

S. Behnaz Hosseini *Editor*

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# Temporary and Child Marriages in Iran and Afghanistan

Historical Perspectives and  
Contemporary Issues



Springer

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# Foreword

## Child Marriage, Temporary Marriage, and “Honor” Killing: Variations on the Theme of Violence Against Women

On a pleasant afternoon on May 21, 2020, in a beautiful village in northern Iran, a 14-year-old girl was mercilessly beheaded. The killer was none other than her own father. The news stunned the villagers and shook many Iranians to the core. The little girl’s “crime” was not so much her desire to marry a man twice her age, given variously as 28 or 35, but that she had eloped with him after her father refused them permission to marry because the suitor was a Sunni. Raging mad, the father sought to redeem his honor. He is presently in jail awaiting punishment, though under the current legal system in the Islamic Republic of Iran, fathers who kill their daughters are treated leniently, given three to ten years imprisonment maximum. Had the father killed the suitor instead of his daughter, however, his punishment would have been execution and payment of blood money, *dieh*, to his family. It later became clear that the father had consulted a lawyer prior to the killing and learned of the differences in punishment for murder of the suitor and murder of his own daughter (Mohammadi and Ja’farzadeh 2020).

But what about the man who had seduced this young girl some two years earlier? Where and how did he get to meet her? How did he gain her trust to the point of luring her away from her family? Did he display concern and affection—genuine or feigned—that she might not have experienced at home? What about the young girl herself? Was this girl precocious, and her case unusual? Is there any relationship between (dis)honor killing and child marriage?

What is the relationship between child marriage and temporary marriage? I believe the three phenomena are often intimately interrelated, though not necessarily so. Further, all three phenomena are manifestations of patriarchal domination that in the past few decades have become more militarized and ideological in most Muslim states.

All the papers in this timely volume by S. Behnaz Hosseini address variations on the theme of child marriage and temporary marriage in Iran, Afghanistan, and Iraq, highlighting the embedded violence against women—even in situations where the

young girls or women willingly enter these types of marriages. In both the Islamic Republic of Iran and the Islamic Republic of Afghanistan, the legal system is ideologically charged and is largely based on Shari'a, Islamic law. But in both societies, the law—the Islamic law—is often interpreted opportunistically and capriciously, projecting issues and situations that emanate from contemporary and modern issues back on to the early days of Islam. It does not much matter whether a society is predominantly Shia or Sunni. Both Iran and Afghanistan have to grapple with issues of child marriage, temporary marriage, and violence against women, but to varying degrees. In the following pages, I briefly discuss these three forms of sexual union and gender relations, with greater attention to Iran.

“Child marriage” is not a modern phenomenon, nor is it restricted to the Islamic societies. Modernity, however, has engendered a global move toward defining who is a child and what constitutes child marriage. According to the United Nations Children’s Fund (UNICEF 2020), child marriage is “any formal marriage or informal union between a child under the age of 18 and an adult or another child.” Childhood and adulthood, however, are stages of the life cycle that are not uniformly defined cross-culturally or legally regulated universally. Cultural beliefs and practices, likewise, are not necessarily congruent and harmonious with legal rules and regulations. Childhood and adulthood are concepts woven into the warp and weft of cultural customs and religious beliefs. Modernity and colonization, however, have confronted traditional societies with irreconcilable conundrums, where legal, cultural, educational, and religious domains crisscross, often frustrating the efforts at change in one domain, if not canceling each other out completely. In both post-Taliban Afghanistan and post-revolutionary Iran, legal injunctions continue to lag behind cultural changes and practices.

Although child marriage has decreased worldwide “from one in four girls married a decade ago to approximately one in five today,” the practice remains widespread (UNICEF 2020). Such persistence is despite most countries, including Iran, having signed the United Nation Convention on the Rights of the Child (UNCRC). It is noteworthy that while most present-day nation states have sought to regulate certain activities on the basis of the age of their citizens, corresponding to different stages of the life cycle (e.g., employment, voting, driving, military service, drinking, election to state offices), they have resisted when it comes to age restriction for marriage, particularly girls’ first marriage. In other words, faced with modernity and globalization, countries such as Iran and Afghanistan have exhibited conflicting, if not contradictory, reactions. While, for example, modernizing their educational system and providing almost universal education, these countries have adamantly refused to harmonize marriage and family laws with changing gender relations. In the case of Iran, this incongruity is even more evident as the state, both before and after the revolution of 1979, initiated nationwide education for all. The high literacy rate in Iran for both boys and girls is evidence of such national efforts. The Taliban in Afghanistan, on the other hand, restricted nationwide education, making it primarily a prerogative of boys and men. Both societies, however, have outdated marriage and family laws that are skewed in favor of men, and patronizing toward women (i.e., treating women as minors who need supervision, presumably “for their own good”).

Such ambivalence, if not outright opposition, to changing patterns of marriage and family relations, even in the face of growing demand by many concerned citizens, however, is not limited to politicized and ideologically charged societies such as Iran and Afghanistan. One may still see remnants of it in as developed a society as the USA or in African and Asian societies. According to Nicholas Kristof, writing in the *New York Times*, the states with the highest rates of child marriages in the USA are Arkansas, Idaho, and Kentucky.

The number of child marriages has been falling, but every state in America still allows underage girls to marry, typically with the consent of parents, a judge or both. Twenty-seven states do not even set a minimum age by statute.... In the state of New Hampshire the Republican-led House voted to kill a bill, leaving the minimum age at 13. (Kristof 2017)

Moreover, “Niger and Indonesia, two Muslim-majority countries, have very different child marriage rates: 76% and 14%. The Central African Republic and Mexico, where most people are Christian do too: 68% versus 23%. Moreover, India, a Hindu-majority country, has the highest number of child brides in the world” (Girls Not Brides n.d.).

Even where some concession was given to Iranian activists’ sustained pressure to raise the age of marriage from nine to thirteen in 2005, the Guardian Council allowed for loopholes, under which a “father” or “judge” was empowered to allow for the marriage of an underage child, effectively nullifying the efficacy of the law. Additionally, faced with the continually rising age of first marriage for women in Iran and the skyrocketing rate of divorce, the state has doubled down on its advocacy of the benefits of early marriages, highlighting the “advantages” of marrying earlier. Large collective marriages of several hundreds of young girls and boys have been organized by the state with the newlyweds being given some attractive financial incentives. Such televised and publicly celebrated ceremonies have created a huge reservoir of “social capital” that appeal to many young girls, which in turn encourages families to marry off their young daughters.

According to a UNICEF (2014) report, the number of child marriages worldwide was listed as 700 million. The report warned that if this trend were to continue, by 2050, this number would reach one billion underage married girls. In Iran, and possibly in Afghanistan, accurate and reliable statistics are lacking. This is particularly true in the cases of child marriage and temporary marriage, with honor killings often going unreported altogether. But according to the “Girls Not Brides” website,

17% of girls in Iran are married before the age of 18 and 3% are married before the age of 15. The UN Special Rapporteur on the Situation of Human Rights in Iran reports that about 40,635 marriages of girls under 15 years of age were registered between 2012 and 2013, of which more than 8,000 involved men who were at least ten years older. (Girls not Brides n.d.)

Likewise, according to the available data in Iran, as reflected in the statistics of the central census bureau, from 2012 to 2016, more than 40,000 marriages of girls under 14 were registered. Even more problematic is that in 2011 there were at least 716 marriages of girls under the age of 10, almost twice higher than that of 2008 (Radio Farda 2019). But still, where a girls’ age is not correctly recorded, many

marry unofficially and without registration. The discouraging point, according to the report, is that not much has changed in the intervening years since 2007. Such consistency and increase, incremental though it may be, in child marriage in Iran demonstrate that the efforts of civil activists, lawyers, and the progressive media to address and hopefully to resolve this social problem continues to be stymied (Yasa blog 2017). The conundrum faced by the state in Iran is structural. That is to say, the population is becoming increasingly older, the birth rate is falling, the age of first marriage is rising for both women and men (23 and 26, respectively), and the divorce rate continues its upward graph. Panicked by such unexpected social trends, the state in Iran is turning toward encouraging and enticing a younger cohort of girls to marry, and for that it has attempted to provide all kinds of incentives, as mentioned earlier.

In post-Taliban Afghanistan, while efforts are made to discourage and reduce child marriage, still “over 40% of girls are married before the age of 18, and cultural practices such as child betrothal and exchange marriages (families exchanging their daughters) contribute to its high prevalence” (Girls not Brides n.d.). Two popular cases that may represent the tragedy of child marriage in Afghanistan, include, the 2003 film, *Osama*, directed by Siddiq Barmak. The film takes place during the heyday of the Taliban in Afghanistan, where the mobility of women, particularly those responsible for providing for their families, was curtailed and most women were strictly forbidden from leaving their homes. Barmak refused to give the film a happy ending, wishing to reflect the oppressive social life at the time. Faced with substituting for her mother as the breadwinner, the 12-year-old girl, “Osama,” becomes dramatically caught in a no-win situation: either facing execution or marrying her old would-be executioner, who had already been married three times, none of them happy. The violence against the young girl is painfully portrayed in the last scene of the film where the old man, having consummated the marriage, immerses himself in water, as required by religious regulations. The tragedy of forced marriage for young girls is also highlighted in *Sonita*, a powerful documentary about a young Afghan girl living in Iran. When her video “Brides for Sale,” produced by her Iranian patron, went viral, the 16-year-old Sonita was able to refuse her parents’ push to get married. She could escape her unwanted marriage and was also invited to the USA, where she has continued her efforts to fight against child marriage.

Reasons for the persistence of child marriages are diverse and often interrelated, including poverty, cultural customs, religious beliefs, differences in social class, education, bullying fathers, and male “honor.” On the other hand, given the immense social capital associated with marriage in many societies, the lure of marriage for many young girls may also be too high to ignore. Parents, particularly fathers, pressure their daughters, often through their wives, to accept an unwanted marriage. Sometimes, a young child may be raped by a family member and then forced to marry the person who raped her. Often, child marriages are arranged between young girls and much older men, where impoverished families may force their young daughters into temporary marriages. Because of the bride price, *mahr*; payment from the groom to the bride and or to her family, frequent temporary marriages provide a source of support for poor families. When I was conducting my fieldwork in Iran in the 1980 and during the early days of the revolution, I met a family in south Tehran,



whose youngest daughter would undertake frequent temporary marriages to support her widowed mother.

Child marriage and temporary marriage both gained a resurgence in post-revolutionary Iran, but for different reasons and addressing different social, political, and ideological purposes. Contrary to what some Iranians may believe, temporary marriage was never outlawed in Iran, but had mostly a subterranean life under the Pahlavi regime (1925–1979), ignored by the state. Popularly perceived as “legalized prostitution,” temporary marriage has been culturally marginalized and continually stigmatized. A pre-Islamic form of sexual union, temporary marriage, *mut’a* or *sigheh*, is a form of marriage where how long the marriage will last and how much money will be given to the temporary wife, the “bride price,” should both be specified at the outset. The duration of a temporary marriage may be as short as one hour to as long as ninety-nine years, and the term used for the “bride price” in the Quran (4: 24) is “*ujuruhunna*,” (sing. *ajr*), meaning reward (Haeri 1989, 53–54). There is no divorce procedure in this form of marriage, as the end of the specified time automatically terminates the marriage. Children born of such unions are considered legitimate by the Shi’is, though the spouses legally do not inherit from each other, unless otherwise specified in the original contract. While historically this form of marriage has been legal and practiced among the Shi’ias, it has been forbidden among the Sunnis. Variations on the theme of temporary marriage, however, have existed in many Sunni-majority countries, but functioned under a different terminology, as discussed by Hasso (2011), and Sindawi (2013).

With the establishment of the Islamic Republic, there was an attempt to give temporary marriage a face-lift, make it respectable, and actively promote it. Temporary marriage was reintroduced to post-revolutionary Iranian society as “the most brilliant law of Islam” and argued to be far superior to modern “free” gender relations in the West, even in as liberal a place as Sweden (Haeri 1989). Simultaneously, the Islamic Republic dismantled the Family Protection Law (FPL) of 1967. Under the FPL, a man’s legal right to plural marriages was restricted and made subject to the first wife’s consent. The FPL, however, did not address the historically problematic temporary marriage at all. Further, under the FPL, the age of first marriage for girls was increased to 15 and changed to 18 later in 1973. Custody of children was to be determined by the court and based on the child’s welfare.

The legally sacrosanct right of the father as the guardian, *vali*, of his daughter and the legal requirement to obtain his consent to his daughter’s first marriage has been upheld by both the Sunnis and the Shi’as, though more consistently among the former. The Sunnis have done so systematically and consistently, but the Shi’as have equivocated, partly because of the permissibility of temporary marriage (Haeri 1989, 54). The Shi’I ulama (clerics) have historically debated the issue of whether or not an unmarried mature woman has the right to arrange for her own permanent and or temporary marriage. Presently, under the Islamic Republic’s legal system, a father’s right to control his daughter’s choice of marriage, his right of guardianship, *vilayat*, is upheld, and his consent for her first marriage is necessary, regardless of her age.

In present-day Afghanistan, temporary marriage does not fare as well as it does in Iran. The difference might be due to Sunni dominance in the Afghanistan or fear of the

puritanical policies of the Taliban, when they were in power. However, in addition to the Shi'i Hazara among whom this form of marriage is legal and practiced (although it is not clear how widely), Afghan immigrants returning to Afghanistan from Iran or migrating back and forth between the two countries, seem to have contributed to loosening cultural inhibitions regarding this form of marriage and the stigma associated with it. Either way, other than anecdotal cases, no reliable statistics are available as to the popularity of temporary marriage and the extent of its practice in Afghanistan (Bahgam and Mukhatari 2004).

Child marriage, as mentioned above, has been historically widespread and is not exclusive to Muslim societies. However, in societies such as Iran and Afghanistan, where temporary marriage is condoned—more so in Iran than in Afghanistan—child marriage and temporary marriage often go hand in hand. Both forms of marriage, as mentioned above, have their roots in patriarchal political systems and legal/religious structures that hold women as objects of male honor that ought to be under their control and domination. Perceived as objects to be owned, controlled, and/or discarded at the male's pleasure, women who defy the male order pay a high price for exercising their agency. Popular sentiments, however, may be slowly—very slowly—changing and, with that, also such oppressive violation of women's human rights and forced child marriages, and temporary marriage. The brutal killing of Romina, the little girl mentioned at the beginning of this paper, has provoked so much anger and outrage that even the current head of the judiciary in Iran has promised the maximum penalty for the father. It remains to be seen, however, how genuinely he transfers his pain over Romina's murder to legal changes that protect women against endemic violence.

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**Shahla Haeri** is former director of the Women's Studies Program at Boston University (2001–2010) and an Associate Professor of Anthropology. One of the pioneers of Iranian Anthropology, she has produced cutting-edge ethnographies of Iran, Pakistan, and the Muslim world. Her landmark books include her classic ethnography, *Law of Desire: Temporary Marriage, Mut'a, in Iran* (1989/2014) translated into Arabic and reprinted frequently, highlighting the tenacious but secretive custom of temporary marriage in Iran; *No Shame for the Sun: Lives of Professional Pakistani Women* (2002/2004), widens the ethnographic scope to make visible the lives of educated and professional Muslim women. Her latest book, *The Unforgettable Queens of Islam: Succession, Authority, Gender* (2020) is a pioneering publication on the extraordinary lives and legacies of a few remarkable Muslim women sovereigns from across cultures and Islamic history. Dr. Haeri has directed a video documentary, *Mrs. President: Women and Political Leadership in Iran* (2002, 46 min.) focusing on six women presidential contenders during the Iranian presidential election of 2001.

# Overview of the Volume

This publication brings together renowned scholars and researchers to establish a fresh, interdisciplinary approach to both temporary and child marriages in Iran and Afghanistan. It analyzes legal documentation and religious manuscripts, addresses changes in sexual relations in society and in the institution of marriage, and depicts the development and evolution of a modern identity in the two countries. The book also discusses and assesses the frequency and popularity of temporary and child marriages in Iran and Afghanistan and explores their historical background.

The volume further communicates the emotional and psychological violence experienced by girls and women who are subjected to temporary and child marriages. The contributing authors address the prevailing deep-rooted traditions and cultural norms against a background of the rigid patriarchal structures underpinning societies in the region. Certain contributions include personal narratives, which convey an impression of directness and blunt honesty to the reader. The authors also deliver a fresh outlook on the reasons for the popularity of child and temporary marriages. It examines their ramifications for the well-being of women, the power structures within the family, the development of societies, and human relations in general.

In the opening chapter, Chap. 1, **Mohinder Watson** provides excellent insights into the concepts of temporary and child marriages in Iran, Iraq, and Afghanistan. She addresses the inextricable nexus among patriarchy, religion, and traditional norms and cultures that underlies and supports the social fabric in Middle Eastern countries, and she pays particular attention to the requirements of the law on international human rights. There is a clear international legal framework for the protection of children and women's rights, and states have committed to adhere to the Sustainable Development Goals and eliminate child and early marriages by the year 2030. After a brief but instructive reference to the main theories that can be used for analyzing marriage, child marriages, and gender relations, the author approaches each country individually and discusses the causes and consequences of those traditions. She concludes her contribution by elaborating on the chief preventive mechanisms and strategies against child marriages.

In Chap. 2, **Ali Hasannia** and **Mostafa Massoudian** attempt to shed light on the centuries-long dispute between Shi'a and Sunni with respect to the legitimacy of the institution of temporary marriage. Along with historical developments, the

authors provide an elaborate analysis of the specific Quranic verses and Hadiths that have been issued over the years, together with the opinions of experts and Muslim jurists. This contribution satisfies even the most ardent researchers on the topic, as it provides a detailed, in-depth, and holistic analysis of the concept, justification for and legitimacy of temporary marriage throughout the centuries.

**Kameel Ahmady** argues in Chap. 3 that the constant demand for temporary marriages in Iran encourages and also tacitly validates the need for child marriages. Religious and conservative families succumb to social pressure and allow temporary marriage to prevent their children having a relationship that is illicit according to the strict mores of Iranian society and Islam. Parental desire to control youngsters' need for intimacy and their sex drive is thus at the root of temporary marriage at a young age, and this encourages child marriage. Temporary marriages can also be used to legitimize illicit relationships. However, they are regarded by many as the only way for a modern Islamic society to function without straying from the established moral codes and to prevent the sinful practices that are generally associated with pre-marital and extra-marital sex. Finally, Ahmady considers religion to be only one of the many contributing factors to the rationale of child marriages. The real reason, for him, is found among the patriarchal and rigidly traditional structures of society.

In Chap. 4, **Mary Elaine Hegland**, whose research is based on in-depth interviews with Iranians and Iranian-Americans, argues that child marriages appear throughout Iran but, during the past decade, the number of child marriages in Iran has increased in impoverished and isolated regions, such as Baluchistan and the areas populated by Kurds. Through personal stories, this article exemplifies the psychological, emotional, biological, physical, and emotional repercussions that child marriages have on young girls. Hegland provides a very powerful and moving account both for experts on child marriages and a more general readership. Following a brief reference to the traditional notions of marriage and the changing role and expectations that societies place on married women, Hegland offers first-hand accounts of girls' experience. Although some of them may not come across as particularly surprising, others are touching and some are openly distressing, offering an insight into the life that these girls experienced at the hands of husbands and their families.

**Gabriele Rasuly-Palczek** in Chap. 5 seeks to explore the real values that underpin Afghan society and what we presently understand as Afghan culture. Her wish is to go beyond the stereotypical images that we are all accustomed to after years of exposure to TV news and superficial documentaries about Afghanistan and to come up with a contemporary definition of what Afghan culture is really like and how it enables and contributes to child marriages. Rasuly-Palczek regards Afghan culture a complicated and unique blend of different cultures that cannot be comprehended and evaluated unless one explores the values of honor, respect, hospitality, and family and so many others that are central to how modern Afghans perceive themselves and their culture.

Research on the ramifications of child marriage on the refugee population of Austria is the subject of the contribution by **S. Behnaz Hosseini** and **Ourania Roditi** in Chap. 6. This chapter mainly explores the powerlessness and hopelessness of the women who experienced a marriage at a very young age, the psychological trauma

they have endured, their exclusion from mainstream society, and their inability to be integrated into the workforce and society as a whole. Such women face a life of exclusion, poverty, and disempowerment. The chapter is based on research conducted among Afghan women in Austria. The authors found it particularly challenging to identify a focus group, as many women, although expressing an interest in cooperating, were eventually too afraid to share their stories. The chapter concludes with the message that empowerment based on education and self-awareness, as well as tailor-made outreach efforts alongside psychological and emotional support, are necessary to meet the needs and expectations of this particularly disadvantaged section of the population.

Chapter 7, by **Manijeh Maghsudi**, focuses on a lesser-known community, the Turkmen of Iran, who have retained their particular identity and traditions regarding marriage, although they migrated from central Asia to Iran centuries ago. Maghsudi, who conducted extensive research among Turkmen, starts by describing its people and introducing the main cultural traits underpinning their society. She chiefly addresses the tradition of the bride price and examines how this fits within the prevailing culture and traditional norms that characterize Turkmen. The author examines how the concept of the bride price has changed over the years and how it has become subject to modern-day considerations and linked to wider economic development. She also asks why the bride price still persists to this day.

S. Behnaz Hosseini

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# Editor and Contributors

## About the Editor

**S. Behnaz Hosseini** is a visiting research fellow in FRSG Group at the Institute of Social and Cultural Anthropology of the University of Oxford. She is also a Middle East media analyst with Persian media. Dr. Hosseini has conducted extensive research on minorities in the Middle East and has worked with the United Nations as an expert on ISIS crimes against religious minorities in Iraq. Her most recent publications are *Trauma and the Rehabilitation of Trafficked Women: The Experiences of Yazidi Survivors* (Routledge 2020) and *Yārsān of Iran, Socio-Political Changes and Migration* (Palgrave Macmillan 2020). She completed her doctoral studies at the Institute of Oriental Studies, University of Vienna, with a focus on the Yārsān, a religious minority in Iran, and trans-nationalism in Sweden. Her research centers on religious minorities in both Iran and Iraq, forced migration, and integration.

She has participated in multiple projects including “Trafficking and slavery under ISIS: Trauma and rehabilitation of Yazidi female survivors, “as well as” Analysis of forced migration and displacement of Iraqi religious minorities in Austria.” She worked as a post-doctoral fellow at the department of sociology of the University of Alberta, Canada, on a research project about Iranian religious minorities and conducted research field work on the Kurdish communities in Alberta. Between 2014 and 2017, she visited numerous refugee camps in Iraq and interviewed asylum-seekers in Germany and Austria. She has written a book on Iraqi religious minorities and immigrants in Austria (*Lit Verlag*, October 2018), focusing on the cultural dynamics of settlement and attempts made by groups to preserve their ethnic and religious identity. During 2017–2018, she carried out research on child marriage and suicide among the Kurdish community in Iran and continues to be involved in same research in Oxford.



## Contributors

**Kameel Ahmady** is a social anthropologist and scholar. He is the recipient of the 2017 Truth Honour Award of the London Law University and the Iranian and Kurdish Women's Rights Organisation (IKWRO) as well as the 2018 first place winner award in the Literary Category by the Global P.E.A.C.E. Foundation at the George Washington University in Washington DC. Ahmady has worked mainly on international and social development on gender- and minority-related issues. His previous pioneering research books have garnered international attention and are published in the English, Farsi, Turkish, and Kurdish languages. These books include: *Another look at East and Southeast Turkey: A Traveller's Handbook* (with a touch of anthropology) (Etkim, Istanbul, Turkey 2009); *In the Name of Tradition: Female Genital Mutilation in Iran* (Uncut Voices Press, Oxford 2015); *An Echo of Silence: A Comprehensive Research Study on Early Child Marriage (ECM) in Iran* (Social Issues, Justice and Status (Nova Science Publisher, Inc., New York 2017)); ***A House on Water*** (a comprehensive study on temporary marriage in Iran); and *Childhood Plunder* (a research study on child scavenging—waste picking—in Tehran, Iran, published in Iran, Tehran). His new books, ***Forbidden Tale*** (a comprehensive study on lesbian, gay and bisexual (LGB) in Iran (2018) and ***A House under Shadow*** (a comprehensive study of temporary marriage in Iran) are published in English and Farsi by Mehri (2020).

**Ali Hassania** is Assistant Professor, Department of Qur'an and Hadith Sciences, Shahed University, Tehran, Iran) since 2015, where he gained his MA (2006) in Hadith Studies and Traditional Exegesis and BA in Hadith Studies in 2003.

**Mary Elaine Hegland** is Professor of cultural anthropology at Santa Clara University in California. She has worked in Iran since 1966, with research trips from 1978 to 2018 totaling three years of living among people of Aliabad and nearby Shiraz. She has published a book (*Days of Revolution: Political Unrest in an Iranian Village*) and many articles about local-level politics; ritual, politics, and revolution, as well as women and politics, religion, revolution, education, and marriage based on that fieldwork. She has also conducted anthropological participant observation and interviewing in Pakistan, Tajikistan, Afghanistan, and Turkey and among Iranians in California's Bay Area.

**Maryam Karimi** is a “gifted” ethnographer who has acted as a research Assistant for Hegland beginning 44 years ago. “Maryam” (a pseudonym of course) is an untrained but gifted ethnographer.

**Manijeh Maghsudi** is an Associate Professor in Anthropology Department at Tehran University. Her research centers on tribal and rural studies, with a special emphasis on marriage, kinship, and shamanism. She is an expert in qualitative research methods and participatory rural appraisal. From 2000–2009, she was Head of the Tribal Research at Institute of Studies and Researches at Tehran University. From 2001–2005, she headed the research group for the international company

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# Chapter 1

## Temporary and Child Marriages: Historical Perspectives and Contemporary Issues in Iran, Iraq, and Afghanistan



**Mohinder Watson**

**Abstract** Target 5.3 of the United Nations Sustainable Development Goals (SDGs) aims to eradicate child marriage by 2030. However, international efforts have resulted in a slow and uneven decline in child marriage, a trend which is reflected in the Middle East. This chapter provides an overview of child marriage in Iran, Iraq, and Afghanistan, highlighting the different understandings of marriage, childhood, adulthood, and how these are influenced by patriarchy, family honor, and religion. Popular theoretical approaches underpinning child marriage research such as social norms, feminist sociological, economic, sex role, and demographic transition theory are used to discuss the prevalence, causes, and consequences of child marriage in each country. Extant research highlights potential solutions and best practices, including legal reforms, education and health care provision, public awareness raising, and robust civil registration systems. A holistic approach involving all stakeholders, particularly government and the community, is recommended to produce meaningful, lasting impacts.

**Keywords** Child marriage · Temporary marriage · Family honor · Patriarchy · Religion · Iran · Iraq · Afghanistan · Middle East

### Introduction: Differing Understandings of Marriage, Childhood, and Adulthood

The institution of marriage is central to most cultures and societies around the world, and it plays an important role in individuals' social identity and sense of belonging. This is especially true for women who are often defined primarily by their roles as wives and mothers rather than as individuals in their own right (Tremayne 2006). However, the way marriage partners are selected, the age of marriage, the motivations driving marriage, and the marriage ceremony itself vary greatly according to geography, religion, custom, social norms, and socioeconomic background.

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While in the West the selection of a marriage partner is generally a personal choice based on attraction and romantic love, in many parts of the world, arranged marriages still represent the dominant system for matching couples (Mathur 2007). An arranged marriage offers significant advantages from the perspective of the families. It allows them to select a marriage partner from the same social caste, clan, or kinship community for their son or daughter as a way to strengthen social ties. Since marriage is considered a union of two families rather than of two individuals, it enables families to share risks, especially in situations where income is uncertain, such as in rural farming communities (Hussein and Manthorpe 2007). Caste networks can also serve as a source of informal loans for households. Briefly put, arranged marriage as a form of cooperation and support can be an important mechanism for survival, and families which do not conform to these types of marriages risk losing out on this much needed assistance (Anukriti and Dasgupta 2017).

Different forms of arranged marriages also exist, including patrilateral parallel cousin marriage, temporary marriage, and undocumented marriage. In patrilateral parallel cousin marriages, a cousin is considered to have a right to marry his father's brother's daughter. Temporary or *mut'ah* marriages (marriages of pleasure) involve a marriage contract with a set end date for the marriage, and undocumented or *urfi* marriages require a written declaration signed by two witnesses stating that a couple is married but are generally kept secret outside of this (Haeri 2014). In the event of a divorce, wives of temporary or undocumented marriages have no rights to support and sometimes cannot even prove they were married. There are also traditional marriage practices such as *baad* and *badal*. In *baad*, arranged marriages are used to settle disputes between families by marrying a girl from the perpetrator's family to a man in the victim's family, and in *badal*, families exchange daughters in marriage in order to avoid paying a bride price (Echavez et al. 2016).

Although marriage should be a joyous life event, this is not the reality for millions of girls and boys who are forced into child marriage, defined by the United Nations Children's Fund (UNICEF) as a legal or customary union in which one or both spouses are under the age of 18 (UNICEF 2014). Occurring in over 100 countries, child marriage is widely acknowledged as major human rights and development issue of the twenty-first century and an obstacle to the achievement of the 2030 Development Agenda (Svanemyr et al. 2015). Recognizing its importance, the United Nations Sustainable Development Goals (SDGs) include a separate target, Target 5.3, to eliminate harmful traditional practices, including child marriage and female genital mutilation (FGM).

The focus of this chapter will be on girls, as five times more girls enter child marriages than boys (UNICEF 2019). Moreover, child marriage has particular health implications for child brides who often become pregnant during adolescence, thus heightening their risk of complications which can harm both child and maternal health (Raj 2010).

Although child marriage rates are declining globally and particularly among the youngest girls in some of the highest prevalence areas, it is estimated that 12 million girls still marry before age 18 each year (MacQuarrie and Juan 2019; UNICEF 2017a). Girls who live in rural areas and/or are from poor, less educated families

are at a higher risk of child marriage (Council on Foreign Relations 2020). Child marriage also exists among diaspora communities in North America, Australia, and Europe and among migrant and displaced populations.

The United Nations Convention on the Rights of the Child (CRC) defines a child as “a human being below the age of 18 unless under the law applicable to the child, majority is attained earlier.” The CRC assumes 18 marks the transition from adolescence to adulthood and considers children below this age too immature to make important adult decisions such as giving their consent to marriage and choosing their life partner. Although the CRC is the most ratified global treaty, its definition of a child allows national laws to override international standards where they conflict, thus potentially reducing the CRC’s effectiveness at protecting children from early marriage (United Nations 1989).

In her article “How Young is ‘Too Young?’”, Dixon-Mueller (2008) explores the physiology of sexual, marital, and reproductive maturity, analyzing the readiness of the body for sexual relations and childbearing. She states that the onset of menstruation—despite its common cultural significance—is not a good indicator of a girl’s physiological readiness for sexual intercourse as most girls of menstruating age have yet to complete their skeletal and muscular growth (Dixon-Mueller 2008).

Today, there is widespread global condemnation of child marriage due to its negative impact on girls, families, and communities as well as personal, social, and economic development (UNICEF 2005). UNICEF describes child marriage as a violation of human rights and a form of violence against girls (UNICEF 2020a). However, despite the many international and national laws banning child marriage, the harmful practice remains widespread. Some of the factors which contribute to the persistence of child marriage are considered next.

## **Patriarchy, Family Honor, and Religion in the Middle East**

Moghadam (2004) defines patriarchy as a pre-capitalistic social formation in which property, residence, and descent proceed through the male line. Traditionally, the senior family male has authority over everyone else in the family, including younger men, and women are subject to certain forms of control and subordination. Women are understood to be the property of the patriarch of the family, and an “honor–shame complex” is built around the importance of virginity in these transactions (Pitt-Rivers 1977). Kandiyoti (1988) describes this honor system as a feature of societies which are both patrilocal and patrilineal, including social groups in North Africa, the Middle East, and South and East Asia.

According to Dunne (1998), Islam recognizes both men and women as having sexual desires and rights to sexual fulfillment and affirms heterosexual relations within marriage and lawful concubinage. However, all other sexual behavior is considered illicit, and gender segregation is deemed necessary in Muslim patriarchal societies because women are regarded as the potential source of *fitna*, or moral or social disorder (Mernissi 1987). Restrictions are placed on women's travel, school attendance, work outside the home, and divorce. This segregation is legitimized in part by constructing "male" and "female" as opposites where men are seen as rational and capable of self-control and women as emotional and lacking self-control, particularly with respect to their sexual drive. Furthermore, gender segregation is the result of a powerful ideology which links family honor to female purity (Moghadam 1992). Family honor and a good family reputation depend on female behavior, and any transgressions can bring shame and dishonor on the family.

However, patriarchy is not limited to Islam and occurs in nearly every religion, culture, and geographic region. Moreover, many of the practices carried out in Muslim-majority countries predate Islam and do not stem from the religion itself. Meanwhile, Muslim women, like women all over the world, continue to fight against inequality and restrictive practices in their communities.

## Causes of Child Marriage

Child marriage is a highly complex issue with many intersecting and underlying causes. UNICEF imputes child marriage in part to deeply ingrained gender inequalities which render girls disproportionately susceptible to the practice (UNICEF 2019). It is also driven by poverty, as poor parents are forced to marry off girls as soon as possible to ease the financial burden on the family by reducing the number of family members to feed, clothe, and educate (Walker 2012).

Increases in child marriage are also noted during periods of heightened insecurity such as conflict or natural disaster, including among refugee, migrant, and other displaced populations. As the risk of sexual violence often increases during conflict due to the breakdown of law and authority, parents may arrange for an early marriage to reduce the likelihood of their daughters being raped or having children out of wedlock, which would bring family dishonor (United Nations Economic and Social Commission for West Asia [UNESCWA] and United Nations Population Fund [UNFPA] 2015). For example, the incidence of child marriage has increased in Syrian refugee populations in Lebanon and Jordan due to their highly uncertain and insecure situation. A Human Rights Watch report also highlighted how natural disasters can lead to an increase in child marriage such as in Bangladesh where floods have pressured parents to marry their daughters at a young age (Human Rights Watch 2015). Drought, which has been linked to the effects of climate change, has also led to a rise in child marriage in Mozambique (Nusrat 2019). Thus, precarious situations which confront families with financial and physical insecurity often lead parents to

use child marriage as a coping strategy to ensure their daughter's financial security and protect her from sexual violence (UNESCWA and UNFPA 2015).

A common feature of marriages in low-income communities is payment either from the bride's family to the groom's family (dowry) or vice versa (bride price or bride wealth), both of which can drive child marriage (Parsons et al. 2015). Dowry payments to the groom's family are lower for a younger girl, and the bride price paid to the bride's family is higher for a younger girl. In both situations, the bride's family has a strong financial incentive to marry their daughter off while she is still young, especially since such transfers can amount to several years of household income. In *The Economics of Dowry and Bride Price*, Anderson (2007) states that while practices such as dowry and bride price have waned in Western Europe, they remain prevalent in some countries in South Asia and the Middle East.

The preservation of family honor is also a significant factor driving early marriage, as parents and future husbands expect girls to remain virgins until marriage. It is believed that marriage will deter sexual advances from men and minimize the risk of premarital sex and out-of-wedlock pregnancy, thus helping to preserve female purity and family reputation (Jensen and Thornton 2003). From a very young age, girls are taught about *namus* (honor), *iz'zat* (respect), and *sharam* (shame) and advised to be obedient to males and not to act in ways that go against the principles of the family and society, as this could result in violence. Girls who refuse an arranged marriage can be vulnerable to physical assault or even death at the hands of male family members (Safi 2014; Andersson 2003). According to a report by the Ceasefire project in Iraq, honor crimes are "grounded in the cultural belief that women's bodies are the site of honour and that their sexuality and movement must be strictly controlled in order to avoid bringing dishonour upon the entire family" (Puttick 2015, p. 26).

## Consequences of Child Marriage

The negative impacts of child marriage are numerous and well documented and include physical, social, psychological, and economic harms. Child marriage denies girls their right to education and the opportunity it provides for personal development, economic independence, and professional and vocational career advancement, and it also greatly harms girls' mental and reproductive health.

### *Education*

Child marriage often means the end of a girl's education due to financial necessity, fear for her safety, cultural or religious beliefs, or structural factors (McCleary-Sills et al. 2015). When girls drop out of school, they are denied their right to an education and an opportunity to gain qualifications and skills which would help them in the future (Jensen and Thornton 2003; UNICEF 2019).



## ***Loss of Childhood***

Child brides are denied their childhood which is an important stage of development during which children learn about the world around them and discover their own identity (UNICEF 2002). Instead of playing, gaining an education, and acquiring skills which will help them cope with their responsibilities later in life, they are prematurely pushed into a world of motherhood, manual labor, marital rape, and multiple and closely spaced pregnancies, all while they are still children themselves (Ghosh 2011).

## ***Reproductive Health***

The reproductive health of girls who marry early is often damaged, as child brides are under intense pressure to bear children soon after marriage to prove their fertility, even though their body is not yet physiologically developed enough for sexual relations and childbearing (Ghosh 2011). As Nour (2009) describes in *Reviews in Obstetrics and Gynecology*, most childbirths resulting from child marriage are “too soon, too close, too many, or too late.” Child brides are at a higher risk of pregnancy-related complications affecting both child and maternal health (Raj 2010). Girls who give birth as teenagers are five times more likely to die in childbirth than those who give birth in their 20s, and teenage mothers are more likely to have a stillborn child or baby who dies within the first month after birth (UNICEF 2019). Child brides often have little knowledge of birth control, the prevention of sexually transmitted infections (STIs) and HIV/AIDS, or parenting skills, putting them at greater risk for negative health outcomes (Nour 2009; WHO 2020).

## ***Psychological Health***

Child brides suffer trauma and mental strain from being unable to cope with the adult responsibilities associated with marriage such as sexual relations, childbirth, and parenthood, and due to traditions of patrilocal residence, they often suffer the added disadvantage of having to reduce contact with their own parents and siblings. Furthermore, their new families may impose heavy restrictions on their mobility, even confining them to the home, meaning they are unable to participate in community activities or continue their education and have little or no social contact with their peers (McCleary-Sills et al. 2015). This leads to further social isolation and can have detrimental effects on their physical and psychological well-being (Haberland et al. 2004). Girls who marry as children are also at greater risk of experiencing domestic violence (International Center for Research on Women [ICRW] 2006; Raj et al. 2010).

## ***Gender Inequality***

Child marriage perpetuates gender inequality and the low status of girls and women in society, and this in turn puts them at a greater risk of child marriage compared to boys. The link between child marriage and gender inequality is also an intergenerational problem, as girls whose mothers were child brides are more likely to be married early themselves, thus continuing the cycle of poverty (UNICEF [2019](#)).

## ***Economic Costs***

As child marriage impacts a girl's health, future, and family, it imposes substantial economic costs at the national level and has major implications for development and prosperity. In 2017, the World Bank found that child marriage reduces economic growth and prosperity on a local, national, and international level (Wodon et al. [2017](#)).

## **Theoretical and Methodological Background**

The institution of marriage has existed for thousands of years and has received considerable scholarly attention, yet the study of child marriage is a relatively new area of study. First surfacing as an issue in India in the 1880s and periodically since then, it was not until the 1990s that the study of child marriage gained international recognition against the backdrop of the Human Rights Conference in 1993, the International Conference on Population Development in 1994, and the Fourth World Conference on Women in 1995.

Since then, child marriage and the social norms and practices which surround it have drawn increasing interest as part of the discourse on global development. From a human rights perspective, early marriage is seen as a violation of child brides' basic rights, as they are often denied the right to an education and, with it, the opportunity for better paid employment, health care, and quality of life. Others have noted that child marriage and early marriage lead to increased fertility rates among young women and consequently contribute to potentially unsustainable levels of population growth (Bongaarts [2017](#)).

This chapter takes a practical look at the issue of child marriage in Iran, Iraq, and Afghanistan, discussing first the prevalence, causes, and consequences of this practice in each country and then addressing the best practices for eliminating child marriage in the region generally. The chapter draws on secondary literature sources, many of which consist of gray literature including reports produced by United Nations agencies such as UNICEF and UNFPA. Such reports are important as they are freely accessible online, including to the people working at grassroots levels who are most likely to need evidence to guide their actions in the field. Although this chapter has taken a practical approach, it is nevertheless important to consider the theoretical frameworks which inform research on child marriage. The following section serves as a brief summary of some of these theories.

### ***Social Norms Theory***

Social norms theory is based on how individuals make decisions. It assumes that child marriage is a collective practice carried out by groups of individuals; thus, to prevent child marriage, it is first necessary to understand why individuals engage in the practice. Social norms theory recognizes that people's behavior is often influenced by what other people do and think should be done. When behavior is influenced in this way, it is referred to as a social norm (Bicchieri et al. 2014).

In a discussion paper commissioned by UNICEF, Bicchieri et al. (2014) suggest that a social norms theory provides a useful framework to address child marriage because it can integrate the multitude of factors that drive child marriage. Moreover, it can guide the development of tools to measure changes in the prevalence of child marriage, which is an essential component of the monitoring and evaluation of interventions used to address child marriage.

### ***Feminist Sociological Theory***

Feminist sociological theory emphasizes the role of power, privilege, and oppression in society. Rooted in the experiences and contributions of early feminist activists and scholars, feminist sociological theory looks at how factors like gender, race, class, sexual orientation, and disability affect a person's status in society. It refers to a social stratification system in which individuals who occupy a space toward the bottom of the social stratification system are more vulnerable to social stigma, prejudice, and discrimination, whereas those who have achieved high status are at the top in this social stratification.

Lillian et al. (2015) adopted a feminist sociological theory from Janet Saltzman Chafetz in their research to assess the implication of early marriage on girls' education in Migori County in Kenya. The findings in this research showed that untimely

and coerced marriages were still prevalent in the rural areas of Migori County and highlighted the link between early marriage and inadequate educational attainment.

### ***Economic Theory***

Marshan et al. (2010) make use of a theory of economic independence which suggests that as a woman's education and earnings increase, she will be less dependent on marriage for economic survival and will thus delay marriage. Economic theory also can be applied to the local marriage market, positing that the age of marriage depends on the availability of eligible spouses. In areas where there is a greater availability of unmarried men, especially highly educated men or those with good jobs, this will encourage young women to delay marriage.

### ***Sex Role Theory***

The fundamental tenet of sex role theory is that men and women are taught the meaning of their roles based on their gender through socialization. As they grow up, they learn what is acceptable behavior and what is not. Women are taught to be submissive and passive rather than actively contributing to the family and society. When women conform to the role they are assigned, they are rewarded; if their behavior deviates from expected norms, they are punished. In her study of child marriage, Johansson (2015) used sex role theory to understand why progress in eliminating child marriage had to date been so slow. As gender differences are significant in the practice of child marriage, sex role theory was deemed an appropriate approach.

### ***Demographic Transition Theory***

Demographic transition theory is an explanation of social change premised on the idea that societies progress from a pre-modern regime of high fertility and high mortality to a postmodern regime of low fertility and low mortality (Kirk 1996). During this transition, economic development and medical advances help reduce mortality rates which in turn reduce pressures from religious doctrines, moral codes, laws, education, community customs, marriage habits, and family organizations to maintain an artificially high fertility rate as a necessary survival mechanism (Notestein 1945). The extended family begins to fragment into nuclear families as some couples move away from rural to urban areas, and individual wage labor replaces family-based production. Instead of being an economic necessity, children become an economic cost to the family. Women may join the labor force and receive an education beyond that needed for household management and may postpone marriage and childbearing.

It is believed that many developing countries are part way through this demographic transition, leading to changes in family structure and societal patterns. While the average age of marriage should increase with demographic transition, there may still be large segments of the populations who still engage in the practice of child marriage. Families in the process of transition may be caught between traditional and modern values, and thus the impact of early marriage may be reinforced in the short term by the process of development itself.

## ***Research Methodologies***

Different methodological approaches have been used to study child marriage, ranging from quantitative epidemiological studies to understand the prevalence of child marriage to qualitative research techniques such as in-depth interviews to understand behaviors. There are also a number of studies that look at the efficacy of child marriage prevention programs, some of which use a mixed method approach involving both quantitative and qualitative data collection.

A large proportion of the research is led by UN agencies such as UNICEF which have the necessary resources to conduct research at country and sub-country level to address a practice that still affects 12 million girls a year. Much of what is known about global trends in child marriage is based on data collected and analyzed from national censuses and national household surveys, mainly the Multiple Indicator Cluster Surveys (MICS) and Demographic and Health Surveys (DHS). Statistics are compiled on the prevalence of child marriage and other trends based on the percentage of women and men aged 20–24 years who were first married or in union before age 15 or before age 18 (UNICEF 2020b).

The World Bank has also studied the consequences of child marriage, analyzing the combined economic costs of the lost human capital wealth of girls who were married as children (Wodon et al. 2017). This study made use of existing and new country-level data in order to better understand the economic effects of child marriage to support advocacy efforts aimed at ending child marriage.

Amin et al. (2016) conducted a randomized control trial in rural Bangladesh involving over 9000 girls between the ages of 12 and 18 in 72 intervention communities and 24 control communities in three districts. The aim was to investigate the most effective way of delaying child marriage by providing communities with one of three intervention strategies during an 18-month trial: education, gender rights awareness training, or livelihood skills training.

In *An Echo of Silence*, Ahmady (2016) uses a mixed method approach to study early child marriage in Iran, conducting a comprehensive field survey of early and child marriage in seven Iranian provinces and in-depth interviews with families and spouses.

Some large organizations such as CARE also conduct research based on their field presence in humanitarian settings such as Syria and neighboring countries. In a report “To Protect Her Honor,” CARE studied child marriage in humanitarian settings

through group sessions with girls affected by the Syrian conflict (CARE International UK 2015).

## **Child Marriage in the Middle East**

On average, almost one in five girls in the Middle East and North Africa will marry before the age of 18, but the practice varies in prevalence among countries from 35% of girls in Afghanistan to 2% in Tunisia (UNICEF 2017b). Although the region has seen a marked decline in the average prevalence rate of child marriage over the past 25 years from 33 to 18%, these figures mask the significant regional variations. For example, in Oman, the figure decreased from 50 to 5%, while in other countries, the change is much smaller. These reductions nonetheless are quite remarkable achievements (UNICEF 2017b).

Although the regional rate of child marriage has generally been declining, there is concern that the trend is reversing in certain conflict-affected countries. The Syrian conflict has resulted in over 2.3 million child refugees, and the prevalence of child marriage has reportedly increased among refugee populations from 13% in 2006 to 35% as of the most recent data (Bartels et al. 2018). Given such significant changes and variations between countries, it is crucial to collect disaggregated data on child marriage in Middle Eastern and North African countries, especially among refugee and migrant populations, as it is here that child marriage is most likely to be increasing.

Despite significant advancements in the status of women in the Middle East, serious concerns remain about their legal rights. Although most of the countries in the Middle East and North Africa have ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), some have added provisions and reservations which reject certain articles of the CEDAW because they are considered incompatible with national legislation and the Sharia, including Article 16 on discrimination relating to marriage and family relations, which undermines international law.

The next section examines in more detail child marriage in Iran, Iraq, and Afghanistan, focusing on its prevalence, causes, and consequences in each country. Solutions to prevent child marriage will be treated collectively in the discussion as they bear considerable similarities.

## **Child Marriage in Iran: Prevalence, Causes, and Consequences**

To understand the issue of child marriage in Iran today, it is important to consider the historical context of the practice as it relates to national family planning policies and

population size. From 1956 to 2009, Iran witnessed a dramatic increase in population from 19 million to around 75 million (Ahmady 2016). This rapid increase prompted the introduction of family planning policies during the 1990s to reduce family size, efforts which were assisted by the UN. These policies were successful in decreasing population size but were subsequently reversed when the age of marriage was lowered to 13 for girls and 15 for boys to encourage higher fertility rates. This was markedly different from the minimum age of marriage of 18 for girls and 20 for boys before the 1979 revolution (Ahmady 2016).

For over half a century, Iran has struggled to reconcile modernity with conservatism against a backdrop of rapid urbanization, globalization, greater physical mobility, new family structures, and the 1979 Iranian revolution (Tremayne 2006). These factors, along with the continued influence of traditional religious doctrines, have created the social, political, and economic environment in which child marriage exists in Iran today.

### ***Prevalence of Child Marriage in Iran***

The tradition of early marriage is widespread in Iran, and according to the Iranian Census Bureau, 5.5% of girls are married at age 15 and under and 17% of girls in Iran marry before the age of 18. Data show that in 2011 at least 48,580 Iranian girls between ages 10 and 14 were married, with the vast majority of child brides having given birth to at least one child by the time they reached 15 years of age. Many of these girls were married to men who were more than a decade older than them. Additionally, 1537 marriages involving girls under the age of 10 were registered in 2012 which increased from the 716 that were registered in 2011. The number of registered divorces of girls under 15 has also consistently increased since 2010 (Ahmady 2018a).

Although the legal minimum age of marriage for girls in Iran is 13, girls as young as 9 are known to be married with a court's dispensation. In provinces of Iran where the legal age of marriage is higher, families have found ways to circumvent the law to continue the practice, including delaying the official registration of a child's marriage until the girl is older. Parents may also pay to have their daughter's age falsified on the marriage registration document, a practice termed "buying age" in Khuzestan and other provinces in Iran, a service which costs between 32 USD and 160 USD (Cincotta and Sadjadpour 2017).

### ***Causes of Child Marriage in Iran***

The main drivers of child marriage in Iran are structural factors such as poverty—which is both a consequence and a cause of child marriage—as well as deeply

entrenched social and cultural norms (Montazeri et al. 2016; Cincotta and Sadjadpour 2017).

In a study of Iranian villages conducted in 2013, Matlabil et al. (2013) found that the most common reason for child and forced marriage was social pressure to follow village traditions. There were also economic pressures on individual families. In many villages, there was also a tendency to marry boys off early. Furthermore, Matlabil et al. (2013) found negative attitudes toward girls pursuing secondary education, particularly where this meant that girls would have to travel long distances to attend school, and thus the lack of schools in the local vicinity was an important factor contributing to early marriage. In the absence of educational opportunity, entertainment, and recreational facilities, girls themselves sometimes could not envision an alternative life for themselves and hence accepted early marriage as a way to escape the strict rules imposed on them by their parents (Ahmady 2018b). Girls with little education often accepted marriage as they felt remaining unmarried would mean burdening their family. Moreover, village residents believed that a girl's chances of marriage would dramatically decrease if she was not married by the age of 15, as potential in-laws would assume that she was physically or sexually undesirable or else no longer a virgin (Tremayne 2006).

Montazeri et al. (2016) add that other factors driving child marriage in Iran include patriarchal social structures and girls' own desire to marry early as a way of meeting their social, emotional, and sexual needs and achieving independence, autonomy, and social status.

When girls are viewed as being an economic burden on poor families' limited resources, economic factors also play a significant role in driving child marriage. Thus, young girls in Iran are often married to much older men as a financial coping strategy. Early marriage can improve a family's financial status while also strengthening bonds between families, ensuring a girl's virginity at marriage, controlling her sexuality, and allowing her to marry before she is no longer deemed desirable as a wife.

Another major influence over the age of marriage in Iran and some other Middle Eastern countries is the influence of Sharia law. Under Sharia law, puberty and menarche are considered to signify the transition from childhood to adulthood, marking the age at which a girl attains sexual maturity and is eligible for marriage (Ahmady 2016). The age of majority is thus traditionally set at 15 for boys and 9 for girls according to Sharia law; according to Iranian civil law, the minimum age for marriage is 13 for girls and 15 for boys, but girls are able to marry earlier with approval of the courts (Matlabil et al. 2013).

The practice of temporary marriages in Iran can also drive child marriage when one or both spouses in a temporary marriage are under the age of 18. This traditional practice is known as *nikah mut'ah* or "marriage of pleasure" and is practiced mainly among the Twelver Shi'ites of Iran (Matlabil et al. 2013).

As Haeri (2014) explains, a *mut'ah* marriage is a written or verbal contract between a man and an unmarried woman (she can be a virgin, divorcee, or widow) to marry for a stated length of time, agreed to in advance, and which can range from an hour to a lifetime. The *mut'ah* marriage always involves a financial contract specifying



a payment to the temporary wife which is also agreed upon in advance. Once the specified temporary marriage period ends, the temporary spouses simply separate without the need to go through a divorce.

The temporary marriage contract imposes rights and obligations on both parties. It is distinguished from a permanent marriage (*nikah*) by its purpose; the purpose of a *nikah* marriage is procreation, whereas the purpose of a *mut'ah* marriage is pleasure. Because temporary marriages are mainly for pleasure and involve a monetary exchange, this arrangement has been described as an Islamic cover for prostitution and decried as a form of sexual exploitation (Ahmady 2018b).

### *Consequences of Child Marriage in Iran*

In a qualitative study entitled “Determinants of Early Marriage from Married Girls’ Perspectives in Iranian Setting,” Montazeri et al. (2016) found that one of the most significant consequences of early marriage in Iran from the perspective of child brides themselves is health-related complications. Child brides generally have high rates of unintended pregnancies, abortion, preterm labor, delivery of low birth weight babies, and child and maternal mortality.

Temporary marriages can also have many negative consequences for the girls who enter them. Girls as young as 11 can be forced by their parents into temporary marriages to prevent them from engaging in sexual activities outside of marriage (Ahmady 2018b). Often, girls and their families hope that a temporary marriage will eventually become a permanent marriage and provide security and stability for their future. In reality, such unions can often turn into exploitation. Once a girl is removed from her parental home for a temporary marriage, she may be sold to another husband or into sex trafficking (Ahmady 2018b).

In cases in which the temporary marriage does not lead to a permanent marriage, girls will likely be unable to marry permanently since they will no longer be virgins. Moreover, as temporary marriages are not legally registered, these young girls and women lack any of the rights accorded to permanent wives, making them more vulnerable to domestic violence and abuse.

One solution to help reduce these negative consequences of *mut'ah* marriage proposed by Ahmady (2018b) is to register all temporary marriages officially with valid identification documents. This would allow the prevalence of such marriages to be tracked, deter temporary marriages involving children, and offer temporary brides greater legal protection.

## **Child Marriage in Iraq: Prevalence, Causes, and Consequences**

From 1921 when Iraq gained its independence from Britain until the Iran–Iraq War in 1980, Iraqi women enjoyed relatively good social, economic, and political conditions protected by some of the most progressive laws in the region, including the constitutional provision of equal status between men and women (Brown and Romano 2006). Since then, however, Iraq has experienced tremendous upheavals, including the displacement of millions of Iraqis due to violence and conflict. One consequence of this has been an increase in child marriage as a coping mechanism to deal with instability and the threat of terrorism. This insecurity has also led to a return to more conservative values and also an increase in domestic violence, kidnappings, abduction, honor killings, and rape (Banwell 2015; Save the Children 2011).

Since 2014, over 5.8 million Iraqis have fled their homes, and 1.6 million remain displaced. Armed and militia groups in Iraq and Syria have used rape, slavery, and forced marriage as “weapons of war,” especially against members of the Yazidi minority group who have suffered greatly during the conflict (UNICEF 2018c). Iraq also hosts approximately 250,000 Syrian refugees, 97% of whom live in the Kurdistan region of Iraq (UNFPA 2018).

### ***Prevalence of Child Marriage in Iraq***

Although rates of child marriage have fallen overall in the Middle East, Iraq still has one of the highest rates of child marriage in the region (Interagency Guidance Note 2015). From 1977 to 2016, the percentage of girls who marry under the age of 18 in Iraq has actually increased from around 15 to 24% (Nabeel and Wirkschafter 2018). Included in this 24% are the almost 5% of Iraqi girls who are married before the age of 15.

Although the average prevalence rate of child marriage in Iraq is 24%, there is considerable variation between regions, from nearly 16% in Kirkuk to over double that at 35% in Misan, as shown in Table 1.1 (UNICEF 2020b).

### ***Causes of Child Marriage in Iraq***

Child marriage in Iraq is caused by a number of interrelated economic, social, and religious factors as well as low levels of educational attainment and protracted conflict and insecurity in the country (UNFPA 2016).

Research in Iraq shows an inverse relationship between early marriage and education attainment, with the lowest rates of child marriage seen among those with an upper-secondary level education and the highest rates among poor and uneducated

**Table 1.1** Regional differences in child marriage rates in Iraq in 2018

Governorate	Percentage of women aged 20–49 first married before the age of 18
National average	24.8
Kirkuk	15.9
Duhok	18.3
Sulaimaniya	20.8
Diala	20.9
Anbar	21.4
Erbil	22.1
Salahaddin	22.3
Baghdad	23.4
Qadisyah	24.4
Babil	25.3
Nainawa	27.1
Muthana	27.3
Wasit	27.7
Najaf	30.7
Karbalah	31.2
Basrah	31.5
Misan	35.0

Source UNICEF (2020b)

communities. In a study of child marriage in Mosul, Al-Ridhwany and Al-Jawadi (2014) found that child marriage was correlated most strongly with illiteracy, consanguineous marriage, and rural and low familial socioeconomic status. Moreover, in conservative communities in Iraq, there are often very limited options for girls, and attending school can be the only way girls can socialize with their peers apart from marriage. These limitations are especially pronounced in the Kurdistan region, where it is said that school and marriage are the only two options for girls (UNFPA 2016).

Religion also has a significant impact on child marriage in Iraq due to different religious interpretations and teachings. Article 41 of the Permanent Constitution of Iraq (2005) states that every sect and religious community can follow its own religious teachings and laws with regard to marital and personal status. Such a legal provision makes it very difficult to standardize the legal age of marriage in the national legislation to make it consistent with international standards (UNFPA 2016).

A further important driver of child marriage in Iraq is the desire to protect family honor. One participant in a study on child marriage in the Kurdistan region of Iraq said that “to keep a girl unmarried is to keep a barrel of gunpowder at home,” implying that unmarried girls are a threat to a family’s honor and reputation because they might engage in a romantic or sexual relationship before they are wed (UNFPA 2016, p. 3).

UNICEF in Iraq, Oxfam, and the Norwegian Refugee Council all emphasize the effect of conflict on the prevalence of child marriage in Iraq. In a study for Oxfam, Anderson and Myrntinen (2017) found that the increase in child marriage in Iraq was a result of war-induced poverty and terror. Participants in the Oxfam study said that in some cases parents had arranged for their daughters to marry relatives as a coping mechanism to prevent girls marrying ISIS fighters. Others chose to allow their daughters to become child brides to jihadists to ensure their daughter's safety and enable her to have access to public services in occupied territories, with the added benefit of providing economic opportunities for her entire family. Furthermore, the Norwegian Refugee Council reports that early marriage occurred in displacement camps throughout the Nineveh governorate in Iraq, including documented cases in Hamam, Alil, Nimrud, and Salamiyah (Loop News 2019). For many Syrian refugees and internally displaced Iraqis living in these camps, poverty and an uncertain future have led families to marry their daughters off early in the belief that this will protect them from sexual violence while also reducing the financial burden on the family (Barbarani 2016).

### *Consequences of Child Marriage in Iraq*

The consequences of child marriage in Iraq have been best documented among women and girls in the Kurdistan region. Early marriage deprives girls in the region of educational opportunities and increases the risk of cesarean section and maternal injury in childbirth, resulting in Iraq's high maternal mortality rate. Child brides in the Kurdistan region also suffer from other pregnancy-related complications as well as unwanted and forced sex, female genital mutilation, domestic rape, domestic violence, gender-based violence, and adultery (Interagency Guidance Note 2015). Many of these problems are deeply rooted in cultural practices, and the efforts to address them face much resistance (Shabila and Al-Hadithi 2018).

### **Child Marriage in Afghanistan: Prevalence, Causes, and Consequences**

Speaking in 2005, the then Deputy Minister of Women's Affairs, Mazari Safa, explained that women in Afghanistan still suffer from deprivation and oppression, even several years after the conflict has ended. She stated that women are still abused, prevented from accessing education and economic opportunities, and are unable to participate in public life. Afghan women are still battered in the home, harassed in public places, married off without their consent, and traded and exchanged to resolve disputes (Safi 2014). The insecure environment which still exists today further exacerbates these problems.

The Afghan Government in collaboration with UNICEF commissioned a major report on child marriage in 2018, representing an important step both in gathering reliable data and demonstrating the government's commitment to ending child marriage. The report also highlighted how the issue of child marriage in Afghanistan is framed by religious beliefs, diverse local contexts and conflicting definitions of childhood, adolescence, adulthood, and womanhood (UNICEF 2018b). Currently, the legal age of consent for marriage in Afghanistan is 16 for girls and 18 for boys.

### ***Prevalence of Child Marriage in Afghanistan***

Child marriage has long been practiced in Afghanistan and justified by religious tradition, but there are currently few data on the practice (Bahgam and Mukhatari 2004). UNICEF has estimated that at least one in three girls in Afghanistan (around 30–40%) will be married before the age of 18. To address this problem, Afghanistan recently launched an ambitious National Action Plan to eliminate early and child marriage that challenges dominant narratives about the role of social norms and religion in child marriage. As part of the work commissioned by the Afghan government, a study was conducted to understand the factors driving child marriage in five Afghan provinces which covered urban, semi-urban, and rural settings: Ayman, Kandahar, Paktia, Ghor, and Badghis. The study highlights the importance of differing understandings of childhood and the transition from childhood into adulthood within and among the five provinces (UNICEF 2018b).

### ***Causes of Child Marriage in Afghanistan***

There are many drivers of child marriage in Afghanistan including poverty, illiteracy, customs, religious beliefs, economic and political insecurity, and a desire to protect family honor (Miran 2019). Decisions about marriage take place within the context of the family, but it is the men who ultimately make the final decisions, reflecting Afghanistan's strongly patriarchal society.

The legal system governing child marriage in Afghanistan presents an added complexity because child marriage is covered by four sets of potentially overlapping and contradictory laws, with their relative importance varying depending on the location: religious, customary, national/civil, and international. Religious laws including Sharia law can overlap with customary laws and make up an element of Afghanistan's civil legal system. Customary laws such as the *pashtunwali* and other local or tribal codes also exist but are not recognized by the government of Afghanistan. *Baad* (the giving away of a woman or girl in marriage to settle disputes between families) and *badal* (an exchange of women or girls between families for the purposes of marriage) are two examples of traditional practices derived from customary laws that drive child marriage (United Nations Assistance Mission to Afghanistan [UNAMA] 2018).

These potentially conflicting legal systems can deeply impact individual understandings of justice and affect decisions made about child marriage, and several of these laws may operate in the same place at the same time. One notable difference between international law and the legal systems in Afghanistan is that while international law generally emphasizes individual human rights, local and customary laws are often more concerned with maintaining social order in the community. In fact, community or family harmony is often considered more important than individual rights in the Afghan judicial systems, particularly in tribal or community arbitration mechanisms.

While religion is often used to justify child marriage, religious laws can equally be instrumental in preventing child marriage, as any marriage without consent is invalid according to the Quran (UNICEF 2018b).

### ***Consequences of Child Marriage in Afghanistan***

Interestingly, the 2018 report commissioned by the Afghan government found that respondents were aware of the potentially harmful effects of child marriage such as maternal and infant health problems, chronic illness from early pregnancies, domestic violence, difficult marriages, reduced education, and fewer opportunities for work, but these harmful consequences did not change their decision to engage in the practice (UNICEF 2018b).

Boys and young men also suffer because of child marriage as they must meet the high demands of the bride price and are likely ill-equipped to provide for their new families, especially when their brides are still children who often struggle to keep up with the demands of marriage and domestic life. It was also found that child marriage could cause long-term economic problems for families despite the short-term economic benefits at the time of marriage from the bride price or dowry (UNICEF 2018b).

Due to the strict division of gender roles, women are usually only seen as domestic labor for their husband's household and will be unable to continue their education upon marriage. According to a 2011 report by Oxfam on child marriage in Afghanistan, almost half of respondents believed that girls would not continue their education upon marriage (Jackson 2011). By denying girls the right to an education, early and child marriage in Afghanistan stifles economic growth and progress toward gender equality.

### **Discussion: Potential Solutions and Best Practices**

This section will focus on potential solutions to prevent child marriage and support child brides in Iran, Iraq, and Afghanistan and within the wider context of child marriage in the Middle East and beyond.

## ***Legal Reforms***

A crucial first step in any attempts to prevent child marriage is to set the minimum legal age of marriage to 18 without exception. Any discrepancies in the age of marriage between regions within a country should be eliminated, as this enables child marriage to continue by allowing families to move to neighboring regions where the age of marriage is lower. Marital status courts in Iraq, for example, differ from criminal courts in that they are not bound by administrative and geographical jurisdiction. This means that in the absence of national laws, families can move to another governorate to circumvent the legal age of marriage. This recommendation is also supported by a report on child marriage in Kurdistan by UNFPA (2016).

Even in countries where laws against child marriage do exist, there is often poor enforcement and implementation. Thus, legal reforms should aim to protect the rights of young girls and boys through appropriate legal instruments, regulations, and law enforcement.

## ***Education***

One of the principal strategies used to prevent child marriage around the world is to ensure that girls complete their education. Secondary schooling in particular equips girls with critical thinking skills, enabling civic participation and democratic change, and has been shown to reduce the risk of human trafficking, unwanted pregnancy, and infant mortality and to increase immunization rates and nutrition (Rahini 2006; Mensch et al. 2019). Attending school alongside their peers also gives girls the opportunity to build friendships and create a social support network, which is especially vital for girls who are already married.

As such, primary and secondary education must be compulsory and accessible to all children free of charge, and discriminatory policies against pregnant and married girls must be removed (McCleary-Sills et al. 2015; Human Rights Watch 2018).

## ***Health Care***

Child brides and their children must have access to health care, including sexual and reproductive health services such as pre and postnatal care, birth control, STI and HIV/AIDS prevention and treatment, and safe abortion (Sagade 2005; Atuyambe et al. 2015). Child brides are at a higher risk of pregnancy-related complications such as obstetric fistulas, making it all the more essential that they have access to skilled health professionals throughout their pregnancies (UNFPA 2013; WHO 2018). This can reduce the harmful health consequences of child marriage as well as provide resources for girls to take ownership of their sexual and reproductive health.

## ***Public Awareness***

Inevitably, communities that have practiced child marriage for centuries are likely to resist attempts to change their traditions and social norms, with more resistance likely in rural and secluded areas where the benefits of ending child marriage are less understood. Public awareness campaigns are necessary to highlight the harmful impact of child marriage on girls, their families, and communities. All stakeholders—including religious and community leaders, teachers, doctors, government ministries, girls, and their families—should be empowered to become champions of girls' education and promote positive messages about the benefits of delaying marriage. Young gender activists should be mobilized and trained to raise awareness of child marriage using different mediums ranging from door-to-door campaigns to radio broadcasts, presentations at religious institutions, street theater, or social media. Civil society organizations are also important players as they can help educate and inform the population about the importance of gender equality, human rights, and education. Until and unless communities can see the tangible benefits of keeping girls in school instead of marrying them early, meaningful change on this issue will be impossible.

## ***Official Marriage Registration Systems***

To prevent child marriage, all births, deaths, and marriages must be legally registered in official, well-resourced registry offices. Registration of temporary marriages in Iran is also important as it can help highlight the prevalence of the practice and also help prevent sex trafficking and child prostitution (Ahmady 2018b). UNFPA also affirms that civil authorities in Iraq must regulate marriages that currently take place outside of the courts.

## ***The Role of Religion***

Religious teachings which are consistent with the rights of the girl child should be promoted and encouraged. As it is well documented that religious leaders are highly influential in child marriage, it is vital that governments work with religious leaders to eliminate child marriage. Religious leaders should be encouraged to use their roles as community leaders to foster support for girls' education and delaying marriage, and they should also be legally obligated to report all marriage contracts to the relevant bodies.



## ***Harmful Traditional Practices***

There is also a need to address traditional practices such as temporary marriage in Iran and *baad* and *badal* in Afghanistan which perpetuate the practice of child marriage. As temporary marriages are considered legitimate from a religious point of view, the practice promotes child marriage by legitimizing extralegal marriage in Iran, a country in which religious legitimacy often carries greater weight than legal legitimacy (Ahmady 2018b).

## ***Disaggregated Data***

The collection of disaggregated data on child marriage is an important component in preventing child marriage, as accurate data are needed to guide both government action and effective advocacy (Save the Children 2019). In Iraq, for example, data on marriages and divorces are announced every six months by the High Judiciary Council, but these data are not segregated by age of spouse, making it difficult to assess the prevalence of child marriage. Governments should develop systems to collect disaggregated data on marriages and divorces according to age of the spouse, and they must also explore alternative sources for these data other than court records, as many marriages are not legally registered. The availability of this kind of robust data on child marriage will be essential in assessing the progress that the government is making toward eliminating child marriage and advancing the SDGs (UNICEF 2017c).

## ***Holistic Interventions***

It is necessary to consider both the practice of child marriage and the underlying attitudes that inform such marriages in order to develop nuanced interventions tailored to the local context and people's lived realities. For example, because the whole family is involved in a marriage, any interventions must address the whole family and not only the girl child. It will be important to include the wider community, as they too are involved in the perpetuation of the practice through social pressures and norms. This cycle must be disrupted, and the benefits of change must be made evident. Given that these practices have existed for centuries, it is unrealistic to expect them to change quickly and without resistance. Therefore, to prevent child marriage, coordinated and holistic, long-term, and sustainable interventions will be needed, together with policies based on the unique context of each region.

There is no one-size-fits-all strategy to prevent child marriage; rather it will require a number of interventions to address the different economic and social factors that

perpetuate the practice. Most importantly, change must be community-led, supported through partnership and collaboration, and involve all stakeholders.

### *Learning from Best Practices in Other Countries*

For decades, researchers have worked to identify interventions and strategies that have proved successful in reducing child marriage around the world (see Table 1.2). In 2011, a systematic review by Malhotra et al. (2011) found that the most promising strategies were empowering girls, educating and mobilizing families and communities, improving access to quality education, providing economic support and reforming policy and legal frameworks (Malhotra et al. 2011). Nearly a decade later, these recommendations remain some of the best practices known to prevent child marriage.

Regionally, a 2018 study by UNICEF and the ICRW found that effective interventions to combat child marriage in six Middle Eastern and North African countries (Egypt, Jordan, Lebanon, Morocco, Sudan, and Yemen) addressed the sociocultural norms which drive the practice, including the influences of tradition, custom,

**Table 1.2** Best practices to prevent child marriage based on research and learnings from around the world

Examples of best practices to prevent child marriage
• Introduce a well-resourced National Action Plan to end child marriage
• Provide free, accessible, and local public education for all children, and support married, divorced and pregnant girls, and young mothers to enable them to return to school
• Target rural and impoverished areas where girls are most at risk of child marriage
• Standardize the minimum age of marriage as 18 in national legislation without exceptions
• Strengthen law enforcement mechanisms
• Promote the economic empowerment and financial independence of girls and young women through vocational skills training, employment, and entrepreneurship skills
• Raise community awareness of the negative impact of child marriage and promote the benefits of keeping girls in school to change community perceptions and behaviors
• Involve all stakeholders—including religious and community leaders, teachers, doctors, government ministries, girls and their families—in efforts to change social norms
• Gather and share disaggregated data on child marriage to inform policy-making and ensure effective monitoring and evaluation to measure progress
• Strengthen girls' voices and agency by empowering them to make informed choices about their lives, including if, when, and whom to marry
• Change social norms to allow women and girls greater mobility and independence
• Increase women's political participation and leadership in governance, including in the legislature, judiciary, peace processes, and religious institutions
• Promote education on gender, violence, human rights, mental health, and conflict resolution

(continued)

**Table 1.2** (continued)

Examples of best practices to prevent child marriage
<ul style="list-style-type: none"> <li>• Make primary and secondary schools more accessible to girls by employing more high-quality female teachers and building schools closer to local communities as both of these measures can help reduce negative attitudes towards girls pursuing their education</li> </ul>
<ul style="list-style-type: none"> <li>• Ensure that female students have access to safe spaces, private restrooms, and feminine hygiene products in school</li> </ul>
<ul style="list-style-type: none"> <li>• Introduce sexual and reproductive health education as a part of the school curriculum</li> </ul>
<ul style="list-style-type: none"> <li>• Address the underlying structural factors that drive child marriage such as poverty through social protection measures and cash-transfer programs</li> </ul>

*Sources* Malhotra et al. (2011), McCleary-Sills et al. (2015), Interagency Guidance Note (2015), UNICEF and ICRW (2018), UNICEF (2018a, b, d)

religious beliefs, and political and economic concerns (UNICEF 2018a). This is largely consistent with the findings of other researchers working in Iran, Iraq, and Afghanistan where early marriage is often practiced to reduce the financial burden on poor families, protect family honor, build family alliances, improve social cohesion, and preserve cultural and religious traditions. The 2018 study also highlighted the role of patriarchal norms in influencing marriage and family affairs more broadly. Similar to the six countries studied, Iran, Iraq, and Afghanistan all have strong patriarchal structures which can limit the freedom and human rights of women and which must be addressed in efforts to end child marriage.

## Conclusion

Child marriage has existed for centuries as a central part of many cultures, particularly those in which sex outside of marriage is not permitted and family honor is paramount. Over past decades, significant strides have been made in reducing child marriage rates around the world, but this decline has been slow and uneven. In the three countries studied, Iran, Iraq, and Afghanistan, progress toward ending child marriage has been made more difficult due to conflict and insecurity, and it is often the girls who are at the greatest risk of early marriage who are hardest to reach as they come from poor families, marginalized groups, or rural areas (UNICEF 2016). Each of the countries covered is a developing country, torn between divergent pressures of modernity and tradition, while also facing conflict, violence, religious fundamentalism, and poverty on a large scale.

Child marriage can only be eliminated by removing the stranglehold of poverty and patriarchy and by allowing girls to pursue their education and have a greater say in their own lives. However, as Tremayne (2006) points out, it is no longer sufficient to just link literacy levels or school attendance to a decline in child marriage. Girls can and do go to school, for example, with high rates of school attendance in Iran, but they do not necessarily leave school as empowered young women and may still become

married as children or adolescents. If true progress is to be achieved, education must give girls the tools to analyze and question unjust practices.

Given the complexity of child marriage, a multipronged approach will be needed consisting of holistic, comprehensive, and coordinated policies adapted to the unique circumstances of each region and province. Effective legal and public policy measures are needed to coordinate efforts at the international and local level. Long-term, sustainable interventions, well-resourced official registration systems of all births, deaths, marriages, and divorces, the empowerment and education of girls, mobilization of families and communities, government commitment, engagement of men and boys, and legal reform are all critical components of efforts to end child marriage in the region, and the age of marriage must be raised to 18 without exception.

The issue of child marriage presents the challenge of respecting the different cultures, traditions, religions and beliefs of today's globalized world while also prioritizing the best interests of the child in all contexts. There is unquestionable evidence of the harms of child marriage and a global demand to protect children from child, early, and forced marriage. However, such change can only come from within the local communities themselves to create a paradigm shift in society's attitudes about marriage and girlhood. Only through multicultural understanding, community engagement, multi-stakeholder action, and government commitment and resources will it be possible to end child marriage in the Middle East and around the world.

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## Chapter 2

# Temporary Marriage Among Shiite and Sunni Muslims: Comparative Study of ‘*Istimtā*’, *Mut’ah*, and *Misyār*



Ali Hasannia and Mostafa Masoudian

**Abstract** A fundamental area of disagreement between Shiite and Sunni Muslims is the decree of temporary marriage or *mut’ah*. *Mut’ah* was legal at the time of the Prophet (PBUH) and practiced by some Muslims until the second caliphate. Shi’as insist on its continuing legality, while Sunnis believe the decree was abrogated. The main underlying question is the interpretation of Qur’anic verse *Nisā*’ (4): 24, in particular, the word *istimtā* (enjoyment/pleasure). As Sunnis consider temporary marriage illegitimate, they have proposed *misyār* marriage to meet the needs of people, especially women, unable to marry permanently or divorced. Sunni jurists themselves have differing views on the legality of *misyār*. This chapter investigates both Shi’a and Sunni exegetes regarding the meaning of *istimtā* in verse (4): 24 as well as their views on the issue of temporary marriage according to the Qur’an, *Sunnah*, and prevailing conditions. Scholars’ comparisons between two seemingly identical temporary marriage types—*mut’ah* and *misyār*—are also given.

**Keywords** Shiite · Sunni · Exegetes · Jurists · ‘*Istimtā*’ · *Mut’ah* · *Misyār*

## Introduction

*Mut’ah*, literally meaning “enjoyment,” is used in Islamic law in the sense of temporary marriage (according to the Arab lexicographers “marriage of pleasure”)—a marriage that is contracted for a fixed period with the woman receiving financial recompense (Heffening 1986, p. 757). “Temporary marriage” has been one of the most challenging topics in Islamic law, especially in recent decades. Almost all Islamic schools agree that this type of marriage was valid (*halāl*) during the time of

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the Prophet Muhammad (PBUH) (c. 570–632 AD), and Muslim jurists, commentators, and scholars concur with this. What made temporary marriage a controversial issue, however, was how long it remained valid for after the time of the Prophet (PBUH). Some believe it was abrogated (*naskh*) and some that it was prohibited. Of course, there are differences in opinion within each case, particularly regarding the question of abrogation. Some groups believe that during his lifetime, Muhammad did not consider it unlawful (*haram*) nor did he abrogate (*mansūkh*) it.

Historical studies show that temporary marriage not only existed during early Islam and the lifetime of Muhammad (PBUH), but that it was reported and practiced before him. This was usually a temporary marriage (*mut'ah*) without a dowry and marriage proposal, with the couple separating after a certain period (Tha'ālībī 1418 AH, 2, p. 211; Ali 2001, 5, p. 536; Afzalabadi 2011, p. 17). For example, according to one report, Abdullah ibn Zubayr ibn 'Awām (c. 624–692 AD), the first child of the Immigrants (*muhājirīn*), was born out of the temporary marriage of Abu Bakr's daughter with Zubayr (c. 594–656 AD) (cf. Afzalabadi 2011, pp. 67–96). Therefore, temporary marriages were already in vogue among Arabs as early as the fourth century AD. However, this cannot really be a reference to *mut'ah* as such, because temporary marriage in those days simply consisted of a woman giving a man a lance and a tent and leaving him, if she so wished, after the time period for the marriage had elapsed. It is also doubtful if there is a distinct *mut'ah* character in the marriage of Hashim (c. 464–497 AD), the great grandfather of Muhammad, with Salma bint 'Amr. Hashim married her during a temporary stay in Yathrib and, after the birth of her child, left her there with her family. Thus, *mut'ah* was known in the *Djāhilīyya* (Ignorant Age, before Islam), and also, a similar kind of marriage was practiced in Erythaea (ancient Crete). Clearly, it is an old Arabian institution (Heffening 1986, p. 757).

Although the issue can be studied from diverse aspects of jurisprudence, interpretation, theology, society, etc., the most significant study is from the viewpoint of the two major sources of Islamic deduction (*istinbāt*)—the Holy Qur'an and the *Sunnah* of the Prophet Muhammad (PBUH). Verse 24 of *Surah An-Nisā'* (4) is the main phrase examined by commentators and jurists with respect to temporary marriage or *mut'ah*, particularly the meaning of the word استمتاع (*istimtā'*) which indicates enjoyment/pleasure/utilization.

The most reliable reason for Qur'anic commentators to defend the validity of temporary marriage is their reference to the verse *Nisā'*: 4: 24.

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ كَتَبَ اللَّهُ عَلَيْكُمْ وَإِجْلَ لَكُمْ مَا وَرَاءَ ذَلِكَ أَنْ تَنْتَعُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرَ مُسْفِحِينَ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَلَهُنَّ أَجُورُهُنَّ قَرِيبَةً وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيقَةِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا.

Also (prohibited are) women already married, except those whom your right hands possess: Thus hath Allah ordained (prohibitions) against you: Except for these, all others are lawful, provided ye seek (them in marriage) with gifts from your property, desiring chastity, not fornication from them. So for whatever you enjoy [of marriage] from them, give them their

dowers (at least) as prescribed; but if, after a dower is prescribed, you agree mutually (to vary it), there is no blame on you, and Allah is All-Knowing, All-Wise.

To comprehend the valid decree (*ḥukm*) of God, the scholarly views of the commentators of both Islamic schools of Shiite and Sunni need to be taken into account regarding this verse and the exact meaning of the word “استمتاع” (*istimtāʿ*) that appears in it. In particular, due to changes in Islamic societies through the ages, from the descent of Revelation to the Prophet by God through to the present time, the Shiite and Sunni communities have observed two kinds of temporary marriage, both in terms of practical behavior and the implementation of decrees related to it.

Shiites believe that the decree applies in the same way today as it did in Muhammad’s time and emphasize that the term *mut’ah* is the same as *istimtāʿ*. Temporary marriage was primarily used by men who could not stay at home with their wife and had to travel, in the time of early Islam for battle, then later for work or for pilgrimage (see Qurṭubī 1985, 2, p. 392). According to Shiites, in *mut’ah* a woman marries a man on the basis of a known dowry and for a certain period of time; there is no religious barrier between each side. In other words, temporary marriage, referred to as *mut’ah*, between a Muslim man and woman is a contractual arrangement that legally unites them for a designated amount of time and for which the temporary wife is paid. Nowadays, *mut’ah* marriage primarily exists in Iran and the Shiite regions. The government of the Islamic Republic of Iran recognizes the validity of two forms of marriage: permanent (*nikāḥ*) and temporary (known as *mut’ah* or *sīgheh* in Iran). Despite the legal and religious authorization for temporary marriage, Iranians do not commonly engage in *mut’ah* marriage, and, in fact, they dislike it (see: Haeri 1989; Ghodsi 1994). Sunnis, however, who believe in the abrogation or prohibition of the decree, have recourse to another type of temporary marriage, remarkably similar to *mut’ah*, called *misyār*, and this has recently become popular in some Sunni countries. *Misyār* is a type of permanent marriage stipulating some conditions: for example, the wife is not entitled to alimony (*naḥagah*), to cohabitation, and to sleeping together, and the husband is free to come to her whenever he wishes. The woman is also free in her life, and the man has no control over it. Couples in this kind of marriage usually live separately from one other.

Chapters or books of marriage (*bāb al-nikāḥ* or *kitāb al-nikāḥ*) on the issue of temporary marriage have long been studied by jurists (see Karakī 1413 AH: pp. 3–8, for a list of books and writings on *mut’ah* and temporary marriage). Research conducted in recent years shows that much attention has been paid to this issue; see, for instance, Haeri (1989), Heffening (1986), Ghodsi (1994), Sobhani Tabrizi (2006), Daikandi (2007), Mikael (2009), Sotoudenia and Habibollahi (2014), Khamene and Hosseini (2016). What researchers have written to date is based on specific jurisprudential or sometimes interpretive views, some of which have been conducted comparatively. There have also been several writings on the issue of *misyār* marriage in recent years, for example, Hashemi (2007), Sadeghi (2008), Bigdeli (2010), Tashkainatan (2010). Moreover, writers have tried to explore both types of marriage in a comparative way in both Shiite and Sunni regions, for instance, Hasso (2010) and Sindawi (2013). Meanwhile, there has been a lack of proper attention to the concept of *istimtāʿ*

in the verse *Nisā'*: 24 from the point of view of famous exegetes of both the Shiite and Sunni sects, including the similarities and differences between *misyār* and *mut'ah* put forward by distinguished jurists. This chapter discusses these issues using a descriptive-analytical method with the goal of providing a complete and proper perspective of *istimtā*, *mut'ah*, and *misyār*. It should be noted that the present work does not engage with practical temporary marriage in the modern time in Muslim regions, as this would require different subject matter and research methods. The chapter endeavors to discuss the issue theoretically based on sources and to show how Shiite and Sunni scholars debate, consider, prove, or reject it.

## Opinions on Temporary Marriage of Shiite and Sunni Exegetes

The most reliable reason that Qur'anic commentators have for defending the validity of temporary marriage is their reference to the verse *Nisā'* 4: 24, as noted above.

In their discussions on the issue of temporary marriage, Shiite and Sunni commentators focus mainly on the meaning of the word استمتاع (*istimtā'*) in the verse. According to Shiite commentators, the use of the word *istimtā'* in the verse *Nisā'* 4: 24 connotes temporary marriage, as do the actions of the Companions (*Ṣaḥābīs*), and some of the hadiths. In contrast, Sunni commentators believe that *mut'ah* temporary marriage is no longer valid and that it has been revoked for three reasons: (i) the word *istimtā'* does not connote temporary marriage; (ii) the verse has been abrogated by other verses or hadiths; and (iii) temporary marriage was prohibited after the lifetime of the Prophet Muhammad (PBUH).

In the following, the views of each of the two groups are examined.

## Views of Shiite Exegetes on the Meaning of the Verse *Nisā'*: 24

Shiite commentators base their belief in the legitimacy of temporary marriage on their perceived connotations of verse *Nisā'* 4: 24 and their conviction of the continuing legitimacy of the practice to the present day.

### *Verbal Evidence in the Verse*

Shiite commentators generally consider the word *istimtā* to connote "temporary marriage" or *mut'ah*, but a special kind of temporary marriage. As mentioned earlier, in the early days of Islam and even before it, *mut'ah* marriage was prevalent among

the people of Arabia. Thus, when verse *Nisā'* 4: 24 was revealed, Arabs understood *istimtā* as connoting “temporary marriage,” not permanent marriage (Mufid 1424 AH: p. 148; Ṭabāṭabā'ī 2009, 4: p. 482).

These scholars also study other words in this verse, such as *أَجُورَهُنَّ* (*ujūrahunna*: reward or dowry) and *فَرِيضَةً* (*farīdah*: duty). They believe the occurrence of these words also indicates that *istimtā* refers to a certain type of marriage that is different from a permanent marriage. The word for dowry (*ujūrahunna*) relates to the payment for the costs of the *mut'ah*. Moreover, in different parts of the Qur'an, other words are used to mean dowry, such as *صَدُوقَاتٍ* (*ṣaduqāt*) and *نِهْلَةٍ* (*niḥlah*). However, according to Javadi Amoli (1999, 18: p. 312), the sentence *مِنْهُمْ فَآتُوهُمْ أَجُورَهُنَّ فَرِيضَةً فَمَا اسْتَمْتَعْتُمْ بِهِ* (“so for whatever you enjoy [of marriage] from them, give them their dowers (at least) as prescribed”) limits marriage, both literally and conceptually. That is, the existence of the reward of a dowry (*ujūrahunna*) relates to *istimtā* (enjoyment) and, as such, does not apply to permanent marriage. The rules of *mut'ah* marriage were revealed at the beginning of the migration through verses revealed in the fourth and fifth years of *hijrah*. According to verse *Nisā'* 4: 24, if a man experiences enjoyment through *mut'ah* marriage, he has to pay a “reward” to the woman. Under the terms of a *mut'ah* marriage, even if the man did not enjoy the woman or had never met her, he must still pay her half the dowry. The payment of the whole dowry is conditional on marital relations taking place. However, this scenario is held by Shiite scholars to be contrary to the decrees of permanent marriage (cf: Khamene and Hosseini 2016).

### *The Context of the Verses*

The implication of this verse for the validity of permanent marriage is the repetition of the decree stated in the third verse of *Surah al-Nisā'*. God also decreed the payment of dowry in permanent marriage in verses *Nisā'* 4: 4 and 20. Therefore, it does not need to be repeated in verse 24 (Ṭabāṭabā'ī 2009, 4: p. 435). Verse 24 was revealed as a continuation of the previous verse which explained different types of forbidden marriage, for example, married women marrying other men, except for slaves captured in war. After mentioning the types of forbidden and permanent marriage at the beginning of the *Surah* (verse 3), God Almighty distinguishes one type of marriage here:

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ كَتَبَ اللَّهُ عَلَيْكُمْ وَأَجَلَ لَكُمْ مَا وَرَاءَ ذَلِكَ لَكُمْ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ مُحْصَنِينَ غَيْرَ مُسَفِّحِينَ.

Also (prohibited are) women already married, except those whom your right hands possess: Thus hath Allah ordained (prohibitions) against you: Except for these, all others are lawful, provided ye seek (them in marriage) with gifts from your property, desiring chastity, not fornication from them.

It thus seems that the context of the verses in this Surah proves that the decree stated in verse 24 and the meaning of *istimtā'* does not refer to permanent marriage but to a special kind of marriage, probably a temporary one.

### *Actions of Companions*

As mentioned above, the Prophet Muhammad (PBUH) gave permission for temporary marriage to be performed during one of the battles. A group of Sunnis believe that the Companions were allowed to establish temporary marriage based on his decree, namely, a temporary decree in certain circumstances. Through such accounts, Shiite commentators think that temporary marriage was ordered during the time of the Prophet Muhammad (PBUH), and his Companions acted accordingly. Moreover, it was not conditional, forbidden, or abrogated, but the Second Caliph 'Umar later forbade it, saying:

Two *mut'ahs* were performed at the time of the Holy Prophet (PBUH), but today I forbid them and punish their perpetrators: one is *mut'ah* of women and the other is *mut'ah* of Hajj. (Qurtubī 1985, 2: p. 392)

There are even some reports that the Second Caliph sentenced the perpetrators to stoning (Muslim n.d., 9: p. 183 and Suyūfī 1404 AH, 2: p. 141).

There are dozens of reports on the issue of temporary marriage and many apparent contradictions among them. Allameh Ṭabāṭabā'ī (AD 1904–1981) collected the narrations regarding the prohibition of *mut'ah* and emphasized their contradictions. According to him, the only consensus in all the reports is that the Second Caliph forbade this type of marriage during his caliphate (Ṭabāṭabā'ī 2009, 4: p. 473). Thus, it may be concluded that Shiite and Sunni scholars unanimously agree that *mut'ah* was prevalent during the time of the Prophet Muhammad (PBUH) and was prohibited at the time of 'Umar.

### *Exegetical Hadiths*

Scholars who believe in the legitimacy of temporary marriage cite a detailed collection of interpretive narrations to prove their opinion that temporary marriage is considered permissible (cf. Mufīd 1424 AH: p. 148; Tūsī n.d. p. 166; Rāwandī 1405 AH, 2: p. 105; Fadlullāh 1419 AH, 8: p. 183; Makarem Shirazi 1995, 3: p. 336; Javadi Amoli 1999, 18: p. 313); Ṭabāṭabā'ī 2009, 4: p. 428). Shiite commentators also believe there is no reason to forbid, abrogate, or restrict it, and the reasons for its legitimacy are still prevalent today. They generally accept the prevalence of the legitimacy of temporary marriage since the beginning of Islam until now and present the narrations received from the Imams in this regard (Qomī 1989, 1: p. 136).

In some reports, it is observed that there was a different reading of the verse *Nisā'* 4: 24, in the form of: “فما استمتعتم به منهن إلى أجل مسمى...” : “So what you enjoy of them until the certain period...” (Ṭabarī 1412 AH, 5: p. 9). Studies prove that this collection of interpretive narrations, where the phrase “إلى أجل مسمى” is added to the verse has various textual (*matn*) problems, as well as in the chain of transmission (*sanad*). These have never been accepted by the scholars of either the Shi'a or Sunni schools, and neither group would agree with the claim that the Qur'an has been distorted in this instance (Sotoudenia and Habibollahi 2014).

In the study of narrations on temporary marriage and their titles in early Shiite hadith collections, *mut'ah* is considered to have been tied to certain conditions. Among these works are: *Uṣūl al-Kāfī* by Sheikh Kulaynī (864–941 AD) (Kulaynī 1429 AH: 5: p. 448) and *Man lā Yaḥdaruh al-Faqīh* by Sheikh Sadūq (918–991 AD) (Ibn Bābiwayh 1413 AH, 3: p. 458), and later ones such as *Wasā'il al-Shī'a* by Ḥurr al-'Āmilī (1624–1693 AD) (Ḥurr al-'Āmilī 1416 AH vols. 1, 4, 11, 13, 21). The works include the impermissibility of temporary marriage for married men, unfaithful and unclean women, and if a man's wife and her family are disturbed by it, etc. The decree of temporary marriage is neither a permanent sentence, nor does it have a fixed interest, but is accompanied by mores and conditions. In other words, narrative evidence suggests that the absolute legitimacy of temporary marriage is conditional upon constraints. The philosophy of its legislation was not the development of lust between men and women. Rather, God the Almighty sought to control and guide the sexual instinct within a disciplinary framework and with certain obligations on the part of the man and woman.

## Opinions of Sunni Exegetes on the Meaning of the Verse *Nisā'*: 24

Sunni commentators oppose the legitimacy of temporary marriage for three reasons:

### 1. *The word istimtā' does not refer to temporary marriage*

Some Sunni commentators state that *istimtā'* in this verse refers to permanent marriage, which is characterized by:

- (i) dowry (*mahr*) provided to the woman;
- (ii) period waiting (*'iddah*) after the death of a woman's husband (four months and ten days), or a divorce (three months), during which a woman may not remarry (Qur'an 2:228 and 2:238). Any pregnancy discovered during this period is assumed to be the responsibility of the woman's former husband; and
- (iii) inheritance rights of the wife (*'irṭh*) (Ṭabarī 1412 AH, 5: p. 9; Ibn Jawzī 1422 AH, 1: p. 393; Ālūsī 1415 AH, 3: p. 8; Fakhr Rāzī 1420 AH, 10: p. 41).

Some Sunni commentators see a reduced association between *istimtā'* and temporary marriage (Zamakhsharī 1407 AH, 1: p. 498). Some consider verse *Nisā'*: 24 as a reason for emphasizing the payment of dowry in a permanent marriage (Marāghī

n.d. 5: p. 9) in the sense that *istimtā* in the verse in question decrees the right to the whole dowry (Jaṣṣāṣ 1405 AH, 3: p. 98). Some also believe that *istimtā* in this verse is literally meant as enjoyment (Ibn ‘Āshūr n.d. 4: p. 87).

There are a few who deny the legitimacy of temporary marriage. They consider it a historical matter, not a religious one, and believe that God did not reveal anything about *mut’ah* in the Qur’an: neither abrogation nor prohibition took place. They further comment that Shias base their arguments on false and fabricated narrations (Jārullāh 1949: pp. 121–166).

As pointed out by most Sunni commentators, of all the reasons listed above, the most important and common proof of those who oppose the validity/legitimacy of temporary marriage is apparently the use of *istimtā* in its literal sense, namely, exploitation, pleasure, and utilization (Qurtubī 1985, 5: p. 130; Ibn Arabi 1407, 1: p. 389; Jaṣṣāṣ 1405 AH, 3: p. 97), and thus as meaning *mut’ah* or permanent marriage.

## 2. Abrogation of the verse by other verses or hadīths

A group of Sunni commentators believe that the verse in question was revealed to allow temporary marriage but was later abrogated. They point to the abrogation of temporary marriage by other verses of the Qur’an and to some reports ascribed to the Messenger of God (PBUH). For example, Muqātil Ibn Sulayman (c. 702–767 AD), an exegete among the class of Followers (*tābi’īs*), accepts the implications of *mut’ah* in verse *Nisā’*: 24 with its special conditions. However, he emphasizes its abrogation by the verses on inheritance (Q, 4: 12) and divorce (Q, 65: 1). He adds that after the revelation of these verses, the Prophet Muhammad (PBUH) constantly forbade people from temporary marriage (Muqātil 1423 AH, 1: 367). Shawkānī (1759–1834 AD) also accepts the meaning of the verb *mut’ah* that was permissible in early Islam, but states that it was abrogated later by verses and hadīths (Shawkānī 1414 AH, 1: p. 518).

Zamakhsharī (1075–1144 AD) refers to a narration from Ibn Abbas (c. 619–687 AD), the great exegete among the class of Companions, about the firmness (*muḥkam*) and non-abrogation of the verse. Zamakhsharī adds that Ibn Abbas had, of course, renounced this theory by the time of his death (Zamakhsharī 1407 AH, 1: p. 498). Ibn ‘Āshūr (AD 1879–1973) believes there is no doubt about the validity of temporary marriage during the lifetime of Muhammad (PBUH), but that it was later abrogated (Ibn ‘Āshūr n.d., 4: p. 87).

Some commentators are of the opinion that those who believe in the abrogation of the verse were mistaken. They say that the commentators, who first accepted the implication of the verse for *mut’ah* and then believed that it had been abrogated, had made a mistake and then justified it (Ibn Jawzī 1422 AH, 1: p. 393; ‘Ālūsī 1415 AH, 3: p. 8).

## 3. Prohibition of temporary marriage after the Prophet (PBUH)

The third group consists of commentators who acknowledge the legitimacy of temporary marriage in early Islam, particularly during the Prophet’s lifetime, but believe that it was forbidden after the prophetic era. Some believe that the legitimacy of *mut’ah* was based on *Sunnah* and that the Prophet (PBUH) possibly intended *mut’ah*



to be permitted only for a certain limited period, for example, in wars (Qurtūbī 1985, 5: p. 130), while forbidding it at other times. They, in fact, take *istimtā'* to have the same literal meaning of enjoying. The basis of this theory was a report from Abdullah ibn Mas'ūd (d. AD 650):

We were at war with the Messenger of God (PBUH) and our wives were not with us. We told him: "Can we make ourselves eunuchs?" He forbade us to do this and allowed us to have temporary marriage with women in exchange for a piece of clothing. Then Abdullah ibn Mas'ūd recited this verse: "O ye who believe! make not unlawful the good things which Allah hath made lawful for you, but commit no excess: for Allah loveth not those given to excess (Q, 5: 87)". (Bukhari 1422 AH, 7: pp. 4–5 and Muslim n.d., 9: p. 182)

Zamakhsharī 1407 AH, 1: p. 498, believes that the Prophet Muhammad (PBUH) shunned *mut'ah* and 'Umar (c. 586–644 AD), the Second Caliph punished perpetrators of *mut'ah* marriage. Some other commentators regard *mut'ah* as having been permissible in early Islam (Marāghī n.d. 5: p. 9).

## Shiite and Sunni Jurists' Views on *Mut'ah* and *Misyār*

All Muslim jurists, both Sunni and Shiite, agree on the principle of the legitimacy of *mut'ah* in early Islam. Imami (Twelver Shiite) jurists, however, believe in the survival of legitimacy and its non-abrogation. They state that *mut'ah* was permissible (*mubāḥ*) during the lifetime of the Prophet Muhammad (PBUH) and that the Companions practiced it following his order. It was legitimate during the age of the caliphate of Abu Bakr until the middle period of the caliphate of Umar (Ṭūsī 1407 AH, 4: p. 340; Ibn Zohrah 1417 AH: p. 356; Najafī 1981, 30: p. 139). In contrast, Sunni jurists agree on the abrogation of the decree of *mut'ah* (Fakhr Rāzī 1420 AH, 10: p. 53; Ibn Najīm 1311 AH, 3: p. 190). However, it is stated in Sunni books that some of the Companions and Followers believed in the survival of legitimacy and its non-abrogation (Mohaqeq Karakī 1408 AH, 13: p. 17).

## Nature and Jurisprudential Conditions of *Mut'ah*

The term *mut'ah* in Imami jurisprudence means that a woman marries a man with a known dowry and for a certain period of time, ensuring that there is no religious barrier to the marriage taking place (*sabab*), *ridā'*, breastfeeding (*'iddah* or *iḥṣān*). In this type of marriage, if the time expires or remaining time is bestowed (*badhl*) by the man to the woman, the marriage will be annulled automatically (Mousavi Ardabili n.d., p. 21). According to the Imami Shiite jurisprudence, *mut'ah* is similar to temporary marriage and there is no difference between them (Ḥillī 1420 AH, 3: p. 519), although some Sunni jurists have mistakenly distinguished between them (Qūnawī 1406 AH: p. 146). According to the definition, *mut'ah* has elements such that if one of them is not observed, the marriage contract (*'aqd*; or when the marriage

contract is concluded with a sermon, *khutbah*) is invalidated. These elements are as follows:

**1. Marriage contract (*khutbah/sighah*):**

Like the permanent marriage, the recitation of the marriage contract and the request and acceptance by both man and woman to the marriage, are conditions for the validity of the temporary marriage, and the marriage is considered void without these conditions (Mousavi Khomeini 1410 AH, 2: p. 271).

**2. Determining the marriage duration:**

One of the basic elements of *mut'ah* is determining the duration: specifically, the beginning and the end of it must be clearly determined. This period must be considered in the marriage contract. If it is not mentioned, either inadvertently or intentionally, *mut'ah* will turn into permanent marriage (Mousavi Khomeini 1410 AH, 2: p. 271).

**3. Determining the dowry:**

In a temporary marriage, a property must be determined as a dowry, and the man must pay it to a woman as a sign of love and affection to her. Imam Sadiq (AS) says: "It would not be *mut'ah* except for two things: a certain period and a certain dowry." (Ḥurr 'Āmilī 1416 AH, 21: 42). In addition, what is understood from the verse *Nisā'*: 24 is that the principle of temporary marriage was evident before the descent of the verse. In this verse, it is recommended and emphasized that the dowry should be paid (Makarem Shirazi 1995, 3: p. 335).

Temporary marriage differs from permanent marriage in that it places couples in different situations. For example, in a permanent marriage, there is a relationship of inheritance between spouses, while in a temporary marriage, the man and woman do not inherit from each other. In a permanent marriage, the man is obliged to pay a woman her usual living expenses, while in a temporary marriage, the man is not obliged to pay alimony to her, unless both agree to pay such expenses, including inheritance. Moreover, when a couple wishes to separate while in a permanent contract, they must observe the divorce procedures. In a temporary contract, it is not necessary to get divorced. Indeed, the termination of the marriage is due to "the bestowment (*badhl*) of the (remaining) period" or "the expiration of the marriage period."

## ***Nature and Jurisprudential Conditions of Misyār***

Misyār marriage, created due to the opposition of Sunni scholars to *mut'ah*, is a recent issue presented here. It is also an attempt by scholars to solve the problems of women who have not been able to marry permanently or have been divorced (Tamīmī 1418 AH, p. 10). Early Sunni books do not discuss such a term. However, according to contemporary jurists, *misyār* marriage is "a marriage in which a man marries a woman with all the elements and conditions of marriage, except that the woman refuses to live with the man and receive alimony" (Tamīmī 1418 AH, p. 10). According to Qardāwī, the great contemporary Sunni scholar, *misyār* is a marriage

which is distinguished from permanent marriage because the wife shuns some of her marital rights. For example, as mentioned above, she does not claim her rights to cohabitation and alimony (Qardāwī n.d.: p. 23).

Wahaba ibn al-Zuḥaylī (1932–2015 AD), a Syrian professor and Islamic scholar, also describes *misyar* thus:

*Misyār* is a marriage that is performed between a man and a woman, involving request and acceptance, the testimony of witnesses, and the presence of a guardian [for the woman] (*walī*). Through it, the woman renounces material rights such as house, alimony, any children she gives birth to, and cohabitation, and some spiritual rights, such as religious counselling. In this marriage, the woman agrees that the man can visit her occasionally. If both sides agree, the marital relationship can be established publicly or officially, for which a document can be issued, or in secret. The parties can agree that the lineage and inheritance are preserved. The woman is free to leave the house because there is no condition for alimony; as the obedience of the wife is obligatory if her husband pays alimony, if there is no alimony, obedience is [also] not obligatory. (Zuḥaylī 1428 AH: p. 84)

Some add to this definition: “*Misyār* is often regarded as the second or third marriage and is considered as a kind of polygamy” (Ashqar 1420 AH: p. 163).

*Misyār* is thus a marriage in which all the elements and conditions of marriage exist: request and acceptance with well-established conditions, the consent of both parties, guardianship for the woman, a declaration and competence, and an agreed dowry. In order for the marriage to be valid, there must be no obstacles to it. At the drawing up of the marriage contract, all rights related to it will be established in terms of procreation, inheritance, ‘*iddah*, divorce, permissibility of sexual relationship between the couple, residence, and alimony. However, the couple agrees that wife has no right to alimony and cohabitation, and that the husband has the right to visit his wife whenever he wishes (Tamīmī 1418 AH: p. 15).

Sunni scholars disagree on this type of marriage decree. Most contemporary Sunni scholars consider it permissible. Sheikh Abdul Aziz bin Baz (1910–1999 AD), a former Saudi Mufti, writes

*Misyār* is allowed if it has legal conditions because it is subject to the generality of the prophetic narration of “Muslims are subject to their conditions.” Those conditions are: the existence of a guardian, the consent of the man and woman, the presence of two just witnesses to the contract and the lack of obstacles to marriage for both the man and the woman. (Ibn Yusuf 1420 AH: p. 112)

Sheikh Muhammad Sayed Ṭanṭāwī (1928–2010 AD), a scholar of Al-Azhar, and Sheikh Abdul Aziz Al-Sheikh (1943–1999 AD), Mufti of Saudi Arabia, has also declared the permissibility of *misyar* (Ibn Yusuf 1420 AH: p. 112). However, some emphasize “permissibility with detestability”; Qardāwī says

I am not one of the promoters of *misyar* and I do not read the sermon of *misyar*. This marriage is permissible with detestability, that is, it is lawful, but it is not recommended, and it is feared that such a marriage will result in damages and losses. (Ashqar 1420 AH: p. 175)

In contrast, some Sunni scholars recognized this marriage as unlawful. Abdul Qafār al-Sharif states

*Misyār* is an innovation that has been created by weak human beings and those who want to get rid of family responsibilities and fulfill their sexual needs through marriage under Shari'ah law. Thus, *misyār* is not allowed, even though it takes the form of a religious contract. (Ashqar 1420 AH: p. 184)

On the other hand, according to some Sunni scholars, there has been no clear decree on the issue in Shari'ah, and the scholars have stopped ruling on this kind of marriage. This is because unscrupulous people have gone to extremes—either by deviating from the rules of *misyār* or abusing them. Institutions have been set up to determine the price of the costs of this type of marriage, and there is no doubt that this situation will cast doubt on the permissibility of *misyār* (Sharif 1998: p. 3; 'Utaybi 1418 AH: p. 28).

Even though *misyār* marriage is not publicized in Shiite communities, most contemporary Shiite jurists do not consider it to be a problem. Meanwhile, Ayatollah Sistani, a contemporary Shiite authority in Iraq, responding to a legal question, stated that such a marriage is above reproach. He saw no problem in a wife giving up rights such as alimony, home, and cohabitation, but he saw inheritance as compulsory (Abuyi et al. 2011: p. 54). Ayatollah Makarem Shirazi, a contemporary Shiite authority in Iran, also considers *misyār* to be correct and to be like temporary marriage (Makarem Shirazi 1424 AH, 5: p. 25).

### ***Similarities Between Mut'ah and Misyār***

*Mut'ah* and *misyār* are both marriages that require request and acceptance. The decision of the husband and the wife, and matters relating to the dowry must be free from the legal barriers of marriage. The children are attributed to both the man and woman, and all the religious rules of the child, such as being *mahram* (a member of one's family with whom marriage would be considered unlawful), inheritance, alimony, and guardianship apply. On the other hand, in both types of marriage, the woman does not have the right to alimony and or to cohabit with the man, couples cannot inherit from each other, and the man's permission is not required for the woman to leave.

### ***Differences Between Mut'ah and Misyār***

In *misyār*, no time limit can be applied to the marriage duration; in fact, predetermining a duration will invalidate the contract. However, for *mut'ah* to be valid, the length of the marriage must be predetermined; without a time limit, *mut'ah* is void. Moreover, in *mut'ah*, a financial agreement is required regarding a dowry. *Misyār*, however, is valid even without a dowry agreement, although both the man and the woman can agree a dowry after the marriage. In *misyār*, according to the *Shāfi'ī*, *Ḥanafī* and *Ḥanbalī* schools, the presence of two just people as witnesses to the

marriage contract is necessary (Jazyarī 1419 AH, 4: p. 25). In *mut'ah*, the presence of witnesses is not necessary, although recommended. *Misyār*, like permanent marriage, is terminated by divorce; the dissolution of *mut'ah*, however, is due to the expiration of the agreed duration or to the man giving up any remaining time left in the contract. Thus, divorce is not a part of *mut'ah*.

## Conclusion

Shiite and Sunni commentators discuss the verse *Nisā'*: 24 in terms of "*mut'ah*," its legitimacy, and whether or not the verse applies to "temporary marriage." The scholars' focus is mainly on the word "*istimtā'*" and its implications for *mut'ah*. Technically, "*mut'ah*" means "temporary marriage"; Shias believe that "*istimtā'*" had a special meaning that has been part of Arabs' understanding before the Prophet Muhammad (PBUH), and then, after the revelation of the verse, during his lifetime and afterward; it was not abrogated, and its decree is still valid today. There are differences, of course, in the narratives about the conditions and restrictions of its performance. The Shiite group bases its proofs on the verbal evidence of the verse *Nisā'*: 24, the acts of the Companions, and the hadiths. In contrast, Sunni commentators rely on *istimtā'* not being connoted in temporary marriage, the verse not being abrogated by other verses or narrations, and the belief in temporary marriage being prohibited after the Prophet Muhammad (PBUH) by the Second Caliph 'Umar. Their understanding is that the legitimacy of temporary marriage was impermanent, time-limited, and that its permissibility has been revoked at times.

From the jurisprudential perspective, as permanent marriage is not always available or easy to perform, most Imami Shiite jurists consider that, according to Qur'anic verses and hadiths, the decree of *mut'ah* is currently legitimate and that it has not been abrogated. On the other hand, Sunni scholars believe that the verse has been abrogated and proclaim that *mut'ah* is invalid. They propose *misyār* marriage as a substitute for *mut'ah*. Sunni jurists have three different views on the religious decree on *misyār*. Most contemporary Sunni jurists consider *misyār* to have all elements and conditions for the validity of a marriage contract and recognize it as permissible. Some emphasize the invalidity and unlawfulness of *misyār* marriage, while some believe that they have no reliable evidence regarding its validity/invalidity and legality and therefore consider it dubious and have stopped ruling on it. Although *misyār* is similar to *mut'ah*, as it curtails in jurisprudential terms some of the material rights of marriage, particularly for the woman, such as alimony and inheritance, these two types of marriage differ in other respects too. These include determination of the marriage duration, the conferral of a dowry, the dissolution of the marriage, and the need for witnesses to be present at the signing of the marriage contract.

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# Chapter 3

## The Role of Temporary Marriage (TM) in Promoting Early Child Marriage (ECM) in Iran



Kameel Ahmady

**Abstract** This study aims to deepen understanding of the phenomenon of temporary marriage (TM) and its role in promoting early child marriage (ECM) in Iran. The research reveals that traditional families wish to control the sexual behavior of boys and girls and avoid the social pressure on them at mixed gatherings, by making them *mahram* (In Islam, a *mahram* is a member of one's family with whom marriage would be considered *haram* (illegal in Islam); from whom *purdah*, or concealment of the body with hijab, is not obligatory; and who may serve as a legal escort of a woman during journeys longer than three days) to one another through temporary marriage. It demonstrates that while temporary marriage has a role in legalizing illicit relationships, it also facilitates the ECM narrative in Iran. ECM, however, is not the only by-product of the temporary marriage but contributes to stigmatizing the younger generation in various ways. Moreover, religion is only one contributor to the popularity of temporary marriages, which is more about the control and power exerted by Iran's patriarchal society and male-dominated culture over the most vulnerable segment of the population: the women.

**Keywords** Temporary marriage · *Sigheh* · Child marriage · Iran · Culture · Religion

### The Phenomenon of Temporary Marriage

Temporary marriage, often referred to in Arabic as *nikah mut'ah* (marriage in the Shia sect of Islam) short-term marriage or *sigheh mahramiat*, is an ancient practice (Badran et al. 2019). It allows Muslim men and women to be considered husband and wife for a limited and fixed period of time (Johnson 2013). After specifying a *dower*, the price the bride is paid by the groom or his family (Manzar 2008). Historically, *nikah mut'ah* was used to allow a man, when traveling long distances, to have a wife for a short period of time. In Arabic, the dictionary definition of *nikah* is marriage and

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of *mut'ah* is “enjoyment, pleasure, delight.” This practice of temporary marriage has probably existed since the lifetime of Muhammad (PBUH), who is believed to have recommended it to his companions and soldiers (Sciolino 2000), though there is no ancient narrative to prove this statement. Temporary marriage was used by pilgrims mostly in Iran in Shiite shrine cities such as Meshed and Qum (Sciolino 2000). A temporary marriage helped to prevent sexual immorality and enabled men to meet their sexual needs legitimately and legally when they were far from their spouse, for example, during a pilgrimage (Sciolino 2000).

Linguistically, *mut'ah* is derived from the root word of *mat'h* meaning something that can be taken advantage of for a short period of time for pleasure (Ibn Manzoor 1993, p. 239). *Mut'ah* thus refers to a marriage between a man and woman for a specified duration; it allows spouses the right of separation without formal legal divorce proceedings. Moreover, Al-Allameh Al Hilli defines *mut'ah* as discontinuous temporary marriage (Al-Hilli 1991, p. 175).

The *nikah mut'ah* is based on a verbal or written contract (*sigheh*) under which both parties agree to the duration and conditions for the marriage, similar to the elements of a commercial contract (Sciolino 2000). Like any other contract, *mut'ah* marriage creates rights and obligations between the contracting parties (Lindberg 2012). The union can last for a few hours, days, months, or years, but when the contract terminates so does the marriage, much in the same way a long-term/permanent/conventional marriage does under Iranian law. The main difference is that the temporary marriage lasts only for a specified period of time. Generally, the *nikah mut'ah* has no prescribed minimum or maximum duration (Labi 2014). At the end of the contract, the wife must undergo *iddah*, a period of abstinence from sexual intercourse she must usually observe after the death of her husband or after a divorce, during which she may not marry another man (Esposito and DeLong-Bas 2001). Although *nikah mut'ah* is a Shia concept, other types of informal marriages are practiced by Sunni Muslims, such as *misyar*; temporary marriage in Sunni sect of Islam and *urfi* (Mahmood 2013).

The issue of *mut'ah* is a delicate one, fraught with rancorous debate; it has also been distorted and misused over the years (Moaddel and Talattof 2016). Moreover, there is a sectarian divide over the issue. The majority Sunni sect in Islam has banned it; the minority Shiite sect has not. In the Muslim world, the concept is better known in the Shia sect, which believes it to be legally permissible (Badran et al. 2019). When the concept was first introduced, however, all Muslim sources agreed that it was expedient (Bang 2016). Critics of these informal marriages among both Sunnis and Shias, however, are against the practice of *mut'ah*, principally the practice of a man taking on multiple “wives” contractually for a number of hours and thus having multiple sexual partners. It has also been argued that *mut'ah* marriages are used as an “Islamic cover-up” for prostitution and for the exploitation of women (Mikhail 2002; Spencer 2015).

## Research Methodology

The results, following a study conducted in three metropolitan cities in Iran, corroborate the main argument set forth in this chapter, namely, that temporary marriages contribute to the trend of early child marriages in Iran. The methods here described were adopted to conduct the study and triangulate the data in order to achieve the results.

Temporary marriage is a multi-dimensional topic. As a result, and to ensure the reliability of this study, different research methodologies were used to analyze the results. The present study is a step toward a deeper understanding of the subject matter of temporary marriage. It also aims to clarify various aspects of it and to illustrate the consequences arising from it that, to date, have remained hidden from the public eye and even from researchers. The study was conducted within the framework of interpretivism using a qualitative research approach, field theory: the proposition that human behavior is the function of both the person and the person's environment.

The research was performed in three metropolises, Tehran, Isfahan, and Mashhad. In field studies, the research question cannot be specified meticulously in advance (Caelli et al. 2003). The number of participants also cannot be predicted, as the size of sample is specified through the data collected and their interpretation. It should be mentioned that sampling continues, without any limit to the number of participants, until theoretical saturation is achieved (Parvizi 2014, p. 146). Due to the cultural and religious sensitivity of the research topic and the difficulty of obtaining samples, probability sampling was used. Although theoretical and data saturation were achieved after 100 interviews, more interviews were conducted to make the results more reliable. The researchers agreed on the theoretical saturation and comprehensiveness of the research after interviewing 216 people. However, the experts on the qualitative method helped supervise the process and provided guidance throughout the study. During the field research, the ration of interviews conducted among men and women were 35% and 65%, respectively.

To enrich the research, religious experts, jurists, legal experts, attorneys, and marriage registry officers were also interviewed. The data for the present study were collected through a free and in-depth interview technique. The initial interviews were then analyzed and interpreted using theoretical coding (open, axial, and selective). An informal interview method was applied to collect data and define important concepts and categories of participants. At the second stage, the concepts and categories defined in the interview process were pursued in line with the sampling. Once the general themes of the interviews had been created using these concepts and categories, the interview questions were standardized using the semi-structured interview method. The process continued until theoretical saturation was achieved. Afterward, major categories, sub-categories, and concepts were realized by implementing open coding simultaneously with data collection.

## Linking TM and ECM

The widespread traditional practice of temporary marriage (TM) encourages the frequency of child marriage in Iran. The essence of temporary marriage is based on well-known quotations from Shia religious sources and is permitted in Islam; it does not, however, equally benefit men and women. While temporary marriage is legitimate from a religious point of view, it is the age at which a temporary marriage is permitted that is concerning here. The Twelver jurisprudence and Civil Code of Iran specify an age of 13 (or 9 with the permission of the court and the parents) for marriage (Namdari 2015). From the perspective of some traditional Islamic scholars like Mamusta Abdul Karim Shahrikandi, Ahmad Moftizadeh, and some Shia sources like Ayatollah Sanei, TM and TM at this age are not legitimately acceptable for today's women. The legal age of marriage for children in Iran, and particularly girls, is a contributing factor to early marriage. In his book, *Temporary and Permanent Marriage*, Akbar Hashemi Rafsanjani (fourth President of Iran 1989–1997) considered nine to be the age at which *sigheh mahramiat* is permitted (Niechcial 2009). Thus, the religious legitimacy of temporary marriage indirectly validates the rationale for child marriage.

Religious scholars, for example, Ayatollah Sistani—one of the most influential Iraqi–Iranian Shia marja', living in Iraq and described as the leading spiritual leader of Iraqi Shia Muslims and one of the most senior clerics in Shia Islam—and Ayatollah Noori Hamedani—an Iranian Twelver Shi'a religious leader—state that there is no difference between *sigheh mahramiat* and temporary marriage (Turner 2003). Traditional families are thus compelling sons or daughters to marry through *sigheh mahramiat* or temporary marriage as a means of controlling their sexual behavior and because of the pressures imposed by culture (Ahmady 2017). The marriage partner selected will also be from a comparable religious family. However, in such cases, the avoidance of sexual penetration is implicitly set as a condition in *sigheh mahramiat*. Obviously, one cannot expect the couples to adhere to their parents' wishes and abstain from sex, as they are in early puberty and thus emotionally immature and economically dependent (and therefore more easily controlled) (Ahmady 2017). The results of the present study and interviews with traditional religious families indicate that child marriage is practiced in the framework of *sigheh mahramiat* or temporary marriage by the permission of the parents. According to our interviews, some children have not been happy with such marriages. Moreover, as children do not know what to expect from a marriage, it is impossible to consider their degree of satisfaction or dissatisfaction as a credible indicator.

The legitimacy of a relationship is important in Iranian society, and relationships are permissible only if sanctioned by religion. Such an attitude reduces the necessity to follow the law. The relationships formed under *sigheh mahramiat* and in the framework of pre-marriage familiarization will sometimes not become formal until two years after the *sigheh* is agreed (Ahmady 2019). This is why participants in our survey did not mention any special reason for this prolonged duration of *sigheh mahramiat*, stating only that it was being practiced to fulfill family commitments

and put the marriage on an official footing. As mentioned, the data collected indicate that religious legitimacy is much more important than legal compliance. This shows the significance of religion as a means of justifying a tradition and as a tool for ensuring its continuity. In Iran, some traditional families do not allow their children to give their opinions about whom they should marry (Montazeri 2016). The parents consider themselves the right people to choose a spouse for their child and to control their sexual behavior (Montazeri 2016).

### *Age Acts as a Determinant of Marriage Success*

Among the various dependent variables of marriage, analyzed by social and economic experts, age at first sexual relationship is considered an important indicator for evaluating the quality of physical and mental health (Kearney 2012).

To some extent, the age of marriage set by each society is a way of organizing family life; it also demonstrates the opportunities for men and women at the time of marriage. According to Pournaghi (2015), putting marriage off until a later age can have serious consequences for the young, triggering, for example, irresponsibility, a tendency to indulge in undesirable or risky relationships, a waste of youth and vitality, tensions in life caused by the non-fulfillment of personal needs, parental concerns, depression, sexual disorders, taking refuge in drugs, etc. Pournaghi (2015). However, early child marriage (ECM) can also have unwanted consequences (Ahmady 2017). Under the United Nations Convention on the Rights of the Child, a person is a child until the age of 18 (CRC 2015). The United Nations Population Fund has asserted that any marriage under the age of 18, before boys and girls are mentally and physically ready to undertake nuptial and child-care duties, is a child marriage (UNFPA 2020). However, in some countries, the age of marriage varies based on legal regulations and social and cultural norms. Poverty, low education level and illiteracy, lack of legal support, social pressures, male expectations, and the stranglehold of tradition and religious beliefs are some of the contributory factors promoting ECM (Ahmady 2017). Parents who cannot afford to pay large dowries when marrying their daughters, they marry them to an older, disabled or sick man who will settle for a low dowry (Kalantari 2014). Mainly driven by poverty, the practice prevails and fuels by the desire for large families, son preference, and the need for parents to reduce the number of children to feed (UNFPA 2020). Men will accept a lower dowry for a younger girl, and moreover, the family benefits financially from the marriage of a girl child, known as bride price (Dalton 1966), which can feed the rest of the family. Women who marry older men at a young age risk early widowhood and domestic violence (UNSD 2015). Child marriages produce child widows who are categorically vulnerable children who lost their childhood and rights simultaneously.

High divorce rates, child widowhood, increased number of orphans, children themselves poorly prepared for parenthood, sexual abuse of girls, chronic cycle of poverty and prostitution and a rise in mental, physical and sexual diseases among women are among the sad litany of outcomes of early marriage (Ahmady 2017). Early

marriage is problematic as far as both sexes are concerned, but the phenomenon harms girls more than boys (Kearney 2012).

### ***Temporary Marriage: An Approved Way of Facilitating Child Marriage in Iran***

Recent social changes in Iran have changed not only people's behaviors but their values too (Bayat 2013). A new social trend is pre-marital sex. Several studies indicate that pre-marital sex has increased among teenagers and young people in recent years. There are different types of pre-marital sex in Iran: free relations (prostitution), *sigheh* relations, boyfriend/girlfriend relations, cohabitation or white (unconsummated) marriage, and homosexual relations.

A relationship within the *sigheh* framework as a non-romantic, pre-marital relationship is accepted by both the official religion and law of Iran (Golestaneh 2019). Early marriage and the possible sexual intercourse that follows are two of the social and psychological consequences of *sigheh mahramiat* that mainly affect women (Shakib 2017). The main core of the *sigheh* discourse is the coexistence of sexual desires and religion in parallel with rapid social changes. Studies show that *sigheh* relationships exist to a greater extent among individuals with strong religious beliefs, who seek a religious solution to satisfy their sexual instincts (Parishi 2009). Based on the Civil Code of Iran, articles 1075 to 1077, a marriage can be discontinued when it has run its agreed specific duration and with a specific *maher* (an obligation, in the form of money or possessions paid by the groom, to the bride at the time of Islamic marriage settlement) (RDC 2013).

And this is when *sigheh* enters the dangerous fraught territory of ECM. Even the most optimistic of the Sunnis and the ardent supporters of *sigheh* find it hard to acquiesce to the deplorable state of ECM.

*Sigheh mahramiat* allows a virgin (young girl) to enter into a courtship with a man who is her husband (Montazeri 2016). Although not officially registered, this ECM is religiously approved. In religious families, such *sigheh* is practiced generally for boys and girls so that they can become acquainted with one another other during their engagement period (Kalantari 2014). The eminent Shi'ite cleric, Ayatollah Sistani, considers *sigheh mahramiat* to be a sort of temporary marriage (Sistani n.d.). If the girl loses her virginity, there will be no legal consequences, as the law does not account for this. Nevertheless, the consequences of such types of *sigheh*, where young girls naturally lose their virginity, impose a heavy social pressures on the girls themselves (Yari Nasab et al. 2015).

*Sigheh mahramiat* marriage with young girls, even if not intended for sexual pleasure and practiced only to avoid sin while interacting, is still accompanied by social pressure (Ahmady 2017). If the man is loyal to his wife or if the girl's age is marriage-appropriate, the marriage will be legally valid. However, if the girl's age is lower than stipulated by law, a judge will issue the final verdict (based on

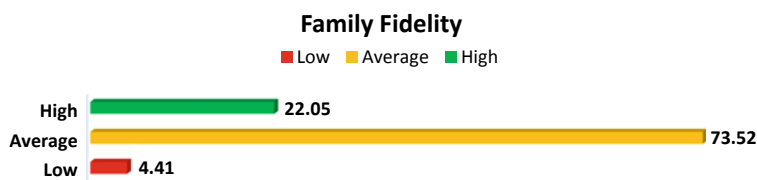
the young girl's competence for marriage) (Niechciał 2009). In such situations, the application for marriage can be unsuccessful, and the couple will not be able to take advantage of social and family benefits (RDC 2013). Establishing legal mechanisms for determining the exact minimum age for temporary marriage, increasing the age for girls to 15, as well as making it mandatory for the newlyweds to register in official marriage registry offices with valid identification documents, are all considered key to minimizing the harm from child marriage (Nandi 2015) the suppressive/repressive role of religion and the dominance of culture in temporary marriages of children and teenagers.

Although religious and worship rituals are not always performed, Iranian society is still considered a traditional religious society because of religious upbringing and socialization through schools and the media (Shavarini 2006). Based on the Shia religion and the Civil Code of the Islamic Republic of Iran, even if there is no parental consent but a court order gives consent, girls aged 13 and younger are legally allowed to marry (Sistani n.d.). This type of marriage, however, is not accepted by everybody, for instance, by social activists and international human rights entities (Merry 2009). Child marriages are commonest among religious and traditional families or vulnerable families, due to their lack of financial resources, poor parenting skills, problems with addiction, etc. (Mikhail 2002). Families can force their decision on their children, who not only may be completely unprepared for what a marriage entails, but are also given no other choice but to comply with their parents' wishes (Ahmadi 2016).

As already mentioned, controlling the sexual behavior of children is an important reason for practicing *sigheh mahramiat* and child marriage at a young age. Children's consent is irrelevant, as the majority of children, particularly girls, entering such a marriage are forced into it (Ahmadi 2016). Young girls are obliged to leave their childhood behind and become women, which results in numerous spiritual, psychological, and social losses (Shakib 2017). A high rate of divorce at a young age is one of the consequences of child marriage. Another is the way it denies the minimum education to a child. In traditional societies, if young girls marry at a young age, they are forced to discontinue their education, which prevents them from developing their skills and acquiring the necessary qualifications to enter the labor market (UNICEF 2020). In other words, cultural factors like being deprived of basic education prevent children's talents and skills from blossoming. This causes a vicious circle, with uneducated and unprivileged girls giving birth to girls who follow the same path. The factors are transmitted from a generation to another one, under the title of "culture of poverty," perpetuating poverty among a special social class (UNICEF 2020).

Temporary marriage and *sigheh mahramiat* are among the religious beliefs of Shia Muslims. Unlike Sunnis, Shia Muslims consider temporary marriage to be a religious, traditional, and legitimate act that will be rewarded in the afterlife (Ghods 1993) (Fig. 3.1).

Based on Shia *Hadiths* (in Islam, a record of the words, actions, and the silent approval of the Islamic prophet Muhammad) and narrations, *mut'ah* is among the traditions that should be practiced to prevent corruption in society (Ahmady 2019).



**Fig. 3.1** Distribution of families practicing *sigheh mahramiat*, according to level of religious fidelity or background

*Mut'ah* addresses the needs of men who are unable to practice permanent marriage due to their poor economic status. Based on Shia jurisprudence, temporary marriage and *sigheh mahramiat* are legally permissible. The majority of religious sources and scholars in the Islamic Republic of Iran also unanimously believe in, and recommend, both the *sigheh mahramiat* and temporary marriage soon after puberty (Ahmady 2019). However, some jurists, such as Ayatollah Sanai, argue that *muta'h* was only applicable during war time in early Islam and that it is a cause of family degradation in a modern society. To conclude, people practice temporary marriage according to their economic, sexual, and emotional needs, without any guilt being attached to the practice; they consider it legitimate because it is permitted by their religion.

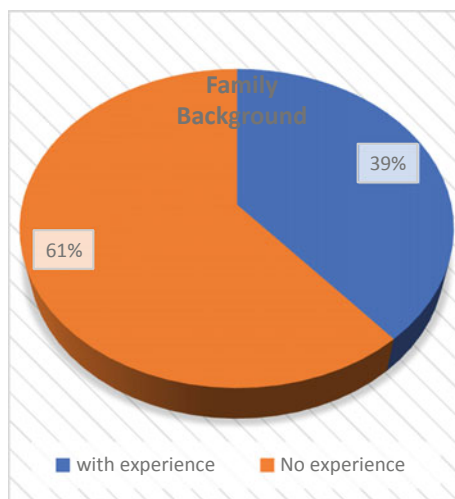
The data gathered for this study showed that 22.05% of the families, who believe in *sigheh mahramiat*, have strong religious beliefs; of those, 73.52% have moderate religious beliefs, and only 4.41% are not particularly religious. The families with strong and moderate beliefs justified *sigheh mahramiat* on religious grounds. But the families, who were not particularly religious, considered this type of marriage as a tool for monitoring the sexual behavior of their children in conformity with traditional societal norms and the prevailing male-dominated culture. Regarding the attitudes of religious scholars, *sigheh mahramiat* is the same as temporary marriage which is practiced among children and teenagers (the *sigheh* is practiced among older people as well, but in the present study, the sample includes people under the age of 18). As previously explained, religious traditional families practice *sigheh mahramiat* to offset social pressure exerted by their peers and control children's sexual behavior at the beginning of puberty. However, this practice usually has the opposite effect: Children have sex earlier than anticipated, and child marriage then becomes a practice. Thus, although religion provides the moral grounds and justification for this practice, ultimately, there are cultural factors that compel families to arrange TM for their children.

A married woman, living in Mashhad, experienced *sigheh mahramiat* at the age of 11. She shared with researchers

We didn't have a problem but the adults made us quarrel. When I came to my house, I didn't listen to my husband because I was too young. I behaved better later after listening to the advice of my family.

Child marriage is also referred to as early or forced marriage, as the consent of the children involved is not required or taken into account. Family lifestyle and





**Fig. 3.2** Distribution of frequency percentage of family background of participants in temporary marriage

socialization are instrumental in whether a family embraces *sigheh mahramiat* and temporary marriage. Families who have already *sigheh mahramiat* and temporary marriage pass them on to future generations, and in this way, these practices have gradually turned into acceptable social behavior (Fig. 3.2).

In this study, 61.18% of participants were families whose members had not performed *sigheh mahramiat*, while 31.81% were families in which this type of marriage was common. In religious families, *sigheh mahramiat* is widespread among teenagers. It is arranged by the parents, and the children have to obey even if they disagree. Furthermore, based on the social learning theory, family members learn family norms. Thus, if they see other members of the family practicing temporary marriage, they learn it as an accepted norm and find it easy to do when an opportunity presents itself.

### ***The Effects of Temporary Marriage on Children***

The main rationale for a temporary marriage is pleasure-seeking. Further, it facilitates and encourages child marriage which, in turn, negatively affects women and makes men skeptical about permanent marriage (Ahmady 2019). As mentioned previously, in this study, we tried to shed light on temporary marriage and to present a detailed and clear image of this social phenomenon and its nexus with facilitating the narrative of child marriages. The chapter demonstrates how religion enables child marriages and contributes to the violation of women's rights in Iran. During the field research,



a 22 year old woman living in Mashhad, married, practiced *sigheh* with her husband at the age of 11. She asked

What does one know at this age? One day I came back home from school, they told me you have to marry this guy. I didn't go to school anymore. I think you should get more mature. When you are a child the man bullies you. You have to obey whatever he says.

As some children marry in the form of TM, child marriage directly contributes to frequent school dropout, especially among girls (Ahmady 2019). Legal gaps and the opportunities that arise as a result of abuse and pleasure-seeking by those who could be easily called the “pleasure-dealers” have prompted the opponents of temporary marriage to come up with the term “legitimate cover” (Ahmady 2019).

TM is used in the hope that it will lead to a permanent marriage; however, this strict religiously inspired conduct can be quite damaging when no legal framework is in place to protect the rights of those involved (Ghodsi 1993). Some families perform *mut'ah* for adolescent boys and girls. Families with a limited social circle consider *mut'ah* the only way to stop their children from having intercourse (Badran et al. 2009). These families opt for *mut'ah* when their children are under age. It is not uncommon for young boys and girls who go through *mut'ah* to end up being normally married after a while. Therefore, in a religious framework, *mut'ah* facilitates child marriage (Ahmady 2019). At such a young age, the adolescents have no intellectual and social maturity, as well as no economic resources and need to be controlled by their family.

Further, early marriage not only restricts girls' educational and economic opportunities, it also has a negative impact on their physical and reproductive health (Parsons et al. 2015). Moreover, if a woman has intercourse while in a TM, and the TM does not lead to a permanent marriage, she will suffer emotionally and psychologically due to the affection she may have developed for her husband during the period of TM (Ghodsi 1993). In addition to that, if the TM has not been legally registered, she cannot take any action to avail herself of her basic rights (Golestaneh 2019). But the *sigheh* which is applied to children and adolescents to make them *mahram* and prevent sinful acts has different consequences. The relationship between young boys and girls in puberty means that they will most probably have intercourse when they are not psychologically ready (Kar et al. 2015). In other words, this type of relationship leads to increased sexual contact during childhood and adolescence. If the male partner agrees to a permanent marriage, then their union is automatically turned into what we call child marriage (Ahmady 2017). Children, and particularly girls, who married at a young age usually end up dropping out from school, while experiencing physical and sexual traumas and feeling emotionally vulnerable (Parsons et al. 2015). In addition to that, given the age gap between them and their husbands, these girls often end up as child windows. Moreover, once the TM expires and the male partner refrains from a permanent marriage, the consequences are even direr which drains women and girls emotionally as well as stigmatizing them socially (Ahmady 2019). Taking a critical approach to certain religious traditions and customs is still a taboo for many. But when some of these traditions lead to psychological and social harms

for the individual and society, they need to be revisited and adjusted so that they fall under the scrutiny of the law (Parishi 2009).

Often, following a young girl's departure from her parental home, she can, under the pretext of marriage, be sold into the sex trade or sold on to another husband, as in the case of so-called fake or temporary child marriages (Parishi 2009). Men may engage in several unions, marrying a girl for a limited time until she conceives a child (hopefully a boy, if the previous or present regular marriage has failed to produce one). Following the end of the marriage, these young girls, along with their child, if unwanted, are abandoned (Montazeri 2016). Once girls are abandoned, they are unmarriageable and forced to continue a life of social exclusion. Child marriage thus turns into human trafficking, forced labor, prostitution, or, in short, enslavement of a girl for the purposes of indiscriminate exploitation (Matter 2001).

Further, *sigheh mahramiat* is considered the main reason for an increase in the female school dropout (Parsons et al. 2015). After *sigheh mahramiat*, 17.64% of the participants continued their education, while 69.11% abandoned their education, resigning themselves to the role of wife and a mother. The conflict and the overlapping roles for which a girl is not prepared limit her chances of pursuing an education. It should be mentioned that two major factors contribute to child marriage: the prevailing cultural norms and economic poverty (ICRW et al. 2018). To redress the problems caused by child marriage, lawmakers have to adopt policies aimed at protecting children and supporting families with economic problems, who may resort to a marriage in exchange for money (UNFPA 2012). Some of the policies that will also protect children include making education compulsory, legally registering *sigheh mahramiat*, and specifying an age limit for the *sigheh*. Furthermore, education, alongside social and economic empowerment of students and their families, should be considered among major policies of the country (ICRW et al. 2018).

## Discussion

### *International Perspective*

Some sociologists believe that although the United Nations define a human being below the age of 18 as a child and thus condemn marriages under this age (Convention on the Rights of the Child 1989), it fails to take into consideration cultural and deep-rooted traditions (Hori 2019). Almost the majority of the one billion Muslims of the world consider that at 15 years children have entered puberty and thus adulthood. Taking into consideration the Islamic standpoint regarding sex which bans any sexual relations out of marriage, establishing the age of 18 as the minimum age of marriage does not seem realistic for Muslims in Middle Eastern countries. The age of *mut'ah* or *sigheh* is specified to be 13 for girls and 15 for boys both legally and religiously (Sciolino 2000). However, young people can marry even earlier, provided they obtain their parents' permission or a court order. *Sigheh mahramiat* is normally

practiced among teenagers under the legal age of marriage, something that their families have already agreed upon and planned. It is notable that *sigheh mahramiat* mostly occurs as endogamy, which means it is mainly practiced among the members of a specific group (Manijeh 2011). Generally, traditional families practice *sigheh mahramiat* for their children at a young age as endogamous marriage, based on male traditional values and the customs of their ancestors (Haeri 2014; Akbar Aghajanian et al. 2018). Endogamy is the result of old traditional family beliefs. Families struggling with poverty also practice *sigheh mahramiat* in the hope that their children will be soon permanently married, decreasing the economic burden on the family (Haeri 2014). Interviews in this field of study revealed that people having experienced *sigheh mahramiat* in childhood often married and had children at a young age (Ahmady 2019). Totally unprepared for the responsibilities of a family, they developed psychological problems.

Child marriages occur on a global scale, but official figures vary even inside a country and also among various communities. Nevertheless, based on the existing statistics, early marriage is mainly practiced in the rural areas of South Africa and South Asia (UNICEF 2017). According to a UNICEF (2018) press release, because of the global attention paid to this topic, the number of early marriages is decreasing; however, a significant number of children still marry at a lower age than stipulated by law. Iran is a clear example in this regard.

From a sexual and human rights standpoint, early marriage is the tangible outcome of sexual suppression in a society and of long-standing harmful traditions that fuel gender inequality and consequently encourage further suppression. In developing countries, the number of early marriages is increasing because of the growing population of young people. The problem is caused by extreme poverty, lack of information and education, a prevailing patriarchy, and cultural beliefs that make people believe that they are saving their girls by marrying them early.

### ***Iranian Perspective***

Unfortunately, because of the physical consequences and the constant discrimination against young girls, very little has been done to prevent child marriage in Iran. According to the religious structure dominating Iran, puberty and the first menstrual cycle for girls are considered as the launch into adulthood (Haeri 2014). Reaching this physical biological stage is interpreted as a readiness and expediency for getting married. Early marriage is a term applied to both young boys and girls; but compared to boys, young girls are far more affected (Ghodsi 1993). As per the findings of the Save the Children UK (2003), in many communities where child marriage is practiced, girls are not valued as much as boys, but seen as a burden on their family. Marrying your daughter off at a young age can be viewed as a way to ease economic hardship by transferring this “burden” to her husband’s family (Ahmady 2019). However, owing to the absence of independent reliable studies on child marriage in Iran, there is little information available in this regard. Nevertheless, official statistics

of Iran show that tens of thousands of boys and girls under the age of 18 are annually forced into marriage by their families (Shakib 2017). In fact, the real number of children forced to marry is much higher than officially stated, as some families choose not to register, to but perform an illegal marriage when very young children are involved (Shakib 2017).

UNICEF (2016) has reported that during 2008–2014, the rate of child marriage in Iran was 3% for those under 15 and 17% for the under 18s. As indicated in Table 2, however, and based on Iran Civil Registration Organization data, the figures for marriage of children under the age of 15 decreased during the period between 2012 and the first nine months of 2016. It is worth mentioning that the percentage of girls under the age of 15 marrying men aged 30 and even older has increased, despite the decline in marriage figures in recent years (Center for Human Rights in Iran 2015).

Based on data collected for the needs of the current study, the religious traditional values associated with the *sigheh mahramiat* are an important reason for underage marriages, as there is no age limit set for performing *sigheh*. A different practice, associated with the *sigheh*, is *naaf bor*, whereby two babies are pronounced spouses soon after their umbilical cords are cut. There are thus no specific requirements for such a marriage, and it is mainly practiced in the context of endogamy in religious traditional families, emphasizing its legitimacy.

Many experts believe that early marriage, caused by *sigheh mahramiat*, negatively affects children's health, impedes their individual growth, and obstructs their further development (Chandra-Mouli et al. 2013). In some countries and cultures, early marriage is considered an economic tool, which can improve the economic status of the family and strengthen family ties (ICRW et al. 2018). Moreover, by controlling sexual desire, early marriage can guarantee the virginity of the girls and prevent them from reaching an age when they become less sexually attractive for their future husband (Sedghi 2007). On the other hand, issues, such as out-of-the-wedlock pregnancy and childbirth, are among the leading causes of death for girls at the age between 15 and 19 (Mayor 2004). To conclude the findings, the most important consequences of early marriage and *sigheh mahramiat* when performed at a young age include: high divorce rate and child widowhood, discontinued education, suicide, especially among girls, physical, sexual, and spiritual traumas, and poverty.

The parliament and government of Iran thus need to regulate this major social issue by adopting the necessary laws to guarantee 18 as the minimum age at which *sigheh mahramiat* can be performed. Violating this law should be considered a crime.

Religion highly influences Iranians' decisions and actions. Iranian law is based on Twelver jurisprudence (ACCORD 2015). Therefore, legal support for a cause is not feasible without religious endorsement. As a result, in order to reverse the way *sigheh mahramiat* is currently performed, a first step would be for the clergymen at the Guardian Council to announce that *sigheh mahramiat* under the age of 18 is illegitimate and to forbid it (make it *haram*), while Sharia jurisprudence should issue decisions that are compatible with the applicable legal framework. In this way, they can take a vital step toward annulment of early marriage.

Furthermore, mosques should also take an active role in promoting *sigheh mahramiat* over the age of 18 and banning it when minors are affected. Additionally,

explaining the harms of *sigheh mahramiat* and early marriage in mosques could play an instrumental role in invalidating *sigheh mahramiat* and child marriage.

A further step involves making the registration of *sigheh mahramiat* in one of the offices of the Civil Registration Organization mandatory. The Organization is in charge of providing information regarding birth, death and marriage registration and issuing identity documents like an ID certificate. As *sigheh mahramiat* facilitates and enables child marriage, mandatory registration can be highly effective. The Civil Registration Organization works under the supervision of the Ministry of Interior and the Executive body, and it is best situated for overseeing governmental policies related to combatting performing *sigheh mahramiat* at a young age.

The role education can play as a tool for advocating a higher legal permissible age for *sigheh mahramiat* and combating early marriage is indisputable (Ahmady 2019). Therefore, mandatory and a free-of-charge educational system should be available all over the country. Taking into consideration that the individuals married through *sigheh mahramiat* are still school students, one can easily comprehend the central role that education plays in this regard. On the other hand, dissemination of information regarding *sigheh mahramiat* and early marriage can be done through specifically designed family education classes, which have been held in Iran's educational system in recent years. Although the classes are far from being perfect, they can be a means of informing parents on the negative consequences of this type of marriage and prevent them from practicing it. Other useful courses include sex education, knowing one's body, promoting kinship, as well as entrepreneurship courses for students, and courses on the development of social qualities, equality, and overcoming violence among students. To ensure the elimination of these practices, students should gain self-confidence and reject *sigheh mahramiat* and early marriage, and appreciate that early marriage damages their chances of receiving a good education. The education system should also teach students to respect the rights of others. Students should be further taught social skills in order to address gender inequality.

The media also have an important role to play, as they shape our understanding of fashion, style, and life values. Accordingly, media should contribute toward increasing awareness in society. Media sources can disseminate information on *sigheh mahramiat*, present the legal questions pertaining to this tradition, discuss its consequences for gender relations, as well as explain the psychological and social ramifications of such practices. Mass media can cooperate with social activists and together they can devise strategies to inform the public about these harmful traditions and encourage them to take action against them. Social networks, nowadays, are more effective compared to other communicational tools owing to the popularity of smart phones and Internet access. Therefore, these platforms can be used to disseminate information prepare educational programs, involve experts and employ social, religious, and national figures like athletes, artists, etc., who can easily sway public opinion.

NGOs with a non-commercial, non-political and voluntary character can also be of use, as they work toward supporting the most vulnerable groups of the society. Based on reports and statistics from the Iranian Statistical Center, 30% of Iran's population are under the age of 18 (Ahmady 2019). Delivering justice, providing

a fair social welfare system, alongside training and improved living standards, are all equally important in combating early marriage. Similarly, the active presence of NGOs in different rural and urban areas of the country can significantly contribute to the social and economic empowerment of the children. These organizations can take a step toward implementing much needed cultural work and teach life skills to children and their parents, so that they can all respect children's rights and appreciate why *sigheh mahramiat* under the age of 18 should be prohibited.

Against this background, the following recommendations are worth considering:

1. Given that marriage before the age of 18 is a fundamental violation of human rights, a law must be introduced and ratified that clearly stipulates the 18th year as the legally permissible age for marriage for both boys and girls, whether through a conventional marriage or *sigheh mahramiat*. *Sigheh mahramiat* under the age of 18 should be considered a crime.
2. There should be more investment in promoting advocacy for women as community leaders. In many rural communities, child marriage is widespread because women are often kept out of the decision-making processes and are not allowed a voice in local politics. To limit and eliminate harmful traditions, such as child marriage or temporary marriages, women need to be able to voice their concerns and advocate for their rights in all spheres. To this end, there needs to be implementation of cultural and social education, especially in rural communities and in impoverished areas using local capacities, NGOs, and local religious leaders.
3. Religious leaders should be actively involved in endorsing a minimum age acceptable for *sigheh mahramiat* through the issuance of mandatory verdicts and promotion of fatwas in religious ceremonies at the mosques. It is also imperative to work with religious leaders to build their capacity to communicate accurate information to communities on temporary and child marriages (Walker 2015) and also cooperate with local clerics to develop their understanding of the importance of education for all in Islam.
4. There should be registration of all *sigheh mahramiat* in official marriage registry offices.
5. Education must thus be made compulsory and free of charge up to the high school diploma level. Research demonstrates how women can benefit from the system when they are given the opportunities to overcome the unequal power distribution vis-à-vis men. Yet, women are still disadvantaged, a weakness rooted in their lack of social standing and education.
6. Information regarding the destructive psychological consequences that *sigheh mahramiat* has on children should be included in tailor-made programs from the government and NGOs and disseminated through public national and social media.
7. Community leaders, religious leaders, teachers, and doctors, etc., should be mobilized and their capacity built to become champions of promoting girls' education and demonstrating the benefits of delaying marriage.
8. Child rights activists and NGOs should develop activities aimed at promoting the empowerment of children and their families in various urban and rural areas.

Outreach is needed to new stakeholders, especially those working in rural areas and young gender activists who are able to convey messages at the local level.

## Conclusion

This chapter explains the role of temporary marriage in promoting early marriage. Research into early marriage has tended to concentrate mostly on its human rights violation aspects and the way it affects women and gender relations. There has been little research carried out into also seeing it as a violation of the rights of the child. As a result, this chapter also explored the repercussions of early marriage on young children.

Child marriages have decreased worldwide during the past 20 years and are increasingly being recognized as a human rights violation. However, they are still prevalent in most parts of the world including Iran. The elimination of child marriage is vital, as it is intricately linked to issues related to the rights of children and young people. It requires partnership and collaboration across sectors such as education, health, and justice and must include young girls and boys, their families, communities, religious and traditional leaders, governments, and other stakeholders to move toward eradication of this menace.

Non-registration of TM is one of the prominent contributory factors to the increasing trend of child marriages in Iran. Tracking such marriages is not easy, as they are not officially registered. This is no doubt that the registration of temporary marriages would not only highlight the ratio of the ECM prevalence in Iran, but it would also contribute to the prevention of sex trafficking and child prostitution (Matter 2001).

Changing attitudes is the strategy that underpins all other efforts to end early marriage. Real change can only be ensured if we introduce and promote initiatives to change attitudes toward the gender roles of girls and boys in general and toward the practice of early marriage in particular. This calls for amendments in traditional gender roles in societies. Social awakening is a prerequisite to bring a change in communities in order to eradicate child marriages once and for all.

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## Chapter 4

# Child Marriages and Their Results: Insights from Women's Stories



Mary Elaine Hegland and Maryam Karimi

**Abstract** This chapter focuses on the negative results of early and child marriages on women and children, drawing mainly on women's stories gathered by the authors. Although the average age of marriage for females has risen dramatically over the last decades, early or child marriages (ECMs) are still taking place at alarming rates. After the establishment of the Islamic Republic of Iran in 1979, the legal age of marriage for girls was reduced from 18 to 9. Because of public pressure, this was increased to 13 in 2002 but limits can be evaded by several means. Young marriages have increased again during the last few years due to the problematic economy, resulting mainly from sanctions, corruption, inept government, and covid19. The authors hope that telling the stories of young brides and spotlighting the negative effects of early marriages on girls, women, children, marriages, families, and society will be of assistance to those making efforts to quell this practice.

**Keywords** Marriage · *Kudak hamsar* (child wife) · Early marriage · Child marriage · Marital problems · Women's stories · Resistance · Iran · Aliabad · Change · Women's relationships

## Introduction

With the transformation from agricultural to industrial societies came a transformation in marriage expectations and practices. The more practical marriage arrangements in agricultural societies of labor partnership, production of children/workers, and satisfying the male sex drive (author field research; see also Floor 2008) shifted to expectations for a more companionable relationship in industrial ones, with greater sexual equality and sexual gratification for both spouses (author field research; see also Barzoki et al. 2010; Shakerian et al. 2014). In England, Europe, and the USA, the

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transformation from agricultural to industrial societies took place much earlier than in Persia/Iran. In Iran today, many urban, upper, and upper-middle class populations enjoy the economic benefits and other aspects of modern life, as such modifications in the concepts and practices of marriage, that took place three or four generations ago (author field research; see also Afary 2009).

For the majority of Iranians—rural, remote, traditional, economically deprived—such transitions have occurred more recently (author field research; see also, e.g., Tremayne 2006). Family arrangements have evolved from the extended family, where authority was in the hands of senior men, to the nuclear family with more shared authority and power between husbands and wives. The emphasis these days is veering toward the marital relationship and fulfillment of individual aspirations and away from family and kin loyalty and community-mindedness. In general in Iran, many women may now be expecting more from marriage—more time, attention, and material and financial resources provided by their husbands—although they may not achieve everything they wish for. Sexual mores are changing drastically. For many young Iranian women, the requirements of female asexuality and virginity before marriage—crucial in the past—are losing strength (see also Mahdavi 2009; Moaveni 2009). Given the current focus on marriage issues by researchers, policymakers, political/religious leaders, and citizens in Iran, it seems an appropriate time to study changes in marriage patterns in the country. Such a study can also serve as a prism to capture and better understand other related changes in society.

Not all regions and populations of Iran are experiencing change at the same rate (Ahmady 2018b; Ranjipour 2020). In more conservative, religious, tribal/ethnic, remote, less-developed, or urban poor groups, underage and even child marriages still take place at relatively high rates (Stone 2019). An extensive research project by Ahmady (2018a) found high rates of registered early child marriage (ECM: marriage of girls under 18 years of age) in seven Iranian provinces: approximately 54% from 2005 to 2014 (p. 3). That author also found that the number of girls in Iran marrying under the age of 15 increased 30% from 2006 to 2009 (p. 1). Today ECM can, as in the past, result in sexual assault or rape (note that the term “rape,” at least in the past, would not be used for any sexual intercourse within marriage) (e.g., Friedl 1991; Afary 2009; Anonymous 2019a). According to Stone (2019), “More than half a million children, some as young as eight, get married every year in Iran. Most of these children are girls who marry much older men, sometimes men who are already married and have children their age.”

Early marriages, of course, frequently result in less-than-satisfactory marital relationships (Montazeri et al. 2016). Between 2011 and 2015, about 95,000 girls under the age of 19 got divorced in Iran (Stone 2019; see also Rafizadeh 2018; Mehrabi 2019). ECM not only causes higher rates of divorce, but also pregnancies and childbirth at an early age. Nearly 1600 under-fifteen-year-old girls married in the Iranian calendar year ending March 20, 2019, in the province of Hamadan, western Iran. The local director of the registry office, Assad Hassanzadeh, disclosed that at least 44 under-15-year-old girls gave birth in the same period (Anonymous 2019b). Pregnancies and childbirth can bring health problems and loss of education opportunities for girls, as well as heavy burdens of work and responsibility.

The poor economy of recent years, exacerbated by the international sanctions on Iran, has led to an increase in the number of early marriages of girls. A major reason for early marriages in the past also prompts early marriage today: one less mouth to feed (Ahmady 2018a; see also Matlabi et al. 2013; Shakib 2017). Due to inflation, lack of jobs, financial pressures, and sometimes greed, some fathers “sell” their daughters in marriage, for example, to Gulf Arabs. Women are being drawn to sex work in Iran and the Gulf countries in higher numbers or entering “temporary marriage” arrangements, at pilgrimage shrines, for example, to support themselves and sometimes their children (Gholipour 2018). In times of crisis and economic privation, women and children bear the heaviest burdens.

This chapter focuses on the negative results of early and child marriages on women and children, drawing mainly on women's stories gathered by the authors. Although the average age of marriage for females has risen dramatically over the last decades, early or child marriages (ECMs) are still taking place at alarming rates. Such marriages increased in number after the establishment of the Islamic Republic of Iran in 1979, when the legal age of marriage for girls was reduced from 18 to 9. Because of public pressure, this was increased to 13 in 2002. Fathers and judges can give permission for even earlier marriages, and people have long found ways to evade limits, such as changing the date of birth on an identity card, using an older sister's identity card, failing to register marriages, or arranging a legal “temporary marriage” for the young couple until they reach the legal age. Young marriages have increased again during the last few years due to the problematic economy, resulting mainly from sanctions, corruption, inept government, and covid19. The authors hope that telling the stories of young brides and spotlighting the negative effects of early marriages on girls, women, children, marriages, families, and society will be of assistance to those making efforts to quell this practice.

## **Background: Economic, Political, and Cultural Setting for Early Marriages in Aliabad, Iran**

Livelihoods in Aliabad (pseudonym) were historically based on subsistence agriculture (and trade). Later, cultivators were forced to pay a tax on their crops to a tax farmer working for the shah. Then, the tax farmer took over Aliabad land for himself by force, and the cultivators found themselves sharecropping for the Ghavam absentee landlords. Men were needed for agricultural work; the more the better, with large groups of strong men needed to protect access to agricultural land, water, and other resources. Families with many sons had a great advantage in the struggle over needed resources; might was right. In Aliabad, violent conflicts over land, water, and powerful political positions continued even through the 1950s, 1960s, and 1970s (Hegland 2014).

Under these conditions, women were crucial economic, political, and reproductive resources. They worked hard, tending animals in courtyards; producing milk,

yogurt, and butter; foraging; and preserving food—storing fried meat in fat inside animal skins, drying and preserving fruits, drying whey or yogurt into balls of *kashk*, preparing the juice of unripe grapes. They made food for family, hospitality, and sharing—significant in terms of demonstrating the economic and political power of their men's group and strengthening factions. Women also helped unite and solidify political and economic alliances through marriage. They bore the next generation: males for agricultural work and political competition and conflict; females for domestic work, reinforcing political alliances, and doing significant political work themselves, such as gathering information, eliciting political emotions and motivations, soliciting the support of relatives, and fostering rapprochement in the community (Hegland 1991, 2003, 2014).

Women, like other crucial resources, were carefully controlled and utilized (see also Vieille 1978; Friedl 2003). Maintaining resources and caring for group members presented challenges. In Aliabad in the first half of the twentieth century, most people's lives were ones of hard work and privation. Medical resources for illness, accidents, pregnancies, and births were lacking. Group survival transcended individual wishes.

In past decades, marriage did not include the concept of gratification for brides and wives. A bride was fortunate if her husband did not treat her too badly. The wedding night was her initiation into becoming a sexual resource and means of reproduction for her husband and his family. Her own gratification from her marriage was not considered. Any satisfaction for her arose from being seen as a good bride, daughter-in-law, and worker; doing well in her role in the family; and becoming the mother of children, boys most importantly. To prove herself as reproductively successful was the main means of fulfillment and gratification open to a young woman. It was only later that women began to pursue the goals of individual fulfillment and gratification (see also Ahmady 2018b, pp. 129, 130).

Aliabad mothers suffered from the requirement to send off their daughters to difficult situations at a young age (Hegland 2020a, b), but had little say over the matter. Further, they recognized that leaving was their daughters' only way of accessing any of the fulfillment and rewards available to females. Fathers had to put the welfare of their families and kinship and alliance groups first. As Ashraf Zahedi pointed out (personal communication to the author), moving too far away from the norm would incur costs; everything was about cost analysis. Parents had to think about the cost of feeding another mouth. If they took too long to give away their daughters in marriage, no one would want them. Then what? In the village of Aliabad, unmarried females, called "girls," no matter what their age, had no place in society and were given no respect; moreover, who would support them? Women were not allowed to work outside the home; did not own property; and did not receive any inheritance—in spite of Islamic law stating otherwise. When it came to child marriages, there was not much of a choice. The pressure for early marriages persisted, although in later decades, many girls tried to resist arranged marriages until they became older, at least 14 or 15.

In the 1950s, 1960s, and 1970s, marriage ages for Aliabad girls gradually rose, helped by various social and economic changes: a shift in the means of subsistence

from poor sharecroppers to men's wages and salaries from other lines of work; education for girls; improving economic and financial conditions; urban and international influence; industrialization; and some aspects of modernization. Resistance from girls and brides and sometimes their female relatives had been taking place for a long time. (See the section "Stories of Resistance" below.) In the past, however, resistance often failed or brought a negative backlash for the girls involved. Even in the 1970s and 1980s, girls sometimes wished to postpone marriage, but their parents pressured them to marry before they wanted to.

Changes in areas such as subsistence, education, and media and travel do not automatically bring about changes in cultural perspectives; changes in cultural habits often come about through resistance and conflict. In the later part of the twentieth century, better enabled by the changes mentioned above, more girls resisted and became more successful in delaying an early marriage. The problems observed in cases of early marriages and the greater ratio of fulfilling relationships enjoyed by girls marrying at older ages also influenced people's perspectives and decision-making. Desire emerged for more educated and therefore older brides from the girls themselves, their mothers, sometimes even their fathers, and prospective grooms and their parents.

From the vantage point of modern interest in the welfare of females—girls, brides, and women in general—and the contemporary expectations regarding female development, gratification, and well-being, we evaluate what took place in the past based on modern assumptions about self-actualization, enjoyment, happiness, voice, more equal relationships, cooperation, and companionable relations with grooms and emotional, spiritual, and physical well-being for brides and wives. When we now contemplate the life conditions of young women in the past through the values and sensibilities of today, we can grasp the difficulties, challenges, and tragedies of those days. Just because it was a taken-for-granted aspect of reality does not mean that the people involved did not suffer, especially the young brides who did not know what they were getting into. In those days, though, any suffering was supposed to be tolerated as a natural part of life and not questioned, at least not openly. Now we are more open to publicly hearing and talking about the distress that women under those circumstances endured. We all want better circumstances for girls and women of all ages.

Dramatic social transformations and, for many, the very different kinds of expectations for women's place in marriage and society do not mean that early marriages, sexual exploitation, and sexual assault are gone. Early marriages have not gone away, even in a post-industrial society like the USA. Much information on the prevalence of child marriage in the USA is now coming to light (Le Strat et al. 2011; Syrett 2016; O'Quinn 2019).

In Iran, early or child marriages (ECMs) are still common. With the poor economic situation in Iran, partly due to the sanctions (and now the coronavirus pandemic), we can expect a rise in early marriage for girls. Families need to cut daily costs, and sending girls off to be supported elsewhere is an important way of doing it. As young men have problems finding jobs and are often financially insecure, older men



seeking a young bride will perhaps increase, a trend which is even more problematic for child brides.

## *An Arranged Marriage*

To introduce marriages in the mid-twentieth century in more personal detail, we present one 65-year-old Aliabad woman's narrative about her early, arranged marriage.

His mother came and told my mother's mother: we want to get her for my son. My grandmother told my father who said: it is up to you. So my grandmother told his mother: her father says that the *ekhtiyar* (decision, permission, authority) is in my hands.

They hadn't said anything to me. They didn't ask: do you want to or not, do you like him or not, nothing (see also Ahmady 2018b). We were children, we knew nothing about the world, it was like a game for us. They brought new clothes for us, and we became happy. They brought cloth and earrings for me. My grandmother agreed. That was the engagement. The next day my grandmother told my father: they came to ask for her (*khastegari*). You know him, he is my brother's son. If you think he is a good choice, then fine. We realized afterwards that nothing was up to us, the girls.

In my day, usually they engaged boys before they went to their military service (*sarbazi*). Some of them married, had a child, and then went to military service. My husband was in the military service, not too far away. One time when he came home, his parents told him: we have gotten you engaged.

When they wanted to invite him, they had me go someplace else so I wouldn't see him. We were engaged for two years. Two months after he finished his military service, we were married. I was 14, and he was 22. At the time, a Shiraz man was *akhund* (*mulla*, cleric) here. His family stayed in Shiraz, and he would come here and then go back to Shiraz. In those days, they came to the home to perform the *aqd* (marriage contract ceremony). Only women were present for my *aqd*. I put my fingerprint on the document. Then the *akhund* went to the groom's home and got his fingerprint. The groom had finished elementary school, which was actually better than a university degree of today, so he could sign his name too. Only men were there; his mother was in another room.

Women came to our house for the *aqd*. His family brought me regional clothing, cloth for clothes, veils, shoes. They brought clothes for the wedding too, at the time of the *aqd*. All of the women came, my mother's and father's sisters, all of the women in my family and in his family. A lot of my relatives lived right in the courtyard; in the old, old days, as many as 10 or 15 families lived in a courtyard. Some 50 maybe even 100 women were at the *aqd*; they ate bread, drank tea and sang wedding ditties. For two hours, from 11:00 or 12:00 until 2:00 in the afternoon, they stayed in the courtyard, and then they left. They didn't have a meal. The men of the groom's family had dinner at his house.

The *arusi* (wedding celebration) was two days later. In those days there were two wedding celebrations: one was at our house. Everyone worked together on the preparations. The relatives all came to help. Women did all of the work; they worked hard. For making the rice, some hired men came to cook.

My father was alive when I married, and then six months later he died. He had worked spreading poison against malaria, and this made his lungs bad. It was 50 years ago; he was 55 years old.

The other wedding ceremony was in the groom's house. The night of the wedding, they took me there on foot. A scarf was over my face. Two women were at my side, a woman was behind me, and one in front holding a mirror up to me. They played the *saz o naghareh* (author note: small traditional band with Persian musical instruments then used in wedding celebrations). People danced in front of me and sang wedding ditties. This is the *arus keshun*, the taking of the bride. It was so crowded, so much family. Everyone was related; people connected by marriage participated too.

I lived at his parents' house for one year. I was 14, I was a child, I knew nothing. I didn't know how to cook or make bread. I had to do all of this work, so we had some difficulties. When a bride came, the mother-in-law didn't work anymore. The bride did it all. It was as if they had brought a servant. My father-in-law had animals, so I had to clean up after them. My husband worked in Shiraz; he came home on Thursdays and left on Friday afternoons.

His mother shouted at me if I couldn't do something. She said: your mother didn't teach you to cook, she didn't teach you to do this work. It was so hard. The groom couldn't say anything (to his parents in support of his wife), so there were some difficulties.

Remember, I told you that when we were brides, we were under the thumb of the mothers-in-law; the mothers-in-law tyrannized us. Now that we are mothers-in-law, whatever the bride says, we must say yes.

I was married at the age of 14. One year later, when I was 15, my period started. Girls usually got married before they had their first period—about the age of 14 or 15, or 16, if they were strong. If they were weak, it was later.

Back then there wasn't any rule that a girl shouldn't marry till she starts her periods. They would go to the Property Documentation Office and put a property, like a house, in the bride's name. The *akhund* would perform the *aqd*, and they would take the girl. People said that since the Prophet had married Ayesha when she was nine; nine was the age a girl could be married.

Now, even in far-off villages, they don't *aqd* them under the age of 14. In Aliabad now, they are older; they don't marry when they are young. After a year, we moved into Shiraz. We were married for a little less than two years.

Although this woman did not talk about her husband during the author's stay in Aliabad in 1978–1979, from others Hegland learned that the woman's husband had been killed in an accident while making deliveries by motorcycle not even two years after they married. The two were like lovebirds, people said. Later on, she, herself said: "It was worth living my life for the sake of those two years." Clearly, she remembered her marriage as by far the best two years of her life. However, most early marriages did not result in these lasting, nostalgic memories for the young brides.

### ***Stories of Child/Early Marriage with Regrettable, Even Devastating, Consequences***

Many studies by Iranian researchers have discussed the negative results of early and child marriages (ECMs) for girls in current times (see, e.g., Hajihasani and Sim 2019). ECM commonly takes place in a number of provinces, including West and East Azerbaijan. Esfandiari and Karimimajd (2016) recount the story of the suffering

and fear of a little girl married at the age of 10 and forced to accept consummation of the marriage in East Azerbaijan. Many girls suffered injuries from the wedding night vaginal penetration. Most brides who married young suffered from a torn perineum. There were no doctors attending births and no antibiotics. They would become infected, and many of them became sick after childbirth. Some of them recovered and some of them died (see also Tremayne 2006). We learned about negative results from women's stories.

### ***Injuries to Underage Brides from the Wedding Night Penetration***

Injuries to underage brides were common in Aliabad as well as elsewhere in Iran upon the wedding night perforation and occur in recent times as well (see also Afary 2009; Hegland 2020a).

About 50 years ago, a 10-year-old girl was married to a man of 20 or a little older. He was a large person. At that time, our house was next to the home of the bride's mother; the girl's mother was the daughter of my husband's mother's sister.

After the wedding night, they used to send the bride's wedding-night clothes back to her mother to wash. This bride was so small; the large pan in which her mother was washing her clothes was full of blood. Since she was so young and the groom so large, her perineum had been badly torn. We were so distressed. She was at the home of the groom's father. She was a child, she was so unhappy, it was like they were killing her. There was no doctor to take care of her. It was so hard for her; she couldn't talk, she was afraid.

We went to her and brought her *neshasteh* (a pudding made of milk, starch, and sugar), saffron, and other healing foods and teas. We usually drink black tea, but there is also a white tea; it is warm, it strengthens. (In later years, when it became available, mothers took penicillin to their daughters after the wedding night.) For one week she was sick and weak. The bleeding gradually decreased; it was another week before the pain stopped. Little by little she got better.

In those days, girls were forced to accept sexual relations. It was required. Two or three older women went with the bride from her home to the house of the groom. They took medicinal foodstuff from the bride's mother to the groom's house to give to the bride (after the penetration) so that she wouldn't bleed a lot and get weak.

After the large wedding celebration at the home of the groom's father, these women sat and waited in another room, not in the same room with the bride and groom. They drank tea and ate sweets for however long it took for the newlyweds to get their work done. Only older women sat there and waited; maybe the mother's sister of the bride and father's sister, the groom's mother's sister and father's sister, maybe the groom's older married sister. Men weren't there—they went to bed. Other people had gone home. If it took too long, the women knocked on the door and said: hurry up, we are getting sleepy. We want to go home.

Clothes were rearranged only enough to manage penetration at this sexual encounter and thereafter. Foreplay, caresses, kisses, stimulation of sensitive areas did not come into the picture during sexual relations in earlier years.

When the rupture of the hymen, *pardeh pareh* (cutting or tearing of the hymen) had been accomplished, the groom came out. Then the women went into the bride's room and gave her

honey, saffron, and eggs. They put the bloody handkerchief in a little purse and the purse in a bag and took it back to the bride's mother and told her: now your daughter is a bride. Then the mother would make halva to take to her daughter the next day along with sweets and mixed nuts and candies. Some people still take halva, *shirini* (pastries, sweets), and mixed nuts and candies to a daughter after she is married. Back then, so many brides bled a lot the first night of the wedding.

Now it isn't like this—no one has anything to do with the bride and groom. These days there is no taking of a handkerchief anywhere. Now, after the *aqd*, the bride and groom go about their own business. Some of them do things before the *arusi*, the wedding celebration.

### ***Abuse of Young, Relatively Powerless Brides***

Not uncommonly, young brides suffered from beatings and other forms of abuse by the mother-in-law and perhaps sister-in-law and older daughters-in-law in the home. Further, since sons were supposed to provide more attention and devotion to their parents rather than to their wives, sons also participated in the beatings and verbal and emotional abuse against young wives (see also Hegland 1999). Given their young age, lack of experience and knowledge, and lack of strength and adeptness at household tasks, young wives often did not have the resources or support systems to successfully deal with a new household. Unless they were married to a paternal relative who lived in their same courtyard or son of a parent's sister, they could feel isolated, stressed, and frightened. The usually traumatic initial sexual penetration, required loyalty of husband to his parents, expectations of abrupt sex to satisfy male sexual urges, gender-segregated social life, and inappropriateness of communication and—heaven forbid—signs of affection between husband and his young wife might lead to an emotionally bereft or even contentious relationship between bride and groom. Signs of affection were not condoned in those early days, for marriage was a practical economic and reproductive endeavor (see two excellent articles analyzing the political economy of marriage arrangements in the 1960s and before: Vieille 1978; Friedl 2003). As time went on, however, women began to expect more and might more openly push for a closer relationship with the husband and less interference from his parents sooner in their marriage (see also Hegland 1999).

### ***Unsuccessful Marriages and Divorce***

Child and early marriage often resulted in unhappy, dissatisfied brides, escapes of the bride back to her father's house, divorce and threats, and even attempts at suicide (see also Friedl 1997, p. 272). The greatly increasing number of girls under 18 married in recent decades has also increased the divorce of underaged girls. For example, in Razavi Khorasan, during the 10 years between 2005 and 2014, 34% of divorces were of girls under 18 (Ahmady 2018a, Figure, p. 9). Large numbers of women-headed households in Iran have resulted from divorce, widowhood, or abandonment

of young brides, especially those married to men quite a lot older than themselves. Such families are usually, of course, challenged by poverty (see Ahmady 2018b, pp. 131–132). According to an interviewee in Aliabad:

In those days, they were young; they were told: you have to go. Then, if they were unhappy, they were told: you can't get a divorce. But some did. Although the great majority of young brides just put up with their situation, even though unhappy, a few young brides in the past who were able to obtain a divorce. (See also below, in the "Stories of Resistance" section.)

Divorce brought scandal and serious problems; divorced women usually could not find another husband or had to settle for a less positive second marriage (see also Floor 2008, p. 114). After a divorce, parents and young people once again had to worry about costs of engagement, wedding, and setting up a household for a new couple—all of which became more expensive as time went on.

### ***High Infant Mortality Rate Among the Babies of Young Brides***

As girls were young when they married, many babies died. There was no hospital, no doctors. The babies might suffocate. There could be infection. Either the babies were born dead or they died during the birth or afterward. Almost always the first and second and maybe the third babies of the little brides died. Many babies were born and died or became sick later and died. According to one woman,

My mother and grandmothers all had babies who died because the mothers were so little. So many died. The babies died, and then they just got pregnant again. My mother had been married at 9, and her first child was born when she was 15. My mother's first baby, a girl, was born dead; I was the second one, and then a boy. He was two or three when he died. And then she had two more children who lived. The wife of my mother's brother was 11 when she was married. Her husband was 16, a farmer, and he also went for trading to Beyza. She had her first baby at the age of 13. A local, traditional midwife, Khaleh Ajab, attended her; there were no doctors. The baby was alive. It cried. They hadn't even wrapped it in swaddling clothes; they were about to wash it when it died. They didn't know why it died. My mother's brother's wife had another baby who lived, but also several more who died.

In those days they didn't have the mothers lie down in order to give birth; they crouched. If a baby died, they would say maybe the baby hit its head against the ground. Maybe the mother sat on it, maybe it was the mother's fault. They didn't say the baby died because the mother was too small, too young. If the mother was in bad shape, there might not be anyone available to care for the baby; some of them died a couple of weeks after childbirth; others after one or two months. The mothers were so little, so young. And they didn't know how to prevent pregnancy.

### ***Maternal Mortality***

In earlier days especially, underaged brides often died in childbirth. Such losses made for additional problems, as illustrated here.

About 90 years ago, when a relative of mine was born, her mother died in childbirth. Also, my mother's sister—the first wife of my father—died in childbirth. I hadn't been born yet, and my mother was little. Her husband then later married my mother when she was nine.

In our time, another young bride died in childbirth; both she and the baby died. She was little, she was 14 when she died. Her husband did itinerant trading, worked in orchards, and did whatever he could. He really didn't have a good situation. He was illiterate. When his wife died, he went to Shiraz and he remarried.

If the young wife left a baby behind when she died in childbirth or afterwards, the baby would be left without a mother, severely cutting down on her life chances. Step-mothers had the notorious reputation of treating step-children badly. Rarely would such a child have good chances in life. Possibly no one would want her or be able to care for her. In one such case some 50 years ago, when his mother died in childbirth, the baby boy was taken to a Shiraz orphanage and suffered from a deficient environment.

Another girl married at the age of 14 when her husband was 20. She was 15 years old when her first baby was born. She died, but the baby lived. Her own parents took care of the baby. Since his mother was dead, they gave him cow's milk, dried milk, and if another nursing mother had a lot of milk, she could feed him. The father was an itinerant trader (*maamelehgar*), and he still does this. His father was named Ali, and he gave his father's name to his son. Now the boy is 50 years old. His life has been all right. This girl's husband remarried not long after his first wife's death, when he was 21. The new wife was from the area of Fasa. She had been married and had a son whom she brought with her. She was about 17 years old. They had a son, but he died.

About 55 years ago, another girl married when she was 16 and her husband was 22. She had a baby when she was 17. She died, and the baby had no one to care for him. Her husband didn't have a mother, no one to care for the baby. After a week the baby got sick and died. Probably he didn't get anything to eat. Six months after his wife died, the husband remarried; the 18-year-old girl was not from Aliabad but she lived here. They moved to Shiraz, and the husband earned their living as a *kargar*, a simple worker. I remember this: I was about 12 years old. I had a *namzad* (fiancé).

In those days, people were illiterate; they didn't understand things. If a baby or a mother died in childbirth, they said: *jel zadeh*. A *jel* or *jin* is like a devil (*sheytan*) that you can't see. If a mother became sick because she was infected, they didn't say it was because of an infection; they said a *jin* got her.

## ***Potential Early Widowhood***

Some girls who married young suffered the death of their husband—not so unusual, due to the high mortality rates of those days. These young girls might be left with children, as in the personal story of an arranged marriage above; the young woman became a widow at the age of 16 with one baby and pregnant with another. The situation was serious; a widow would have a hard time getting remarried. If she did, she had to leave her children with her husband's parents. The only solution for a widow who wanted to remarry and also keep her children with her was the levirate; she could marry her husband's brother—if he was willing. Although there were cases where local widows had married a husband's brother, in the arranged marriage story above, the younger brother was not willing to marry the widow. At age 16 and illiterate, this widow was left to try to find ways to support herself and her

children in a situation where women were not allowed to work outside the home. She and her sons did not even receive any inheritance when her well-off father-in-law died. By law, the widow and children of a son who dies before his father are not required to receive any of his father's inheritance. The surviving brothers-in-law of this widow did not wish to share the considerable areas of land left by their father with her and her sons. Sadly, due to the increasing numbers of underaged brides in recent decades, many of them married to quite older men, and the number of widows and female-headed households in Iran have increased as well, leaving most of the widows and their children in dire economic straits (see also Ahmady 2018a).

### ***Why Did Parents Want to Marry Their Children Off Early?***

Various Aliabad women provided insights.

In those days it was inconceivable that girls would not get married. The parents decided for the children. There wasn't any school for the girls to go to, they couldn't go to work, they had to just stay at home. Sometimes when a girl was born, they would say, "She is for her father's brother's son," and then, when they were older, they would tell them: "Now it is time for you to get married." And they would marry.

The groom's parents didn't want a 15-year-old bride. They would say, "Fifteen is too old; we want a younger one so we can train her, she will get used to our lives. If she is 15, she won't be able to adjust to us. It is better to get a young bride when they don't know anything." The brides were under the control of the in-laws; they might not even give them permission to go to their mothers' houses. We raised our son, they felt, and now the bride must do the work. In those days, the groom was 17 or 18, and he helped his father. The daughter-in-law also had to work in the groom's parent's house.

Parents felt that their children would learn responsibility when they married. If their boys didn't marry, they thought, they wouldn't be motivated to go after work. When their daughters married, they thought they wouldn't go off and do foolish things. If a girl didn't marry, they were afraid maybe she would go after bad things. It was the parents who decided that their children should marry young.

### ***Why Did Girls Acquiesce?***

Many of them, the daughters, didn't want to marry, but they couldn't say I don't want to. They mainly forced them. They couldn't complain when parents told them they would be married, they were afraid.

See Kahn's description of the anger shown (among her women relatives) by a 15-year-old Kurdish girl in Rezayeh (Urmieh), Iran, when her father was about to marry her to "a deaf old man with two other wives." When the girl was then married to the old man, other men chuckled and commented that she "threw herself into the fire" (Kahn 1980, pp. 57–60).

Girls couldn't say I don't like him. Girls couldn't say that. Girls just had to accept the choice of their parents. The boys and girls didn't see each other. If they weren't family, it could be that they had never seen each other. They didn't have the right to see each other.

There were so many who didn't want to marry, but they couldn't interfere in the arrangements. They didn't have the freedom and the possibility to refuse. They didn't have the *jur'at* (power, right) to say I don't want to marry. Very few did this; maybe if they were a little older, 12 or older, they could have found the *jur'at* to say no. But then the parents would say: we know better. You have to marry, organize a life for yourself, so they married. And then, when they were married, they had to go on with their lives.

Some didn't like the boy's household. They were children; they didn't know about the marital (sexual) relationship. They didn't want to go to another house where there was a mother-in-law, sisters-in-law. In those days, sons had to listen to their parents. The husband would hit his wife and say: "Why didn't you listen to my father, my mother?" Many others didn't understand and they went along with it. At first, I didn't want to, I had never seen him [my fiancé], but I didn't say anything.

At the time we were all married at 12, 13, or 14. It was not appropriate for girls and boys to go to school together. We couldn't get permission to study, so when girls reached that age, they had to marry. If they didn't want to, their fathers and mothers forced them.

In those days, girls didn't get any education. The girls my age didn't even go to first grade. There wasn't any school in Aliabad, and there wasn't any transportation into Shiraz. The only girl who went to school was the daughter of the village head—she went and stayed in Shiraz with her uncle's family for her schooling. Later a Literacy Corps teacher came, but because we would have been with boys, the girls didn't go. Then an elementary school was opened. Before the Revolution, many parents didn't let their girls go to school. Before the Revolution, girls were married at 14 or 15. After the Revolution, when they could study more, they married later. But 40 years ago little girls studied through fifth class. After the Revolution girls could go into Shiraz; they became less restricted. After the Revolution, people said everyone must become educated; girls also must study. Parents and girls became a little more enlightened. Girls wanted to go to school and told their parents: we must study.

## Stories of Resistance

Until about 30, 40, and 50 years ago, resistance was not usually successful in fighting off an unwanted marriage. Moreover, when successful, the victory might come at a high price. From the stories we have been gathering about early marriages among girls from a long time ago, though, it seems that at least a few protested in some way. Occasionally, their resistance had some effect.

About a hundred years ago, my mother told me, a bride of 12 escaped from her husband the night of the wedding. She managed to get out of the room, went up on the roof and threw herself off the edge. Her leg was broken, and her back was broken. There were no doctors. They put wooden supports around her leg and her back and wrapped them up. They took her back to her father's home. For six months she was in bed and couldn't walk. Little by little she got better. Because of this she was able to get a divorce when she was 12. She married again when she was 14 and had children.

In some cases, girls ran back to their fathers' houses a number of times and might even live at the fathers' houses until they were older and then returned to live with their husbands. I think this was about 80 years ago. A girl's mother died during childbirth when she was little; both the mother and baby died. Her father married another wife. Her father's sister



came for the girl to get her for her son when she was 10. The little bride kept escaping from her husband, from their bridal room. She cried and ran off to her father's house or to her aunt/mother-in-law's room. When the husband went to work, she returned to their little home, but then when he came back, she escaped again to her father's or aunt/mother-in-law's home. She cried. Her aunt felt bad, she felt sorry for her, her heart burned for her, she wanted to be kind to her. She said to her son: she is small, wait until she is older. For two years, the little bride didn't let her husband get close to her. Little by little, she got bigger. For two years this went on, until she was 12. The husband got a job as a policeman and they moved into Shiraz.

There were other cases like this, where the groom did not have relations with the bride for some time, but generally they did not let it be known in the neighborhood because they were embarrassed.

About 50 years ago, a 12-year-old girl was married. She left her in-laws' home to go back to her father's house several times, and they kept coming after her. About five or six months after the wedding, she went back to her father's house and stayed for one year. Then, when she was about 14 years old, she returned to her husband's house and stayed. She had six children, all girls. Both she and her husband are still alive.

Another girl married at the age of 13 about 40 years ago. Her husband was 20 years old and the son of her father's brother. She was in her husband's house for about a week, and then she went home. She stayed in her father's house for one year; she wouldn't go back to her husband. Then the mother and father of the groom went to her and told her: you have to come and live your life, you have to stay in your husband's house.

If the young brides didn't want to stay, didn't accept their husbands, people were bad to them, they beat them. All of the brides, who didn't let their husbands get close to them were beaten [their husbands hit them].

There were many of them. They cried. They were afraid of sexual relations. They were *kuchulu* (little, small). They were afraid. But they urged them to accept. Now little girls study; they don't have anything to do with relations between husband and wife.

My mother had a sister who was married to my father. My mother's sister was nine and he was 17 when they married. She had her first baby when she was 12. The baby died. She had her second baby at the age of 15. This child died too and after a week she herself died of infection. My father wanted to marry another sister who was 12 at the time. But she said no, I won't be his wife. They didn't get married. Later this girl became the wife of another man who was well-off.

Both the mother and the father of my mother's brother's daughter had died. She was nine when her father's friend from Beyza came to ask for her for his 15-year-old son. My mother's mother gave her to him, and they took her to Beyza. My mother, the bride's father's sister, went with her to Beyza. Her heart burned for her. She was the girl's *ameh*—her father's sister, after all. She told the husband's mother: she doesn't have a mother, she is little; it is better that her husband waits. The groom was young too and didn't know much about what to do.

My mother told the husband's mother to get a hen, cut its throat, and use that blood on the handkerchief to show the groom's relatives. Then for two months, my mother stayed in the same room with the bride and groom until the groom went to sleep. For those two months, until my mother went back to Aliabad, the groom didn't approach the bride.

The bride didn't get along well in Beyza; she cried and cried and said I don't want to stay here. Her husband was a young farmer, and his father was a farmer too. His parents were so good to her; they did everything for her.

She stayed. She was 12 when her first child was born. It lived. Now that daughter has a bride (daughter-in-law) and a groom (son-in-law) too. Her life went on. Little by little, she had children and, for the sake of her children, she had to stay. She had four sons and two daughters; one son became a martyr in the Iran–Iraq war. She is 60 years old now. Since my mother died, I haven't gone to see her more than twice. I see her when she comes to see her brother who lives here. One of her sons lives here too.

About 50 years ago, 10 years before the Revolution, a girl resisted the pressure to marry. She was 10, and the bridegroom-to-be was 20. He worked with his father building mud brick houses in the village. Her father beat her and said you must marry. She said no. No matter what her father said to her, she still refused. I will run away, she said. They didn't marry. Later, at the age of 17 she married a 22-year-old man, a policeman. Another girl was 11 when they got her married. No matter what they did, she kept coming back to her father's home; he took her in. At age 12, she obtained a divorce. A year later, she married a neighbor.

Another girl was 12 when she married, and her husband was 30. He lived in Shiraz although his mother was from Aliabad. When they came for her, no matter how much she said I don't want him, they said she had to get married: her family had seven girls, and they were afraid they wouldn't find husbands. The night of the wedding, she bled profusely; her perineum was torn. She was smart though; maybe she didn't let him have sex after that. At first, she didn't get a divorce. Her family told her that if she got a divorce, no one would marry her other sisters; she had to stay. After only two more years, when two more sisters had married, she got a divorce.

In Aliabad, people feared that divorced women would not be able to find another husband, but when she was 17, she remarried. Her second husband came from Abadan and wanted a wife; he was rather simple, with impaired intelligence. They had two sons—one became an engineer and the other worked in a real estate office, and two daughters who went to university and got married. The husband is still alive, although not well. The couple lives in Aliabad.

About 45 years ago, the families of two patrilineal parallel cousins (children of two brothers), who lived together in an extended family courtyard, forced them to marry when the girl was 10. They didn't like each other and didn't want to marry. The boy said: "I don't want the daughter of my father's brother"; she of course did not have the *jur'at* (right, power) to say anything. But the parents said: "You must."

When she was 13, they had a son, but then the husband got a second wife. Because he had taken a second wife without her permission, his first wife and cousin was able to obtain a divorce from him. She married again, but had no children and was again divorced. Then she became the second wife of another man and bore him two sons and two daughters.

About 45 years ago, the parents of my cousin wanted to get her married. The family of a 23-year-old assistant in a Shiraz pastry shop came and got her engaged to him. The fellow came to her home several times, but she didn't like him. The groom was living in Shiraz. Men in Aliabad couldn't see their intended, but when he came to Aliabad, he wanted to see his fiancé. She didn't want him to see her up close, only from afar. When he came, she would escape to our house.

The groom's family wanted to get the marriage contract (*aqd*) signed. She said: "I don't want him, I don't like him, I won't marry him." Her father said: "You must." He arranged the *aqd* (marriage contract) ceremony. And then—right at the *aqd* ceremony, she said no!

At first her father was unhappy and didn't talk to her for some time, but later on he didn't say anything more. She accepted the second suitor; they married when she was 16 and he was 19. He was from a further-out area, not from Aliabad. Later his brother married her sister. By now both brothers are retired and live with their wives in Aliabad.

Some decades ago, another bride wanted to commit suicide because her mother-in-law harassed her so much. She got married in the year 1356 (1978) when she was 14. She was

young and her mother-in-law was bad; she abused her. She ate opium. They took her to a hospital in Shiraz, and she recovered. She didn't get divorced; the young couple separated from the groom's parents and lived apart from them.

Forty years ago, one young wife didn't want to endure loneliness and lack of social time with her husband; when he came back from work, his mother urged him to come to his parents' room in the courtyard and eat with them. His wife was left alone in their room. She was abused by her mother-in-law and by him too, at the direction of his mother. Several times she returned to her father's home with her little daughter until finally she was able to get what she wanted: a separate home of one small room for her family. Young brides frequently used the tactic of returning to their father's house to pressure for separation from their in-laws (see Hegland 1999 for more about this case study).

Forty years ago, the mother of a potential groom came to my neighbor's home to ask for her daughter when she was about 15. She refused to marry and her parents argued with her, probably fearing other suitors might not appear. However, she stayed firm. The reason she presented finally persuaded them to give up; he did not have employment or economic prospects. She later married a relative in a city quite a distance away.

From as early as the 1950s, more and more, men in Aliabad left sharecropping and itinerant trade in outlying areas. The local—and Iranian—population grew, and with the 1962 Land Reform especially, young men did not have sufficient land available to farm and also did not want that line of work; they went outside the village to work in construction, the service sector, factories, shops, and government.

By 30, 40, and 50 years ago, girls were putting up more resistance to early marriages arranged by their parents, and they were gaining more success from their resistance. The age of marriage for both girls and boys was rising. According to Hegland's research in 1978 and 1979, birth control methods such as the pill had become available. Bearing son after son no longer brought women respect (or perhaps envy). Hegland heard a woman who had baby after baby derogatorily referred to as a "baby factory" by another woman. With the decline in agriculture, growing power of the central government, and presence of the gendarmes (the rural police), the idea of "strength in numbers"—lots of sons for both political and economic reasons—lost relevance.

As time went on, a high school degree became advisable for a girl's marriage prospects in Aliabad, and later many girls pursued higher education. Brides became older and more educated, experienced, and entitled (see also Torabi and Abbasi-Shavazi 2016). For several decades, financial conditions in Aliabad improved dramatically due to land sales, real estate endeavors, and businesses, enabling parents to more easily provide the separate households demanded by prospective brides. Separation from in-laws' households came sooner in the marriage until finally brides refused to live at in-law's homes at all. Young wives especially more openly exerted their opinions and pushed for influence in decision-making with their husbands (see Hegland 2009, 2011, 2020b).

## ***When Should Girls Marry? A Current View from a 65-Year-Old Woman***

Early marriage—nah, it is never good. I don't like early marriage. A little girl is a child, she does not know what it means to marry. They didn't know anything, didn't know what a husband, a life is. And then, before they knew it, they had two children at their feet. When they are young, children can't manage marriage well; they can't pull their lives together. Now they study, then they couldn't study. Now young people say no, we will be wiser when we are older; we want to get older before we marry so we can make decisions for our own lives.

At least in some areas of Iran, “arranged” and “mixed” (some level of arrangement along with some level of choice by bride and groom) marriages are still common. A recent study among married nurses in the Ahzaz area found that those who had enjoyed some decision-making in choice of the marriage partner reported more marital satisfaction than those in arranged marriages (Rajabi et al. 2016). Aliabad women reported:

Now in our community girls don't marry at a young age any more. The people who have old-fashioned thinking, if they are poor, if they are in a remote area, they still do this. The Lurs who come and live here marry their girls early at 15 or 16, and for sure before they turn 20. They don't marry at 12, 13, or 14.

The Afghans marry really early, the boys at about 15 and the girls from the age of 10 or 12. They sell their daughters: they get 50 million, and the girl goes to a husband. Their own *akhunds* perform the *aqd*. Iranian *akhunds* don't want to marry them. The Afghans are still like this; they sell their daughters off when they are 10 years old for 10, or 20, or 50 million.

Many Afghans live in the area of Aliabad. Many of the men work as guards or tenders of orchards. Afghans are looked down upon by the native population. They are socially segregated from natives, retain older, more conservative values, subsist at a much lower standard of living, and reside in the run-down areas including ruins of sun-brick homes inside the now-destroyed wall of the old village.

I think age 23 to 25 is a good time for marriage. They should not marry before 20; they must be 20 or above. But the girls of today, if they get to be 30, don't want to marry. When they get older, they just want to go ahead with their (single) lives. My granddaughter doesn't want to marry—I don't know why. She tells me: I wasn't born to follow the orders of a husband. When you get old, I will come and live with you.

These days, boys don't want to take up the burdens of marriage, and girls don't want to, either. Boys say they want to marry when they have everything. My nephew doesn't want to marry. His father told him, I'll get you a house. My nephew said no, I want to do it myself.

They don't have any trust. So many get married and then, after a year, they get divorced. Boys and girls are afraid to marry. Girls say they must have a husband with a good salary and prestigious job, good house, and a car. Everyone has so many expectations. Because of all of this the young are afraid. May God help all young people to be fortunate.

## Conclusions

In Aliabad, girls are no longer married at early ages—except among the emigrant Afghans, who generally marry their daughters at quite young ages, and incoming settlers from further out, somewhat more remote areas, such as Lurs among whom girls are married a few years younger than 18. However, in other areas of the country, such as among the Baluch, the Kurds, in Khuzistan, and Khorasan and other poorer, more traditional areas, and even among more traditional groups in urban areas, early and even child marriage is still commonly practiced (Torabi and Baschieri 2010; Mangeli et al. 2017; Ahmady 2018a, b; Ranjipour 2020).

The authors of this chapter hope that recounting the often painful and tragic physical, emotional, familial, maternal, psychological, and societal results of underage marriages in the past for the girls, women, and mothers of the Islamic Republic of Iran (the leaders of which proclaim their devotion to the welfare of Muslim women and mothers) will find audiences among decision-makers and activists. Hopefully, they will sympathize with and seek to protect these young girls, these precious human beings, and source of future citizens. We urge those in positions of power and authority to combat this harmful practice through multi-dimensional programs in order to make for happier women, children, marriages, men, and social relations in Iran.

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# Chapter 5

## What Is Afghan Culture? Some Reflections on a Contested Notion



Gabriele Rasuly-Palczek 

**Abstract** Following a brief reflection on the meaning of the term culture, this chapter highlights assumptions about Afghan culture—often described as a “mingle-mangle” of practices that hinder social progress and prohibit implementation of basic human rights. Western buzz words like “culture of impunity” and “culture of female suppression” evoke images of burqa-clad Afghan women or heavily armed Afghan men. Yet, many Afghans would refer rather to honor, respect, hospitality, and family solidarity as essential elements of Afghan culture. In this chapter, I deconstruct some prevailing notions about Afghan culture, examining the link between cultural practices and social norms and values, and other factors, like decades of violence, that leave an imprint on them. It is argued that forced marriages cannot solely be perceived as a typical trait of a patriarchal culture, but must be viewed in light of factors such as the honor code, poverty, and power relations in society.

**Keywords** Afghan culture · Afghan social norms and practices · Child marriage · Honor and shame

### Introduction

The prevalent view of Afghan culture is profoundly influenced by media representations such as the burqa-clad women and the heavily armed Afghan men; but can—or should—it be reduced to such images? Does something like a uniform Afghan culture exist? Are there “typical Afghan values” that shape the behavior and social practices of all Afghans?

In this chapter, I will deconstruct some of the notions prevailing about Afghan culture in line with the argument of distinguished social anthropologist Tapper (2008, p. 8), namely, that what constitutes Afghan culture is a rather complex, difficult, and ambiguous question and depends to a certain extent on who is talking about Afghan

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culture and in what context. I will scrutinize what kind of values and customs—negative or positive—are highlighted, by whom, in what context (e.g., colonial encounters), and for what purpose (e.g., stigmatizing others and calling for a political action). This approach is not, however, sufficient to gain a profound understanding of what exactly Afghan culture is, or why certain social practices (emphasis on family solidarity and restriction of individual freedoms, child marriage) and values (e.g., honor and shame, chastity of women) are considered as essential elements of it.

To acquire broad insights, it is essential to disclose the linkage of social relations, institutions, norms, customs, and traditions. I will highlight the impact of social norms and values (e.g., emphasis on honor and shame) and other factors (e.g., impact of decades of violence) on certain cultural practices (e.g., child marriage and seclusion of women).

Even this does not go far enough. It would be misleading to assume that a kind of automatism exists between social values, norms, and particular social practices (often taken for granted in social anthropological approaches of the past, e.g., in structural functionalism). Norms, values, and social practices are often contested. Not everyone actually complies with them. Some norms and practices may be accepted, while others are rejected. It is thus also essential to study why people comply with certain norms and practices and what norms and practices are more omitted or contested than others. In other words, societal discourses regarding social norms and practices must be investigated. Only by considering all these aspects will it be possible to fully grasp the essence of a particular culture.

This chapter will thus address two main questions:

1. What kind of images/ notions about Afghan culture exist and why?
2. How can certain cultural practices (e.g., seclusion of women, child and forced marriage) be explained?

Following a brief reflection on the current understanding of the term culture itself, I will illustrate that the term Afghan culture is used in a variety of different contexts with varying connotations and has different implications for different people, Afghans as well as non-Afghans.

While Afghan culture is often reduced to the image of a culture of masculine honor that suppresses disempowered burqa-clad women in the West, for many Afghans honor, respect, hospitality, and family solidarity are essential elements of their culture. Regarding Western notions about Afghan culture, it is also essential to address the question of knowledge production about Afghanistan and the ways in which Afghans and their culture were, and are, portrayed: to explore the rationale that precipitated the demand not only to study Afghan culture and values but also to represent them in a particular manner (e.g., by highlighting the plight of Afghan women to legitimize the war against the Taliban).

In the second part of this paper, I will use a social and cultural approach to accentuate the fact that certain social practices are closely connected to social norms and worldviews as well as to social, political, and economic conditions. I will highlight that an emic perspective—the insider's perspective of reality, as applied in social and

cultural anthropology—allows a better understanding of social and cultural practices than other often highly essentialist statements about Afghan culture.

## The Term “Culture”

From the current anthropological point of view, the term culture is quite a challenging one. Originally, many anthropologists considered the recording, classification, and analysis of culture as their main agenda (Tapper 2008, p. 5). They defined culture as “that complex whole which includes knowledge, belief, art, morals, law, customs, and many other capabilities and habits acquired by man as a member of society” (Seymour-Smith 1986, p. 65) or as Tapper highlights, “culture is learned social behavior; human nature plus—what distinguishes humans from animals ... as well as what distinguishes different human groups from each other” (Tapper 2008, p. 5).

According to Tapper (2008, p. 5), this original common understanding of the term culture is well encapsulated in Dupree’s definition of the term in the 2004 Afghanistan National Human Development Report:

Culture embraces those shared ideas, beliefs, emotions and customs that mould behaviour and place value on creative artistic expressions, such as art, music, literature, and architecture and relationships with the environment. It defines the way people live, the way they utilize material and non-material resources. (UNDP Afghanistan 2005, p. 233)

According to Tapper (2008, p. 5), implicit in these traditional definitions of the term culture is the notion that:

culture is given, handed down (like tradition), hence shared and agreed, clear-cut and consistent, and fixed, hard if not impossible to change; as a prime value, positively to be respected, preserved, reconstructed; or (negatively) an obstacle to change and improvement; And that it is beyond politics, the competition and disputes of individuals as well as domination by individuals or classes.

Today, however, many anthropologists and other social scientists dismiss such notions of the term culture. They are critical that the attempt to outline the specific traits of a certain culture (e.g., Afghan culture) constitutes an essentialization that fails to consider the complexities of a specific society and the various meanings that are associated with certain cultural aspects of it (e.g., honor and shame). To avoid this problem, most anthropologists now employ a much more differentiated and discourse-oriented approach. Thus, concerning the study of Afghan culture, as argued by Tapper (2008, p. 5), the following questions need to be addressed.

Who is defining what is, for example, Afghan culture? Men or women? The old or the young? City-dwellers or country folk? Working people or landowners and aristocrats? Which ethnic group? If we can identify who is defining ‘culture’, do we know whether the others agree with this definition?

Questions related to the efforts of nation builders when attempting to construct a uniform national culture in a multi-ethno-linguistic country like Afghanistan are

particularly problematic. Such people are confronted with the difficulty of what cultural elements (e.g., language, music, dance, sports, customs, etc.) to choose as the basis for a common national Afghan culture (for details, see Centlivres and Centlivres-Demont 2000; Dupree 2002). Their main challenge is thus to define what exactly constitutes Afghan culture or Afghan-ness? What is the Afghan way of life? What are Afghan values? Tapper (2008, p. 5) also highlights that another problem relates to the fact “that all ‘cultures’ (i.e., value systems) are liable to include inconsistencies,” that is, clear statements of values together with their opposites; for example, Pashtuns are reputedly both warlike and peaceful people (Tapper 2008, p. 5).

Thus, most anthropologists today no longer study customs, traditions, values, and beliefs per se and the way they are learned, shared, and passed on, but rather “examine how people in a society continuously challenge, negotiate, redefine accepted notions of culture ... how, in other words, culture, custom, and their meanings are in fact constantly changing, and intensely political” (Tapper 2008, p. 6). From this, it follows that “current anthropological approaches see culture as a dynamic, changing, flexible collection of values and practices and of changing and negotiated meanings given to individual items of culture” (Tapper 2008, p. 8).

## What Is Afghan Culture and What Are Afghan Values?

Before going into detail about whether a uniform Afghan culture exists and what type of social practices and values might be considered “typically Afghan,” I begin with a few statements by Afghans and non-Afghans about Afghan people, their character, culture, and values. The information below comes from Internet searches for “Afghan culture”; others are from scholarly work, travel accounts, non-governmental organization (NGO) reports, and manuals for deployed soldiers. In line with Tapper’s (2008, p. 6) suggestion to study culture in a contextual manner, I will then analyze who is making what kind of statement, in what context, and for what purpose.

According to Wikipedia, the country of Afghanistan

has been around for over three millennia, tracing record [sic] to at least the time of the Achaemenid Empire in 500 BCE.... It is mostly a tribal society with different regions of the country having their own subculture. Nearly all Afghans follow Islamic traditions, celebrate the same holidays, dress the same, consume the same food, listen to the same music and are multi-lingual to a certain extent.

[[https://en.wikipedia.org/wiki/Culture\\_of\\_Afghanistan](https://en.wikipedia.org/wiki/Culture_of_Afghanistan)]

Many entries on Internet Web sites, as well as references in other publications, also shed light on what kind of social practices and values are associated with Afghanistan. According to the Afghan Culture Atlas, a supplementary resource that was started in 2016 in Australia to improve the cultural competence of individuals and organizations operating in an increasingly culturally diverse society.

Afghanistan is ... a multi-ethnic society, containing diverse ethnic, linguistic and tribal groups. The government is an Islamic Republic and Islamic values, concepts and practices

inform many social and behavioural norms throughout society. Afghans generally have a strong sense of personal honour and are highly aware of their community's opinion of them. Hospitality, loyalty and modesty are highly valued.

[<https://tinyurl.com/y3q69mew>]

The Afghan Cultural Atlas also mentions “Resilience, stoicism, independence, loyalty, tribalism, honour, compassion and hospitality” as core concepts of Afghan culture.

[<https://tinyurl.com/y2nskbwl>].

Similar aspects are highlighted in other sources. In his famous book “An Account of the Kingdom of Caubul” (first published in 1815) Elphinstone (1998, p. 253) summarized the character of the Afghans in the following manner:

their vices are revenge, envy, avarice, rapacity, and obstinacy; on the other hand, they are fond of liberty, faithful to their friends, kind to their dependents, hospitable, brave, hardy, frugal, laborious, and prudent; and they are less disposed than the nations in their neighbourhood to falsehood, intrigue, and deceit.

Moreover, Emadi (2005, p. 136) remarks:

There are unwritten rules and codes of conduct that govern interpersonal relations. These codes deal with issues such as pride, honor, hospitality, respect, virtue, and morality. These traits, which demonstrate the values of a society are generally characteristics of all ethno-linguistic communities of Afghanistan, and individuals are conscious of their behaviors, which may negatively or positively affect their status and the status of their family and tribe.... References to such ideals are found in literature and folktales, and themes such as *Sadaqat wa Imandari* (honesty and integrity); *Mehman Nawazi* (extended hospitality and invitation to friends and strangers), *Dosti* (making friends and maintaining and nurturing these relationships), *Ghayret wa Namus* (safeguarding and defending personal and family honor and property); and *Wafadari* (remaining loyal to family and friends and keeping one's pledges) are essential ingredients of Afghanistan's cultural values, and they are not taken lightly.

According to the “Afghan Smart Book” published by the US Army Training and Doctrine Command (TRADOC 2011, p. 75),

Traditional Afghan values: Hospitality, Honor, and Family: Regardless of past and present events, most Afghans are committed to maintaining their traditional values and customs. Hospitality is a trademark of Afghan culture; regardless of their opinion of a person, they will be hospitable. Honor is a common Afghan value behind behaviors such as: saving face, not saying “no,” being hospitable and giving, and guarding the virtue of female family members. Family is the priority for most Afghans and is often the driving force behind many of their actions. An Afghan family extends beyond husband and wife.

While the above statements illustrate various perceptions of non-Afghans, Wali (2016, p. 2) comments on what characteristics average Afghan within Afghanistan and throughout the world would assign to Afghan culture. If asked, “they would probably respond by saying some of the following: pride, courage, honor, endurance, faith, independence, family, hospitality, brotherhood, sisterhood, friendship, and the like.”

However, a brief survey I conducted among Afghans residing in Vienna in fall 2019 revealed that the perception of what Afghan culture is varies among different individuals. For example, a 30-year-old male mentioned “hospitality, kindness and courage,” a 28-year-old male highlighted “the very old history of the country, the successfully fought wars against the British and the Russians and the braveness of the Afghans,” while a 25-year-old female, emphasized “the warm hospitality, the deliciousness of Afghan food and the beautiful traditional costumes.”

Most Afghans and scholars of Afghan culture would agree that hospitality is the main element of the Afghan culture, followed by honor and the close cooperation and solidarity within the patriarchal extended family.

Honour is the rock upon which social status rests and the family is the single most important institution in Afghan society. Individual honour, a positive pride in independence that comes from self-reliance, fulfilment of family obligations, respect for the elderly, respect for women, loyalty to colleagues and friends, tolerance for others, forthrightness, an abhorrence of fanaticism, and a dislike for ostentation, is a cultural quality most Afghans share. (Dupree 2002, p. 978)

The importance of the family is emphasized in a manual for the use of expatriates supporting Afghan farmers (Merrill et al. 2006, p. 7).

Afghanistan people have strong values, beliefs and rules surrounding the family and its member's behavior. Additionally, families are highly dependent upon one another to meet many aspects of everyday life. Family roles are complex and they change depending upon ethnicity and region. The family remains the single most important institution in Afghan society. Characteristically, the Afghan family is endogamous (with parallel and cross-cousin marriages preferred), patriarchal (authority vested in male elders), patrilineal (inheritance through the male line), and patrilocal (girl moves to husband's place of residence on marriage). Polygyny (multiple wives) is permitted, but is no longer so widely practiced.

The same manual (p. 7) deals with traditional family roles.

Afghan families have a high regard for age, as well as a reverence for motherhood. The extended family serves as a support system, economically and socially.... Extended family households may contain three to four generations including the male head of family and his wife, his brothers, several sons and their families, cousins with their families, as well as all unmarried and widowed female, and elderly grandparents. These multigenerational units practice close economic cooperation and come together on all life-crisis occasions. This permits cohesive in-group solidarity to be maintained.... An Afghan's family is sacrosanct and a matter of great privacy. It is considered a breach of manners among liberal Afghans, and an act requiring revenge among conservatives, for a man to express interest of any sort in another man's female relatives.... A woman belongs to her family and should not be available, in any sense, to outsiders.

In addition to honor, hospitality, and family solidarity the competitive spirit of Afghan culture and the emphasis on courage and bravery—in particular as essential male virtues—are often highly valued, as the following two quotes illustrate.

Over the centuries, rival tribal groups have constantly competed over rights to land, resources, power and even women. This has engendered a competitive spirit in Afghan culture and has been the cause of a great deal of recurrent violence and disharmony between tribes and ethnicities. (Cultural Atlas n.d.)

[<https://tinyurl.com/y2nskbwl>].

Or as Kaifi and Mujtaba (2010, p. 34) remark,

Afghanistan is a high-context, collective culture in which individuals have been encouraged to stand up for good causes even when other individuals may accept the status quo passively and resist efforts to change. Afghans have historically been socialized to take calculated risks by initiating a leadership style that demonstrates bravery and heroism for causes that involve the well-being of others in the community.

Several publications not only praise the mentioned virtues (e.g., honor, courage, hospitality, and family solidarity) but also take a rather critical standpoint. Wali (2016, p. 2), for example, highlights the following:

How often has the empty phrase, ‘Well, this is our culture,’ been applied to an array of antiquated or unsustainable Afghan practices, whether they may be [sic] overburden some engagement and marriage traditions, to funeral ceremonies that lack a deeper spiritual meaning and offer little consolation for those mourning their deceased loved one?

Afghan culture has become too heavy, entrenched in hearsay, backbiting and keeping up appearances—a façade with a broken foundation. We are bogged down by vapid formalities that are in dire need of reexamination, reformation and refinement. Instead of furthering everyone’s individual growth, Afghans’ collective attitudes, group identity and institutions mostly have become unhealthy metastasizing cells, mercilessly destroying our social DNA.

In particular, the term honor is often problematized, as outlined in the Afghan Cultural Atlas:

Much social behaviour is influenced by Afghans’ awareness of their personal honour. ‘Honour’ in this sense encompasses an individual’s reputation, prestige and worth. Preservation of honour and community opinion is often at the forefront of people’s minds. It influences people to behave conservatively in accordance with social expectations to avoid drawing attention to themselves or risk doing something perceived to be dishonourable.

[<https://tinyurl.com/y2nskbwl>].

Moreover, as highlighted in the Afghanistan National Development Strategy (Islamic Republic of Afghanistan 2006):

Gender relations often have to be viewed in the context of traditional Afghan culture. Afghan culture is rooted in a code of honor, symbolized by the behavior of women. While this may be manifest in great respect for women and recognition of their rights and status in Islam, it can also lead to deep repression. (cited from Tapper 2008, p. 3)

As the statements listed above stem from a variety of different sources produced at different times, in different contexts, and for different purposes, they often portray Afghan culture and Afghan values in a rather essentialist manner. To contextualize these statements, it is vital to briefly summarize the knowledge production about the Afghans and their culture and why certain statements were, and are still, being made.

## Knowledge Production on Afghan Culture

Our knowledge about Afghanistan, its people and Afghan culture, and norms and values derives from numerous sources. These include colonial records, mainly British from the nineteenth century (cf. Adamec 1972–1985), travelogues, anthropological studies, journalistic accounts, and literary works and, more recently, reports and policy papers produced by humanitarian and development organizations (e.g., Afghanistan Research and Evaluation Unit (AREU) and Human Rights Watch) as well as manuals and information material compiled by the military, in particular the US forces, as well as consulting companies and individual scholars.

Many of these publications were, and still are, produced by Westerners and are closely connected to a certain agenda, for example, calling for political action, legitimizing military interventions, creating cultural awareness to facilitate the Global War on Terrorism (GWOT), or intercultural communication when working with Afghan counterparts. A good example is the numerous reports about the plight of Afghan women during the Taliban era. Not only have they offered detailed descriptions of the suppression that Afghan women and girls have been subjected to, but they have also recommended concrete actions to protect the women of Afghanistan from Taliban brutality (for details, cf. below). These include the activities of the Feminist Majority Foundation, a US-based NGO, that started campaigning on behalf of Afghan women in the 1990s (Feminist Majority 1997, 1998).

Also noteworthy was the engagement in these activities of Laura Bush and Cherie Blair (cf. Bush 2001; Ward 2001). For more details, cf. also Hirschkind and Mahmood (2002), Kolhatkar (2002, p. 12), Ayotte and Husain (2005), Kolhatkar and Ingalls (2006), and Khodor (2018, p. 3, p. 7). Another example is the vast amount of manuals and other materials (e.g., culture smart cards, Afghan Cultural Newsletter, etc.) produced by the US military, which, since the 2000s, has considered cultural knowledge crucial to the successful conduct of counterinsurgency operations (e.g., in Iraq and Afghanistan) Marine Corps Intelligence Activity 2004, Department of the Army (2011).

This “cultural turn” in the US military is reflected in, among other things, the Field Manual No. 3-34 (Headquarters, Department of the Army 2006) and numerous other handbooks (cf. Holyday 2008; Salomoni et al. 2008) as well as in the implementation of the so-called Human Terrain System (HTS), a support program that employed anthropologists, sociologists, political scientists, and others to provide military commanders and staff with information to better understand the local population (the “human terrain”) in the regions where the US military was operating (e.g., in Iraq and Afghanistan) and thus to enhance counterinsurgency effectiveness. The HTS lasted from 2007 to 2014. For details on the HTS, see Perugini (2008), Schaner (2008), Fawcett (2009), Ross (2010), and Mcfate and Laurence (2015).

To enhance the “cultural knowledge” of its staff, the US military also produced numerous information materials (e.g., cultural smart cards, cultural newsletter, etc.) for use in pre-deployment training and in the theater of war. See Wunderle (2006);

Center for Army Lessons Learned (2010, 2012); and TRADOC Culture Center (TCC) (2011).

Other agenda-oriented information materials include the publications by consulting companies (e.g., Commisceo Global Consulting Ltd. 2019; Afghan Culture Atlas 2020; Kwintessential 2020) and individual scholars (e.g., Robson and Lipson 2002; Merrill et al. 2006; Entezar 2008; Zaldivar 2010; Afroz and Najib 2013; Magagna 2016) that offer guidelines for non-Afghans (e.g., businesspeople, politicians, social workers, or volunteers supporting Afghan refugees in Western countries) in their interaction with Afghans.

A shift in focus can be observed regarding the information material produced about Afghans and their culture. While, until quite recently, Afghanistan was depicted as a “highway of conquest” (Fletcher 1982) and “a graveyard of imperial ambitions” (Isby 2010) and its inhabitants as fierce and treacherous tribesmen (Anderson 1992, p. 99; Fowler 2007, p. 23, p. 28, p. 31 p. 58 ff), the country is today mainly portrayed as a place where women’s rights are disregarded and a “culture of impunity” prevails (Tapper 2008: 3 ff).

It is since the establishment of the Taliban regime that the discourse about the essence of Afghan culture has become particularly heavily gendered (cf. Lindisfarne 2008, p. 4; Verschueren 2012, p. 122 ff; Schütte 2014, p. 1179 ff). Hence, the plight of the women of Afghanistan has become the dominant topic in the representation of Afghan culture, especially in discourses and publications of NGOs and international organizations (cf. Monsutti 2013, p. 277).

Illustrative examples include the following publications: “Afghanistan: Ending Child Marriage and Domestic Violence,” report of Human Rights Watch (2013); “Decision, Desire and Diversity: Marriage Practices in Afghanistan,” by Smith (2009), writing for the Afghanistan Research and Evaluation Unit; “What Factors Drive Child Marriage in Afghanistan?” by Sadat (2017); “Family Structure and Marriage” by the Norwegian Afghanistan Committee (n.d.); and “Information on Polygamous Marriages in Afghanistan” published by the Refugee Documentation Centre of Ireland (2011).

During the Taliban era, Afghan women were described as victims of an “inhumane gender apartheid” (Kolhatkar 2002, p. 12). The term gender apartheid was first coined by the US NGO Feminist Majority Foundation in a campaign launched in 1997 to inform a wider public about the excesses of the Taliban (cf. Kolhatkar 2002, p. 12; Khodor 2018, p. 3, p. 7). Today, Afghan women are often described as victims of a “culture of masculine honor” (Baldry et al. 2013, p. 366) suffering from forced marriage, mandatory veiling, gender-based violence, and other vices of tyrannical patriarchy (cf. Dupree 2001; Goodson 2001; Baldry et al. 2013, p. 366; Schütte 2014). This representation of the marginalized situation of Afghan women is well illustrated in the following two quotations taken from the Norwegian Afghanistan Committee (n.d.).

Afghanistan is considered one of the most dangerous countries in the world to be a woman. Contributing factors include different forms of gender-based violence, poor education, limited access to healthcare, and not being allowed outside the home. Sadly, many Afghan women also face forced child marriage—despite it being illegal (Sadat 2017); and



The Afghan society is dominated by a reactionary view on women's roles and rights. While some urban women enjoy some rights and even work outside the home, more traditional views still reign strong in the countryside. Although the state has ratified international agreements and a national action plan for women's rights, there is a chasm between these agreements and the reality Afghan women face.

In emphasizing the plight of the Afghan women, the *burqa* or *chaderi*, described by Kakar (2003:1, footnote 2) as "... an enveloping wrap and veil that covers the entire face, with a latticed opening for the eyes," became the ultimate symbol of the suppression of women and thus the emblematic representation of an "underdeveloped culture" and the cornerstone of Western campaigns to "liberate Afghan women from suppression" (cf. List 2007; Schütte 2014; Khodor 2018, esp. p. 3, p. 21, pp. 34–36). Afghan men on the other hand, once celebrated as guerilla fighters, were now portrayed as "fanatical, savage hajjis" (Lindisfarne 2008, p. 4), as brutal capturers of disenfranchised subservient women or as potential or actual terrorists (cf. Khodor 2018, p. 36).

However, this representation of Afghan women as victims of an archaic patriarchy and of Afghan men as "male chauvinists" has meanwhile been criticized by several scholars (cf. Hirschkind and Mahmood 2002; Lindisfarne 2008; Billaud 2009, 2012; Schütte 2014, p. 1176).

## How Can Afghan Cultural Practices Be Explained?

Having briefly outlined the knowledge production on Afghan culture, the rationale that informed the latter and the images that have been created and are transmitted until today, I will now highlight the way in which Afghan culture was and is studied. Generally speaking, two different approaches can be distinguished.

The first derives from comparative intercultural communication research (cf. Hall 1976, 1983; Hofstede 1980; Hofstede and Hofstede 2005) and aims to facilitate the cooperation and understanding of members of different societies with different cultural backgrounds (e.g., Afghans and US citizens) (cf. Entezar 2008; Zaldivar 2010; Magagna 2016).

Scholars applying an intercultural communication approach assume that the specific social practices and behavior of the members of a specific society are responsible for misunderstandings in intercultural communication. These scholars thus try to reveal the main cultural distinctions. In so doing, they first externalize the basic patterns of each culture and analyze why certain values prevail in a specific society and what impact the latter have on the social practices in that society. To disclose the cultural differences (e.g., Afghan National Culture [ANC] and Western culture) they then compare these basic cultural patterns using specifically defined cultural dimensions (e.g., monochronic and polychronic time as well as high context and low context culture in the case of Hall (1976, 1983) or power distance (PD), uncertainty avoidance (UA), individual cultures (IND) versus collectivist cultures and Masculinity (MAS) as in the case of Hofstede) (cf. Zaldivar 2010:11, 12, 14, 15).

I will next briefly refer to G. Hofstede's dimensions as the latter were employed by two scholars—Entezar (2008) and Zaldivar (2010)—to outline the basic elements of Afghan (national) culture and what distinguishes the latter from Western cultures.

Hofstede and Hofstede (2005, p. 46, citing Zaldivar 2010, p. 11) define power distance (PD) "as the extent to which the less powerful members... within a country expect and accept that power is distributed unequally." Zaldivar, referring to Entezar (2008), regards the Afghan National Culture (ANC) as exhibiting a high power distance, namely: "Cultures high in power distance tend to place more emphasis on personal rather than institutional control. .... Entezar (2008) notes that for [p. 12] Afghans, the authority of the person, rather than the authority of the rule determines social weight" (Zaldivar 2010: 11 f). Hofstede's uncertainty avoidance (UA) dimension refers to "... the extent to which members of a culture feel threatened by ambiguous or unknown situations" (2005, p. 167). Cultures that have strong uncertainty avoidance tend to have clear and strongly reinforced rules about what is acceptable in order to manage the anxiety of uncertainty" (Zaldivar 2010: p. 12). According to Entezar (2008, pp. 48–71) and Zaldivar (2010), ANC exhibits a strong uncertainty avoidance. "Afghans tend to embrace a fatalist orientation: life generally is out of control.... Therefore, there is a tendency in Afghanistan to focus on the present, rather than the future" (Zaldivar 2010, p. 12).

In his third dimension (IND), Hofstede "... explores the contrasts between individualist cultures and collectivist cultures. In individualist cultures, "the ties between individuals are loose: everyone is expected to look after himself or herself and his or her immediate family ... (at the other end of the spectrum) Collectivism ... (describes cultures) in which people from birth onward are integrated into strong, cohesive in-groups, which throughout people's lifetimes continue to protect them in exchange for unquestioning loyalty" (2005, p. 76)" (cited from Zaldivar 2010: 14). Both Entezar and Zaldivar consider the ANC as a highly collectivist culture, as "relationships, especially tribal loyalties have clear value over task..." (Zaldivar 2010: S.14; cf. also Entezar 2008: S.72–109).

The fourth dimension of Hofstede's model is masculinity (MAS). He defines a culture as masculine

when emotional gender roles are clearly distinct: men are supposed to be assertive, tough and focused on material success, whereas women are supposed to be more modest, tender and concerned with the quality of life. [A culture] is called feminine when emotional gender roles overlap: both men and women are supposed to be modest, tender and concerned with the quality of life. (2005, p. 120, cited from Zaldivar 2010: S.15; cf. also Entezar 2008: S.110–139)

Entezar and Zaldivar perceive the ANC as a high masculine culture as "the roles between men and women are very distinct and clearly defined in traditional terms" (Zaldivar 2010: 15; cf. Entezar 2008: S.110–139). Zaldivar (2010, p. 15), for example, argues as follows:

Afghanistan is a male-dominated society (positions of power and leadership are held almost exclusively by men) where women on the whole are asked by society to stay indoors, hidden from the public, raising children and serving their families. The majority of Afghan women

who want to be considered respectable, and avoid harassment, must be accompanied by a man in public, and must remain covered by a *chadar* (head covering) at least, though many still wear a *burkha* (covering them from head to toe).

The second approach was prevalent for a long time in social and cultural anthropology. Here, cultures were initially documented and analyzed in their own right. Anthropological studies of Afghanistan began well after World War II when the first social scientists started to conduct research in the country. Until the communist coup d'état (1978) and the Soviet invasion (1979), both of which hampered further field research, anthropologists studied a wide array of different topics ranging from pastoral nomadism, sedentary village communities, customary law, and conflict settlement to ethnicity and gender issues. Other major research fields were kinship and marriage patterns, in particular, in the rural areas of the country, as well as the political organization of Afghan tribes [mainly Pashtun tribesmen and their interaction with the Afghan state (cf. Monsutti 2013, p. 272 ff)]. Since 1978 opportunities for long-term ethnographic fieldwork in Afghanistan have been suspended, many anthropologists now began to study Afghan refugees in Iran, Pakistan, and Western countries. It was only after the defeat of the Taliban that social anthropologists could resume their studies in Afghanistan. Most of the current research conducted by scholars has been undertaken in the course of their work for humanitarian or development organizations and is often driven by policy agendas, for example, proposing guidelines to reconstruct the country (cf. Monsutti 2013, pp. 273–275).

Most anthropologists working in Afghanistan in the pre-war period employed a holistic and structuralist–functionalist approach. They usually conducted research within a specific Afghan group (e.g., a specific tribe or ethnic community). In doing so, they tried to reveal the interconnectedness of social relations, institutions, norms, customs, and traditions. By studying how certain values inform social practices, they also tried to create a better understanding of that particular group. A good case in point is the numerous studies about the *Pashtunwali* in which anthropologists illustrate how the *Pashtunwali* and its norms influenced gender relations in Pashtun society. Based on their research findings, they often also drew general conclusions about Afghan society, its norms, values, and social practices.

Many scholars, for example, postulated a close linkage between the social structure, in particular, its emphasis on the patriarchal extended family (the most favored household constellation), certain socialization practices, and the accentuation of specific values, for example, obedience, showing respect for elders, chastity, etc.

This is, for example, highlighted by Emadi (2005: pp 165 ff) who writes that the family structure in Afghanistan is

primarily based on the patriarchal system. Members of the family defer to the authority of the head of the family, generally the father and the eldest son after the father's death. The entrenched cultural values of such a system stress greater respect for age, marriage at a young age, and a great impetus on the part of the young women to become mothers. A major characteristic of every ethnic community is the shared concept of inviolability of the family. An individual's honor, social status, and personal code of conduct are largely determined by the institution of the family. Social values stress the cohesiveness of the family through maintaining the kinship system.

Next to gender and age relations within the family and Afghan society at large, it was honor and its implications that became a particular focal point of anthropological research. In line with most Afghans, many anthropologists consider honor the central value of Afghan society and thus as a constituent element of Afghan culture (cf. Dupree 2002, p. 978).

To illustrate this, I will now briefly summarize some of the main social anthropological findings related to honor and its implications for the social practices in Afghanistan. I will primarily refer to studies on Pashtun groups, who have a reputation for taking honor and its implications more seriously than the rest of the ethnic groups and are often labeled as a strongly honor-based society (Kakar 2003, p. 3; Rzehak 2011, p. 3; Chioventa 2018a, p. 181).

This, among other things, is exemplified by the importance individual members of Pashtun society attribute to the *Pashtunwali*. The *Pashtunwali*

describes an ideal, in this case, the ideal of the way of life of the Pashtuns. This ideal includes the tribal spirit of the Pashtuns, a sophisticated code of honour, moral and ethical rules of behaviour, the demand for martial bravery, reasonable actions and consultation, a system of customary legal norms and not least, faith in Islam. (Rzehak 2011, p. 3)

For more details, see cf. Steul (1981), Glatzer (1998, 2000, 2002), Kakar (2003), Edwards (2017), Chioventa (2018a, b).

It also includes an emphasis on providing hospitality (*melmastia*) and on complying with the rules of strict gender segregation (*pardah*) (cf. Steul 1981, 309 ff; Kakar 2003: 3; Rzehak 2011, p. 2). The term *pardah* is derived from the Urdu word for “veil: the veil or a curtain often being the boundary between men and women’s physical space” (Kakar 2003: S.4).

By adhering to these ideals, “a Pashtun possesses honor (izzat); without honor s/he is no longer considered a Pashtun, and is not given the rights, protection, and support of the Pashtun community” (Kakar 2003, p. 3). The *Pashtunwali* can therefore above all be perceived, as Rzehak argues, “as a code of honour. ‘Doing Pashto’ means to act honourably and to be guided by the values of Pashtunwali” (Rzehak 2011, p. 1).

Pashtuns as well as other Afghans use several terms when referring to honor. The most common terms are *namus*, *nang/nanga*, and *izzat* (cf. Edwards 2017, 141 ff). Although all these terms point to the concept of honor, they have slightly different connotations.

The term *namus* “can be translated as ‘honour,’ ‘reputation,’ ‘esteem,’ ‘conscience,’ and ‘chasteness,’” (Rzehak 2011, p. 9). *Namus* is mostly used in reference to female honor, often perceived as “the embodiment of the honor of the family” (cf. Saidi 2018, S.97). Here, *namus* indicates, in particular, the modesty and chastity of the female members of the family and refers to the faithfulness of a man’s wife and mother as well as the virginity of his daughters. For details on female *namus*, see Kakar (2003, p. 4), Rzehak (2011, p. 9) and Edwards (2017, p. 242); regarding the importance of a bride’s virginity, see Emadi (2005, p. 176). For a male Pashtun, the term *namus* also connotes “a man’s assets and possessions whose violation brings about his disgrace” (used principally for a man’s female relatives; Edwards 2017, p. 242). It thus includes the demand to defend those “members of the society for

whom a Pashtun man feels responsible in a very special way. These are, first of all, his wife or wives, daughters, and his unmarried or widowed sisters” (Rzehak 2011, p. 9).

The term *nang/nanga* (literally honor, reputation, esteem; see Edwards 2017, p. 242) is the rights of one’s tribe. According to Rzehak (2011, p. 9),

*Nanga* is the call to defend one’s personal honour, which is based on an individual’s dignity and trust in oneself. But the call for *nanga* is not limited to personal honour because the honour of an individual and the honour of the lineage or tribe one belongs to are interdependent.

*Izzat* (literally, honor; Edwards 2017, p. 241; Kakar 2003, p. 3) in the sense of personal dignity, respect, and prestige has a similar connotation as *nang* and *namus* as Chiovena (2018a, p. 182) highlights

the equivalent of *namus* in the male realm [is *izzat*]. The family’s honor and respectability also depends on its men’s behavior. A man’s *izzat* gets hurt when the man sees his rights clamped down on (for instance, during an economic transaction), is publicly insulted, or is not accorded the respect ...that every Pashtun man, regardless of his social status, is entitled to.

*Namus*, *nang*, and *izzat* are closely connected to two other male virtues: *saritob* (manliness; cf. Stahel 2016, S.2) and *ghairat*. This latter term has multiple meanings such as “1. dignity, self-esteem, pride, ambitiousness; 2. zeal, eagerness, passion; 3. bravery, courage, audacity; 4. indignation, anger; 5. modesty” (Rzehak 2011, p. 16) and is probably as Rzehak (2011, S.16) highlights the most complex tenet of the *Pashtunwali*. “A person who embodies almost all of the values and rules of behaviour of *Pashtunwali* and who leaves no doubt that he does his utmost to abide by them, is respectfully called *ghairatman*. He represents the ideal Pashtun” (Rzehak 2011, p. 2). Conversely, a Pashtun male who lacks integrity and does not exhibit courage is called *be ghairata* (coward; cf. Edwards 2017, p. 239) and, if unable to defend himself and his “possessions,” which are often summarized in the phrase “*zan*, *zar* and *zamin*” (women, gold, and land; cf. Stahel 2016, p. 2), is called *be namusi* (without honor; cf. Edwards 2017, p. 239).

Not living up to the obligations of the *Pashtunwali* brings disgrace (*sharm*). In Afghan society, and among the Pashtuns in particular, a person’s good reputation is perceived as being closely intertwined with the honorable or shameful conduct of other individuals [e.g., members of his family or tribe (Rzehak 2011: 9)]. This holds good especially for the women (e.g., wife, sister, or daughter). Their honorable conduct, in particular their modesty and chastity, is the standards by which the morality and thus the reputation of the whole family and tribe are judged (Dupree 2002, p. 978; Kakar 2003, p. 8; Olesen 1982, p. 112, p. 120; Chiovena 2018a, p. 181; Rzehak 2011, p. 9).

Another important aspect related to honor and shame is the maintenance of family discipline. Afghan children, particularly girls, are socialized to obey their parents and other senior members of the family (Emadi 2005, p. 178; Smith 2009, p. 26). “Maintaining family discipline is a cherished ideal, as it gives a man a good name and enhances his prestige in the community. Individuals are encouraged to avoid

committing actions that negatively affect the name and status of their families or bring disgrace” (Emadi 2005: S.166).

The importance attributed to family discipline becomes specifically eminent in arranging marriages. In Afghan society, particularly in the rural areas and among more conservative urbanites it is usually the parents and other family members who select the bride or groom for their children (cf. Emadi 2005, p. 172 ff; Smith 2009; Edwards 2017, p. 171). Romantic love marriages are typically off limits (cf. Olesen 1982, p. 120; Emadi 2005, p. 172; Edwards 2017, p. 171 ff).

Children, especially daughters, are expected to accept a marriage arrangement their parents and elders have concluded on their behalf (cf. Smith 2009; Olesen 1982). Trained from early childhood to obey their parents and other older family members, sons and daughters usually do submit to these “forced marriages” (cf. Smith 2009).

As honor is perceived as the central value of Afghan society, many rules of conduct aim to prevent it being violated. These include various forms of veiling (*burqa*), the seclusion of women (*purdah*), the creation of segregated spaces for men and women, and the conduct of early marriages in order to prohibit pre-marital relations. The extent to which these regulations are observed depends on a number of factors, for example, the level of education, religiousness, social status, ethnicity, urban, or rural residence, etc. (cf. Kakar 2003; Emadi 2005, p. 165 ff). Men as well as women are equally required to observe *purdah* which epitomizes what Kakar (2003, S.4) refers to as “a sign of dignity for both men and women.” However, it is the women who are often obliged to comply with stricter rules of gender segregation and seclusion, in particular in Pashtun society (cf. Kakar 2003, p. 4 ff; Chiovenda 2018b, p. 68 ff). Seclusion is here seen

as the best way to defend a female’s reputation and consequently, one’s own honour because the main rule of conduct is the question about how one’s behaviour is evaluated in the eyes of other people. A female who is almost invisible to the eyes of other people cannot disgrace herself in the eyes of other people. (Rzehak 2011, S.10)

If honor and its implications are the keystone to understand Afghan culture and society—as many social anthropologists attempted to illustrate and as many Afghans would confirm—then it is evident that a number of social practices focus on preventing any violation of honor. These practices (e.g., *purdah* and child marriage) apply in particular to women. Their honor (*namus*) is often perceived as the embodiment of the honor of the family. Thus, the modesty and chastity of the members of the family, in particular the virginity of a daughter, have to be preserved under all circumstances. This in turn leads to a strict control of female household members, including their sexuality.

To prevent pre-marital sexual relations and pregnancies, which would be the ultimate disgrace (*sharm*) of a family’s honor and its male members *ghairata*, daughters often get married at an early age, frequently shortly after reaching puberty. However, there may be other reasons, for example, the security situation or economic problems, that contribute to early marriages. In many areas of Afghanistan, it is customary for the groom’s family to offer a kind of “bridewealth” (*toyana/walwar*) to the bride’s

family. Among poor families, this option of receiving some cash or other wealth (e.g., land or animals) when giving a daughter in marriage turns these girls into an economic asset. In particular, in times of economic crisis (e.g., during periods of drought or protracted displacement) these “child marriages” may be used as a kind of coping strategy (cf. OCHA 2019). By marrying off a daughter, a family not only acquires some badly needed cash, but also gets rid of an additional eater.

Next to economic reasons, the security situation may also induce an earlier marriage of a daughter than is usually considered appropriate. Especially during the mujahideen era (1992–1996) when Afghanistan sank into chaos, it was quite common to abduct young unmarried women and to distribute them as a kind of reward to meritorious fighters (cf. Wörmann 2003). To prevent this from happening, a daughter was often married at an early age to a close relative.

Having highlighted some of the reasons for child marriage as a strategy to preserve the honor of a family, I would underline that although the norms and social practices briefly outlined here are regarded as important provisions in terms of impeding violations of the “code of honor,” not all people meticulously comply with them. These regulations represent an ideal to be observed and a kind of guideline for people’s behavior rather than a rule rigidly conformed to (cf. Olesen 1982).

It was only with the “discursive turn” in social sciences that the research focus of social anthropologists changed. Unlike in the past when social anthropologists studied a specific group of Afghan society (e.g., a particular tribe or village community) and tried to reveal the interconnectedness of social relations, norms, and social practices—sometimes using these insights to make statements about Afghan culture in general—they now employ a more diversified discourse and a process-oriented approach. In addition, current research aims to underscore the tremendous alterations that have taken place in Afghan society as a result of decades of war, displacement, and, more recently, due to exposure to social media. In particular, changes in gender roles, social practices, and attitudes have become a focal research object. An illustrative case in point is Chiovenda’s (2018a, b) studies on the perception of masculinity in the Pashtun society of today. For more about the changes in Afghan society, see Haug et al. (2011), Zafar (2013), Schütte (2014), Crews (2015) and Shahrani (2018).

## Conclusions

In this paper, I have first reflected on the term culture itself and have then highlighted various assumptions about what the term “Afghan culture” means. I have also briefly addressed the production of knowledge about Afghanistan and the way in which Afghan culture and the Afghan people have been portrayed in the past as well as in the present.

I have demonstrated that the knowledge production as well as the portrayal of Afghan culture (e.g., in colonial records, travelogues, journalistic reports, anthropological studies, military manuals, etc.) was, and often is, closely related to a specific



agenda (e.g., calling for an intervention to enlighten a backward culture, addressing the plight of Afghan women, etc.).

To discover what constitutes Afghan culture and whether a uniform Afghan culture exists, I analyzed the content of different sources, such as several works of comparative intercultural communication researchers, as well as studies conducted by social anthropologists, travel accounts, NGO reports, and manuals for deployed soldiers.

To summarize, the material consulted depicts a rather essentialist and often fossilized picture of Afghan culture. This refers in particular to journalistic accounts, reports, and policy papers produced by humanitarian and development organizations as well as the military, but also to older social anthropological studies and current comparative intercultural communication studies.

More recent social anthropological studies (e.g., Chioventa 2018a, b) perceive “culture as a dynamic, changing, flexible collection of values and practices and of changing and negotiated meanings given to individual items of culture” (Tapper 2008: 8). These studies have, however, demonstrated that it is highly problematic to assume that a uniform Afghan culture exists or that there are certain values that can be considered to be typically Afghan, and thus represent the behavior and social practices of all Afghans. On the contrary, the term Afghan culture is used in a variety of different contexts with varying connotations and has different implications for different people, Afghans as well as non-Afghans. Finally, social practices like child and forced marriages cannot be perceived as a typical trait of a patriarchal culture, but must be seen in light of other factors such as the code of honor, poverty, and power relations in society.

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# Chapter 6

## Study on the Popularity of Child and Forced Marriages in Austria



S. Behnaz Hosseini and Ourania Roditi

**Abstract** The tradition of child marriage persists in Afghanistan, sometimes in the form of child slavery and debt bondage. Poverty, conflict, and tradition reinforce these practices, while religious leaders further steadfastly oppose the idea of a higher, legal minimum age for marriage for girls as being contrary to Islamic law. Prolonged conflict in Afghanistan has forced many of these girls to relocate as refugees to Austria. Forced to marry and have children at a very young age, these women lack education, a fixed income, and adequate support. Almost all have experienced violence and displacement, seen loved ones die and being tortured, and suffer severe psychological and emotional impairment. Afghan women in Austria desperately need emotional, social and psychological support, education, employment opportunities, and awareness raising about their rights and the protection from discrimination under the Austrian legal system. They need to be empowered to think critically and make well-informed choices. This is the only path to successful and long-term integration.

**Keywords** Afghanistan · Child marriage · Empowerment · Integration

### Introduction

War-related stress and the prevailing social traditions in their home country have had a negative impact on the psychological well-being of all refugees who have resettled in Europe, men and women alike. The Afghans, in particular, are known to have customs and social traditions that are quite different from those of their host countries. As masculinity and tribal traditions dominate the collective thinking of Afghan society, the Afghan women who live in Austria experience a clash between their own cultural capital and the way of thinking in Austrian society. The encounter

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between these traditions can lead to an uneasy co-existence that can cause violent behavioral reactions.

This study introduces the findings of in-depth research into the ability of traumatized women to cope with forced displacement, migration, and resettlement. These findings were primarily obtained through contacts, mainly in Vienna, but also in Afghanistan. In Austria, the percentage of refugees in the population is steadily growing. Hence, policy makers, social researchers, and service providers, such as those working in therapy, and social work, are interested in understanding and addressing the social concerns and experiences of refugee women. These women are rightfully considered a hard-to-reach group, as their exposure to everyday life in Austria is minimal and their chances of integration into the job market almost nonexistent. There is thus a growing need to investigate their experiences, listen to their stories, and reach out to them.

Based on in-depth interviews and focus group discussions with refugee women who live in Austria, this study looks into the experiences of refugee women who married at a very young age and then resettled in Austria. The focus of this research was chosen not only because of its relevance to an ongoing discourse about women's rights in Afghanistan, but also because it represents one of the most severe forms of human rights violations against women. Afghanistan sadly represents one of the most "stereotypical" examples in that respect, as it is often associated with child marriages. For the needs of this particular study, we made use of two focus groups: one with married Afghan refugee women and the second one with widowed refugee Afghan women. In each group, up to 14 or 15 women, aged between 18 and 40, originally joined; however, not all of them remained or agreed to participate in the discussions. Of the 23 women who eventually agreed to participate in this research study, 20 had been married at a very young age. Furthermore, the number of women interviewed was also lower than expected. Many of the women we contacted hesitated to come forward and, despite the guaranteed anonymity, refused to share their stories.

This study further follows these women's efforts to integrate through their participation in various social realms including, but not limited to, the establishment of emotional relations with family, peer groups, school, and community life. It also pinpoints the institutional and contextual aspects of the country that molded their migration experience and settlement, and defined their sense of belonging and their social inclusion experience. As all women contacted and interviewed for the needs of this study come from Afghanistan, it is worth mentioning at this point that Afghanistan is perhaps one of the very few countries where women's rights and the general standing of women in society have always been—prior to and following the fall of the Taliban—highly politicized (Abirafeh 2006, pp. 1–13). Throughout the country's history and attempts at modernization, women's rights have not only stood at the center of the debate, but have also been used to exemplify the clash between Western civilization and traditional Afghan values.

This study discloses a complex picture of youth migration, settlement, and social inclusion in Austria, showing Afghan women becoming social actors in relation to their unique migration experiences and biographies and attempts to make a life for themselves and their family. However, they fashion this new life within the context of

complex institutionally structured supportive networks and constraints. In the migration and settlement processes, refugees interchangeably face opportunities, restrictions, inclusions, exclusions, openings, and barriers. In addition to those, Afghani refugee women also carry the psychological and emotional scars that their exposure to marriage at a very young age and often to a considerably older and abusive husband entails. These experiences are negatively charged due to their isolation and their perceived hopelessness of a bleak future.

This study further attempts to provide a brief and concise perspective of the institution of marriage in Afghanistan, along with the social and economic context and traditional values that shape its evolution. Last but not least, it also examines the current status of Afghani refugee women in Austria and explores the long-term ramifications that early marriages have on their potential for social advancement and integration.

To conclude, and as will subsequently be debated, it is of paramount importance to openly acknowledge that child and forced marriage should not be seen, justified, or tolerated through the prism of cultural belonging, but recognized outright as a form of violence against women and dealt with as such according to the laws in force. This research will conclude that following a succession of logical steps, the only way forward is through the empowerment of the women via a number of concrete measures and policies aiming to develop their critical thinking and decision-making capacity.

## **Afghanistan and Its People**

During an international conference on child marriages, which took place at Sigmund Freud University in Vienna on March 4, 2019, the Ambassador of Afghanistan to Austria, Her Excellency, Mrs. Khojesta Fana Ebrahimkhel, provided a statement, in which she emphasized that the illegal, yet widespread, tradition of child marriages in Afghanistan is mainly driven by gender inequality—a belief that somehow girls are inferior to boys—low levels of education, displacement, family practices, limited awareness, and traditional Pashtun practices.

When it comes to personal perceptions about Afghanistan, the image that most Westerners have about the country is usually influenced by media outlets issuing sensational stories that tend to focus on bearded Afghan men brandishing high-tech weaponry against a background of blue-burqa-clad women. Yet, Afghan culture is a blend of cultures and much more than this oversimplified generic view. The Afghan culture also includes notions and deep-rooted concepts, such as honor, friendliness, hospitality, and family solidarity. It is therefore critical to explore each of these notions separately as well as to examine the link between cultural practices, social norms and values, and other factors that leave their imprint on Afghan women, such as the education system or the impact of seven decades of violence, war, and destruction. Given this context, child and forced marriages cannot solely be perceived as typical traits of a patriarchal culture, but must also be seen in light of other factors such as

code of honor, the prevalence of poverty, and the power relations that exist in the society.

Research reports provided by women organizations, the Afghanistan Independent Human Rights Commission, and the Ministry of Women's Affairs show that more than 50% of marriages among Afghans take place before the girls reach 16 years of age. The Human Rights Commission reported last year that around 80% of the marriages in the rural areas and districts are between children, in which at least the girl is below 16 years of age. The media have also reported cases of marriages between children, as young as 2–3 years, especially in camps where internally displaced people live or in areas where there is an ongoing conflict. There is a direct correlation between child marriage and conflict in Afghanistan. Analysis of the results and the reports received indicate that families are genuinely worried for their children's safety. At the same time, the fear of local warlords raping young girls forces the families to marry them at a very young age as a means of protection. Further research shows that child marriages are also connected to economic returns for the families. When girls marry at a young age, families receive a higher marriage dowry. This is a by-product of scarce employment opportunities for most of the population and results from the impact of conflict on people's lives.

The collection of personal narratives used for the needs of the current research touches upon experiences and stories collected from different parts of Afghanistan on child marriages that are the direct outcome of local conflicts—the power abuse of local warlords and local gunmen. Although the question of early marriage has always been a cause for debate in Afghanistan, in recent years, it has received more attention from the government, which in 2016 launched the National Action Plan to eliminate early and child marriage. Numerous UN agencies, as well as the NGO community, have conducted research into the causes of early and child marriage and what can be done to prevent it, or at best reduce it.

Furthermore, the international community involved in Afghanistan has also changed its approach when devising and implementing programs aimed at combating early and forced marriage. It is increasingly focusing on developing multi-sectoral programs to address discrepancies in the legal framework, challenges to child marriage at the community and local levels, as well as schooling and economic incentive opportunities. These interventions have been generally considered the most efficient way to holistically combat a deeply entrenched tradition, such as child marriage. Yet, there are still many girls and women who are forced to marry at a very young age and are subjected to constant abuse and violation of some of their most fundamental human rights.

At this point, it is of paramount importance to reiterate that the practice of child marriage is, above all, a violation of human rights. Every day, girls are forced to leave their families, marry against their will, endure sexual and physical abuse, and bear children while still in childhood themselves. This practice is driven by poverty, deeply embedded cultural traditions, and pervasive discrimination against girls. According to some human rights experts, it is tantamount to sexual slavery. The fact that this ancient practice is, nowadays, widespread in many parts of the world is alarming:



Estimates show that nearly five million girls are married under the age of fifteen every year, and that some are as young as eight or nine years old.

## Context of the Study

In a recent study undertaken by UNICEF, it is suggested that a great number of Afghani families are fully aware of the negative impact that child marriage has on the girl, especially with respect to her maternal health and that of her future children. Yet, this acknowledgment rarely leads to change and the ramifications for the physical well-being, emotional stability, and psychological state of the affected women are colossal.

Many of the girls and women who flee child marriage in Afghanistan or seek a legal solution to the constant abuse from their husbands and/or their in-laws not only suffer from years of poor mental health, but are further victimized by the prevailing unwritten laws against publicly reporting the abuse. At the same time, the very same agencies that are supposed to protect them, such as the social services, police, and judicial system, often end up re-traumatizing them by ignoring and neglecting their needs. The result is complete desperation which, no doubt, leads to further permanent psychological harm.

As already mentioned, child marriage is a tradition deeply rooted in the Afghan culture. Women make up more than 52% of the total population in Afghanistan. Although girls are not officially allowed to marry before the age of 16, it is estimated that 16.9% of women unofficially marry between the ages of 15 and 19, and that that half of them were married at a much younger age (Central Statistics Organization 2016: 9). Poverty is one of the main factors fueling this surge in child marriages. According to statistics provided by the Asian Development Bank, 54.5% of the entire population of Afghanistan live below the poverty line, while another 20% live just above the poverty line and are highly vulnerable to falling into poverty. Thus, girls are not only married off at a very young age, but are also sold, exchanged, and given to other families to settle family debts, disputes, or to gain higher status among the communities.

Regarding the international legal framework, Afghanistan has committed to eliminate child, early, and forced marriage by the year 2030 in line with the Millennium Development Goals, which anticipate that countries will strive to “eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations” by 2030. The target set for itself by Afghanistan is to reduce by 10% the number of girls who marry before the legal age. Furthermore, both in 2013 and 2014, Afghanistan backed the United Nations General Assembly Resolutions on child, early, and forced marriage. It also signed both the 1994 Convention on the Rights of the Child and the 2003 Convention on the Elimination of all Forms of Discrimination against Women. Further, Afghanistan’s legal framework clearly stipulates that marriage for girls under the age of 16 and for boys under the age of 18 is illegal. Section 6.1 of the Afghan civil code also states that all marriages should

be registered; however, hardly any mechanisms exist to ensure that this actually happens.

Today, child marriage in Afghanistan is being defined and interpreted by potentially overlapping and contradictory sets of laws deriving from international obligations, the national/civil law, and religious and customary laws. Customary law in Afghanistan is based on a common cultural and ethical code that generates binding rules on its members. Communities use this code to resolve disputes, evaluate actions for praise or blame, and impose sanctions against violators of local norms. While systems of customary law are found universally throughout rural Afghanistan, their specifics vary widely and often idiosyncratically. In addition, far from being timeless and unchanging, they are subject to a great deal of manipulation and internal contestation. First of all, these laws are normally issued by men and tend to be discriminatory against women. Furthermore, a number of local practices complicate the landscape of applied legal and cultural systems throughout the country. For example, “Baad,” a pre-Islamic method of settlement and compensation whereby a female from a criminal’s family is given to the victim’s family as a servant or a bride, is still practiced in certain areas of Afghanistan and Pakistan, mainly among the Kochis. “Badal” (revenge) is the means of resolution of disputes between families, where the jirgas—an informal decision-making and conflict resolution mechanism in the southern, Pashtun areas of Afghanistan (Wardak and Braithwaite 2012: 199)—order the exchange of women between the families for marriage (Gang 2011).

In fact, how much the legal jurisprudence is actually respected depends on the geographical location: Decisions that are often made at the community or individual levels on moral or legal grounds may differ from one place to another/and are subject to the interpretation by local leaders. Thus, certain decisions often contradict or contravene the requirements elaborated in national law or even clash with Sharia law. Customary law tends to be ad hoc, and as it is not in written form, but subject to interpretation, the permissible marriageable age is loosely defined and varies significantly geographically. At the same time, customary law may also include elements of the official state law or the Sharia law. This very complicated state of affairs means, in simple words, that if a woman seeks justice for being married too young or forcibly, then the outcome will depend on the combination of beliefs and systems practiced in a community in a specific location.

The overlapping of customary and religious laws, together with other tribal practices, makes it almost impossible to monitor and control the number of marriages taking place throughout the country, as the state legal system, which should be the exclusive source of legal authority and enforceable all over the country, does not really apply much outside of Kabul.

### *Significance of the Study*

In brief, early and forced marriage is an oppressive tradition, which is usually justified under the name of religion, cultural beliefs, and economic and political problems.

This inhuman phenomenon, whose primarily victims are girls, is carried out with the complete backing of the religious leadership. In many cases, girls are actually sold to resolve the family's financial problems, creating the additional complication that, in this way, they are easily exposed to human trafficking networks.

Although the legal minimum age of marriage for girls has been raised to 16, marrying off children under the age of 15 is permitted upon the request of the child's guardian and if permission is obtained from the court. This means that a male legal custodian or a judge could legally marry off an infant girl to a man. Moreover, the abuse of girls has been facilitated by the lack of a concrete system of retributions for failure to acquire the court's permission. Thus, official figures related to child marriage are not very reliable because many marriages of this sort are never registered. In most cases, the spouses of these girls are much older and sometimes already married. Under these circumstances, such a marriage aims solely to provide sexual satisfaction to the husband and is, in fact, tantamount to rape. Many such brides may end up running away and joining prostitution rings for economic survival, due not only to the social problems they face, but also to the psychological pressure and physical and sexual abuse they endure.

As already mentioned, in Afghanistan, and in particular in poor rural communities, child slavery and debt bondage practices are growing, but are often disguised as marriage, as labor or family affairs do not require state intervention. Religious leaders are generally of the opinion that establishing a higher, legal minimum age of marriage for girls is not in keeping with Islamic law. It is widely believed that, according to Islamic and Sharia law, a girl should reach puberty before marriage. As a result, the age of 15 or even earlier is considered an appropriate age for girls to get married, as most of them have reached puberty by that time.

Finally, and as previously mentioned, this study delves into the experiences of Afghan refugees in Austria, and in particular in the city of Vienna. As no prior research has been carried out in this field, this study focuses on the psychological and emotional violence Afghan women refugees have endured, as well as on the justifications provided for it, which ensure that this culture of violence persists. Of particular significance in this research is our investigation of the roots of this violence: Why it is happening and how it can be prevented to ensure the successful and sustainable integration of these women into the Austrian society.

Further, it is hoped that this research will shed light on the desperate situation of Afghan women in Austria; it is of great significance for researchers, social workers, NGO activists, and decision-makers to comprehend the very complex background of the Afghani refugees, in particular the women, who have settled in Austria. Despite a vast support network and numerous interventions, Afghani women remain one of the hardest-to-reach groups. Their isolation and lack of prospects for the future create vicious circles of dependency and isolation. Their unique experiences, the traditions of a rich culture, and a country that is marred by a several decades' long war, as well as the psychological and emotional traumas they carry, should be acknowledged and provide the basis for any future interventions on their behalf.

## Methodology

One of the main themes in the study is the relation between migration and violence among Afghani youth in Austria. In conceptualizing the analytical framework, we propose that in order to better comprehend the life of young immigrants, it is important to reflect upon their ability to internalize differences between the traditions of their country of origin and those of the host country. This is absolutely vital if the process of social and cultural integration is to be fully grasped.

The main argument is that the social status of Afghani refugee women significantly shapes their experiences in ways that produce a particular social relevance. In a sense, understanding their social status and experiences may also help us to conceptualize the underlying causes that create the violence they face. Besides certain programs of governmental or non-governmental organizations (e.g., Caritas and Diakonie etc.), and general work about migration in Austria (e.g., ICMPD 1998; Perchini 2002), very few studies, especially following the refugee wave of 2014, have addressed the integration process of Afghan women. Thus, a major theoretical contribution of this research study is the development and demonstration of a useful analytical framework that helps researchers and policy makers to (i) understand the complex situation of women who lived through the experience of a forced marriage in their home country, (ii) evaluate what kind of coping mechanisms they have developed, (iii) establish whether they have a good life in the host country, (iv) whether they live independently or not, and (v) determine if they still suffer from the traumatic experiences they have endured in the past. The starting point of this analytical framework is thus the real concerns of the Afghan people in Austria. We expand the analytical framework utilized in this case study to include the refining concepts of aspirations and agency, embeddedness, and the search for belonging and confronting exclusion; in so doing, we enable provision of an analytically useful set of tools to help define and analyze the complex lives and experiences of refugees, as these unfold through the resettlement and integration processes.

As previously mentioned, the research component of this study is mainly based on in-depth interviews and focus group discussions with Afghan women who live mainly in the city of Vienna, as well as with representatives of civil society with long-term experience on the situation of Afghan refugees in Austria. It also includes interviews with activists and representatives of civil society in Afghanistan and international civil servants who have worked in the country. In details, semi-structured interviews were conducted with 23 Afghani women, aged between 18 and 40. Questions mainly aimed to establish whether the women had been forcibly married at a very young age, the reasons why these marriages took place, their relationship with the husband and their in-laws, the way resettlement in Austria affected them, their family relations, their education and participation in the social and economic realms, their interaction with Austrian society and/or with other refugees. Data from Afghanistan were mainly collected through the *Verein "Afghanische Kultur, Integration und Solidarität"* (AKIS) in Vienna, Austria.

Identifying and convincing the women to take part in the study was far more complicated than originally envisaged. Not all of them agreed to participate; all of them were scared of their immediate families, notably their husbands, and they required the interviews to remain a secret. As a result, interviews could not be held in the presence of family and friends, as the women were not willing to reveal the topic discussed. All interviews were conducted in the Dari and Persian languages and were subsequently translated into English.

## ***Analysis***

Merriam (2009, pp. 216–217) states that in a qualitative study, data analysis is carried out to supply an answer to a particular research question(s). This study has applied data analysis approaches anchored in the qualitative paradigm. Generally speaking, qualitative data analysis is a process of searching samples and relationships in the data by contrasting individuals' stories and experiences. In fact, data analysis is a way of making sense of data and requires consolidation, reduction, and interpretation of what people say and what the researcher saw and read. Meaning and understanding constitute the findings of the study.

As stated earlier, thematic analysis and interpretation have been employed in this study. The data analysis followed the bottom-up approach starting from primary data and then proceeding by breaking it into units of practical meaning that gradually gave way to the emergence of the main themes of this study. Critical analysis and a discussion of these categorized themes helped to make comparisons and identify contrasts among the women. In addition, a set of theoretical ideas, such as poverty–psychological disorder and depression, were also used when analyzing the raw data.

## **Research Findings: A Sample**

Below follows a selection of interviews with refugee women.

### ***Psychological Trauma***

#### **Interviewee 1, 23 years old, living in Austria for 3 years**

At the age of twelve, I married my cousin, because since we were born, our families agreed that we should marry each other. I am very happy to live with my two children, but I do not have a happy marital life and sexual relationship with my husband because I feel he is raping me. I do not take pleasure at all. Meanwhile, I suffer from physical weakness, anemia, and I have pain in my stomach and all over my body because of the early births. And because of

the hard work I had to do at home, from the age of sixteen I was suffering from rheumatic pain and my hair was falling. I am so depressed and distressed.

She looks well over 30, although she is no more than 23 years old.

Mashal et al. (2008) focus on the assessment of independent associations between the health and nutritional status of under-fives and on family behavioral factors in Afghan households, with respect to women occupied with child care who have war-related experience. A number of studies explore the relation between children's health and factors, such as family income, mothers' education, household sanitation, and immunization. Women's autonomy and its correlation with health problems experienced by children is also considered a critical factor to examine.

Young children who are forcibly removed from the warm confines of a family miss out on the sense of security and comfort that their parents/caregivers are supposed to instill in them. This can lead to a number of psychological disorders, such as conduct disorder and post-traumatic stress disorder. Securing attachment during childhood also leads to adults with stronger self-esteem, ability to disclose to others and to form strong romantic and social relationships.

### **Interviewee 2, 32 years old, living in Austria for 5 years**

At the age of 14, I got married, according to my family's wish. I have never liked my husband, but I am now used to him because he is the father of my children.

The interviewee has been diagnosed with hepatitis B and treated for the disease for years. She said her illness had progressed rapidly because of her husband's ignorance of her condition, as he did not take her health problems seriously and did not take her to the doctor. She also mentioned that she suffers from back injuries and most of the time she experiences joint pain, which is due to early childbirth and breastfeeding.

## ***Domestic Violence***

### **Interviewee 3, 23 years old, living in Austria for 5 years**

She was married at 15 and she has three children: two girls and one boy. She is practically tortured by her husband; her lips are torn because of the beating. On her face, the terror of her husband beating her was visible. She said that she could not stop bleeding and her husband did not take her to the hospital because he was afraid that, if caught, he may get into trouble and go to prison. She had no other choice than to put tobacco on her lips in order to stop the bleeding. Eventually, she left her husband and she managed to divorce him. She also accused him of visiting prostitutes. She finally mentioned that she is now in need of medication in order to sleep. She screams at night, she thinks of all the blood, and she has to take medication to remain calm. On a rare positive note, our interviewee now has a new partner and is trying to learn the German language.

## ***Poverty and Tradition***

### **Interview 4, 24 years old, living in Austria for 4 years**

I had not completed primary school and I was no more than 14 years old when my father told me to marry my cousin. The only criterion and reason was the wealth of my father-in-law. My two other sisters married the same way. We did not have the habit of talking to our father or maybe we were afraid of him.

My husband was already married, but I was indifferent toward his wife. The first days after the wedding I felt that certain aspects of his behavior were abnormal. A few months later I realized the extent of the problem when I found out that he was addicted to certain substances. After a while, when he got worse, his family was forced to take him to the doctor, and it was only then that I realized that he was taking medicines to treat some sort of a “nervous” problem he had and somehow, suddenly, his body had stopped responding to the medication the doctor had prescribed. I came with him to Austria, but here he uses drugs. Now, I have the possibility to divorce him and I would like to divorce him, but I do not know how to do it. I am also afraid of my husband when he finds out about my intentions; I am worried about his reaction, as well as that he may take away our children.

Poverty forces parents to give their children away in marriage. Additional contributing factors include: drug use, poor education, deeply rooted traditional practices, for example, when a family settles a dispute through marriage. Attachment theories focus on how emotional security affects parent–child relations and children’s “adaptive development” (Gordon et al. 2004). They also refer to the broader social contexts that influence these relationships (Cox and Paley 1997) by examining the emotional security of children as a factor that influences and impacts the interparental conflict and their own long-term psychological distress.

### **Interviewee 5, 27 years old, living in Austria for 3 years**

She got married when she was 14. She has three children. She repeatedly emphasized that she did not continue with her schooling because she was forced to marry. Currently, in Austria, she feels completely lost: She does not know what to do. She wants to learn German, but she is unsure whether her husband would allow that.

Granataa (2015) emphasizes the distinction between early, forced, and arranged marriages. Then, she examines the causes of early marriage by citing economic, social, cultural, and traditional factors, as well as moral factors, such as the notion of “honor.” She further examines the implications of early marriage for the young females: There are health risks involved, associated, for example, with high-risk pregnancies; girls who get married at a young age are also more prone to experience violence. Obviously, early marriages impact the girls’ chances of being educated, which also results in their inability to develop the necessary social skills to form relationships outside the family circle and develop their own identity.

All in all, the debate on the consequences of child marriage focuses, firstly, on the negative impact it has on education prospects for the girls. Even married girls who wish to pursue education may face violence at home or may even be denied access to schools, as their mere presence would be considered harmful to the morale of

unmarried girls. Further, there are clear implications for the health of the mother-to-be, including growth and pregnancy risks. Another point to consider is that there is, apparently, a correlation between child marriage and increased risk of experiencing domestic violence. In situations of absolute poverty, girls are sold into marriage. In this case, these girls are expected to be obedient. Any sign of disrespect will be punished with beatings.

Finally, a common trait amongst all interviewees is that they all opposed the concept and practices of child marriage. Despite this united front against it, there is also a widespread total lack of knowledge and understanding of the applicable legal framework, whether in Afghanistan or in Austria. The majority of the interviewees were also in favor of setting a higher, legal minimum age of marriage.

## **Lack of Decision-Making Power**

Empowerment is a procedure that reshapes the state of powerlessness; in a way, it transforms us so that we have relative control over our own life, the choices we make, and the environment (Sadan 2004:144). Powerlessness derives from the inability to control our body and what happens to it, or from being both physically and psychologically oppressed. People in a situation of powerlessness often lack self-esteem, have a tendency to self-blame, and prefer to live isolated from their community and other people.

Solomon (1976) mentions that powerless people frequently develop adaptive mechanisms to deal with this particular state, which often include total isolation from society, a tendency to subject themselves to humiliation, and a surrender to or acceptance of society's judgment about their worthlessness and ineffectiveness. They accept these social norms that separate them from other people. This situation makes sense to them, as they are in no position to oppose the oppression or injustice directed against them. For them, it is necessary to accept the blame from others and consider themselves as the ones who are morally wrong. Powerlessness is not only a situation that deprives people of gaining the ability to overcome social prejudice, but is also a state that makes them vulnerable to new forms of injustice.

For example, another interviewee, who has been living in Austria for the past 10 years, is 30 years old and has two children. She was promised to marry her cousin on her 6th birthday. From the age of five, she was separated from her mother to get used to her cousin's life. At the age of 11, she was married and she went to her house two years later. At the age of 15, she was the mother of a one-year-old child and divorced. Her one-year-old son was taken from her, and then she lived in her father's house under difficult conditions. She said she came to Austria with her mother but she is still unsure as to what to do next. She suffers from physical and psychological trauma; she has headaches on a daily basis, and her mother does not allow her to make any decisions about her own life.

According to tradition, child marriage is a practice that in many parts of the world happens simply because it has been happening for generations; straying from this



tradition could result in exclusion from the community. This tradition also has to do with what men want; to put it in simple words: what men want is usually valued more than what women want. Girls are not valued as much as boys; they are seen as a burden. Widespread poverty and the possibility of giving a daughter away in marriage as soon as possible allow parents to reduce family expenses by ensuring that they have one less person to feed, clothe, and educate. In communities where a dowry is expected or the bride is paid, families are relieved by the additional income. Families that have to give a dowry to the groom often have to pay less if the bride is young and uneducated. Furthermore, and as already mentioned, in many parts of the country, families choose to marry their daughters at a young age because they feel it is to their child's best interest. Getting married ensures safety for the young girls, who are usually at high risk of physical or sexual assault. This is the reason why child marriages flourish in situations of conflict and displacement, as families try to save on their already diminishing resources or a marriage is perceived as a guarantee against sexual violence (Vogelstein 2013).

These young brides are disempowered, usually dependent on their husbands, and deprived of the very basic human rights, such as access to health, education, and personal safety. Above all, child marriage is, and should be considered, a human rights violation because it violates two very basic human rights principles: the right to choose when and whom to marry and the right to sexual consent (Amber 2008). As child brides have usually discontinued their education, they tend to stay at home looking after their children and doing housework. They are poor, uneducated, with only home-based decision-making skills, isolated from their friends, the school, the community. They are vulnerable and unable to resist the physical and emotional violence they experience at the hands of their husbands. These brides have little bargaining power within their family household. This lack of knowledge combined with an inability to make decisions ultimately affects the choices of the household with respect to education and health choices, reproduction, and the upbringing of young children. It is often the case that these young brides lose their older spouses quite early and become widows with very few prospects.

Unfortunately, according to numerous statistics, daughters of young mothers are also prone to drop out of school and marry at a young age. Another worrisome statistic is that young girls with a low level of education are also likely to experience violence by intimate partners. All the more disturbing is the fact that these girls, given their very young age, coupled with a lack of family planning and social services, also do not possess the necessary information about their own anatomy and biological needs. Being forced into conjugal relations leaves them traumatized; intercourse feels more like rape, and it often leads to post-traumatic stress and depression.

As a result of the above, the cycle of poverty continues: Lack of education leads to unemployment, minimal possibilities for entering the workforce, limited access to opportunities to socialize and form a social circle; at the same time, relationship problems grow, powerlessness, hopelessness, and vulnerability prevail, and inequality and poverty rise. Similarly, alcohol-related incidents are on the rise, and resorting to violence to resolve disputes is frequent; violence against children is also common. In fact, according to numerous studies, poverty and the hopelessness which that entail

disproportionately affect women, as women are more vulnerable and can experience poverty even if they work. Feminist literature points out to a correlation of factors that precipitate female poverty, such as early marriages, school dropout, and inability to take decisions about one's body and motherhood choices (Moghadam 2005, p. 5). Consistent with the key point of this paper, poverty, lack of education, and powerlessness prevent women from achieving their full potential and developing their decision-making capacity. Children growing up in this environment perpetuate this cycle, being totally disadvantaged and isolated from society. Their development process is being disrupted, they develop mental health conditions and illnesses, and the suicide rates rises.

A study by Roe (1992, pp. 1–8) discloses that psychological stability in women who flee their homes due to armed conflict and subsequent war-related trauma is severely affected and is a by-product of a psychological disorder known as post-traumatic stress disorder, which manifests itself significantly during their lifetime. Most interviewees suffered from trauma they had faced during childhood.

## Recommendations

War-related anxiety, coupled with the prevailing social practices, has had a negative impact on the psychological well-being of all refugee youngsters who have settled in Austria. Although many of them have exhibited impressive resilience, particular attention should be devoted to those who had endured traumatic experiences immediately prior to their displacement. Sometimes, because of their young age, they lacked proper coping mechanisms and a supportive family environment. As a result, they demonstrate high levels of stress-related symptomatology throughout the whole process of migration and resettlement and they are at risk of developing further psychological problems, which are usually manifested through violent outbreaks, in particular among the young male population.

As masculinity and tribal traditions dominate the collective thinking in Afghanistan, most of the young Afghans who settled in Austria experience this clash of beliefs, customs, and expectations. It is thus necessary to coordinate efforts toward shaping positive experiences for both men and women. Men's involvement is equally crucial to achieving a viable future for all Afghan refugees in Austria. Their perceptions should be equally taken into account; they should be involved in the development process and included in all gender programming initiatives, as participants, advocates, and supporters of change.

Furthermore, focused, specialized workshops for women are needed. Their aim should be to assist young Afghan women in building a positive self-image and to gain self-confidence. These workshops should also aim to provide them with information about the opportunities and resources available, the Austrian legal framework, and their rights and responsibilities in the host country. Women should learn that it is their prerogative to control their own lives, both within and outside the home, and also that they now have the means necessary to bring about social change, by being actively

involved in the economic sphere and forming their own social circle. Besides workshops, the same results can be achieved through initiation of awareness campaigns, provision of suitable training for all stakeholders involved in the process, improvement of education, provision of economic incentives, thereby enabling families to achieve financial security so that they do not have to resort to practices such as child marriages. Additional support ought also to be available for girls who were married at a very young age, as divorce is not a concept that resonated with most of the participants of this study.

As the most common by-product of early and forced marriage is widespread domestic violence, we find it necessary to reiterate an earlier point we made about the centrality of women in the clash of values between western ideals and Afghani moral beliefs. In other words, all stakeholders working with and toward the integration of refugees in Austrian society have to comprehend the central, key position that women hold in the debate about defending traditional values and practices against Western notions of feminism. Even in cases of interventions focusing on economic revitalization, men in Afghanistan feel that the priority given to women in all development programs erodes the foundations of traditional family values and is contrary to Islam. If and when a local society perceives these efforts as being forced upon it, there is always a danger that it will resist any efforts toward modernization and progress.

At the same time, it has to be understood that the lifelong experience of women in Afghanistan is marked by a vicious circle of violence, which is manifested in different forms: sexual violence, killings, beatings, honor marriage, early marriage, lack of educational opportunities, psychological violence. No matter how painful that may be for all of us, clearly, violence against women in Afghanistan is viewed as something normal. It happens within the family, and it stays within the family; therefore, it belongs strictly to the domestic sphere, and as such, it is usually concealed, not revealed to the outsiders and not considered a violation of women's human rights. This is not something that pertains exclusively to women's rights; the structure of the Afghani society is such that disputes are addressed and resolved within the extended family (Wardak and Braithwaite 2012, p. 199). That is why young refugee women who live in Austria do not report cases of domestic violence. Similarly, they do not contact the institutions and services that are intended to protect them. This situation creates a paradox, namely, that it may be difficult to track down women who are more in need of help and support.

Amendment of the legal and policy framework in Austria alone cannot combat child marriage, and it cannot rectify the wrongs and the psychological damage that girls have endured. As previously mentioned, policy interventions have to be accompanied by measures ensuring access to schooling, education, providing economic opportunities and support networks for the girls and families, as well as maintaining open communication lines with all the families involved. One of the most significant strategies employed in the fight against early marriage is working with parents and community members. This approach is considered an enabling factor, as the fate and the choices that concern young girls rest upon their families and the community in general. As a result, their inclusion and participation in all official interventions not

only ensure the programs' viability and success, but also send a positive message by targeting social change in the long term.

Obviously, the fact that formal schooling and education are discontinued for these young brides also negatively affects their productivity and chances of employment. Lack of schooling also impacts upon their ability to form friendships, develop their social skills, and better engage in community affairs and activities. Incomplete education also affects their general knowledge with regard to health, use of family resources, and child nutrition. Many of the girls interviewed for this study face problems similar to those of their parents—a vicious circle of isolation, dehumanization, social stagnation, and misery, which is perceived as inevitable and is taken for granted by most of them.

The key role of education has to be widely understood and accepted: Low education levels impact not only girls' chances for employment but also the economic growth potential of communities and societies in general. Young brides are also having children at an earlier age. The spacing between children is also minimal, and they are expected to have more than one or two children: These factors also influence women's participation in the labor market. Repeated and frequent pregnancies at a very young age also contribute to a wide range of physical and psychological problems with slim chances of recovery.

The physical well-being of girls who are married at an early age is also affected, and they suffer from malnutrition, isolation, and depression. They are also unable to negotiate safe sex with their husbands and are usually under pressure from the extended family to reproduce as soon as possible.

In Afghanistan itself, ensuring that legally binding decisions are observed throughout the country, as well as providing and enforcing compulsory schooling for all girls are considered two effective strategies for combating child marriage. Despite a number of violent incidents being registered in the Afghan schools, a proper schooling environment guarantees a childhood for the girls, creates the best possible safe environment, helps them create social networks that will contribute to their socialization, and allows them to acquire the appropriate life skills for better negotiating with family and peers. Both in Afghanistan and Austria, providing tailor-made economic opportunities for girls, with a focus on income-generation projects, could be a strategy for deterring early and forced marriages. To conclude, female empowerment should be the focus of all intervention policies and strategies.

In brief, empowerment can be achieved through different channels:

- Providing accurate information in a timely manner is of critical importance.
- Mobilization of families and communities alike; involving the girls alone will not contribute to a sustainable solution.
- Ensuring that support networks are available to provide emotional support, counseling, and psychotherapy, if necessary. Mental illnesses and psychological disorders do not have much resonance with Afghan people. In fact, many of the marital problems they face may be traced back to mental disorders on the part of the perpetrator. More emphasis should be placed on the emotional security of individuals, as a lack of emotional security leads to behavioral problems, or can have

lasting physiological consequences, ranging, for example, from sleep disruption to problems adjusting to the environment. Lack of emotional security affects all cognitive, biological, and social processes and heavily influences the way young mothers raise their children.

- Ensuring schooling, qualification, and requalification courses for young girls.
- Offering economic incentives to females and equally involving males as agents of change.

## Conclusions

The information gathered from the Afghani women interviewed for this study, and information and data provided by their friends, acquaintances, and competent organizations show the importance of addressing the psychological, behavioral, and social problems that these women face. This can be achieved through targeted emotional support, counseling, focused and targeted information about the laws and culture in the host country, and development of competencies aimed at empowering them and developing decision-making skills. Most of them are currently not allowed to leave their homes without their husband's consent. Many cannot read or write in their mother tongue; learning German is a distant option for the majority and so are the prospects for integration. Because of their upbringing and position within their community, their very diverse needs sometimes escape the attention of those working with them. For example, many of them lack very basic information about sexual education and reproduction, childbirth, and raising young children. Only through provision of timely and precise information, education and awareness will they be empowered to develop the skills necessary to make decisions about their life and the lives of their children. Many of them remain terrified at the idea of a divorce: Some are simply opposed to it; others are worried that their husband will take their children. Hence, information has to be channeled and tailor-made for them to address their particular needs and expectations.

Finally, conducting this study has been a unique experience. Contrary to original expectations, women did not come forward to share their stories. Lack of trust, fear, and ignorance was evident. During all the interviews, they cried and asked desperately for help. The first step for these women is to find the strength to get out of the house. With adequate support, they will regain their lost self-confidence, and they will make friends and create their own circles, which will give them joy and courage. Counseling, language classes, and vocational training are the next step. Independence and self-reliance will naturally follow.

Further research is required. This study has only touched the tip of the iceberg. Studies should lead to the organization of focused events where these issues are openly debated and information about them is provided to the wider audience. Victims and offenders should be trained and go through a psychological evaluation and treatment at the same time. A conference should be organized; after all, child and forced marriage are a universal phenomenon; they affect many countries

in different continents. The cultural context has to be clarified. Policy makers and the competent institutions have to reach out to impact those who cannot be easily reached. The plight of children who are born of underage mothers and have grown up in a violent environment should also be addressed. Experiences have to be shared, and personal narratives have to be heard. Positive examples also have to be presented; challenges can turn into opportunities for improvement and radical change.

Empowerment is the final goal, in the sense that women should be “their own boss” and capable of taking their own decisions. A truly inspirational intervention will not be one that will teach them what to do, but one that will provide them with the necessary skills to develop critical thinking and abilities to make informed decisions. A truly successful and sustainable intervention will also include men and will strive for a holistic, multi-dimensional approach to overcome traditions and practices that not only negate basic human rights, but also devalue human beings, both the oppressor and the oppressed.

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# Chapter 7

## Customary Law Marriage Among the Turkmen of Iran: The Kinship Structure with Emphasis on the Role of the Bride Price



Manijeh Maghsudi

**Abstract** A millennium after the Turkmen of Iran migrated eastwards from Central Asia, they still adhere to some customary laws. One of these—on marriage—is considered key to the survival and sustainability of their culture and tradition. My research is based on fieldwork that includes observations and interviews conducted in 23 villages and cities at two periods, 2004 and 2019, covering three different Turkmen descent groups: the Yomut, Gooklan, and Tekke. This chapter focuses on endogamy and the bride price, which play an important role in Turkmen marriage. The exchange of women among the Turkmen follows a unique set of rules based on endogamous marriage as a norm, which aims to prevent villages and cities assimilating with others. Each village and city has its own fixed, unique bride price. This is more than simply the price of a girl or widow but has a traditional role in stabilizing society.

**Keywords** Turkmen · Bride price · Marriage · Endogamy · Levirate · Customary law

### Introduction

Although more than a thousand years have passed since the Turkmen migrated to Iran, their identity remains almost the same. They are not deeply integrated into Iranian society, they consider themselves an ethnic group, and they still live according to traditional Turkmen customs. The Turkmen are one of the tribes of Central Asia. The Turkmen of Iran live on the northeast edges of Iran (Turkmen Sahra) just south of the Turkmenistan border and have a population of approximately two million. Turkmen also live in other countries, such as Afghanistan, Iraq, Syria, Turkey, and Turkmenistan.

In this paper, I focus on the practice of endogamy (Irons 1975, p. 131) which has persisted among the Turkmen. The goals of my research are to discover how

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the Turkmen define endogamy, the characteristics of customary marriage, and the role in the Turkmen community of the bride price. Indeed, it is almost impossible to understand the Turkmen community without considering the history and structure of its kinship system, marriage customs, and the diversity of its bride prices. In this connection, the question arises as how these practices began, why and under what circumstances they prevailed, and why individuals are still drawn to them.

Methodology

This research is based on documentary and qualitative research methods (Neuman 2014, pp. 204–205). The documents used are books in Persian and English, and I have included information from the Statistical Institute of Iran. The books contain general information about the Turkmen community, its history, geography, and some of its cultural patterns. All the information about marriage has been gathered through my own research. In my qualitative research methods, I used different techniques of participatory observation (Dawson 2002, pp. 102–103) and in-depth interviews (Dawson 2002, p. 13, p. 27). The research was completed in two periods 15 years apart—in 2004 and in 2019—in 23 villages and cities (see Table 7.1). After completing my fieldwork in 2004 and analyzing the result, I decided to repeat the interviews 15 years later in the same 23 villages and cities. Some of the developments that marked the 15-year gap between my research years are a rise in the migration rate from village to city, a spectacular rise in the women’s employment rate, increased attendance at universities, and a rise in the number of girls completing higher education. I wished particularly to understand whether these changes had an impact on the pattern of marriage among the Turkmen, and, if they did, whether they were beneficial for society in general and women in particular. In assessing the impact of those changes on the marriage tradition, I focused on the amount paid for the bride.

Table 7.1 Table of exchange circle among the Turkmen in Iran

Bride’s family	Exchange circle	Groom’s family
		Bride price
		Milk price
		Wedding expenses
		Gold, jewelry, and gifts
		Patrilocal location
Dowry		

The research was conducted in 23 villages and cities (listed in Table 7.1) among three different Turkmen groups—the Turkmen community in Iran being from three descent groups: Gooklan, Yomut, and Tekke. In each village or city, I interviewed four men and four women. As the bride price in each village or city is fixed, there was no need to repeat the interviews with different people. Therefore,  $23 * 4 = 92$  men and women were interviewed in 2004. In 2019, I conducted the same number of interviewees. Thus, the total number of interviewees is  $92 * 2 = 184$  men and women, belonging to different age groups. In addition, I interviewed the *Yashooli* or wise men/village elders. The *Yashooli* are the old, white-bearded men who define the bride price for young girls and widows. After the Islamic Revolution in Iran (1975), their authority declined. In the past, every four years, the men and not the women of each village chose a *Yashooli* from among their older male population.

I should emphasize that there are few official documents related to the dowry, bride price, and marriage pattern among the Turkmen of the Sahra. The documents available relate to general information, like history and geography of Turkmen Sahra, their culture, and statistics. Field research in the two distinctive periods was thus considered necessary, and most of my documents are based on it.

## Context of the Study

I first visited Turkmen Sahra 40 years ago, as a second-year university student. During this expedition, I became interested in the Turkmen community, which I found very different from the other ethnic groups in Iran. The first differences I noted were visual: face, eyes, hair, dress, house, food, ceremony, ritual. I also noted the language and the silence of the women (never hearing the voice of a woman when men were present). The marriage arrangements were also distinctive—I was surprised to meet a 12-year-old boy married to a 40-year-old woman. All these factors led to my decision to observe the Turkmen more closely and to gather information that would help me better understand them. Yet, although my original goal had been to conduct research on the Turkmen culture in general, it came to revolve around the question of marriage and the position of women, in particular. Indeed, a number of important questions arose regarding the position of the women in the Turkmen community and their marriage arrangements.

All the members of the Turkmen community are so closely interrelated that it is hard for an outsider to penetrate their society. Simply asking questions could not provide clarity on their highly distinctive culture. I wanted to live among them, learn their language, and so step gradually into the Turkmen community. At the beginning, I sat among them for hours and watched, with patience and persistence being the key to obtaining the acceptance of the group. I was excited about the idea of sharing their space and experiences, and the close observation of their community gave me wonderful insights into their way of life.

## Key Characteristics of the Turkmen Community

In Iran, there are three types of law: (i) religious law: based on the Islamic religion; (ii) customary law: based on each of the ethnic group's cultural characteristics; and (iii) civil law: based either on religious or customary law (Maghsudi 2007, pp. 62–63, p. 69). Civil law applies in large cities, but different tribes have their own customary laws and act in accordance with them. Religious laws are also embedded in their culture. Although the Turkmen migrated to Iran centuries ago, they still adhere to their customary laws rooted in their distant past (Irons 1974, p. 636). Here I discuss two of the customary laws of Turkmen in Iran, relating to endogamy and marriage, where the customary law appear to have greater force than the religious does or civil law (Maghsudi 2007, p. 69).

The following are some definitions of key words:

- **Bride price\***—Bride price is a payment given by or behalf of a prospective husband to the bride's family in many cultures.
- **Bride wealth**—consists of a transfer of goods that are (1) normally provided by the future husband and (2) intended mainly for the father of the bride (or her maternal uncle, in a matrilineal system) (Testart 2013, p. 27).
- **Dowry or *jahisieh*** among Turkmen—consists of money and material goods that a woman brings to her husband for their new married life.
- **Milk Price or *su hagh*** from Islamic Law is practiced among Turkmen. According to my interviewees, in addition to the bride price, the groom has to pay money to the bride's mother called the "milk price," *su hagh*, for the milk the bride sucked during her infancy. Generally, although there is no fixed price for this, 100,000 to 500,000 Toman is paid.

(\*Dictionary definitions from Merriam-Webster).

## Endogamy and Customary Marriage

Marriage among Turkmen is not a personal decision, but based on a set of traditional Turkmen regulations. It is a mandatory act, affecting women and men alike. The bride and groom have to follow and honor the cultural conditions of their society. There is no other choice.

To understand the causes of long lasting customary laws among the Turkmen community, we should note some special characteristics that define them:

- **endogamy\***: marriage within a specific group as required by custom or law;
- **patrilineal\***: tracing descent through the paternal line;
- **patrilocality\***: residence of a couple especially of the newly married with the husband's family or tribe—(cf. **matrilocality\*** living with mother's family);
- **patriarchy\***: social organization marked by the supremacy of the father in the clan or family.

(\*Dictionary definitions from Merriam-Webster).

These four characteristics are what immerse the Turkmen so deeply in their culture. Of the four, endogamy plays a decisive role in the survival of the Turkmen community's culture and way of life. The roots of endogamy are in the social organization of the Turkmen community. In addition, descent groups are very important for Turkmen. In each village, relatives live close to each other. After the Islamic revolution, some 50 years ago, Turkmen began to live in villages and cities. Before that, they lived in *oba*, the main residential group of the nomadic Turkmen. The village and the city are a geographical and political division, but *oba* is a traditional division.

All nomadic Turkmen are divided into residential groups known as *oba*... An *oba* is associated with a definite territory, and all of its members share common rights over that territory, including the right to use the pastures and any natural source of water there. (Irons 1969, p. 29)

The composition of Turkmen *oba*, like many other aspects of Turkmen social structure, reflects the importance of patrilineal descent. Most of the men of any *oba* are closely related in the male line; in addition, there are usually a number of unrelated families who have come to the *oba* fleeing feuds in their home territory. While these refugees reside there, the *oba* will protect their rights of person and property against outsiders. (Irons 1969, p. 32)

Endogamy, in turn, relates to *oba*. The member of each *oba* must protect the interest, lives, and property of each other and their family members. The fact that a marriage needs to take place within the *oba* shows that inter-marriage is more important than outer-marriage. Therefore, marriage in each *oba* (now each village and city) has priority over marriage with a remote *oba* (village or city). It is impossible to know exactly when the bride price appeared in the Turkmen community. We do know that the need for cohesion has been a priority for centuries, hence the emphasis on inter-marriage. That is why the bride price increases if the groom comes from another village; it can be three times more expensive for out-of-village marriages. Further, Turkmen should marry in their own family descent group to increase the strength of their own descent group. While, as mentioned, the village and small city have replaced the *oba*, tradition and customs still exist, with people living in a village marrying inside of their village, and the composition of each village showing the importance of patrilineal descent and patrilocality.

Turkmen have never assimilated into the Persian culture; in fact, endogamy represents an important element of the Turkmen community's cultural resistance to it. While inter-marriage within the *oba* used to be the rule, today, inter-marriage within the village or city prevails. The bride price, however, is one of the customary laws that have endured among Turkmen. As Testart (2013, p. 27) explains: "Bride wealth ... consists of a transfer of goods that are (1) normally provided by the future husband and (2) intended mainly for the father of the bride (or her maternal uncle, in a matrilineal system)."

The bride price is not exclusive to the Turkmen community of Iran but is practiced among Central Asian tribes as well as in the Republic of Turkmenistan. Exploring these traditions will shed light on unseen aspects of social structures and the marriage customary law that exist in traditional societies (Khosravi 1994, p. 33).

## Theoretical Background

Structural theory has been an important basis for discussion by anthropologists for decades. Structuralism is associated with names (Lévi-Strauss, Althusser, Foucault, and Lacan; also, perhaps Barthes, Derrida, the journal *Tel Quel*) and some provocative slogans: “the death of the subject,” and “the assault on realism.” While different slogans belong to different thinkers, each of the latter has, in his own way, developed the basic ideas of structuralism. However, there is a basic theme at the heart of structuralism, and it is largely from the work of Levi-Strauss that this theme comes (Clarke 1981). Here I discuss reciprocity in the systems of kinship and marriage, according to Levi-Strauss.

In 1925 French sociologist Marcel Mauss wrote the essay, *The Gift: Forms and Functions of Exchange in Archaic Societies* (*Essai sur le don: forme et raison de l'échange dans les sociétés archaïques*). This essay is the foundation of social theories of reciprocity and gift exchange. According to Levi-Strauss (1969, p. 52):

The conclusion of the famous *Essai sur le Don* are well known. In this study, which today is regarded as a classic, Mauss sought to show that exchange in primitive societies consists not so much in economic transactions as in reciprocal gifts, that these reciprocal gifts have a far more important function in these societies than in our own, and that this primitive form of exchange is not merely nor essentially of an economic nature but is what he aptly call ‘a total social fact’, that is, an event which has a significance that is at once social and religious, magic and economic, utilitarian and sentimental, jural and moral.

The basis of the bride price appears to be reciprocity. The bride price does not just involve economic transactions between families, but also social and cultural transactions. According to Clarke (1981, pp. 68–69):

For Levi-Strauss the fundamental social relation is the exchange of women, hence it is the study of kinship and marriage that will reveal the unconscious foundations of society. Why is the exchange of women the fundamental social relation? Why is it ‘no exaggeration, then, to say that exogamy is the archetype of all other manifestations based upon reciprocity, and that it provides the fundamental and immutable rule ensuring the existence of the group as a group’? It is because the woman is always and everywhere both a sign and a value. Words and goods are also exchanged, but words have lost their quality of being values, which first, supposedly, led men to communicate with one another, while goods have lost their quality of being signs. Women have an economic value, and in some societies, this is important, but it is their sexual desirability which makes them able universally to serve to integrate society. The exchange of women, therefore, is the only exchange, which, in every society, can express both a material and a symbolic commitment to society.

It is important to mention the point of view of Levi-Strauss on “harmonic regimes” and “disharmonic regimes.” Levi-Strauss (1969 p. 215) emphasizes:

A harmonic regime is one in which the rule of residence is similar the role of descent, and a disharmonic regimes is one in which they are opposed. A system with matrilineal residence is harmonic and so too is a system with patrilineal descent and patrilocal residence. By contrast, systems in which one of the factors follows the paternal line, while the other follows the maternal line are disharmonic. Accordingly, there are two types of harmonic regimes, patrilineal and patrilocal, and matrilineal and matrilocal; and two types of disharmonic regimes, patrilineal and matrilocal and matrilineal and patrilocal.

Therefore, the Turkmen have a 'harmonic regime' in which patrilineal descent and patrilocal residence co-exist.

Levi-Strauss (1969) discussed different forms of exchange: "restricted exchange" (Lévi-Strauss 1969 p. 146) and "generalized exchange" (Levi-Strauss 1969 p. 197). "Restricted exchange" involves only two groups of men exchanging women, while a "generalized exchange" involved three or more groups exchanging women.

The "generalized exchange" among the Turkmen works as follows. Marriage takes place within a village and between close relatives. Usually the inhabitants of each village are cousins (the children of brothers) which is the preference of Turkmen. "Exchange" refers to two brothers exchanging their daughters, leading to the conclusion that endogamy and patrilineal descent play an important role among the Turkmen.

According to Clarke (1981, p. 89), the positive value for most anthropologists of Levi-Strauss's (1949) book, *The Elementary Structures of Kinship* was the attention it drew to the role of marriage as solidifying social relations "and as a principle of social classification that had been unduly neglected by descent theorists." While Levi-Strauss was not the first or only anthropologist to challenge unilineal (patrilineal or matrilineal) descent theory, he was the most influential in the sense that he made "claims for the priority of the marriage relation in such radical and provocative terms." According to Levi-Strauss's viewpoint on endogamy and exogamy (Levi-Strauss 1969, p. 47):

Generally, 'true' endogamy simply represents the exclusion of marriage outside the culture, which itself is conceived if in all sorts of ways, sometimes narrowly, sometimes broadly. The apparently positive formula of being obliged to marry within a group defined by certain concrete characteristics (such as name, language, race, religion, and so on) thus merely expresses a limit, socially conditioned, to the capacity for generalization.

Exogamy and endogamy refer, respectively, to the custom of marrying someone from outside or inside one's immediate community and, by extension, to the biological phenomenon of outbreeding or inbreeding (New World Encyclopedia n.d., p. 26). The words come from the Greek *exo-* (outside) and *endo-* (within) + *gamos* (marriage) (New World Encyclopedia n.d., p. 27). One effect of exogamy is the cultivation of relations with the outside world; endogamy, on the other hand, encourages a tendency to remain in your own tribe or group. The concept of what constitutes a group can, moreover, differ from one society to another. In Turkmen society, the kinship system plays a very important role in the regulation of a wide range of social relationship, economic, religious and personal, as well as in marriage. The role of kinship as well as that of marriage in the traditional Turkmen community has an important relationship with endogamy and the bride price.

For the Turkmen community, the "group" includes all the Turkmen people. An exogamous marriage thus means a Turkmen marrying a non-Turkmen individual, which is contrary to customary law and subject to penalties. However, as one begins to understand the concept of endogamy among the Turkmen, this becomes an oversimplification, as the endogamous circle is made up of smaller endogamous circles, where different rules can apply. This leads one to questions as to how the boundaries of these circles or groups are determined (Maghsudi 2007, p. 66).

The concept of endogamy for the Turkmen can be summarized as follows:

- Endogamy within a patrilineal kinship group has priority over endogamy within a matrilineal kinship group;
- Endogamy within a village has priority over endogamy taking place with another village;
- Endogamy within a sub-ethnicity has priority over endogamy with another sub-ethnicity;
- Endogamy within an ethnicity has priority over endogamy with another ethnicity;
- Endogamy within a clan has priority over endogamy with another clan;
- Endogamy with an individual from your own tribe has priority over endogamy with an individual from another tribe;
- Endogamy with a Turkmen has priority over marriage with a “non-Turkmen.”

As can be seen, endogamy is practiced—preferably in a limited circle—namely, among the members of the Turkmen community. Marrying a “non-Turkmen” is considered a marriage outside the kin group and, as such, violates customary laws. Such marriages will result in punishment, which means exclusion of the individuals involved from the Turkmen community. By limiting marriage to members of the group, endogamy preserves a variety of customary laws in the society, transferring them from generation to generation.

With respect to extended family and descent through the male line. (Irons 1969, p. 31) emphasizes patrilineal descent as well as endogamy.

The organization of the extended family reflects a strong emphasis on descent in the male line, which runs through all Turkmen social institutions. When a man’s daughters marry, they go to live with their husband’s family, whereas his sons bring their wives into his household, where they assume the dual role of wife and daughter -in-law. A man’s grandchildren in the male line grow up in his household, and he commonly refers to them as his “son” and “daughter.”

In his research on patrilineal descent and endogamy, Irons (1969, p. 31) emphasizes the role of extended family in endogamy.

When, with the passing of generation, his grandsons become old men and the heads of extended families of their own, they will camp together and co-operation between them will be extensive. If any one of them is offended by an outsider, the group will band together to seek redress. Small patrilineages of this sort provide the model in terms of which the larger political units of the Turkmen society are organized.

Table 7.1 demonstrates the exchange cycle between the families of the bride and the groom. The two most fundamentally important elements of transaction between the two families are the bride price and the retention of patrilocal. In some cases, matrilocality replaces patrilocal, in return for suspension of the bride price.

The Turkmen community can therefore be defined as patrilineal, patriarchal, and patrilocal. Those three features, along with the practice of endogamy, strengthen the cultural structure of the Turkmen community. One should try to imagine these characteristics as three interlocking rings that cannot be separated, similar to a societal structure composed of several cultural elements. The patrilineal and patriarchal

systems are at the heart of the community, and the other characteristics gain a meaningful presence by strengthening these key characteristics and reinforcing each other. With such a structure at its base, customary marriage laws, the levirate, mandatory marriage, and inheritance laws all contribute to the institution of marriage in Turkmen society.

### *The Process of Giving the Bride Price*

Marriage among the Turkmen follows a certain pattern: on the wedding day, the groom's father pays the bride's father the whole amount determined as the bride price. In return for that payment, the bride belongs to the groom's family. In other words, they follow the patrilocal pattern. If the groom's family cannot pay the bride price, matrilocality will replace patrilocality (Maghsudi 2007, p. 69).

Bride price is the transfer of a sum of money or property from the groom's family to the bride's family in order to obtain sole rights to the bride's economic, sexual reproductive services. The custom is common worldwide among patrilineal, male-dominated societies. Islam does not prescribe a bride price, but it enjoins Muslims to give the *mahr*—property and/or money bestowed upon the bride herself for her own personal use—to ensure her immediate financial welfare in the event of divorce. (Nyrop and Seekins 1986, pp. 120–121)

Nyrop and Seekins (1986) note that Afghan, Arab, and their neighbors' bride price varies by ethnic group. They are paid in cash unless negotiated otherwise. The Turkmen bride price commands the largest bride price to reflect the high value of female labor in carpet production. Nyrop and Seekins (1986) also report a much higher level of polygyny, presumably for economic reasons among Turkmen.

The bride price has specific characteristics that may even be unique in the Turkmen community:

1. The payment of the bride price to the bride's father by the groom's father takes place in total on the wedding day. In other areas of Iran, the bride price is paid to the bride in case the bride and groom are divorced.
2. Each village and each city has its own bride price. The amount of the bride price is fixed for all the families.
3. There is a difference in bride price for an out-of-village marriage. This point pertains to suburban, in-village, and in-city marriages. Table 7.2 demonstrates some data in this respect. A remarkable point lies in the importance of endogamy, in the sense that if a marriage is with an out-of-village or out-of-city individual or a non-family member, the bride price amount will increase significantly. The bride price is a mechanism for restricting the in-group marriages as much as possible.
4. There is a difference between the amount of bride price for a young bride and a 35–45-year-old widow. My field studies show that the amount required for a bride price for a 35–45-year-old widow is usually up to two- or threefold higher. Although the Turkmen says that this reflects the work experience skills of a



**Table 7.2** Bride price amount in different urban and rural areas in 2004 and 2019 in Turkmenistan Sahra

Location	Bride price 2004	Gold and jewelry 2004	Bride price 2019	Gold and jewelry 2018–2019
1. Gonbad-e Qabus	1.3M toman (T)*	6–700,000 T + jewelry	7M T + 2 sheep @ 5M T each Total 17M T	Gold and jewelry depending on the groom's finances
2. Aymar village	1–1.2M T		9M T in village 12M T out of village	Gold and jewelry depending on the groom's finances
3. Aymar Village Up	1–1.2M T		10M T in village 13M T out of village	Gold and jewelry depending on the groom's finances
4. Aymar Village Down				
5. Pashmak	1–1.3M T			
6. Panadeh				
7. Agh Abad	1.4M T		9M T in village 12M T out of village	Gold and jewelry depending on the groom's finances
8. Tootali Koochack	1.4M T		9M T in village 12M T out of village	Gold and jewelry depending on the groom's finances
9. Arab Shrang	1.4M T			
10. Kaskan Ghoochagh	1.4M T		9M T in village 12M T out of village	Gold and jewelry depending on the groom's finances
11. Chai Ghoshan	1.4M T		9M T in village 14M T out of village	Gold and jewelry depending on the groom's finances
12. Haji Ghoshan	1.4M T		10M T in village 12M T out of village	Only bracelets, rings/chains, or ingots
13. Golidagh	1.5M T		15M T in village 20M T out of village	
14. Yell Cheshmeh	1M T		8M T in village 13M T out of village	Gold and jewelry depending on the groom's finances
15. Southern area of Makhtoom village	6M T	A little jewelry	15M T in village 20M T out of village	

(continued)

Table 7.2 (continued)

Location	Bride price 2004	Gold and jewelry 2004	Bride price 2019	Gold and jewelry 2018–2019
16. Boroon Roostaye Makhtoom	1.2–1.3M T	500,000 T jewelry		
17. Ghole Haji village	1M T	500,000 T jewelry		
18. Boroon Roostaye Ghole Haji	1.3M T	500,000 T jewelry		
19. Dashli Boroon and Incheh Boroon	1.5M T	11M T in village 12M T out of village		Gold and jewelry depending on the groom's finances
20. Doroon Roostaye Dashli Boroon and 21. Incheh Boroon	1M T		11M T in village 12M T out of village	Gold and jewelry depending on the groom's finances
22. Tangrahe Golestan	1M T			
23. Out of the village of Tangrahe Golestan	2M T	A little jewelry		
25. Ghazalcheh Agh Imam	1M T	Jewelry as agreed	10M T in village 15M T out of village	Gold and jewelry depending on the groom's finances
26. Boroon Roostaye Ghazalche Agh Imam	1.3–1.4M T	600,000 T		
27. Khate Nokaka village	1.3–1.4 T	600,000 T	9M T in village 13M T out of village	Gold and jewelry depending on the groom's finances

The comparisons indicate the presence of inflation

woman in middle age, my research would point to its root being in tradition rather than economics.

Point four above shows that female fertility is not the main issue here. My fieldwork documents shows that the price for a young girl as being 7M T. and for a widow up to 21M T. The levirate is very important and something of an obligation in the Turkmen community. In the levirate, age cannot be taken into account. The widow belongs to the family for the rest of her life. This is another mechanism for restricting the in-group family as much as possible, and it important to emphasize here that the mentality of endogamy is to resist. A family should always be a union; there should be no form of separation.

From Table 7.2, based on my fieldwork, we see that the bride price in Yell Cheshmeh village in 2004 was one million T. In 2019, it increased to 13M T for out-of-village marriages and to 8M T for in-village marriages. We can also see that the amount of bride price in 2004 in Gonbad-e Qabus was 1.2M T, increasing to 17M T in 2019.

In the past, livestock were included in bride price. This tradition was rarely seen in my 2004 research, but due to inflation, by 2019 it had become popular again. It is also important to note that for some Turkmen, the value of the livestock was included in the bride price. In 2004, an old Turkmen woman in Yan Bollagh village explained her bride price to me: “My father sold me for two cows and five sheep.”

As from Table 7.2, we see that the amount of bride price increased tenfold within the 15-year period of my study and there was a considerable increase in the number of endogamous and exogamous marriages. In 2004, the exchange of gold or the inclusion of gold in the bride price was considered necessary; however, now it is determined only by agreement reached between the two families and ultimately depends on the financial situation of the groom. Given today’s high inflation rate, the need to include gold in the bride price has been considerably reduced.

The increase in the bride price in exogamic marriages does not indicate that families are asking for a higher bride price. Inter-family marriages have increased, and in such economic circumstances, a kind of solidarity has formed. It is the families who agree on the bride price and the gold. If the financial situation of the groom is not optimal, there may be an agreement to omit gold from the final price altogether. Meanwhile, a type of marriage named “give-and-get” (*bedeh bestoon*), translated as the marriage of cow with cow, which allows you to give a girl to a family and get a girl from that family in return. This practice has increased because it significantly reduces the amount of bride price and/or in most cases eliminates it altogether.

As mentioned above, the variability for bride price is very interesting. Even though the amount is the same for all the families and individuals in a given village or city, it varies from village to village and city to city and can be subject to further changes based on the following:

- If matrilocality replaces patrilocality, the bride price is eliminated;
- If the groom has physical problems and disabilities, the amount of the bride price is increased;

- If the bride has physical problems and disabilities, the amount of the bride price is decreased;
- If the marriage in the village is with a relative, the amount of the bride price is fixed. If it is with a non-relative, the bride price is increased;
- If the marriage is exogamic, the amount of the bride price is increased;
- If the marriage is with someone from another city, the amount of the bride price is increased;
- If the marriage is between two of these three descent groups (Yomut, Gooklan, and Tekke) the amount of the bride price is increased;
- If the marriage is with a non-Turkmen, the individual will be excluded from the Turkmen community. That means, relatives will not wish to see her/him, she/he is obliged to live outside the Turkmen community and will be also disinherited;
- The bride price for a widow is doubled or tripled;
- The bride price for polygamy increases for the second, third, and fourth wife.

In common with other societies, there is a wide spectrum of beliefs and practices in the Turkmen community. At one end, there stands a very traditional Turkmen society, while at the other all the characteristics of an urban society can be seen. Even so, the in-group marriage characteristic remains solid.

For example, in Yell Cheshmeh village, I noted that the amount payable for a bride by a groom, who was mute, was double the normal sum. The opposite occurs if the bride has physical problems, namely, the amount of bride price is decreased. Therefore, if we consider marriage to be an exchange between two groups, the amount of the bride price will fluctuate according to the condition of the parties involved. This kind of exchange is clearly observable among the Turkmen. As with all families, the price for the bride is determined according to the place she comes from. It is paid in cash on the wedding day. All these cases point to the fact that in return for giving away the daughter, who is often part of the house workforce, an amount is paid in cash to the bride's father as compensation.

### ***Bride Price and Patrilocality***

Anthropologists studying family, marriage, and kinship emphasize that marriage is a two-way exchange between the family of the wife and the family of the husband. In agricultural and cattle-raising communities, where technical equipment is limited, the ownership of land and cattle is a sign of wealth and power; the more one owns, the greater the workforce needed. Having more wives and more children, especially male children, means that a greater workforce is at the disposal of the head of the family, which attributes a higher status and honor to him. On the other hand, taking a bride from a family means taking a worker away from it and adding a worker to the groom's family. Logically, therefore, paying the family that is supplying the bride is tantamount to paying them compensation for the loss of a worker.

The type of transaction is perceived as buying and selling. However, in the past, the traded amount was more likely to be in the form of cow or sheep rather than cash, as is common now. In other words, giving away cattle was equivalent to, and had the same value as, the bride price. Currently, due to high inflation, this cattle-for-bride payment tradition has returned, even in urban areas such as in Gonbad-e Qabus. The poor economy of the region has affected the method of payment of the bride price and the purchase of gold. Between 2004 and 2019, the bride price amount increased in the cities, and according to the new tradition in urban areas, the groom's family simply gave gold to the bride's family. In urban areas like Gonbad-e Qabus, the groom's father pays a part of the bride price in cash to the bride's father on the wedding day and a part of it to the bride in gold.

From the traditions that have evolved in cities like Gonbad-e Qabus, we conclude that the bride price paid to the bride's family as compensation has gradually lost some of its meaning, although its symbolism remains intact. The bride price belongs specifically to the bride's father, yet according to a customary tradition among the Turkmen, relatives on both sides of the family give gold to the bride during her wedding celebrations and this is regarded as savings for her future married life. However, usually, after a while when the couple need money, the gold will be sold and, if a house is purchased with that money, it will be registered in the name of the groom.

The research conducted in 2019 shows the evolution of the society in line with the devaluation of the currency. In this case, in the urbanized setting of Gonbad-e Qabus, the value of bride price is about 17M T. Such a high bride price results in the groom paying part of it with two sheep. While in 2004 we noted that the value of the bride price was paid in cash and in cattle, now, due to the deteriorating economic conditions, once again cattle are exchanged. A decade ago, gold was considered an ornament and the groom had to give gold to the bride; now, it is merely a form of agreement, and it must be emphasized that the amount of gold given depends on the financial situation of the groom.

It should be noted that the system of the bride price, which is rooted in well-established patriarchal structures, co-exists with the more "westernized" ideas and traditions within the nuclear family of giving a gift to the bride. It has evolved and been repeated in the same extended family—the patrilineal, patriarchal, and patrilocal. In fact, what shapes the family and the system of marriage is a collection of customary, religious, and ultimately civil laws which are at times imposed upon the newlyweds and their families depending on what is considered fashionable at the time or, occasionally, subject to changing economic conditions. Economic conditions have changed the form of gift-giving, even replacing cash with valuable cattle. If we compare the 2004 information of the old woman in Yan Bolagh village whose father sold her for 2 cows and 5 sheep, with the 2019 information which describes a girl from Gonbad-e Qabus, with a Master's degree the difference is significant: the girl mentioned: "my father sold me for two sheep and 10 million T in cash." These two examples demonstrate how the situation can change within a time span of a few years.

## Discussion

Since the Turkmen came to Iran, they have been considered as “others” for several reasons. Their otherness includes their facial features, which are similar to those of the Mongols and Tatars. They have kept their traditional dress and the Turkmen language is different from Azari Turkish. Moreover, the Mongol, Tatars, and Turkmen have a poor reputation in history of Iran.

A century ago, [the Turkmen] were notorious especially as slave raiders. Slaving activities were conducted primarily in northeastern Iran, where Turkmen raiding parties made a practice of ambushing caravans or attacking villages, and then retreating quickly with their captives to their own territory. (Irons 1969, p. 28)

As just a brief note on historical background of the Turkmen: a historical memory of slave raiders apparently still exists among both Turkmen and non-Turkmen.

It is interesting to note that if the Turkmen during the slave raids married a slave woman, the couple's children were not considered to be Turkmen. They called them *gul*, which means slave, which is inferior to Turkmen. *Gul isa* suffix for male children, like *Gul yashar*. This is another similarity that Turkmen have with other central Asian ethnic groups, like Kazakhs and Uzbeks (Eden 2018, p. 69).

The cultural affinities of the Turkmen, however, are stronger with the other Turkish peoples of central Asia, especially the Kazakh and Kirghiz, than they are with their closest linguistic relatives, the Azerbaijanis and Turks. The latter point is more relevant to present study, since the kinship system of the Yomut shows stronger similarities to those of the Kazakh and Kirghiz and even to that of various Mongolic groups than to those of the Azerbaijani or Turks. (Irons 1975, p. 5)

Turkmen customary rules of marriage and inheritance are very different from those of other ethnic groups in Iran but similar to those of the Tajik, Kyrgyz, Kazakh, and various Mongolian groups. The key similarity among these other central Asian tribes like the Tajik and Kyrgyz is the bride price. According to one elderly informant from Ak-Sai, due to the extreme poverty during World War II, Tajik girls from Vorukh would often be married at a young age to Kyrgyz men, who were prepared to pay higher bride price (interview with Tolib, aka, Ak-Sai 2008; Cummings 2010, p. 203). Note that the village of Vorukh is one of two exclaves of Tajikistan within the Batken Province of Kyrgyzstan that resulted from border adjustments during the Stalin regime of the 1920s to 1950s. The customary law of the Kyrgyz people indicates the bride-price *kalym*; (Tegizbekova 2019). The bride price (*kladka*) exists in some areas of Russia.

In some areas of Russia, marriages in the past also called for the payment of bride price (*kladka*). The groom's family had to compensate the bride's family for the loss of her labor. The bride price was one of several mechanisms employed by villagers to maintain a rough equality of resources among the households in a community and thus enable all the families to contribute to the community's taxes and other obligations. But this practice seems to have died out, following abolition of serfdom and subsequent decline of the communal system. (Ransel 2000, p. 86)

The stories of Tatar family and marriage in the [Russian] imperial era speak of the strict separation of the women, in some cases even veiling them, the costly bride-price (*kalym*) demanded for a marriage, dowries and the like (Ransel 2000, p. 92). According to Cummings (2010) p. 88:

The growth of Communist Party cells in the 1920s and 1930s appeared to be impressive but on closer examination, often proved to be a simple continuation of the *maslakhat* (village council) structure. Soviet campaigns against polygyny, under-age marriage and *galim* (bride-price) in Turkmenistan officially eradicated the problem, but these practices persisted covertly.

Levi-Strauss (1969) regarded the Gilyaks, an indigenous ethnic group inhabiting the northern half of Sakhalin Island and part of the adjacent Russian mainland, as having a society similar to Turkmen society, in that it is divided into patrilineal, patrilocal, and exogamous clans. “They practice marriage by purchase, the bride-price being paid to the bride’s father or brothers” (Levi-Strauss 1969, p. 292).

The usual Gilyak word for bride price is *kalym*, which means ‘to offer’. This peaceable connotation is backed up by affectionate relation between young men belonging to clan united by marriage....The truth is that among the Gilyak, marriage accompanied by bride price is not regarded as a buying or selling transaction.... As it happens, the bride price is so high and poor people cannot hope to obtain a wife outside the institution of the preferential marriage. (Levi-Strauss 1969, pp. 301–302)

## Conclusions

The Turkmen community has a multifaceted structure, each element of which plays an important part in the whole. Change in one of the elements brings about change in the others. Among the elements of this system are the bride price and endogamy. We see a very specific kind of exchange taking place in the Turkmen community. Each village and city has its own fixed bride price, which is different from that of other villages and/or cities. The exchange of women among the Turkmen follows a unique set of rules—its own rules—and these rules are based on endogamous marriage as a norm, which itself aims to prevent villages and cities assimilating with others. There is a fixed price for girls, widows, women for second and third marriage, and disabled men and girls in each village and city. The council of elders in the village, the “White Beards” or *Yashooli* hold a meeting every 3–4 years to decide on the bride price for girls, widows, and other categories in their own village or city. The council then also decides on the bride price for out-of-village (exogamous) marriages.

Thus, endogamy and the bride price play an important role in Turkmen marriage. The bride price is more than simply the price of a girl or widow; it has a traditional role in stabilizing society. As mentioned, the bride price for a widow is triple that of a young girl. Is this because a widow cannot accomplish the same amount of work as a young woman? Does it have to do with fertility? The answer is neither. More important than the bride price per se is the application of endogamy, which is a traditional means of creating social stability. A Turkmen family wishes to look

after its widows—the reason why the price for a widow is so high is to make her less affordable to outsiders. Here the customary law of levirate comes into play, whereby a man can be obliged to marry his brother's widow. Levirate is an important customary law among the Turkmen; it saves the widow for her husband's family and prevents the unity of the family being broken. Turkmen customary law thus preserves endogamy, and endogamy is the reason for non-assimilation.

The Turkmen have always wished to stay isolated and not to assimilate with non-Turkmen, which is why they are still Turkmen, not celebrating, for instance, Iranian New Year (*Nowruz*). As mentioned, the Turkmen resist marriage with other ethnicities except the three mentioned Yomut, Gooklan, and Tekke ethnicities. Marriage with these ethnicities means that the amount of bride price is higher. Such resistance is enacted at the city and village level too; and it always incurs an increase of the amount of bride price. According to the levirate law, a widow must marry her brother-in-law. Therefore, the resistance mentality and non-assimilation of the Turkmen with Iran is very significant.

The exchange of marriage among the Turkmen is one of the most elementary, yet complex, forms of exchange. Turkmen marriage is elementary because of the endogamy and complex because of the bride price. The bride price, being flexible, plays an important role in keeping endogamy in the village and among the close relatives.

Turkmen are resistant to any changes, and endogamy is the main plank of resistance. There are many different aspects of traditional Turkmen society that still exist alongside the traditional ways of family, kinship, marriage, for example, healing and shamanism. As the Turkmen community in Iran are maintaining their traditions, they can be considered as a living museum. In fact, the Turkmen of Iran is the only ethnic group of Central Asia to have preserved its culture. This “living museum” is of great value to anthropologists and other researchers interested in Central Asia.

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