, wife beating and forcing to leave the home, property-related disputes, drunkenness and adultery.

Marital conflict resolution is conducted according to legal provisions. When one of the partners accuse his or her spouse, the court refers the case to family arbitrators. A couple in conflict ideally select two arbitrators from each side to form a council of arbitration. The chairman of the council is also commonly selected by the partners. Even though the couple select arbitrators by themselves who are regarded to give fair judgments, generally people accuse family arbitrators of favouritism and money-mindedness. Since couples, as a norm, are forced to simply choose arbitrators who are "famous" for their legal know-how, it is very likely for them to select those whom they do not know personally.

Following Paul Bohannan's divorce theory, the process of divorce in Addis Ababa appears to go through emotional divorce, legal divorce, economic divorce, coparental divorce, community divorce, and psychic divorce.

Likewise, the actual steps taken in dissolving a marriage in Addis Ababa appear to follow Duck's suggestion regarding the steps through which a marriage is dissolved. A disaffected spouse in Addis Ababa forwards an application before the court requesting divorce when a marital dispute escalates. The second step in which the disaffected spouse confronts his or her partner ending in separation, may occur but not always, since partners may continue to live together until their case is resolved legally. Similarly, a discontented spouse can forward an application before the court without informing his or her marital grievances to his or her relatives or friends. Then, at the third step, the discontented spouse forwards an application before the court requesting divorce. This, in turn, is referred to family arbitrators, a step that may not be found in many other cultures.

Given the fact that arbitrators who try to resolve marital conflicts in Addis Ababa have a legal right to be paid arbitration money, for a conflicting couple to be asked to pay a large sum is not uncommon. This is often said to encourage bribery. Moreover, since many of the arbitrators encountered during this study are retired advocates, it is very likely that they do the job for their livelihood. In other words, the traditional dispute resolution norm which is assumed to involve fair discernment is withering away. This circumstance appears to be one of the main reasons why marital conflict resolution attempts take a prolonged time.

This trend appears likely to continue unless concerned bodies especially policy makers seek other solutions, such as amending the relevant provisions in the Civil Code and institutionalizing marriage counselling services.

The causes of marital conflict and divorce to some extent have similarities. Even though some conflicting couples may be reconciled, it is the same cause or causes that create marital conflict which eventually result in divorce.

There are many consequences arising from marital conflict and divorce. Parents and their children may suffer from several problems such as illnesses and financial hardships caused by marital conflict or divorce.

BIBLIOGRAPHY

- Abebe Getahun, 1992, "The Law of Marriage under the Civil Code of Ethiopia and Islamic Law." Senior Essay in Law, Addis Ababa University, unpublished.
- Abdul Fatah Abdullahi, 1977, "Family Law -- an Analysis of Islamic Law and the Ethiopian Draft Civil Code." Senior Essay in Law, Addis Ababa University, Unpublished.
- Academic American Encyclopedia, 1986, Vol.XI, Golier Incorporated.
- Adams, Bert, (1986) [1971], The Family. Florida: Harcourt Brace Jovanovich Inc.
- Amsalu Aklilu, 1987, Amharic-English Dictionary. Addis Ababa: Kuraz Publishing Agency.
- Andargatchew Tesfaye, 1988, The Crime Problem and Its Correction. Addis Ababa University, Unpublished.
- Anteneh Admassu, 1987, "Patterns of marriage and the Family in Zegie." Senior Essay in Sociology, Addis Ababa University, Unpublished.
- Asmelash Woldemariam, 1995, "The Effects of Land Reform On Peasant Social Organization: A Study of Village Dynamics in Central Tigray, 1974-1994." MA Thesis in Social Anthropology, Addis Ababa University, Unpublished.
- Aweke Gebre, 1991, "Marriage and the family among the Weredube Ethnic Group (Arsi)." Senior Essay in Sociology, Addis Ababa University, Unpublished.
- Bahru Zewde, 1991, A History of Modern Ethiopia. Addis Ababa: Addis Ababa University Press.
- Barnard, Alan, 1984, Research Practices in the Study of Kinship. London: Academic Press Inc.

- _____, 1994, "Rules and Prohibitions: The Form and Content of Human Kinship" in Companion Encyclopedia of Anthropology. London: Routledge.
- Barnard and Spencer, 1996, Encyclopedia of Social and Cultural Anthropology. New York: Routledge.
- The Bible, 1971, New York: William Collins Sons and Co. Ltd.
- Broderick, Carlfred B., [1979] (1988), Marriage and the Family. New York: Prentice Hall Inc.
- Bowman, Henry A. and Spanier, Graham B., 1978, [1954], Modern Marriage. New York: McGraw-Hill, Inc.
- Buhagiar, William, 1964, "Marriage under the Civil Code of Ethiopia" in Journal of Ethiopian Law, Volume 1, No.1 . Addis Ababa: Berhanena Selam Printing Press.
- Burgess, Ernest, [1963] (1971), The Family. New York: Litton Educational Publishing, Inc.
- Central Statistics Authority, 1987, Population and Housing Census of Ethiopia, 1984 Analytical Report on the Results For Addis Ababa. Addis Ababa: C.S.A.
- Central Statistics Authority, 1995, The 1994 Population and Housing Census of Ethiopia: Results for Addis Ababa. Addis Ababa: C.S.A.
- Civil Procedure of the Empire of Ethiopia, 1965, Addis Ababa: Berhanenna Selam Printing Press.
- Cohen, Eugene, 1982, Cultural Anthropology. Boston: Little, Brown and Company.
- Clinard, Marshal, 1975, Sociology of Deviant Behaviour. New York: Betty N. Holmes.
- Collins, Randall, 1988, Sociology of Marriage and the Family. Chicago: Nelson Hall.

- David, René, 1967, "Sources of Ethiopian Civil Code." in Journal of Ethiopian Law Volume IV, No.2. Addis Ababa: Berhanena Selam Printing Press.
- Desalegn Teresa, 1983, "The Relationship between Gada and Marriage System with Particular Reference to Tuqur of Western Shewa." Senior Essay in Sociology. Addis Ababa University, Unpublished.
- Desta Kebede, 1989, "A Study of the Attitudes of Ex-prostitutes Employed in the Gulleb Garment Factory; Attitudes towards Their Former and Current Professions." Senior Essay in Sociology, Addis Ababa University, Unpublished.
- Marcos Doud, 1951, The Orthodox Church. Addis Ababa: Tinsae Zegoubae Printing Press.
- Duvall and Miller, 1985, Marriage and Family Development. New York: Harper Collins Publishers Inc.
- Ember, Marvin, 1985, Anthropology. New York: Prentice-Hall.
- Epstein, A.L., 1981, Urbanization and Kinship. London: Academic Press Inc
- Eshetu Assen, 1987, "The Growth of Municipal Administration and Some Aspects of Daily Life in Addis Ababa." in Proceedings of the International Symposium of the Centenary of Addis Ababa, Addis Ababa.
- Eshleman, Rose, [1974] (1988), The Family. Massachusetts: Allyn and Bacon, Inc
- Ethiopian Civil Code Proclamation of 1960. Addis Ababa: Berhanena Selam Printing Press
- Ezra G. Medhin, 1970, "Wedding Customs Practised in Shoa." in Queen's of Sheiba's Heart (Lord, 1970). Washington, D.C: Colortone Press Creative Graphics Inc.

- Fessaha Tawek, 1983, "A Case Study of Marriage and the Family System among the People of Adua with Particular Emphasis to Almeda Village." Senior Essay in Sociology. Unpublished.
- Genna Kedu, 1983, "Marriage System and Family Organization among the Arsi Oromo." Senior Essay in Sociology, Addis Ababa University, Unpublished.
- Getachew Demissie, 1985, "Marriage and the Family Formation in Alaba." Senior Essay in Sociology, Addis Ababa University, Unpublished.
- Giddens, Anthony, 1991, Introduction to Sociology. New York: W.W. Norton & Company Ltd.
- Girma Demissie, 1994, "Late Marriage and the Problem of Forming a Family with Particular Emphasis on Addis Ababa: A Case Study of Employees of E.E.L.P.A." Senior Essay in Sociology, Addis Ababa University, Unpublished.
- Goode, William, [1960] (1968), "Pressures to Remarry: Institutionalized Patterns Affecting the Divorced." in A Modern Introduction to the Family. New York: The Free Press.
- Goody, Jack, 1973, Bridewealth and Dowry. Cambridge: Cambridge University Press.
- Gutkind, Peter, 1974, Urban Anthropology. The Netherlands: Van Gorcum and Company B.V., Assen.
- Hamburg, David, 1992, Today's Children. New York: Random House Inc.
- Harris, Marvin, 1996, Cultural Anthropology. Third ed. New York: HarperCollins Publishers Inc.
- _____, [1968] (1969), The Rise of Anthropological Theory. New York: Thomas Y. Crowell Company.

- Henderson, W. Ronald, 1981, Parent-Child Interaction. New York: Academic Press.
- Henslin, James, [1993] (1995) Sociology. Boston: Allyn and Bacon.
- Hoben, Alan, 1993, "Gojjam Amhara Social Organization." Doctoral Dissertation, Columbia University.
- Hetherington, Mavis, 1993, "Divorce: Challenges, Changes and New Chances" in Normal Family Process. New York: Guilford Publications Inc.
- Hoebel Adamson, 1979, Anthropology and the Human Experience. New York: McGraw Hill
- Howard Michael, 1993, Contemporary Cultural Anthropology. New York: Harper College College Publishers.
- Hutter, Mark, 1981, The Changing Family. New York: Jhon Wiley & Sons, Inc
- Jones, Brain, 1995, Sociology. Fort Worth: Harcourt Brace & Company.
- Kammeyer, Kenneth, 1987, Marriage and Family. Massachusetts: Allyn and Bacon, Inc
- Keesing, Roger, 1981, Cultural Anthropology. New York: CBS College Publishing.
- Kerealem Salilih, 1989, "Attitudes of Hostel Residents towards Marriage and Family Formation with Particular Reference to Addis Ababa State Hostels." Senior Essay in Sociology, Addis Ababa University, Unpublished.
- Kiros Gebre Egziabher, 1995, "Gender and Rural Production in Tigray." MA Thesis in Social Anthropology, Addis Ababa University, Unpublished.
- Kornblum, William, 1988, Sociology. New York: Holt, Rinehart and Winston, Inc.
- Lenski, Gerhard, 1970, Human Societies. New York: McGraw-Hill Book Company.
- Leslie and Korman, [1967] (1989), The Family in Social Context. Oxford: Oxford University Press.

- Levine, Donald, [1965] (1972), Wax and Gold. Chicago: The University of Chicago Press.
- Light, Donald, (1985) [1975], Sociology. New York: Alfred A. Knopf Inc.
- Little and Price, 1973, "Some Trends in Modern Marriage among West Africans." in African Marriage and Change. New York: Alfred A. Knopf, Inc.
- Macionis, John, 1993, [1987] Sociology. New Jersey: Prentice-Hall Inc.
- Mair, Lucy, [1969] (1984), African Marriage and Social Change. Oxford: Oxford University Press.
- Marcus, Harold, 1994, A History of Ethiopia. California: California University Press.
- Messing, Simon, 1954, "The Highland-Plateau Amhara of Ethiopia." Doctoral Dissertation, University of Pennsylvania.
- Nanda, Serena, 1994, Cultural Anthropology. Belmont: Wadsworth, Inc.
- Newman, David, 1995, Sociology: Exploring the Architecture of Everyday Life. California: Pine Forge Press.
- Nock, Steven L., 1987, Sociology of the Family. New York: Prentice-Hall Inc.
- Pankhurst, Alula, 1992, Resettlement and Famine in Ethiopia. Manchester: Manchester University Press.
- Pankhurst, Helen, 1992, Gender, Development and Identity. London: Zed Books Ltd.
- Pankhurst, Richard, 1967, "Menilek and the Utilization of Foreign Skills." in Journal of Ethiopian Studies, Vol.5, No.1. Addis Ababa: Haile Sellassie I University.
- Papalia, Diane, 1982, [1975], A Child's World. McGraw-Hill Inc., U.S.A.
- Parkin, David, 1987, Transformation of African Marriage. Manchester: Manchester University Press.

- _____, 1973, "Some Trends in Modern Marriage among West Africans." in Africa and Change. New York: Alfred A. Knopf, Inc.
- Peter, Kalix, 1984, "The Pharmacology of Khat." in The International Symposium on Khat (Cata Edulis). Addis Ababa: Natural Products Research Network for Eastern and Central Africa.
- Radcliffe-Brown A.R., [1950] (1987), "Introduction." in African Systems of Kinship and Marriage. London: Kegan Paul International Limited.
- Rahel Demeke, 1992, "Divorce and Its Effects on Society." Senior Essay in Sociology, Addis Ababa University, Unpublished.
- Reminick, A. Ronald, 1973, "The Menz Amhara of Ethiopia: A Study of Authority, Masculinity and Sociability." Doctoral Dissertation in Social Anthropology, University of Chicago.
- Revised Constitution of Ethiopia of 1955. A.A: Berhanena Selam Printing Press.
- Schusky, Ernest L., 1972, [1965], Manual for Kinship Analysis. New York: Holt, Rinehart and Winston.
- Seymour-Smith, Charlotte, 1986, Macmillan Dictionary of Anthropology. London: Macmillan.
- Sills, L.David (ed), 1972, International Encyclopedia of the Social Sciences. New York: MacMillan & The Free Press.
- Simon, Anne, 1964, Stepchild in the Family. New York: The Odyssey Press.
- Smith, Tonny, 1990, Complete Family Health Encyclopedia. London: Dorling Kindersley Limited.

- Solomon Tessema, 1984, Marriage, Family System and Funeral Custom of the [in] Bichena. Senior Essay in Sociology, Addis Ababa University, Unpublished.
- Salzman, Zdenek, [1969] (1973), Anthropology. New York: Harcourt Brace Jovanovich, Inc.
- Stark, Rodney, 1985, Sociology. California: Wadsworth Publishing Company.
- Stott, D.H., 1966, Studies of Troublesome Children. Tavistock Publications Ltd. Great Britain.
- Stroup, Atle, 1966, Marriage and the Family A Development Approach. New York: Merdith Publishing Company.
- Tafesse Kassa, Marriage and Family System among the Oromo with Particular Reference to Sinana Woreda. Senior Essay in Sociology, Addis Ababa University, Unpublished.
- Tassew Shiferaw, 1995, Ethiopian Village Studies: Yetmen. Oxford: Center for African Economies, Unpublished.
- Tylor, Robert, 1973, Cultural Anthropology. Boston: Allyn and Bacon, Inc.
- Vanderlinden, Jacques, 1970, "A Manual of Ethiopian Law of Family." A Manual Prepared for the Law School, Addis ababa University, Unpublished.
- Westhues, Kenneth, 1986, [1982], First Sociology. New York: McGraw-Hill INC., U.S.A.
- Weissleder, Wolfgang, 1965, The Political Ecology of Amhara Domination. Doctoral Dissertation in Social Anthropology, University of Chicago.
- Williams Thomas, 1990, Cultural Anthropology. New Jersey: Prentice-Hall Inc.
- Yitnaw Worku, 1983, "The Marriage and Luwa System in Sidama Awraja with Particular Reference to the Shebedino Sidancho." Senior Essay in Sociology, Addis Ababa University, Unpublished.

ANNEX

MARITAL CONFLICT RESOLUTION ATTEMPT OF CASE FIVE

Husband: Ato Solomon Biru, 28. Wife: W/ro Asegdech Maru, 25.

Council of Arbitrators

- | | |
|-------------------------------|-------------------------------------|
| 1. Ato Kebede Agonafir, 57, | Chairman |
| 2. Ato Belete Hailu, 61, | an elder on the side of the husband |
| 3. Ato Mesfin Yifru, 48, | an elder on the side of the husband |
| 4. Ato H.Meskel Lemma, 62, | an elder on the side of the wife |
| 5. Ato Debele W. Giorgis, 63, | an elder on the side of the wife |

Session 1

February 18, 1996

An elder of the wife's side suggested that the couple should be reconciled. The chairman said that these spouses have 3 children, we have to be serious to reconcile them. Then the council decided to listen to the couple's points of litigation.

Husband:

I cannot live with her, because she is unfaithful to me.

Wife:

He quarrelled with me based on false rumours.

Again the council discussed on the matter and came up with one point; i.e. it was suggested that the couple should live together for six months based on probation. The husband vehemently refused, though the wife agreed. Immediately the wife said that she didn't want to live with him either. Then the council decided:

- 1) The husband should give her 5,000 birr in cash.
- 2) He must open (establish) a shop for her, with a license.
- 3) All of the 3 children should live with their mother.

Besides, the council decided that the couple should present an application to the court stating that they want to divorce on the basis of mutual consent.

Moreover, it was decided that the couple should make an inventory of their common property, accompanied by someone from each side, and bring the description to next session.

Session 2**March 3, 1996**

The chairman started the meeting by saying "On the first session of our arbitration we decided that you must come with a written application stating that you want a divorce based on mutual consent; have you brought the application?"

Wife:

No! I do not want to dissolve my marriage for 5,000 birr.

Husband:

I phoned her and we met. However, she was not willing to sign.

Wife:

He telephoned me and told me to meet and discuss the matter. We met at the appointed place. He said, "Let us sign this letter of common request for dissolving our marriage." He also said, "Let us write the description of our common property." I said, "No". This is because I eventually realized that the agreement reached last time was in favour of him. Besides, he insulted my parents. He also abused me by saying, "Your initial plan was to rob me [to snatch his property] so you have realized your dream." So, I do not like to dissolve my marriage for nothing.

Chairman:

It is because of our worry for your children that we tend to endorse your mutual consent of divorce. That is, your children would grow up without conflict, if you stick to last session's decision. [After a pause], You do not want to dissolve your marriage on the basis of mutual consent. So, what do you think we should do?

Wife:

Let the council see my case according to the law.

Elder (wife's side):

You were told to count your common property and present the description. But both of you did not involve someone to help you witness. It was for your children, so that they can be brought up in order, out of your conflict.

Elder (husband's side):

Mutual consent dissolution helps you to finish your litigation peacefully. What would be absent? It is only sexual intercourse that would be absent.

wife:

I am not willing to dissolve my marriage simply by taking 5,000 **birr**. Let him buy a shop which is full of commodities.

Elder (wife's side):

Tell us how much would be the estimation to buy a shop in numerical terms adding to that 5,000 **birr**.

This idea was seconded by all of the arbitrators.

Chairman:

Do you want to finish your case based on the idea proposed?

Husband:

No. I want the case to be seen according to the law. He clarified that his parents do not agree. [The mini-bus taxi, his source of income was given to him by his parents.]

Wife:

I also want the case to be seen according to the law.

Decision of the council:

After giving a letter of reply of the wife to the husband (the plaintiff), the council decided that the case should be seen through litigation of the disputants according to the law. So, the male litigant should come with his defending points to the reply given by his wife against his accusation.

Session 3

March 10, 1996

One of the elder's on the wife's side did not show up. The chairman asked whether the couple changed their minds as to the litigation. That is, whether the couple were willing to settle their marital conflict without litigation as had been suggested on the first session.

The couple refused. That is, they expressed their interest that the case involve litigation and arbitration.

The husband submitted a letter of reply to his wife. So, the council decided that the case be seen at next session. This is because one of the elders of the wife's side did not come.

Session 4

March 16, 1996

First, the chairman asked the couple, "Did you change your minds to reconcile?"

The couple explained that they did not change their minds.

One of the arbitrators of the husband suggested: " I think there must be at least someone from each side who interferes in your life by advising you to divorce, rather than reconciliation.

The elder also told the couple a story:

"There was a husband and a wife who were leading a happy life. There happened to be a man living with them. Since this man was a wicked person, he did a wicked deed to them. That is, when the couple were in deep sleep in the evening, he poured a cup of warm water on the mattress made of skin in the space between them. The married partners were imputing this fault to each other which they considered very unpleasant and embarrassing. The next morning when the husband was in his farm, that man asked a question: "What is wrong with your wife? The husband answered " I do not know, but she must leave my home." The wicked man went to the lady and told her that she urinated during the night and what her husband said to him. Then, the lady was ashamed to see her husband and disappeared. So, the elder suggested that there may be someone behind you who does not like your happy marriage.

Husband:

The story is not related to our case. [To begin the arbitration], the chairman asked the wife: "where is one of your elders?"

Wife:

He had a misfortune due to the death of his niece. He told me that the council can see the case in his absence and that he will sign the minutes during the next session.

Chairman:

Can we proceed with the matter in the absence of one of her elders?

Elder of wife's side:

We can see the matter because we are four, the majority members are present.

Chairman:

The man who is absent might raise a convincing idea. So, let us see the case during the next session. Then, an elder of her side asked the wife whether she would agree to accept whatever would be decided by not complaining that a particular decision or order would disadvantage her due to the absence of one of her elders.

The chairman explained the implication of this enquiry as follows:

"After we decide on anything, we should not reconsider the case if the elder [who is absent] would raise a question which would contradict our decision. Besides, you [the wife] may also change your mind and refuse to accept the decision of the council by saying that it has been passed without the presence of one of your elders."

Then, the couple were ordered to leave the arbitration for a while. When the couple left, I remained seated. One of the elders asked the chairman, "Should not he [me] leave?"

Chairman:

We are now going to deal with arbitration money. This is not important to you [me].

Thinking that any further argument to attend their secretive discussion concerning arbitration money would be futile, I just left.

After a while, they called the couple and I also moved a bit near them gently.

Then, the chairman said that it has been decided that each of the litigants should pay 1,000 **birr** for the service of arbitration.

Wife:

It is not my fault. He chased me away from our home. I should not pay.

Chairman:

We decided according to the law.

Then, he announced that the next session would be on March 31, 1996.

Session 5

March 31, 1996

Chairman:

During the last sessions we tried to reconcile them. However, both of them did not agree to our points of views; let us examine the application of the husband and let's also examine the reply of the wife. All agreed to do so.

The chairman read the accusation and the reply. Then, an elder from the husband's side suggested, "How do we prove that the accusation is right and how can we know their divorce proposal is justifiable?"

An elder(wife's side):

We will investigate through their witnesses.

Chairman:

We will investigate whether the allegation is true or not through the witnesses and give decisions.

Then, both of the disputants were called to appear before the council.

Chairman:

We have read your application and the reply given from the wife, and for the investigation, we need your witnesses. First we listen to the applicant's witnesses and then to the defendant's.

Wife:

A 100 **birr** child support money which was decided is not enough at this particular time of sky rocketing living costs. Therefore, let the council consider this case and increase the amount.

Chairman:

One of the children is with you and two of the children are with him and the court decided that he has to pay you 100 **birr** on a permanent basis, we cannot decide against that. Besides, when the court decided, it took into consideration that you were living under the parents of the applicant [husband]. Therefore, you must apply to the court. However, you can tell us

when he refuses to give you that 100 birr per month." [after a pause] Last time you were told to bring the money for our arbitration, have you brought that today?

Husband:

I am dependent on my parents and, hence, my father is here with me to give you the money.

Father of the husband:

Both are my children, since they have 3 children in common. Here is the money for you.

Chairman:

How about you? [looking to the wife].

Father of the wife:

"How can she pay you, she doesn't even have enough to eat."

Chairman:

Do you think that passing our time on your case every time by paying transportation fee to come to St. George Church on every appointed day would be possible without payment? No. You must at least express that you will pay us when you get your share at last (during divorce). You must consult a lawyer.

Elder (wife's side):

This council has the authority which is equal to the **woreda** court. Your case should be properly seen. And any question raised out of the legal procedure would jeopardise our arbitration attempt.

Chairman:

What is your response to the arbitration money you should pay? [for the second time]

Wife:

I will pay from the share I will get [during divorce].

Chairman :

You must give us a letter stating this idea of yours.

Then, it was decided that the next session to be on May 4, 1996.
The wife argued that the case must be finished as quickly as possible.

The elders, especially the chairman explained that the next week has three holidays [for Orthodox Christians]: **hosana**, then Easter and then **dagmawi tensae**, so we have to arrange appointment beyond these days.

Then the meeting was adjourned.

Session 6

May 4, 1996

The chairman called the litigants to appear before the council.
The wife announced that she has assigned a lawyer to be a representative for her in the matter.

Husband:

I came to know that my daughter is sick when I visited her. I, therefore, request the council to give me the decision that my daughter to see a doctor through me.

Wife:

It is false! He refused to give me 100 **birr** which is supposed to be paid for milk. If he is so considerate for his daughter, he would have facilitated this which would help for her health.

Chairman:

How is the daughter now?

Wife:

She is usually ok but sometimes she is sick. I am taking her to a government clinic for a follow-up.

Chairman:

His [the husband] question is that "let me take my daughter to the hospital." So, what do you suggest?

Wife:

He wants to keep the daughter for a prolonged time to which I do not agree; she is a 14 month baby. She still suckles my breast. So, how can that be feasible? So, I suggest that I do not refuse if he accompanies me taking her to the clinic.

Husband:

The baby is not only facing difficulties of health but also she lacks proper care. Since her mother is usually out, the baby is lacking proper care. So, the daughter should be given to me until she recovers.

Wife:

He is usually out of home driving a taxi, who is going to take care of her. So, I do not agree with this idea.

The woman also explained that she is not capable of paying the arbitration money at that time. She suggested that she will pay when she gets money from her share out of the property she will get on divorce.

The wife also asked the council to discuss the matter of alimony for her (that her husband to pay her). He only gives me 100 **birr**.

Chairman:

It is not only for the baby, but it is also for you that 100 **birr** is being paid by him.

Then, he [the chairman] read a paper of the decision of the court.

Wife:

Ok! let the council decide that I to get alimony from my husband which will be refunded from the property I share during divorce. The elders alone (without the presence of the litigants) discussed on the matter of alimony.

Chairman:

It has been decided [by the court] that the husband has no property, is dependent on his parents and since, the wife herself believed that, it would be difficult for us to go against this decision. This question would be seen after the dissolution of the marriage. Besides, we cannot decide on the question of alimony, since we do not clearly know the plaintiff's [husband's] property.

The other elders also agreed.

Then, the council also decided the following:

- Since the baby is only a 14 month old, it would not be possible for the husband to keep the baby under his custody.
- As to the health of the baby, the council decided that the parents should arrange an appointment to take her to a hospital.
- As to the arbitration money to be paid by the defendant it will be seen when the amount of the property of her share would be known. So, at this time the council passed without deciding on the matter.

One of the elders from the husband's side suggested that the couple should explain their points of litigation turn by turn; otherwise a penalty would be imposed on the one who refuses. This is because they were loudly talking at the same time.

Then, the couple were given a warning by the chairman to talk turn by turn. Then, the council decided to hear the testimony of the witnesses of the plaintiff (the husband).

Each witness was asked to explain what he or she knows about this couple by swearing (holding a bible).

First witness (husband's mother):

Because we had a close relationship with her parents, we forced him to marry her. One day I found them quarrelling. She said, "The baby is not yours; it is Derege's [somebody's]. From that day onwards, they always quarrel.

Second witness

One day, I saw them quarrelling and she hit him by throwing an iron [for cloth]. They passed that night separately.

Third witness

The wife requested me to reconcile her and her husband. Then, when I started reconciliation she rather shouted and insulted him. However, after strong negotiation they cooled down.

Then, the council asked the wife to bring her defending witnesses for the next session.

Session 7**May 26, 1996**

The woman disputant through her lawyer expressed that there is no single reason to dissolve the marriage. Her lawyer argued that it is only according to articles: 669, 670/2 that a marriage can be dissolved. That is, a marriage can be readily dissolved due to serious causes such as adultery and when one of the spouses disappears for at least two years and when this is judicially declared. The lawyer pointed out that the applicant indicted her on the basis of article 673 which considers as other grounds or non serious cause. So, he strongly requested that the council decide that the marriage should not to be dissolved.

Chairman:

Let's have another appointment to give a decision.

Then, all agreed and the meeting was arranged.

Session 8**June 16, 1996**

It is only the council and one elder from the wife's side who came at the appointment place. Since both of the litigants, two elders of the male side, one elder from the female litigant side did not show up, the meeting was adjourned for June 30, 1996.

Session 9**June 30, 1996**

The council dissolved the marriage. It has also passed the following resolution:

1. The two children (a three year old and a four year old and one-half year old) to be under the custody of the father.
2. A one year and two month old child to be under the custody of the mother.

Since the father takes care of two children, it was decided that he was not liable to assist the other child who remained with its mother. The council also found that the wife is guilty, hence, the husband would not pay alimony or any money.

Since the wife appealed for common property division, she was assigned to present an estimation of the common property during an appointment that will be arranged.

DECLARATION

I, the undersigned, declare that this thesis is my work and that all sources of material used for the thesis have been duly acknowledged.

Name: Tassew Shiferaw

Signature: _____

Date: June, 1998