



AT A CRITICAL AGE: *Orfi* marriage is becoming more and more common, mainly among young Egyptians, especially undergraduates.

Hanging by

By Doaa Soliman

THE clatter and laughter of the fourth-month-old boy changed the mother's black mood but not her many problems. Although Hanan loves her baby madly she wishes she'd never had him.

"He is the apple of my eye and also the reason for my misery," says Hanan Mamdouh of the infant whose birth she can't register.

This 24-year-old woman's problems started about a year ago, when she discovered she was pregnant. Only then did Hanan realise her mistake. She'd fallen into the trap after signing an *orfi* marriage contract with the man she loved.

While registered marriages in Egypt – being documented by the *maazoun* for Muslims and the priest for Christians – regulate the couple's relationship and guarantee their rights, *orfi* marriages don't.

In Arabic, the word *orfi* means 'unofficial'. Hence, *orfi* marriage is an unregistered, unofficial marriage. There are numerous types of unofficial marriage. Some are against the *Shari'a* (Islamic Law), others aren't. But none gives the couple the legal rights documented marriages do.

"There are two sides to *orfi* marriages: the legal and the religious," Mohamed el-Gindy, the Secretary-General of the Supreme Council of Islamic Affairs, told the *Egyptian Mail*.

"According to Egyptian law, courts

don't consider unregistered marriage cases. However, if there is a signed contract, there would be some hope for the registration of the baby's birth."

In some types of *orfi* marriage, the couple sign a paper to say they are married, but it's not registered and it's usually done in secrecy. In other cases, the couple do make a verbal marriage pledge without any documents or just inform their closest friends that they're married.

All such marriages are despised and rejected at the social level. They are also entirely unrecognised in Egyptian law.

"Although the whole situation becomes a mess, having an *orfi* 'contract' could help prove the paternity of the children. Without it, the woman can't prove she is related to her partner. She is lost," el-Gindy added.

Hanan wrote the so-called *orfi* contract, but, after a fight with her 'husband', she discovered she'd lost her copy. That was the start of her endless despair.

"He wanted me to get an abortion but I refused," Hanan recalls sadly. "It then dawned on me that he'd taken my copy of the *orfi* contract. Now I can't register Kuram [their baby], as I'm not married. Nor am I divorced, so I can't marry again."

The law is totally against this young lady who works in marketing. On one side, she doesn't have legal proof of her relationship with the father of her son; on the other, her husband still has the marriage contract which means that he can sue her if she remarries. She could be accused of polyandry, which is punishable by seven years in prison in Egypt.

"Only now do I see the other side of the cheap paradise he promised me. He just didn't want to pay anything in return for

our relationship. All he wanted to do was avoid any commitment and I, stupidly, helped him," Hanan concludes.

In Egypt, where premarital sex is prohibited for religious and social reasons, *orfi* marriage emerged decades ago as a 'semi-formal' framework for such relationships. Nowadays, with the increasing economic pressures, it's spreading more and more among young couples.

Young men, usually those who bear the greatest financial burden of marriage, see the informal *orfi* contract as a way out of the financial obligations and commitments of official matrimony.

After all, they can always destroy the only document proving the marriage – which is usually kept by the man – in order to end the relationship when they choose to.

The woman, in this case, is almost always the loser: many women can neither prove the marriage nor obtain a divorce, and thus they risk spending the rest of their lives unable to remarry or even obtain financial support. If the couple have had a child, the mother could spend years attempting to prove paternity.

"That's why we're tackling this issue now," said Zainab Radwan, the Deputy Speaker of Egypt's Legislature, during a symposium held last week in Cairo, entitled '*Orfi* Marriage: Validity and Implications'.

"The legislative position of these marriages is very controversial. There are many articles in our laws that facilitate or cause this problem. All this must be tackled," she added.

The debate over *orfi* marriage started years ago and has caused many changes in the Egyptian laws.



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OPEN DISCUSSION: A session in the symposium held last week about *orfi* marriage. Grand Sheikh of Al-Azhar Mohamed Sayyed Tantawi (L) and Egypt's Mufti Ali Gomaa (3rd L) attended the event in Cairo, along with Andreas Jacobs, the Resident Representative of the Konrad Adenauer-Stiftung (far R).

a wee thread

Since the year 2000, if a woman can produce a proof of an *orfi* marriage in court, she can ask for a divorce without alimony or child support. Moreover, even without the document, the court will hear paternity cases.

The Egyptian Personal Status Law is expected to be tackled in the new session of the People's Assembly (the Lower House of the Egyptian Parliament), and *orfi* or unregistered marriages top the list of the issues that need legal action.

"We have many legal gaps. For instance, before the age of 18, marriage can't be registered but it's not banned," Radwan added. "This all must change and there must be one single form for marriage and anything else should be legally prohibited."

In Islam, there are many conditions to prove the validity of the marriage, the two most crucial being declaration of intent and obtaining two attestations of the marriage.

Thus, the majority of *orfi* marriages are against the Shari'a, as they are usually secret relationships.

"This issue doesn't only affect Egyptians but Europeans and people from many other societies living in the Muslim and non-Muslim world," Andreas Jacobs, the Resident Representative of the German co-operation agency Konrad Adenauer-Stiftung, which organised the *orfi* marriage symposium, told this paper.

"With over 4 million Muslims living in Germany and around 20 million in the EU we are deeply involved in this debate," Jacobs explained. "We need to discuss the *orfi* marriage issue as we are becoming part of it. It takes place sometimes between

Egyptian men and European women. Hence, we need to figure it out."

Although there are no precise statistics about this trend, experts say that it's most common among university students and it's also related to the growing number of homeless children.

"Laws aren't the solution," said Mohamed Ghoneim, the head of the Commissioners' Body of the Supreme Constitutional Court. "*Orfi* marriage is a product of many other social and economic problems. We must work on solving the core reasons of the problem before rushing towards the symptoms."

As a judge, Ghoneim believes in the role of laws. However, he thinks they can't work alone.

"The solution must be practical, through providing young people with more opportunities for official marriage and awakening social and moral standards," he added.

With all the harsh criticism *orfi*-married couples receive, there are many justifications for their decision, which is why many NGOs are searching for a practical solution to a problem which causes many tragic stories.

"We target young girls in the first place because they are the real victims of these marriages," said Hoda Badran, the Chairwoman of the Alliance for Arab Women.

"It is vital for girls and their families to be made aware of the consequences. They get humiliatingly manipulated in these relationships and are finally dumped with no future, hope and a child."

Badran has met many *orfi*-married women and heard a lot of heartbreaking stories. The hardest thing for her is that in many cases she can't afford them any help at all.

"I did that to myself when I closed my eyes and followed my heart," Hanan recalls gloomily. "Now, I would give anything to have my baby registered. It's all up to my alleged husband. I'm like a puppet in his hand hanging by a wee thread."

