

Factors and Consequences of Polygamy in Afghanistan

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DOI: [10.55559/sjahss.v2i07.124](https://doi.org/10.55559/sjahss.v2i07.124)

Received: 07.06.2023 | Accepted: 02.07.2023 | Published: 28.07.2023

Electronic reference (Cite this article):

Royin, M. (2023). Factors and Consequences of Polygamy in Afghanistan. *Sprin Journal of Arts, Humanities and Social Sciences*, 2(07), 61–70. <https://doi.org/10.55559/sjahss.v2i07.124>

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ABSTRACT

The aim of this paper is to investigate factors that cause the men in Afghanistan to turn to polygamy and show its familial, social and economic consequences.

Polygamy is one of the axial discussions in Islamic sociology and a doctrinal belief in its social aspect. Continually Muslim intellectuals have been studying and describing the theme of polygamy and its preconditions, from different points of views in its all aspects. If we look into the preconditions that Islam has put, we find out that the holy religion of Islam allows the polygamy in the case that man can provide justice including moral justice such as having good relation based on bilateral respect with all wives, economic justice such as distributing wealth fairly among his spouses. The research shows that main factors of polygamy in Afghanistan are piety, tribal rivalry, need of social immunity, abortion of the first wife, being sonless, illness of the wife, unawareness of the husband from his responsibilities, richness, social power and position and differences among spouses. Polygamy has positive consequences as it prevents the man from adultery, obscene actions and when the first wife is abortive, it paves the way for the man to have children from another wife. There are also negative consequences for polygamy; the important instances are increase of family disputes among wives, vagrancy of their children, spread of enmity among families, problem of not following justice and finally it causes heavenly punishment for the man. This paper suggests that polygamy should be enacted only in the case when the legal and religious conditions are provided by the man.

Keywords: *Polygamy, Islam religion, justice, law, religious law and family*

Introduction

Polygamy is a lawful Islamic action and it was also usual before Islam, among followers of many different religions and nations, but out of discipline and restrictions. The holy Islam religion legitimized polygamy up to four spouses dependent upon observation of justice and

ability of man to provide all expenses. Islamic traditions and Muslim customs have postponed performance of justice and provision to faith, conscience and piety of the man.

Polygamy, in the meaning of having several spouses by a man is legal in Islamic law and Afghanistan's constitution, though it is not unlimited and out of essential qualifications, but there are limitations and conditions are considered.

The first person, who educated Muslims polygamy, was the majesty of Mohammad (God's mercy upon him). He trained the people polygamy by his actions, as he married several women and Muslims have practiced it in the period of Mohammad's life and after that as a religious tradition following conditions.

Polygamy is one of the important and basic subjects in laws of Islamic countries; especially it is related to women rights. It is discussed in the holy Quran and registered in laws of Islamic states, as there are limitations and conditions described in order to clarify all things and prevent injustice in Muslims lives.

In Afghanistan, polygamy is legitimized considering clear guidelines of the holy Quran and specific conditions in Afghan civil law. On one hand, polygamy and firm promise is important as marriage is the base of family construction and it is a holy agreement for laying foundation of basis for common life of two persons. On the other hand, it is known as a social harm in the case that men marry second, third and fourth time and don't follow the conditions and restrictions that Islam and Afghan civil law have introduced. In this case, women are deprived of the rights that Islam and civil law considered for them.

This paper concentrates to respond the main questions that why do men in Afghanistan turn to polygamy and what are its consequences? The research is based on literature review. Data are collected from authentic books and analyzed using descriptive approach.

A historical overview of polygamy

Polygamy is almost a historical phenomenon that has been existing along with human social life. In east, polygamy was a usual and customary action; Babylonians, Assyrians, Iranians, Hindus and Chinese, randomly were contented with one spouse.

In Iran of Sassanian age, polygamy was a usual affair. Aside from their married spouses, men had unmarried spouses, such as female slaves and servant women. According to Firdausi in *Shahnameh*, Bahram-e-Gaur had married more than (930) wives. Among Spartans, though men had been allowed to marry more than one wife in special conditions, women could marry more than one husband at the same time as they desired. Narratives like these indicate that religions before Islam had not done any attempts to limit polygamy. Most of their attempts had been based two general principles - Firstly, prohibition of marriage with close relatives and secondly, annulment of polygamy. In divine religions and laws, marrying several wives had been lawful for men. Now we review rules of these religions as much as it is possible here.

Polygamy in Judaism

In Judaism, marriage is interpreted as factor of woman's separation from her family and marriage is based on buying the girl, and dowry is paid as her price to her family. Father's consent is the original condition of marriage. Polygamy is customary among Jews. Man can have several spouses and it is praised for increase of their generation. Additionally, polygamy is lawful without any limitation (Farid, 2005: 8). It is also mentioned that in this religion, the basic condition of polygamy is better economic ability of the man. Based on this, everyone who

was rich and wealthy could marry more than one wife and poor people aside having rational causes such as abortion and disease of their wives couldn't marry for second time. (Gurji, 2005: 121).

Polygamy in Christianity

First it should be mentioned that marriage is underestimated in Bible. It is mentioned in Bible that "Christ had lived single". Paul has said: "single person thinks in divine affairs and married thinks in world affairs. Christ never married, so Paul didn't marry" (Abadani, 2007: 720).

In the case of Marriage, if the case of husband and wife led to separation, they were not allowed to marry for second time, and if any of them did so, he/she was behaved as adulterer and apostate (Motahhari, 1998: 33). So, polygamy is prohibited in Christianity and the family structure is based on one spouse system. This interpreted very important as in the case that husband and wife cannot live together and disagreement has made the family environment gloomy, the man cannot marry second wife (Motahhari, 1932: 316).

Polygamy in the Holy Religion of Islam

Polygamy was part of life customs before Quran was descended, 1400 years ago. When the earth was young with less population, polygamy considered a way of increasing the earth population, and brings more human individuals in order to perform God's plan in the world. When Quran descended there was enough population in the world, so it enacted first limitations on polygamy (Zuhaily, 2003: 96). Polygamy is allowed in Quran, but with difficult conditions. Any abuse of this divine permission will cause the dreadful torture. Though the almighty God has permitted polygamy, he has enacted some rules, conditions and limits. In Quran, he says: "if you are fear that you would not provide justice and equality among your wives, you should marry only one, you cannot bring justice among several wives, even you use all your attempts (Tbibi, 2017: 45).

Quran limitations on polygamy notifies on probability of abuse of God's law, so it is essential for every Muslim man to make sure that he doesn't abuse the God's decree and prevent himself from lust and abstain from polygamy (Qarzawi, 2003: 130). The holy religion of Islam didn't cancel polygamy but brought some reforms in it as they are discussed here.

Reforms Islam Brought in Polygamy

1. **Limitation of Polygamy:** The first reform Islam brought in polygamy was that limited number of wives a man can marry. Before Islam it was unlimited; as one man could marry hundred wives or more than it and make big harem for them. Islam determined a limit for it and indicated the maximum number of wives, as one man cannot marry more than four wives and have them in his marriage.
2. **Justice Condition:** The second reform was requirement of providing justice and prohibition of discrimination among wives and their children. While before Islam in the world there was no condition of justice at all, as in Judaism richness was the original condition for polygamy (Karimi, 2009: 103).
3. **Elimination of Discrimination:** It has been 14 centuries that in Islamic world in east, the custom of discrimination among children has been abolished. Having one evident wife and several secret wives is a European custom, not an Asian one (Weill Durant,

1991: 170). So, the third reform that Islam brought in polygamy was abolishment of discrimination among wives and their children (Quran's Kabuli interpretation).

Conditions of Polygamy

Islam has allowed polygamy following the condition of justice.

Conditions of Polygamy in Islam

The holy religion of Islam has permitted marrying more than one wife with consideration of justice. Here the justice means that the man strives and does his best to be fair and follows equality among his wives in providing alimony, housing and good association. As the almighty Allah says: "if you fear that you cannot behave justly, be satisfied with one wife" (Qutb, 19997: 14016). If men are afraid of oppression and injustice among their wives, it is better for them to be satisfied with one wife. If they don't follow this rule they would face painful punishment in doomsday. The majesty of Abo Hurairah narrates from the grand prophet of Islam: "When a man has two wives and doesn't behave among them justly, on the day of judgment he will come in a condition that a part of his body is crooked (Motahhari: 1932: 446)." Article 86 of Civil Law of Afghanistan allows man to marry more than one wife at the same time, considering the following conditions:

First, there shouldn't be any injustice among wives (man should provide equality among them in material affairs such as paying for alimony, following turn of cohabitation and thing like them. Secondly, he should have the financial ability of providing cloths, housing, medical treatment; thirdly, in the case of existing advisable excuses such as abortion of his wife or when she is affected to incurable disease (civil law of Afghanistan, 2009: 128).

Factors and Results of Polygamy in Afghanistan

Although in the holy Quran and Civil Law of Afghanistan, polygamy is permitted with clear conditions, in most of the cases, different factors and reasons aside those mentioned in the law, cause polygamy among men. There is no matter for men wither their wives agree with them in second marriage or not. There are some factors that are effective in polygamy and marriage with several wives, as they are discussed here:

1. **Piety:** Some men who are strong and energetic, they are not satisfied with one wife. If they don't marry several wives, surely they lose their piety and will be affected by obscene acts or they commit adultery, so the turn to polygamy (Taqizada, 2017: 290).
2. **Tribal and Local Rivalry:** In most of families and tribes, there are a series of rivals among men that in many cases, they affect personal life of people. As one of them, by any cause, marry second wife, the others will do so based on the rival. Sometimes it causes men to marry several wives, even it causes to divorce a wife and marry another one.
3. **Need of Immunity:** Physical power of men is a matter of consideration in Afghanistan. On the other hand, disputes on wealth, ownership, command, control of family affairs etc. are usual problems that people in Afghanistan face regularly. Though these disputes can be solved in courts and security organizations, though most of people don't have access to these organizations. So they try to solve these cases themselves, when they couldn't solve them peacefully, they turn to fighting. It is clear that men are the force of war and the group whose men number is less will be defeated. So people feel needs for

physical force to get victory in these wars and win the dispute. For immunity there is a need for more number of boys and men in a family. Therefore in some regions those men who don't have brothers or number of their brothers is less, they feel insecurity and for completion of this weakness, they turn to polygamy; as they marry second, third and fourth wife in order to increase their relatives; brother-in-laws, father-in-laws etc. to increase their immunity in social life (research organization of women, 1999: 17).

4. **Abortion of Wives:** One of the factors that according to 86th article of the civil law allows the man to marry second wife. If the first wife of the man is abortive and cannot have children, her husband can marry another wife. So it is an important factor of polygamy in Afghanistan.
5. **Being Sonless:** As it is mentioned in discussion of immunity, in traditional society of Afghanistan, living without son in family is intolerable for men. There is a well-known proverb "those who don't have son, the lamps of their home are off". It shows importance of having son in families and obvious discrimination among son and daughter that has rooted in tribal culture. While Islamic law doesn't approve this custom and has interpreted daughter as mercy of the God.
6. **Unawareness:** Another issue is unawareness of people and their less information about determination of fetus gender in mother's womb. Men don't know that the gender of fetus belong to themselves, not to women. For more information, an interview was done with Drs. Fahima Sekandari, and she said: "Each human individual has 23 pairs of chromosomes, among which 22 pairs are vital chromosomes and 1 pair is generic chromosomes which are called (x and y) in men and are called (x and x) in women. So during impregnation of chromosomes if the chromosomes (y) of father and (x) of mother are mixed, the fetus will be son or male, whenever the chromosomes (x) of father and (x) of mother are mixed the fetus will be daughter or female. So, it can be inferred that gender of fetus belongs to sperm of men, as the researches have shown that most of the men who have married second wife to have son, they couldn't get sons.
7. **Illness of Wife:** The wife's illness is one the factors that is mentioned in civil law and allows the man to marry second wife. Unfortunately, the researches show that men abuse this permission; instead of medical treatment and taking care of the first wife, they turn to second marriage. It is mentionable that 30 % these women have lost their lives due to having no access to medical treatment.
8. **Richness:** The men, who have turned to new marriage, have expressed richness as the reason of their action. This group of men is not even satisfied with two wives, but they marry for third and fourth time. Richness and being wealthy cannot be the only without other mentioned conditions in law is not sufficient for new marriage. There should be lawful and logical reason for new marriage. People who are rich and have good incomes, they are not successful in following justice and providing equality among their wives (Rafat, 2015: 127).
9. **Power and Position:** Having social power and high position in society facilitates more marriages and men marry for several times using their power and position. Mostly military commanders, lords, khans and influential men oppress other people and marry their daughters. Such men mostly marry four wives or more than four after divorcing one of their former wives.

10. **Custom and Culture:** Traditional culture and disagreeable customs are from the issues that have played big roles in polygamy and instances of new marriages. Some unlawful customs like: marriage in childhood period, marriage of widows with dead husband relatives, marrying girls instead of money, forced marriages cause second marriage in most cases. In some instances, even the will of husband is not effective, but close relatives like father and grandfather's decision is more impressive (Adalatkhwah, 2017: 17).
11. **Existence of Difference between Husband and life:** In most cases differences between husband and wife in education, location of housing, tribe, nationality, caste, social class and mental issues have paved the way for new marriages.
 - **Regional Differences:** Researches have proved that those women who are from city residents and their husbands are villagers or inverse, disputes and disagreements appear between them in family life and husbands turn to new marriage.
 - **Educational Differences:** Difference in level and grade of education especially in cases that man has higher education than his wife make the man new marriage. While those men who have the same level education with their wives of lower than them, they would not turn to new marriages.
 - **Tribal Differences:** Tribal differences between spouses is also one the factors that lead the man to second marriage. The existence of tribal difference cause variation of culture and habits, as a result, the process of life will be affected and the man decides to marry for second time. Statistics of ethnical and differences cause new marriages among people in a higher level than that of tribal. Differences in nationality also cause new marriages, as when husband and wife are from different nations, the husband were oriented to marry for second time.
 - **Religious Differences:** Sometimes it is occurred that the religious belief of husband and wife has been different from each other. This difference causes the new marriage of the man especially when children follow the religious beliefs of their mother. Some men turned to second marriage even though their children follow the religious faith of the father (Motahhari, 1932: 23).

Positive Consequences of Polygamy

1. Preventing from outbreak of adultery, obscene acts, sexual diseases, largeness of illegitimate children in the society, poverty, abuse of lecherous people and sexual opportunists and increase of single women in contrast to men in the society, especially after long wars and destructive disputes.
2. Polygamy solves most of the family problems; such as problem of abortion of first wife when the man wishes to have children, or the wife is affected to an incurable disease, or when the man has strong sensual power while his wife has cold sexual drives. In these cases, what else the man can do? Doesn't the man have the right to turn to polygamy? Additionally, second, third and fourth wives have material, spiritual, legal and social advantages. If the polygamy was not a lawful action and not permitted, these advantages were not presumed. If something has greater benevolent than its evil, it should be enacted. Also in legislation, little evil aside great benevolent has no problem.

So, extending the meaning of Hadith “there is no harming and no losing in Islam” means that acting to give priority to public interests is in agreement with Quran texts, the holy prophetic tradition and Muslims’ consensus. A thing like polygamy which is the subject of our discussion is permitted in Quran and the holy prophetic tradition has introduced it as a lawful action (Feqhi Rasol, 2003: 308). That some Arabic states like Tunisia recently have prohibited polygamy, it is a defective law and even Europeans call it deficient. The result of their disgraced law has become that: adultery and obscene acts have taken the place of polygamy and who wants to fulfill his need through polygamy will be punished, except in the case that by false evidence and deceitful words he can convince the judge that his second wife is his girlfriend and there is no lawful contract between them. In this case he can escape from punishment (Feqhi Rasol, 2003: 314). So inversely Islamic countries need laws that encourage polygamy and provoke those who are able and their interests require to polygamy. For example, in Arabic states of Persian Gulf people have abundant wealth and capital and less population, men should marry several wives in framework of Islamic rules and facilitate life needs for women (Feqhi Rasol, 2003: 324). In a society with system of polygamy, if the man wants to have another sexual partner, he must take the responsibility of providing life expenses her and her children (following turn in the case of polygamy, 2012: 114).

Negative Consequences of Polygamy

It is a clear fact that prosperity and happiness of a couple in the family are dependent to sincerity, friendship, consensus and sympathy of husband and wife, and in the case of not following its religious conditions, it would be in exposure to many risks. So in the case of polygamy, if the man doesn’t follow the rules, there are not only problems with his wives and their children, but the man himself will face many difficulties in worldly life and after life. Although polygamy is a social need and lawful action, in the case of trampling the rules it will cause the following problems in the world life:

1. **From Psychological Sake:** Family relationship is not only dependent on material affairs, but it is also related to spiritual affairs such as love, emotions and feelings. These affairs are not dividable like material items, it means we cannot divide it among many individuals, so what we call the soul of marriage and its spiritual base is its humanitarian side and good relations of two human beings which departs animals from human kind. Even animals’ relations in many cases conclude emotions, how humanitarian relations can be emptied of sincerity and emotional behavior, depending only to carnal instincts. So, polygamy causes many family problems (Yusari. 2009: 23).
2. **From Educational Sake:** Polygamy increases family disputes, especially family disputes among wives and their children. Some intellectuals believe that polygamy provokes the wives to revolt against each other and against their husband, as it changes the environment of family to the area of dispute, argument and field of malice and avenging, while it should be the environment of sincerity and love. Even this habit spreads to the children. The family which is the first spiritual school and college for children and should be inspiring kindness and mercy, inversely it becomes place of learning hypocrisy and evil actions.

The pretty decree of Quran regarding formation of family relations based on marriage of husband and wife which is based on following justice condition with no doubt, has predicted all spiritual, educational, legal, philosophical and social dimensions and has enacted the social justice as the unique standard of measuring and rate of life flow in its natural course, to make safe and prosperous family (Qarzawi, 1998: 19). The main educational problems of polygamy can be summarized as the following:

- a. Providing justice among wives is difficult or finally impossible, because their love, morality, behavior, beauty and civilities differ from each other, so Quran figures justice among wives out of ability.
- b. Continuation of argument, grudge and enmity among the wives and it is difficult to bring agreement among them. So always the man's thought and mind is busy with family problems, as some men who have several wives decide to divorce one of or some of them.
- c. Spread of enmity from mothers to their children, as it is seen in most families, brothers and sisters who are born from different mothers don't have much agreement and sincerity. In the story of Yusuf, we see that his brothers sold him by insignificant price.
- d. Polygamy causes vagrancy of children as they are disinterested in home. Family violence disperses them and creates economic problems. One man cannot look after many children and wives, especially when he is poor, so some of the women who have companion turn to obscene actions (Mozaffari, 2010: 125).

There are also some difficulties that the man will face after world life in doomsday, when a man marries second wife who is younger to his first wife. Of course, he will give more time to spend with second wife. Clearly it is oppression and wasting the right of his first wife. Husbands who don't have religious information and are unaware of women's legal rights, don't follow religious rules and not provide legal rights of their wives. So they cannot provide justice among several wives and fall in abyss of fault, as afterlife they would face painful divine punishment. Another big difficulty that oppressive man will face after life is difficulty of passing the Serat Bridge. Ashraf Ali Tahanawi (a famous religious intellectual) who had married second wife says: "For me second marriage costed a lot, in price of passing from Serat bridge which is sharper than sword and more narrow than hair, as due to little quake movement and direct slip will fall in depth of hell and it is a hard fearful time that can be imagined. For following legal rights and religious rules of polygamy and preventing oppression, complete faith, good wise, soul purification etc. are essential, because gathering all of these attributes in one man is rare. So, polygamy for most people causes embittering world life and losing prosperity of afterlife (Tahanawi, 2004: 300).

Conclusion

Though polygamy is one the social needs and the holy religion has enacted special conditions and limitations for those men who marry several wives. Unfortunately, in Afghanistan, husbands don't follow these limitations and without considering indicated conditions undertake to marry more than one wife, as consequently this action has become a social problem.

The research done here shows that before emerging of Islam, polygamy existed unconditionally. Celestial religions before Islam prohibited only marriage of one woman with

several men. The holy religion of Islam brought the two main reforms in polygamy; first it limited number of wives, secondly, put conditions and boundaries.

Conditions mentioned in civil law of Afghanistan are not solvent to this problem because family law courts work only in Kabul city and the law courts in provinces which cover such cases are civil courts and they are not active in districts. Most of our people think polygamy is impossible today. Only those who have low educations and are rich and wealthy or have influential position in the society marry several wives. There are also some other factors have caused polygamy such as marriage in childhood, marriage with widows of close relatives, compulsory marriages, tribal rivalries, abortion, incurable disease of the first wife, richness, social power and high position.

The factors impel girls to marry with married men are family poverty, social oppressions, fear of living single for long time and force of fathers. Women who don't complain against new marriage of their husbands are afraid of being divorced, worried about future of themselves and their children. They fear violence or respect to their husbands or think that it is the man's right to marry several times. Results of this research show that much violence and injustice are used against women who experience polygamy.

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