CATHOLIC UNIVERSITY OF LEUVEN
Faculty of Medicine
Institute for Familial and Sexological Sciences

DECREE NO. 7: DOWRY AND MARRIAGE EXPENSES
An attempt to limit marriage payments in Afghanistan

Dissertation presented to obtain the degree of Licenciate in Familial and Sexological Sciences

by: PAUL L. ICKX
promotor: Prof. E. ROOSENS

September 1992
Summary

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This dissertation explores the background and reasons for the failing of the Decree No. 7: Dowry and Marriage Expenses of October 1978 in Afghanistan.
First I describe the different sources of information used and evaluate their relative importance. I draw the attention to a bias in most sources and to some ethical considerations with regard to my own observation method.

Marriage in Afghanistan has to be seen in a context of mobile ethnic, social and cultural diversity with continuous (competitive) interaction between different groups. I explore the ethnic reality, with emphasis on its contextual variation and flexibility, how it relates to solidarity networks, and what place marriage has in the inter-ethnic relations. The gawm is identified as the basic solidarity group.

Social practice in Afghanistan finds its justification in Islam, without preoccupation for distinguishing between 'official' religion and tradition and local customs. Although the Afghan constitution takes the Shari'at as reference, actual gender roles and marriage differ from what is defined by the Shari'at.

The state in Afghanistan has never been able to penetrate society in another but repressive way. This is due to factors like the physical geo-climatic realities in Afghanistan, its social and ethnic diversity and the ambiguous role of Islam. But the state builders also never found a consolidated source of revenue and displayed a fragmenting approach to their pluriethnic society.

Family life and gender roles are explored before describing marriage itself. The central role of honor, dependent on the control of the behaviour of all household members is identified. After describing some aspects of the choice of partner, engagement and the wedding, I identify marriage and marriage payments as an important tool to (re)negotiate an individual's and his gawm's place in the social hierarchy.

Marriage reforms are nothing new in Afghanistan, but in reality little ever changed. Decree No. 7 was in line with former attempts to reform, and even less far-reaching than some. The lack of understanding of Afghan society and a simplistic Marxist analysis led to reforms that focused on symptoms rather than conditions of social order. The rash implementation of the reforms through a deficient administration and the ruthless suppression of any sign of resistance convinced the Afghan population of the un-Islamic nature of the new government. As such, it contributed significantly to the generalized violent reaction against the new government under the form of jihad.
ACKNOWLEDGEMENTS.

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Last, but not least, my gratitude goes to Laurence Laumonier, for her helpful contributions, drawn from her own experiences and insight and for her persistent encouragement.

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Introduction.

On 27 April 1978, a military coup brought the People's Democratic Party of Afghanistan (PDPA) to power. The new government was almost entirely made up of members of the Khalqi (People) and Parchami (Banner) factions of the PDPA. In their revolutionary zeal, they were convinced they would be able to remodel Afghanistan in a modern state in a very short time.¹

Reforms were promulgated through various decrees to eradicate what the PDPA saw as the very sources of poverty, backwardness and inequality in Afghanistan. Decree no. 7 would abolish the practice of bride price (thought to be at the origin of impoverishment and indebtedness) as well as the inequality of women.

In this paper I will investigate why reforms such as proposed in Decree no. 7 are very unlikely to be implemented, and if so, that they would most likely not have the results intended. After summarizing the method I follow throughout the paper, I shall discuss Afghan society in general, exploring briefly three key concepts (ethnicity, Islam and state): the choice of partner and negotiations of marriage transactions depend on the place individuals have within their group and the place the group has among other groups. I shall then illustrate the place of marriage in Afghan society, and conclude with an analysis of the proposed reforms in Decree no. 7, comparing these with reform attempts of previous governments and the resistance.

¹ O. Roy cites Hazifullah Amin in a speech delivered to students in Kabul on 1 February 1978: "Nous combattons pour déraciner le féodalisme de manière à entrer directement d'une société féodale à une société exempte de l'exploitation de l'homme." (Roy 1984:144)
1. Method.

1.1. Sources of information.

1.1.1. Afghan sources inside Afghanistan.

In the period from 1983 till 1988, I worked first as team leader and later on as medical coordinator of medical relief missions inside Afghanistan with Médecins Sans Frontières (MSF).

Roosens (1984:24) suggests different ways for the anthropologist to obtain acceptance by his informants. Working in a small hospital in the Afghan countryside, is a privileged position for making observations. In addition, the missions of MSF in Afghanistan were clandestine, not seldom sought out for bombardments and military raids by the Kabul regime and the Soviet forces supporting it. The safety of the foreign medical personnel depended completely on the protection and cooperation they got from the local population. The sharing of the precarious situation of the rural Afghan population at that time, probably enhanced a level of exchange, difficult to attain at other times and in other conditions. One setback was of course that my primary function was that of medical doctor, which excluded full-time observing. But then again, in the given context, where all information was regarded as possibly useful to 'the enemy', direct questions were often confronted with evasive answers or even hostile reactions.

My first contact with Afghanistan was a stay in Jaghori, Ghazni province, from September 1983 till April 1984. The harsh and long winter in the central highlands proved excellent to start learning Dari (the variant of Persian, used in Afghanistan) and to be invited inside people's house, as well as to have one's clear cut conclusions on Afghan society shattered. On my return
to Europe, I was puzzled by observations made on male-female relationships, including marriage and marriage payments; on the central place marriage has in Afghan society; on ethnicity as a major, but constantly changing factor in a person's self-definition; on the mutual resentment between Afghans and Westerners (including Soviets), for both sides focused on "the way they treat their women"; on how the Kabul regime seemed to be resented for trying to implement reforms, that were quite acceptable in principle by the very people that fought the regime.

A second stay of ten months in Balkh province, from October 1984 till July 1985, brought some answers, but still more questions. This region is inhabited by a variety of ethnic groups: Uzbek, Tājik, Pashtun, Hazāra, Turkmen, and Arab. Implemented on the request and under the protection of a major resistance leader in Northern Afghanistan, the mission became hazardous when he and the majority of his immediate deputies were assassinated in December 1984. In the military and political chaos that followed, we were obliged to try to unravel the different solidarity networks in order to assess the possibility of continuing the medical assistance with a follow-up mission. Main observations retained were: the flexibility of the notion of ethnicity as well as the extreme aptitude of individuals to

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2 It is remarkable how difficult it is to have a detached discussion on this topic: the difference in treatment of women between Westerners (Christians based) and Muslims. Both sides tend to compare the most negative side of the factual treatment of women of the other with the ideal situation as drawn by law in his own society.

A highly educated Western informant, with many years of living experiences in muslim countries, finished praising muslim history and art by saying: "but there is one thing I cannot understand, nor forgive them: what they [the muslims] do to their women". Many rural Afghans, when asked why the Soviets were so bad, would respond that they were atheists, "din nadārand, ketāb nadārand, khodā nadārand" (they have no religion, no book, no God), immediately followed by how they force their women to work outside the house and how any man can force them to intercourse, without marriage, after which the women are abandoned. Many educated Afghans do not understand why Westerners hotly defend monogamy and practice mostly a kind of successive polygamy, not even taking care of the women they divorce.
adapt their self-definition to present interlocutors; the growing importance of *din* (religion) as overall inclusive reference; the loathing for the Kabul government and the Soviets, based on their disregard of family ties and women; the central place marriage has in the society.

In 1986 and 1987, I made two trips of several weeks in the area surrounding Ghazni city, mainly populated by Andar Ghilzay Pashtun, Tâjik and Hazâra. This enabled me to cross check some of my first findings.

1.1.2. Afghan sources outside Afghanistan.

Being based in Peshawar since 1986, I was able to compare previously gathered information with information from refugees. It mainly illustrated that groups differ in their attitudes towards women and marriage. I also kept in contact with several informants from Hazârâjat and Balkh.

1.1.3. Non-Afghan sources.

I compared my own impressions with those of other expatriates, mostly relief workers and journalists, but also scholars (orientalists, anthropologists). This was extremely useful to get information about the pre-war situation and about the regions in Afghanistan I did not visit personally.

1.2. Relative importance of sources.

Basis for comparison is the information obtained through participant observation: living every day life and participating in informal discussions in rural Afghanistan.

This information is compared with Afghan responses to more formal question and answer sessions. It made clear that what one
does and what one says to do are two different things. The answers obtained in the more formal setting, tend to reflect what is morally acceptable, more than what is actually happening. The same information is also compared to oral information obtained from expatriates with first hand experience in Afghanistan. Articles and books served as background information and reference.

1.3. An important bias.

The majority of the information gathered from non-Afghan sources relates to observations of the life style of a particular part of Pashtun society, often conveniently generalized to 'the' Afghan life style. Often, and more so with non-professional observers, the observations obtained from a limited segment of Pashtun society were presented as valid for the whole population of Afghanistan. This bias accounts at least partly for the poor understanding by Westerners of Afghanistan in general and of the present conflict in particular.

Shahrani (1984:6) lists some of the multiple reasons why this pitfall is difficult to avoid. Much of the earliest written material on the area concerns accounts on the Pathans (Pashtuns of the former British Indian North West Frontier) and the Pashtunwali, their 'tribal code of honor'. Afghanistan entered Western history with the conquest of present Pakistan by the British. Western sources will focus on the king makers in recent Afghan history: the Pashtuns. Pre-war observers are strongly Kabul oriented, where much of their information was obtained through government officials who tended to convey the Pashtun nature of the Afghan society as a whole. Those having had the easiest access to Westerners and foreign education, either in Afghanistan or abroad, were predominantly Pashtun.
Ethnographic material published during the last decade, concerns almost exclusively the refugee population, 85% of which is Pashtun, settled in the Pakistani Pashtun North West Frontier Province.

Recent material on the rural Afghan population is mostly limited to areas easily accessible from Pakistan. The 'field trips' of relief workers, journalists and scholars seldom go beyond the areas immediately bordering Pakistan, all Pashtun territory. The term 'Afghan' has both an inclusive and an exclusive referent. Other than Pashtuns, Afghans will seldom refer to themselves as 'Afghan', unless the context makes clear that the term is used in its inclusive, national context.³

Having worked primarily in non-Pashtun areas, my observations often differed from those of many other observers. Only after intentionally looking for non-Pashtun related references did I find some. The existence of this bias tells less about Afghanistan and the Pashtun than about the method of information gathering used by scientific or other 'seekers after truth'.

1.4. Ethical considerations.

To use the results of participant observation, while fulfilling a medical assignment, poses problems of an ethical nature.

One problem with taking information from informal discussions and every day life is that none of the informants know their disclosures will be used for comparison with other

³ In this paper, the term 'Afghan' designates all inhabitants of the nation-state Afghanistan, unless explicitly specified otherwise. The exclusive referent will be referred to by 'Pashtun'. I did keep the term 'Afghan', 'Avghan', 'Awghan' or 'Pathan' for 'Pashtun' when used in quotations, since the use of it as such is significant for the reference network of the user.
information or made public in one form or other. Some of the obtained information is also closely tied to the particular situation of that person. It is often impossible to make all the information obtained public: it could cause embarrassment (or worse) for the informant, especially when it concerns the marriage and related subjects. One way I got around that problem was to look for previously published information that confirmed my own observations, and to cite from these.

Some interesting information is obtained in individual physician-patient relations, the disclosure of which would interfere with professional secrecy. Unless the same information was also made available outside the professional setting and without specific request to do so, it has not been used in this paper.

In normal situations, permission would be obtained from the legal authorities for observation and use for publication of observed facts. In this case, all information inside Afghanistan was gathered during medical relief missions, organized on explicit requests from the main civil and military resistance authorities in the area. The same authorities, as well as several of my informants individually, explicitly insisted that all observations which could make outsiders understand what was going on in Afghanistan be revealed.
2. Ethnicity*

Afghanistan has often been described as a mosaic of peoples and cultures. The 'real' identity of ethnic groups would be established "by mapping their territorial distribution, tracing their origins and movements in time, and listing their 'fundamental characteristics'. Techniques and materials for these endeavors include those of archaeology, philology, historical documentation, genetics and analysis of material culture." (R. Tapper 1988:23). This approach is very unsatisfactory for Afghanistan, where none of the major tribal or linguistic groups are racially or historically homogenous and most groups have different degrees of ethnic stability and permeability. Balland (1988:139-155) describes in detail recent changes in ethnic self-definition of several nomad groups in Afghanistan.

2.1. Definitions.

'Ethnicity' in this paper will refer to the reciprocal process whereby individuals define themselves as belonging to a group, distinct from surrounding groups, and whereby they are defined and treated as a distinct entity by these surrounding groups. 'Ethnic identification', 'ethnic group' and 'culture'

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*I think it is important to describe what is meant in this paper, when I refer to 'ethnicity', 'ethnic group', 'ethnic identity'. All these terms are frequently used in academic and non-academic discourses on Afghanistan in a way that sometimes adds more to confusion than to be a clarification of a complex reality. 'Tribe', 'ethnic group', 'qawm', 'tayifa', 'qabila', 'khel', 'zay' are a few of the terms that can cover identical, similar, vaguely comparable or completely different social groupings, depending on the author. While in the best case, the author will take time to explain which term he will use for what segment of what group, not all of them make the effort.
refer to the psychological, social and cultural dimension of this process.⁵

'Ethnic group' is a term brought in from Western sociological discourse, and is "a poor translation of indigenous categories in Iran, Afghanistan and elsewhere, and hinders the analysis of their subtleties and ambiguities" (R. Tapper 1988:31). In addition, none of the major languages in Afghanistan (Dari, Pashtun, Uzbek) include terms that could be translated directly into 'ethnicity' or 'ethnic group'. Multiple are the dichotomous terms, by which 'we/they' distinctions are made. These actual names and labels tend to be highly ambiguous and flexible, their use being adapted to the situation and the (supposed) identity of the persons confronted.

Sometimes the term qawm is used for 'ethnic group', but "its connotations are far broader and less precise" (R. Tapper 1988:26). Every Afghan refers to a patrilineal genealogy and a more or less endogamous solidarity group, called 'qawm' (Roy 1984:23). Qawm can be considered to refer to the most basic solidarity group, bigger than the extended family. As such, qawm can designate different sociological entities: a tribal clan, a professional group, village group, large extended family, murid of the same pir, clients of the same khan,... (Centlivres 1988:34). It includes all the people preferably eligible for marriage, and mobilized in feuds. It is the ultimate referent of solidarity, and consequently also frequently of political allegiance (Roy 1988:201)⁶. The qawm will protect its members from encroachment

Roosens insists on the dynamic character of the combination of these three dimensions: "In de reikbaarheid van de uitspraak 'etnische identiteit' wordt het dynamisch karakter zichtbaar van het culturele, het sociale en het psychische in combinatievorm: deze drie dimensies vormen een samenspel en maken tal van nuances mogelijk." ... "Het mag derhalve geen verwondering wekken dat de woorden 'etnische groep', 'cultuur' en 'etnische identiteit' in het dagdagelijkse spraakgebruik met elkaar worden verward: het etnische kan zich slechts manifesteren door middel van cultuurvormen die de indruk wekken eigen te zijn aan een bepaalde categorie of groep van individuen. De etnische identiteit kan onmogelijk iets betekenen zonder het bestaan van diverse etnische groepen of categorieën; ze wordt immers relationeel geconstitueerd." (Roosens 1986:32)

Both O. Roy (1984; 1988; 1989) and J.-J. Puig (1984) stress this point. While in general all, with exception of the Jamiat Islami, of the seven 'official' resistance parties, based in Peshawar are in majority Pashtun, local opposition between qawm are manifested in political conflict. The Tājik from Anderāb
of the state and other qawm, but is also the scene of indoor competition between contenders for local supremacy. I will use the term qawm in this sense, rather than the macro-ethnic connotation it sometimes bears, like in "qawm-e Baluch" (the Baluch people).

Different identifiers are used by a group to include or exclude others on different levels. Over time, the importance of a certain referent changes. Ethnonyms are used to fit the situation. Dindār (having a religion) or ahl-e ketāb (people of the Book) have been used more extensively in the early years of the war than before the war: it allowed the inclusion of non-communist Westerners (supposedly all Christians of some sort) in the 'we' group.

In general, Afghans tend to use mazhab (religious sect), language, territorial emplacement and/or genealogy to discern those who belong to the qawm and observers tend to use some or all of the same to describe 'ethnic groups' which will not necessarily coincide with the qawm in the same area.

It is easily overlooked that 'ethnographers, historians and political scientists play a crucial and largely unrecognized role as creators and manipulators of identities.' (R. Tapper 1988:30), and that 'any ascription of 'ethnic' identities is a political statement which defines the speaker and the relations to his audience as much as it defines the groups or individuals so identified" (R. Tapper 1988:22). Academic discourse pretends of course to possess a degree of 'objectivity' and to go beyond the self-definition of individuals and groups. One peculiarity drew our attention when consulting the available reference material: the ethnic identity of women is hardly ever investigated or discussed, although as I will observe later a married woman

joined Hezbi Islami because their rivals from the Panjshir joined Jamiat. In Helmand, the most fierce clashes between resistance groups are between two qawm from the same tribe: Nassim Akhundzada, and after his assassination in Pakistan, his brother Rassul, versus Rais Abdul Wahhab, all of them from different clans of the Alikozai Durrani Pashtun.

7 Digard (1988:11) describes "... une perception subjectale de l'identité ethnique, indépendante de la conscience des acteurs sociaux, perception qui est celle de l'ethnologue (dont la raison d'être est précisément de ne pas se contenter de discours spontané sur les cultures sur elles-mêmes;..."
generally retains her natal identity when she marries a man from a different identity, and sometimes her children's ethnic identity will be qualified by that of their mother.

Marriages tend to be made in the qawm, unless political or economical advantages are sought or reinforced. A short overview of some of the major identified ethnic groups, how they identify themselves, and the degree of their (ideological) endogamy, will illustrate the link between ethnicity and marriage.

2.2. Ethnic groups.

What Roy (1989:8) calls the 'macro-ethnies', are poor and often confusing classifications. They do not necessarily coincide with what members of these groups would regard as their qawm. They are however in general use, if not by the Afghans, certainly by non-Afghan observers. As such while being aware that they only refer to some isolated facets of a complex society, they can serve as a starting point for approaching that society.

A map presenting the assumed geographical distribution of some of the major ethnic groups (p. 12) may help visualize the scattered nature of that distribution. The map has been compiled from those drawn by Bruk (1955), Schurmann (1962), Snoy (1972), L. Dupree (1973) and Orywal (1986). The problems I encountered compiling the map are those mentioned by R. Tapper (1988:30-1). The identities mapped are often not comparable, but based on varied criteria and different levels. Multiple local meanings of identities, the multiple identities of individuals and the different identities of husband and wives cannot be mapped. The spatial dimension is the one privileged by maps, and cannot represent temporal and contextual variation and flexibility. Above all, ethnic maps, and tables as well, are projections of
an order that with a purpose. Scholars will use them to frame research problems, policy-makers to help make and carry out decisions, members of the identified groups to formulate political and territorial claims. The map of ethnic groups is presented under these reservations.

What goes for maps goes for estimates of the population of the different groups. All the more so, because Afghanistan never has had a census of its population. More interesting than the actual numbers -they give at best an order of magnitude- are the variations according to source. Table 1. gives low and high estimates of some of the groups:

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Low Estimate</th>
<th>High Estimate</th>
</tr>
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<tbody>
<tr>
<td>Pashtun</td>
<td>4,800,000 (Janata)</td>
<td>7,000,000 (Snay)</td>
</tr>
<tr>
<td>Táijik</td>
<td>2,200,000 (Jentsch)</td>
<td>4,500,000 (Dupaigne)*</td>
</tr>
<tr>
<td>Hazára</td>
<td>600,000 (Dupree)</td>
<td>1,500,000 (Dupaigne)*</td>
</tr>
<tr>
<td>Uzbek</td>
<td>750,000 (Kuhn)</td>
<td>1,360,000 (Weekes)</td>
</tr>
<tr>
<td>Aymaq</td>
<td>500,000 (Jentsch)</td>
<td>830,000 (Janata)</td>
</tr>
<tr>
<td>Turkmen</td>
<td>125,000 (Dupree)</td>
<td>400,000 (Janata)</td>
</tr>
<tr>
<td>Nuristani</td>
<td>66,000 (Weekes)</td>
<td>100,000 (Dupree)</td>
</tr>
<tr>
<td>Baluch</td>
<td>20,000 (Gregorian)</td>
<td>207,000 (Weekes)</td>
</tr>
<tr>
<td>Pashai</td>
<td>10,000 (Klimburg)</td>
<td>100,000 (Wutz)</td>
</tr>
</tbody>
</table>

The discussion of a few of Afghanistan's ethnic groups will be limited to the most important ones population wise, and a few others I have personally have contacts with.

2.2.1. Pashtun.

In order to be Pashtun, one has to 'do Pashtun' (Pakhtu kawul).

Except for those given by Dupaigne for the Táijik (1984:38) and Hazára (1984:44), all numbers have been compiled from estimates cited by Oryval (1986a:18-56).
This encompasses:
- to be able to trace patrilinear descent from the common forefather (Qais);
- to speak Pashto (Pakhtu wayul);
- to be a good (=Sunni) Muslim;
- to practice badi (vengeance and feud), milmastya (political support and hospitality) and nanawatay (providing sanctuary);
- to skillfully control and manipulate resources, especially zan (woman), zar (gold and valuables), zamin (land, including the animals that graze upon it).

These central principles, often called Pashtunwali, stress at the same time equality and inequality. Common descent, language and religion stress the equality; the amount to which each can fulfill the remaining, stress inequality. As says Anderson: "Manifest in personal conduct, tort law, demeanor and general stance before the world, it (=Pakhtu kwul) locates one with respect to the world in complement to Islam and gawn as the configuring components of Avghan identity" (J. Anderson 1984:275).

The degree to which one manages to 'do Pashtun' is translated into honor, the central discriminating value in Pashtun society. For outsiders the honorability of a Pashtun is difficult to grasp. It relates to inequality and competition, and contains at the same time the Islamic and Pashtun ideology of equality. In everyday life equality and inequality aspects are manipulated constantly in order to increase one's inequality as the better, richer, most honorable, while recognizing the others basic equality as Pashtun.
One educated Jadran informant positively denied it being a set of fixed rules but rather "something one recognizes in a worthy person".

Loss of honor is incurred by loss of resources, which makes marriage (where one party 'loses' a woman) a risky undertaking.

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N. Tapper & R. Tapper (1988) mention (without being exhaustive) some of the many terms referring to honor and shame:

"Concepts of honor and shame are elaborated in an extensive vocabulary: the most widely used terms are sheriif (nobility, goodness), gheyarat (pride, selfrespect), nang (honor), jihat (respect), sharm en haya (shame in both opposed senses), and namus (a man's honor derived from the morality of his womenfolk). Often these ideas are subsumed under the notion of rum (reputation, literally 'name', the 'big name' or the 'good name of a big man') and Pashto (a synonym for all or any facet of honor)".
Marrying outside the lineage means, in theory, exclusion from the group. Pashtun will take wives from outsiders as second and third wives, hardly ever as a first wife, never (in theory) will they give wives to outsiders.

2.2.2. Tājik.

An ethnonym, originally used by foreigners and outsiders to designate Persian speaking non-Pashtun. Between foreigners confusion exists between farsiwan and Tājik. 'Tājik' is often used as synonym for Farsiwan (Janata 1986:88), but some sources use the term Farsiwan to indicate a separate group of non-Sunni, non-Turkic farsi speakers in western Afghanistan (L. Dupree 1980:59). Many of the so called Tājik, refer to themselves with the name of their geographical origin (Herati, Kohistani, Panjsheri, Andarabi, Mazari....). They generally regard themselves as the 'original' inhabitants of what is now called Afghanistan, but at the same time they take pride in their ability to adapt and get along with the 'newcomers', mainly referring to Pashtun and Uzbek (Sawez 1986:289). They see themselves as belonging to the central part of the Persian cultural sphere and inheritors of the classical Persian culture. Most are Sunni, some are Isma'ili Shi'a.

In the recent conflict, the ethnonym 'Tājik' is increasingly used as a self-definition. The denominator refers to what they are not: they are no supporters of the communist Kabul government; they lack equitable representation in the largely Pashtun Peshawar-based resistance parties; and they are being denied aid by Iran because of Iranian refusal to support Sunni persian speakers.

Some Sunni Hazāra, persianized Uzbek, and Aymaq will call themselves readily 'Tājik', which is not surprising, since they share presently the same three conditions as denominator.
Tajik supposedly intermarry easily with other ethnic groups, as wife-giver and wife-takers but personally I know of very few that did.

2.2.3. Hazāra.

They are considered to be of Mongol descent, by themselves as well all other groups. Most important families trace their genealogy back to Genghis Khan, be it through lineages that easily leave ten generations unaccounted for (Poladi 1989:324). Hazāragi is supposedly a specific Persian dialect with a lot of Mongol terms. Most important for their self-definition is Jaffari Shi'ism. Sunnites, having a lot, even the name, in common (like the 'Hazāra' of Qalae Naw) are not considered Hazāras by themselves, nor by the Shi'a Hazāras (Janata 1986:90).

Next they refer to themselves by 'tribal' name (Jaghorī, Behsūdi, Poladi, ...), which often also designates a clear-cut geographic dwelling place (Poladi 1989:24). Early in the present war they established a well-organized "Free Hazārajat" and reinforced an 'ethnic' conscience, leaning towards active nationalism. (see 2.3.)

They intermarry mostly as wife givers with almost all other groups.

2.2.4. Uzbek.

For the Uzbek in Afghanistan, language and Sunnism are the main identifiers. A minority refers to tribal patrilineal descent lines (e.g. Kitai, Lakai, Qungrat,...). Between themselves they mainly they distinguish between watani ('homelanders': those who lived in the former khanates in North Afghanistan) and mohājerin (refugees from the Central Asian Khanates who fled the Russian advance in Central Asia). The
mohājerin distinguish between themselves by referring to the original dwelling places in Central Asia (Bokhārai, Ferghānachi, ...). The term Ferghānachi has pejorative connotations (Shalinsky 1986:297).

They intermarry mostly with Tājiks, the wife giver being the locally most dominant group.

2.2.5. Turkmen.

Patrilinear descent, language, Sunnism and specific customs, including tribal organization are identifiers. Most are Tekke and Ersari, but groups of Mukriye, Hatab, Ata, Ali-eli, Salor, Sariq and Yamut are found. The majority came to Afghanistan from Central Asia either in the nineteenth century under pressure of the Tsarist empire, or in the nineteen twenties, to escape collectivization by the Soviets.

Like the Pashtun, they will theoretically not intermarry.

2.2.6. Aymaq.

A combination of language (Dari), Sunnism, a common (semi-nomadic) life style and a common territory are the main identifiers for this group. They distinguish themselves between Chahar Aymaq (supposedly four original tribes), comprising the Taimani, Firuzkohi, Hazāra (Sunny) and Jamshidi, and the Aymaqe Digar, comprising the Timuri, Maleki, Mishmast, Zuri and Taheri. In areas with mixed population, they become one of the Farsiwan groups, and sometimes refer to themselves as Tājik.

They intermarry as wife-givers with Tājik and Pashtun.

2.2.7. Nuristani.
A name given to different tribes, living in the high Hindu Kush in North-East Afghanistan. Seven tribes have been described, only a few of them studied. All speak languages, mutually unintelligible: Kati, Ashkuni, Waigali, Prasun and Tregàmi. Some do identify themselves by language, descent and locality, but the boundaries of these three identifiers are not identical. They are tribal organized, but with different dynamics than the Pashtun.10 Contrary to all other groups, women are completely in charge of the outdoor farming, while men attend to flocks and diary production. Mainly through outside dealings, they have begun to see themselves as an ethnic entity (Fussman 1986:57; Ovesen 1986:243): all of them were called 'Kafiri' before their forceful conversion to Islam by Addurrahman. Since 1979 they have their independent government of Nuristan. Nuristani intermarry occasionally with surrounding groups.

2.2.8. Baluch.

Their self-identification rests on patrilineal descent, language and the ethnonym. The Baluch have been subject to active de-tribalization in the sixties and seventies in Iran, Pakistan and Afghanistan. In the many groups, scattered throughout Afghanistan, genealogies are sometimes forgotten, and language changed (Orywal 1986c:232-3). In Northern Afghanistan, where they live scattered between other groups, groups calling themselves Baluch are considered Baluch by others. They intermarry little with other groups.

2.2.9. Pashai.

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10 "Thus the Kom have no native words to denote the kinds of aggregate social entities expressed by our term 'lineage', 'tribe' or 'faction'. Rather than viewing society as comprising such entities, Nuristanis regard society as comprising numerous relationships between individuals." (Strand 1984:79)."
This ethnonym describes a cluster of genealogically probably unrelated groups, who recently started to handle ethnicity, based on a common language (called Pashai by some, but Laghmani or Dehghani by others). Some share the same gender role distribution as the Nuristani (Wutt 1986:306). Some also readily claim to be Pashtun or Tājik to outsiders. They intermarry with their Tājik and Pashtun neighbors.

2.2.10. Arab.

All the Arabs in Afghanistan claim patrilinear descent of the original Arab armies, that Islamized the area in the 9th and 10th century. A minority of them speaks Arabic at home, while the large majority is Dari speaking. They live scattered in villages throughout North Afghanistan and East Afghanistan.

Theoretically, they do not intermarry with others, but Kieffer describes a different practice (1986:112-4), where Uzbek, Turkmen and Tājik are eligible as partners, but not Pashtun.

2.2.11. Qizilbash.

Being Jaffari Shi'ites and belonging to higher middle class in the cities are the main identifiers. They are descendent from the turkish royal guards of Nader Shah (1739-1747). They intermarry with other Shi'a groups, mostly as wife-takers.

2.2. Inter-ethnic relations.

The interaction of the pre-war governments with and their variant policies in time towards different groups led to the development of an 'official' hierarchy\footnote{This 'official' hierarchy is not explicitly mentioned in laws or decrees, but most of these refer implicitly to the Pashtunwali and Pashtun customs. This 'official' hierarchy is} of ethnic groups. This
hierarchy is based on the degree of religious orthodoxy (Sunni is better than Shi'a, Jaffari is better than Isma'ili); honor (as defined in the Pashtunwali, which gives the hierarchy its bias); religious descent (sayyeds are better than khwaja); claimed racial descent (Aryans are better than Turks, Mongols or Dravids); settlement patterns (nomadic herders are better than settled landowners); occupation (again tribal nomads supersede settled landowners, merchants, laborers and craftsmen).

The actual relations between different groups are based on what Centlivres calls 'a popular anthropology'. This anthropology is "sans recherche d'unification systématique, sans recours à des méthodes de mesure rigoureuses ou statistiques, sans corps d'hypothèses formulées, sans soucis des contradictions" (Centlivres 1988:32). Multiple stereotypes and myths are used in order to distinguish 'we' from 'they'. This popular anthropology can reinforce or contradict the 'official' hierarchy, using the same or different parameters, usually taking those of the locally dominant groups as positive reference (Centlivres 1988:38).

All Sunni groups regard Shi'a as heterodox. There is however a different degree of tolerance, which refers back to other identifiers. In rural Afghanistan, most customs are explained as being 'religious'. Difference in practice always entails reciprocal accusations of heterodoxy. E.g. Ishaqzai Durrani Pashtun in the north will consider the Uzbek purdah practices as 'un-Islamic', and vice versa. Eating rabbit is un-Islamic for the Hazāra, but not for the Pashtun.

Physical features are considered typical for racial classification. Uzbek are considered 'round heads' or 'flat heads', nomadic Pashtun 'long heads'. Hazāra are considered beardless, which by some is linked to their religious heterodoxy: they cannot wear the beards like the Prophet. Typically, external features are taken for signs of religious heterodoxy.

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known by all, based on experiences in dealing with the central government which based its bias on the same identifiers.
Language is frequently used as a popular classifier. Hazâras will say: "arabi labz e sharif, fârsi dar dahân shakar, Pashtu az kun e khar" (arabic is a holy language, farsi sweetness in the mouth, pahsttu comes from a donkey's arse). Uzbek use a similar saying: 'uzbeki onar ast, fârsi shakar ast, avghân guz e khar ast' (uzbek is art, farsi is sweetness, Pashtu a donkey's fart) (Centlivres 1988:39). Both turn the 'official' hierarchy upside down.

Popular sayings between sedentary groups tend to extend the prejudice against the Jat\textsuperscript{12} as being mischievous, thieves and having loose women to the nomadic Pashtun.

Both in Jaghori and Bakh, the term kohistani was used to refer to people living in the isolated mountain villages, and implied backwardness and rude manners.

Eating habits are supposedly typical. Tâjik in Bakh refer to neighboring Hazâras as kachalu khwâr (potato eaters). In Ghazni, Tâjik look down on Pashtun, because they supposedly prefer dry bread with raw onions over a decent meal. Eating with Uzbeks is allegedly a risky business: they gobble up anything at such speed that a decent person cannot quiet his hunger.\textsuperscript{13}

\textsuperscript{12} The term Jat is used derogatively by Afghans to indicate various, often (semi-)nomadic groups like the Ghorbat, Jalâli, Jogli, Kutâna, Pikraj, Shâdibâz, Shekh Mohammadi, Vanjgâwâlâ and some Baluch. Sometimes the term kuchi is used in the same way, although this one more often refers to nomadic Pashtun. The use of 'Jat' is somewhat similar to the use of 'gipsy' in Europe. Children playing in dirt, shrewish women or pubertal girls careless and carefree in speech or dress would be scolded as being 'Jat' by their elders (Rao 1986:113).

\textsuperscript{13} In rural Afghanistan meals are taken around a table cloth (dastakhân) placed on the floor and the main dish is put on one plate for every four to six persons. The food is taken with the right hand (the left being preserved for body toilet) from the common dish, and one is not supposed to drop anything. One kind of pahlawâni (championship) consists of trying to take as much food in the hand as possible and stuffing it in the mouth, without dropping a crumb. From my own experience, in times of scarcity, it is only the person who eats fast and with big mouthfuls that will appease his hunger.
Sexual practices are allotted to different groups. Hazāras will claim Pashtun prefer small boys over women. Kandahāri Pashtun are attributed the same preference by other Pashtun. One particular practice is attributed by Tājik, Pashtun and Uzbek to the Hazāra; by the Hazāra to the Isma'īli of Kayān and Shombok; and by the Badakhshi to the Munjāni (also Isma'īli): the accusation of being cherāgh kushi ('lamp extinguisher')\textsuperscript{14}. This practice is described in local variants, but all include the mixed presence of a lot of men and women (sometimes the whole village) in the same room, the extinguishing of all lights at a certain moment, followed by lawless intercourse with whatever person is nearest by. Uzbek couples are said to be accompanied by several children on the day of their marriage (Centlivres-Demont 1988:140).

All this is very lively and, what may seem contradictory at first impression, allows for pluri-ethnicity, without too much conflict. In as far as the stereotypes and myths are known to all groups, they give each group a place in local society and regulate inter-group relations, which do not necessarily reflect Western principles of social justice. The hierarchy of different groups in a given region is best visible by tracing the endo- and hypergamy of the different groups (Centlivres 1988:40).

2.3. Ethnic militancy.

`Movements for cultural autonomy' were a marginal thing in Afghanistan before the war. The necessary conditions for their

\textsuperscript{14} This accusation is always made by the group that considers itself higher in the hierarchy and refers to the absolute heterodoxy of the designated group, thus reinforcing the hierarchy. I heard it used by several informants inside Afghanistan. It also came up in a discussion with an educated Kabuli, who tried to convince me that gonorrhea was not existing in Afghanistan. When I pointed out that I had found it microscopically on several occasions, he tried to convince me that this was because the community where I found it was known to engage actively in cherāgh kushi. Poladi (1989:137-9) discusses the habit of kuru-bistan (wife lending to house guests), attributed by different Pashtu groups to the Hazara.
existence, as given by Roosens (1986:179-180), were largely absent. Afghanistan was never colonized, so forced acculturation to western values didn't take the central place as it did (and still does) in other Islamic countries. Although the pro-Pashtun bias of the different governments existed and was resented, no centralizing force was able to penetrate the rural areas effectively enough to acculturize the non-Pashtun populations. The Pashtunization that started under Daoud and could have provoked ethnic militancy, was interrupted by the Saur Coup.

Most of what is called 'culture' by outside observers, is called 'Adat (custom, tradition, decency) by Afghans. 'Adat is not an intellectual concept, product of a reflection, it is simply what one does and doesn't within the boundaries of decency. As I will explain further, it finds its legitimacy in Islam and differences between groups are explained to be due to the others' religious heterodoxy.

Ethnic militancy was limited before the war to a few intellectual circles: detribalized Pashtun in Kabul, urbanized Hazāra in Quetta and Kabul, Uzbek in North Afghanistan, Pashai in Jallālabad. It is not impossible that the present conflict will work as a catalyst and provoke a larger spreading of the phenomenon. Hazāra and Uzbek have more clearly pronounced political aspirations. Tājik have found an ethnic identity. None of these are ready to accept an Afghanistan where they have only symbolic representation and participation in the government. Pashtun are identified by all, and more than before, as hegemonist in their aspirations, and sometimes held responsible for the ongoing conflict: they were in charge before the communist coup, they were in charge under the early communist regime, they stayed in charge under the Soviet occupation, and they are largely in charge of the Peshawar based parties, seen as inefficient and corrupt.

The aspirations of some Pashtun to Pashtunize the whole of Afghanistan are largely frustrated. Some leaders in Peshawar actively try to mobilize their following on the basis that non-Pashtun leaders are out to massacre all Pashtun, or at least deny them taking repossession of their homeland.
3. Islam.

Islam is the strongest unifying and egalitarian force in Afghanistan. I will shortly summarize the different opinions on the relation between Shari'at and secular law. The present day 'official' Islamic views on marriage and sex roles are discussed based on Bousquet (1990), Bouhdiba (1986), Mernissi (1983) and Hjarpe (1983), but only as far as they relate to the subject. The particular aspects of Islam in Afghanistan especially the way it relates to traditions and customs and interlinking social solidarity networks is discussed in the final paragraph of the chapter.

3.1. Shari'at in Islam.

The Afghan constitution invokes Shari'at as a reference. I therefore situate briefly the possible relations between Shari'at and social law\textsuperscript{15}.

Roughly four attitudes can be found to determine the relation between the law of the society and the Shari'at. I

\textsuperscript{15} Shari'at is the Islamic law, based on interpretation (\textit{tafsir}) of Qur'ān and Hadith. Shi'ites add to these the words of the imam. Different interpretations have been given by different law schools. Presently four schools are considered acceptable by the sunni: Hanafi, Maliki, Shafi'i and Hanbali. In principle shi'ites accept free interpretation by ayatollah's. This leads to difference in jurisprudence (\textit{fiq}) between shi'a and sunni, but also between the different sunni schools.
shall illustrate these by the different answers on the question: "Can women attend the same universities as men?"

Some will argue that the sources of the Shari'at must be taken literally. New interpretation or application is not allowed: anything not mentioned as allowable in these sources is unlawful. Hence women cannot attend universities.

Others take regulations given in the Qur'an and Hadith as base for interpretation of and application on the present reality. Since the Prophet's words and deeds were an improvement for both men and women when he was alive, they should be today. Shari'at is a source of values, to be defended by the law of the society. Men and women have the duty to increase their knowledge and should attend the same universities.

A (westernized) minority will deny the problem: religion is not a social order, but a purely personal question. Based on "there is no compulsion in religion" (Sura 2:56), they will claim that access to university has nothing to do with the Shari'at.

The fourth group understands Islam as God's social order. Islam is the 'natural' religion, Islamic laws reflect man's true nature. Since the Shari'at propagates education for man and woman, but emphasizes at the same time the difference between them, men should go to the men's university and women to the women's.

Fazelly (1989:15) argues that while uniformity is rarely questioned in the economic and managerial sectors, a long way needs to be covered when it comes to questions regarding the statute of the individual and the family. He points out that the major problem for all regimes who advocate the adoption of Shari'at is that the latter still needs to be codified, a feat only accomplished by the ottoman caliphate in the past.¹⁷

¹⁶ This example is based on Hjärpe (1988:12-14) and my own discussions with Afghans of different political allegiance.

¹⁷ L'uniformisation du droit est rarement discutée aujourd'hui lorsqu'il s'agit des secteurs d'activités économiques et de gestion. En revanche, un long chemin reste à parcourir pour rapprocher les points de vue chaque fois que nous nous trouvons en face des questions de statut personnel et familial.... Le problème dans les régimes qui revendiquent l'adoption de la Chariya est que la codification de celle-ci reste à accomplir. L'alignement sur des Écoles fut motivé par des considérations d'ordre géographique ou historique. Sur le fond, les Écoles juridiques n'étaient que des efforts de pensée, issus de l'empreinte personnelle de leur chef, donc, plutôt une somme de réflexions que des recettes applicables sans considération de temps ni d'espace. Seul le califat ottoman a réussi à en présenter une codification dans
3.2. Women, sex and marriage.

Present western culture is strongly influenced (directly or indirectly) by the Christian ethos in its attitude towards sex and marriage. Sexuality itself has been disdained and at times severely attacked by the Church (Nicolaisen 1988:5). Contrary to European-Christian societies, Islam is explicitly favorable to the 'pleasures of the flesh'. The Shari'at seeks to limit the selection of partners, certain acts and times.

Women and men are considered biologically different, both endowed with strong sexual drives\(^8\). The good Muslim will limit the satisfaction of his(her) sexual drive to legitimate partners and practices. Women's sexual drives are considered to be more powerful and less reliable. Prudence and modesty are advocated in order to preserve decency. The veil and purdah (seclusion of women) are recommended by some schools in order to preserve this decency.

\(^{8}\) Zina (sex with an illicit partner) is the only sexual capital sin in all the Islamic law schools, punishable by whipping, or if the female partner is married, by death. Zina has to be proven in court, and the only acceptable legal proof are witnesses: two Muslim, free men, of marriable age, in good mental health, and legally worthy of confidence. Witnessing means: being present and actually seeing the penetration. Deduction and induction are unacceptable as proof.

Marriage is strongly recommended for both sexes, since it is the Prophet's Sunna. Both sexes are also advised to satisfy

\(^{8}\) According to Mernissi: "l'Islam a une théorie sur les instincts plus élaborée, plus proche du concept freudien de la libido: les instincts à l'état brut sont de l'énergie, ..., C'est l'utilisation qui est faite des instincts, et non les instincts eux-mêmes, qui profite ou nuit à l'ordre sociale. ..., l'individu n'est pas tenu de supprimer ses instincts ou de les contrôler pour le principe, il lui est demandé seulement de les utiliser conformément aux exigences de la loi religieuse." (Mernissi 1983:5)
the other, in order to prevent zina. Mut'a, marriage for a limited amount of time, is acceptable to Shi'ites, not to Sunni. Polygyny, although accepted and recommended over zina, is seldom practiced: the obligation to treat all wives equally proves too difficult for most, even on the purely material level.

Marriages, as well as divorce, are organized by the two families, but no one can be forced into a marriage against his or her will. The only legal marriage payment is the mahr, which is solely the property of the woman. Divorce is an unconditional right of the man, but he must pay the mahr if he initiates the divorce. Divorce should also be settled privately, between the two families, without public trial and without obstacles to remarriage. Remarriage is recommended, immediately for the man, after a few menstruations for the woman. Children belong to the man or his family. A divorced woman, known to be fertile is often a welcome second wife for a man with a sterile first wife. The wife can obtain a divorce on certain conditions: some diseases or impotence of the husband, inability of the husband to support his wife, inability of the husband to pay the mahr according to contract, maltreatment of the wife.

Women inherit half the part of men, and keep their property when they marry, unless specified otherwise in the contract. They can engage in trade and run their own private bussiness as long as decency is observed. Whether women should be kept in seclusion, or whether she can participate in public life, is a subject of discussion. The principle of decency and the interest of the family should guide. In fact the family is seen as providing security for its members: children and elderly should be at home and not in day-care centers or old peoples' homes. Several Muslim societies cite proudly the women that have played important roles in their history19.

19 Afghanistan is no exception. To name a few of them: Nahidah, the girl who started shouting anti-Soviet and anti-government slogans when on 27 April 1980 a parade of Afghan, Soviet and Soviet-bloc dignitaries passed her school, provoking a riot and was killed when police and militia opened fire on the girls.
3.3. Islam in Afghanistan.

Islam has had an ambiguous role in Afghanistan. On one hand it is used to stress equality of all Afghans within the 'Umma. On the other hand it is used by each group to stress its own orthodoxy by identifying Islam with its own particular traditions and customs.

3.3.1. The central place of Islam.

With exception of a few thousand Sikhs, Hindus and Jews, all Afghans are Muslim. They are in large majority Hanafi Sunnites, with a recent (and temporary?) conversion of Nuristani and Konari to Wahabism and the Salafiya movement. Between the Shi'ites, a large majority are duodecimal Shi'ites of the Jaffari rite. Probably around two hundred thousand Afghans are Isma'ili.

"C'est trop peu de dire que la religion imprègne la vie du paysan. Elle fournit l'horizon intellectuel, le système de valeurs et le code de comportement, quelle que soit l'interférence avec d'autres codes, comme le système tribal. La religion donne aussi la seule référence légitimante à valeur universelle (...) La religion structure l'espace et le temps. Espace du village, centré autour de la mosquée, mais aussi l'espace du monde, avec ses cercles concentrique de l'umma, des autres religions et enfin des athées. Rythme du jour avec les cinq prières, les repas quasi sacralisés; rythme de l'année avec les fêtes et le sommet du Ramadan; rythme de la langue avec les adresses et les formules de politesse qui mentionnent le nom de Dieu." (Roy, 1984) Indeed, 'very little in which Afghans engage is not explored for Islamic significance' (J. Anderson 1984:267). For Afghans the most general social hierarchy is between Muslims, other ahl al-ketāb ('people of the book'), including Christians, Jews and Zoroastrians, pagans and atheists.

Malalay, who was killed when she rallied Afghan troops in the battle against the British at Maywand in 1880.

Zaynab, the daughter of Mir Ways Hotak, a scholar in Pashto and Dari, who wrote, taught and acted as political adviser and stood with her brothers at the bastion of Kandahar when the city was besieged by Persia's Nadir Afshar in 1738.

Rabia Balkhi, the first woman known to compose poetry in both Arabic and Persian in the tenth century, who wrote a poem with her own blood to condemn the injustice of being denied to marry the man she loved.
The Shari'at is known through education in madrasa (religious schools). Qazi (judges) are directly accessible and have the same reference as the villagers. The mullah is a man of respect, sometimes the only literate in the village. Outside his purely religious functions, he is consulted as mediator, as healer, as exorcist and teacher.

Respected because of their alleged descent or spiritual powers are:
- pir, leader of a religious group, often leader of a sufi sect (pir e tariqa)
- sayyed, descendants of the Prophet
- khwaja, descendants of Omar
- myān, religious leader, in Pashtun society.

Religious scholars, ulema are formed in the private or state madrasa, the more notorious ones having generally studied abroad: Al Azhar for the Sunnites, Qom and Najaf for the Shi'ites. The younger generation of ulema is generally opposed to the 'traditional' religious practices in rural Afghanistan and many joined the islamist resistance groups. As I shall discuss further, they experienced their own frustrations with marriage practices in Afghanistan.

The mystic Sufi orders (mainly Naqshbandiya, Qaderiya, Chestiya) interlink with other solidarity groups. Many ulema that joined the resistance in the north are member or leader of naqshbandiya groups. These orders are looked badly upon by many fundamentalist religious scholars. They tend to form solidarity networks, escaping outside control, and not always in line with the government in power, nor with the dominant religious school. They also are an underlying cohesive or divisive force that escapes the eye of the superficial observer.

Canfield (1984:214) describes this in Bamyan: "the Islamic coalition is one type of social unit that bears on upon local affairs in Afghanistan...". He stresses the intrinsic unity of the religious and the political qualities of social alignments of this nature: "The term 'Islamic' here implies a broader
range of meanings than are normally associated with the term 'religious' in the West. It connotes an association of ritual, social and political qualities in a single entity." (1984:224) This may be difficult to grasp for Westerners, who assume that a clear distinction can be made between religion and politics. Scholars on Afghanistan are no exception: "They suppose that the essence of a public movement in Afghanistan, in as far as it is public, is political; whatever religious qualities it has is only façade. Religious emphasis in political situations have been treated as mere 'propaganda'. Declared religious motives for cooperative public actions have been regarded as 'politically' motivated-that is, based on self-interest." (1984:228) Understanding, or at least grasping the possible consequences of the non-distinction between religion and politics, will explain to a certain extend the impact of and the reactions against the attempted reforms of the PDPA government in 1978.

3.3.2. An 'Afghan' Islam?

Little difference is made by the rural population between 'ādat (habits), rasm o riwāj (custom) and Shari'at. "Each community tends to identify Islam with its particularized usages which are a mixture of local belief, practice and sense of unique identity (Newell 1987:110), even to the point of upsetting the non-Afghan fundamentalist Muslims that joined them in the recent jihad."

The Pashtun tribal code goes against the Shari'at on multiple questions:
- women cannot inherit or possess land,
- zīna does not need proof, peghor (rumor) is sufficient,
- bridewealth is very high,
- divorce is virtually impossible,
- bādi (vengeance), even against Muslims, is encouraged.

Tribal Pashtun are well aware of these discrepancies, but they see their system as an improvement over the Shari'at. (J. Anderson 1984:276; Boesen 1988:107)

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20 "... a member of the Akhwan-al-Muslimin, and a graduate of the Al-Azhar University, Cairo. He had entered Afghanistan with the help of the Jamiat-e Islami for 'jihad'. He told the author that barring the daily ritual of prayer (nimāj) and the observance of the month of Ramadhan (fasting), he had found very little in common between the Islam practiced in Afghanistan with that prevalent in the rest of the Islamic world. However, the Afghans believed that their peculiar blend was the real Islamic faith. [He] often said: 'If this is Islam, then there is no difference in faith and apostasy.'" (Anwar 1988:264-5)
But still, Islam remains the ultimate source of all values, and consequently of the hierarchic status of one group related to the others (Centlivres & Centlivres-Demont 1988:34). In fact, Pashtun claim to be descend from Qais, who went to Mecca to receive Islam from Muhammad. Like this they disclaim any pre-Islamic past, and put a claim, not on holy descent, but on an exemplary Islam and an exemplary possession of Islam. This puts them on a par with Arabs in this respect and above all other Afghans, except the Sayyeds, the descendants of the prophet. Simply put: one can be Muslim and not Pashtun, but the reverse is not true, so ...

All groups will consider social misbehavior both as immoral and sinful. Deviance from the norm becomes synonym for suspected religious heterodoxy. The Munjáni, Isma'ili Shi'ites in Badakhshan, who traditionally grow and use opium, are reputedly teriaki (opium dependents), and consequently unbelievers, who do not pray, who do not keep ramadhan, and who do not believe in God (von Moos & Huwyler 1986:210).

Superstition is common. Every village has one or more shrines (zyárat), visited frequently in order to solve life's problems. Often the caretakers of the zyárat will "sell ta'wiz (amulets) for practically anything one might desire: control over a loved one; increased sexual prowess; protection from bullets in a feud;..." (Dupree 1980:105). Visits to a shrine will ensure women to be married within the next year, bear child within the next year, give birth to a live child after miscarriages, give birth to a boy after having had girls.
4. The Afghan State.

In the western world, it is the State who regulates at least part of the material transactions related to marriage and divorce and gives a certain degree of protection against abuse by individuals and/or families. Civil and penal code will set the limits wherein individuals can arrange their marriage/divorce and guarantee that the basic rights of all parties involved will be respected. In Afghanistan at several occasions laws have been enacted trying to regulate marriage and divorce, but they have seldom been enforced.

The failure to enforce laws finds its reason in the failure of Afghan governments to build a viable state structure. Observers name several obstacles in the environment, as well as obstacles inherent to the state builders (the governments). This will be discussed in a first paragraph.

Through Civil Law and its regulations of marriage and divorce, marriage becomes one of the territories disputed between the state and the core of Afghan society: the qawm. I will illustrate the relation between state and society at the time of the Saur Revolution in a second paragraph.

4.1. Obstacles to state building.

Newell (1987:107-9) describes a first series of obstacles that can be called external: they are independent from the nature of the state and the actions of its government. Afghanistan's boundaries are artificial, and, except for the Hazaras, its (macro-)ethnic groups are internationally partitioned (see map p.12). An arid climate of seasonal extremes
and a rugged landscape cuts the country up into small ecological niches, where the population tries to wrest subsistence from a stubborn environment. Its people present an inward-looking individualism, frequently misnominated 'tribalism', although this term has little salience for nearly all the non-Pashtun communities and many of the sedentary and town-dwelling Pashtun themselves. Nevertheless, the patriarchal, patrilineal organization of households and the intensely localized arrangements of property control, labor division, dispute settlement, security maintenance, and marriage arrangements do present difficult barriers against successful centralized state building.

Finally, Islam has proven ambivalent in its relation to state building in Afghanistan. It often proved a unifying factor in face of foreign interference, like during the Anglo-Afghan wars or in the present conflict. For most Afghans, the legitimacy of the government and the state depends on the state's claim to be the defender of Islam (Shahrani 1990:47). But for reasons I have cited before (see 3.3.2.), any attempt to impose 'official' versions of Islam will be seen locally as worse than interference, even as heretical. Abdurrahman used Islam to strengthen the state in his jihad against the Shi'a Hazaras in the 1890s, with mixed result. It joined many Sunni in a movement to crush an alleged heresy, but created lingering Hazara resentment which continues to impede the molding of an Afghan nationality.

Shahrani (1987:24; 1990:42) points out that by putting the emphasis on external problems, other aspects of the state-society interaction remained largely unexplored. He claims that in Afghanistan both the nature of the state and the actions of its governments should be considered internal obstacles to successful state building.

First there is the nature of the state: its political ideology, its political economy and the basis of its support structures. Right before the Saur Revolution Afghanistan appeared, at least on the surface, to display all the main characteristics of a state: a recognized national territory; a claim to sovereignty
by a ruling body over that territory and paramount control over the peoples occupying it; and a claim of 'legitimacy'. Nevertheless, no government in Afghanistan has ever found or created adequate, reliable and renewable sources of revenue. The foreign sources (transient and unreliable) evolved from loot, taxes and tribute from the wars in the Indian subcontinent in the 18th century, to British subsidies and military assistance to particular rulers in the 19th and early 20th century; to massive foreign aid after 1955. The domestic resources, mostly in the form of direct taxes, have never been adequate, since the dominant mode of production is kin-ordered and subsistence oriented.

Then there are the particular attitudes, policies and practices of the state-building agents, the governments of Afghanistan, towards the peoples of Afghanistan or Afghan society. I will not discuss in detail the rise to power of the Pashtun tribal structure, nor go into the details of the different methods used by the successive Afghan governments to try and forge a nation-state. I will only retain that until forceful submission by Abdurrahman Khan at the end of the nineteenth century, the North-East, Afghan Turkestan, Hazârajat and Nuristan had been largely independent khanates, kingdoms or tribally organized areas. Shahrani claims that it has been the particular policies and practices of the Afghan governments that have transformed existing socio-cultural pluralism into articulated forms of social structural fragmentation and opposition to centralized powers, thereby producing a cumulative negative impact on state building.

The very use of the term Afghanistan to designate the country (Orywal 1988:35), and consequently the term afghan to describe a citizen (Vercellin 1988:39) makes Afghanistan for its citizens, including the Pashtuns, to a country where the national value is based on Pashtun values.
4.2. State and society.

Hospitality and skillful control of resources are highly valued by all groups, the ones who are best in it will become local authorities, often but not always endowed with an official function. These individuals, often called 'khan' or 'bay' are local leaders only in as far as they are also useful to the community. Their power resides in their skillful manipulation of elusive networks: they are shrewd and experienced negotiators, able to match their own interests with their communities' or vice versa and they have to negotiate their status permanently. The relations between a khan and his qawm have many aspects of a patron-client relationship. A khan depends for his power on the consensus of his qawm, which is granted if he protects qawm members from encroachment of the state and other qawm. Although often a son will take this position from his father, he will only keep it if he proves as skillful as the latter was.

The picture of state-society relations in the nineteen seventies, probably resembles that of many third-world countries. The central government used the 'village' as lowest administrative unit, disregarding tribe, ethnic group and qawm. Some frustrated development workers, trying to work on the village level, would claim there was no such thing as a 'village community' (Etienne 1972:82). Strict central control existed up to the sub-provincial level: all major decisions were referred to higher officials in Kabul, all provincial recruitment and staffing were done through ministries in Kabul and each ministry maintained a separate chain of command (Barfield 1984:172). Many of the former traditional leaders (khan and bay) had been effectively transformed in an official ruling elite by the central government, and endowed with an independent source of coercive power and authority. But their very association with the central government and often spatial isolation from their communities, forced the latter to turn to new local leaders, thus creating a parallel power structure to deal with community concerns (Shahrani 1984a:35).
Many of the tribal Pashtun perceived the authority of the Afghan state as illegitimate, usurped, totalitarian and infidel, in spite of its often openly pro-Pashtun leanings and policies (Tavakolian 1984:262).\textsuperscript{21} The most striking aspect of the provincial administration in non-Pahtun areas was its domination by Pashtun, almost always not native from the region they were supposed to govern, and frequently transferred to prevent them from developing close ties with the local population (Barfield 1984:172). For non-Pashtun Afghans, the central government's power was unintelligible. They did not understand the laws, nor the rules, nor the motives of the imposed measures, not even the exact amount of taxes they had to pay: the central government administration literally did not talk the same language (Centlivres & Centlivres-Demont 1988:25).\textsuperscript{22}

Afghan governments under the Musahiban dynasty\textsuperscript{23} have tried to use the leverage of the state's legal and moral mandate to effect programmatic change in all facets of social life (Aziz 1988:54). Most of the time these changes were only implemented where they were welcomed by the locals: in the cities and some major towns. This broadened the gap between those identified with the central government and its policies (administrators, higher middle class, and intellectuals) and the bulk of the

\textsuperscript{21} While tribal Pashtun will recognize a (temporary) leader that can lead the combined armies of different tribes in battle, or even deal with outside powers politically, it is inconceivable that a Barakzay would have anything the say over an internal Ishaqzay affair.

\textsuperscript{22} The Hazaras were the most alienated from the central government. Being Shi'a, they were treated through Hanafi Sunni law. Abdurrahman killed or imprisoned most of their leaders, gave grazing rights of their pastures to Ghilzay tribes and until Amanullah, a contingent of Hazara girls had yearly to be sent as slaves to the amir's palace as a token of their total submission. Until recently they were systematically barred from high army or administrative positions. The Uzbek farmers of the north were the primary victims of the 'sedentarization' policy and lost their best lands to former Pashtun nomads, themselves resettled, often forcefully against their own wishes, in Northern Afghanistan.

\textsuperscript{23} This dynasty starts with Nadir Khan in 1930 and ends with the death of Daoud in 1978.
Afghan population, which lived in a rurally based society. The urban population became a group looked upon with distrust by the tribal and sedentary rural Afghans: they dressed differently, looked differently, talked differently. Like always in Afghanistan, these observed differences were base for a suspicion of religious heterodoxy and supposed un-Islamic behavior. The rationalizing of state intrusions into areas that were considered private activity, became a symbolic issue for Afghans to resist government encroachment: the relations between the central government (hokumat) and the outlying areas became hostile (Aziz 1990:60).

The existence of the state was not at issue: power is recognized because it exists and because no-one is attempting to gainsay it (Roy 1985:31-2)\(^\text{24}\). Afghan society will resist the encroachment of state bureaucracy, whichever regime or sovereign is in power. The state and the government are seen as external to society: in place (government buildings are usually outside the villages), in clothing (European, which entails different postures and gestures), in language (political neologisms are borrowed from English or French). Bribery and corruption, kept within reasonable limits, are acceptable tools to deal with the government (Roy 1985:33, Canfield 1987:98). Officials are kept systematically from contact with daily life in the villages by an evasive screen. Even the proverbial Afghan hospitality serves this purpose (L. Dupree 1980:250): abandoning the role of the guest (which imposes lengthy formal ceremonies of greetings and almost ritual meals) or to pose investigative questions would offend the host. Being mistaken for an official will confront the visitor with endless evasions, procrastinations and sidestepping of the issue: "Le responsable est toujours ailleurs, les chevaux dans les montagnes et la vérité dans les puits" (Roy 1985:34).

A more complex and ambiguous way to deal with the government is to penetrate its bureaucracy: khans and bay (traditional leaders

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\(^{24}\) Rossignol (1984:142) indicates that communal agreement is the principal and essential base for a government in Afghanistan. In a way the very existence of opposition to a government by good Muslims will make its legitimacy suspect.
with delegated power) become malik and arbāb (appointed leaders by the government). This can cut both ways, and the Musahiban administration had been reasonably successful in making alliances with the local rural aristocracy.

The realm of social activity rests within the domain of the gawm and political activities affecting it are by definition subject to debate. Whether the stated addressed the more complicated definitions of what constituted civil and political authority did not matter: what mattered was the practical application of the policies by the state (Aziz 1988:54). If a government goes beyond the bounds of cultural deviance in its ways of application, violent action against local symbols of the intruding state (destroying buildings and machinery or occasionally killing unfortunate administrators) may take place as a last resort to express protest. Again these action do not necessary aim to overthrow the government but are seen as a legitimate means of communication (L. Dupree 1984:67).  

In conclusion: when the PDPA took power, the weakest link in the government chain of command was between sub-provincial administration and the local solidarity networks, the gawm. Relations between local society and state authority varied from reluctant acceptance - Afghans saw themselves as 'subjects' and not 'members' of the state- through elaborate avoidance devices to outright violent resistance. As long as the government only demanded the keeping of peace, administration of justice, a yearly number of army conscripts and the collection of a small amount of taxes, this weakness was not critical.

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25 Bindeman (1987:24-9) relates such a (little known) revolt in Shahrestan (Hazārajat) in 1946. A Hazāra arbāb was unable to collect the high taxes imposed on his gawm by the (Wardaki Pashtun) governor of Panjāb. When verbal protests were met with temporary imprisonment, he calls together a 'front' and attacks the government center in Shahrestan. This attracts the attention from higher officials, who intervene, and months of discussions start until the king himself holds audience. He strictly condemns the arbāb's use of violence, but pardons him since he acted under unjust pressure and rectifies the behavior of the governor.
5. Marriage and marriage payments.

5.1. Family and gender roles.

The household is the smallest functional social and economic unit in Afghanistan. Ego, ego's children, ego's siblings, ego's parents, ego's grandparents, and all with their wife or wives and offspring live in one compound, or in one cluster of houses, or in close by villages. In principal each nuclear family (man, wife and offspring) has the privacy of a room, if not a small building within a common compound. In urban settings the geographical unity is less visible: due to cramped housing families will sometimes be physically scattered, but socially most families function still as one unit. The family is patri- or virilocal: as a rule, women leave their family and go live with their in-laws.

Division of labor according to sex varies from one ethnic group to the other, but is always clearly defined in each group. The participation of women in economic production outside the family compound exhibits the biggest variation. In Nuristan, she will do all crop growing agricultural work, while men take care of the husbandry and dairy production (Katz 1984:96). The Konari Pashtun, at walking distance from the Nuristani, see it as an insult to have women working outside the compound (Boesen 1979:233). 'Domestic tasks' are subject to variations in place and time, but they are mostly the women's domain. This separation does not mean that women's responsibilities are not valued. N. Dupree (1988a:36) argues that the close inter-relationship between the male-female roles created mutual respect, at least in rural Afghanistan.
Daily activities are clearly separated. Seldom will men and women engage in the same activity, unless forced by poverty. In many groups, men and women will eat separately, but a common cooking pot for all members of the household is considered a sign of good harmony (N. Tapper 1977:168-9).

Gender stereotypes are clear cut. Leadership, activity, strength, emotional stability and aggressiveness are masculine stereotypes; weakness, passivity, shyness, emotional instability and obedience are feminine stereotypes. These attributes are considered to be biologically determined and imply moral principles that should determine the social behavior between sexes. As with many other stereotypes, they are believed to be Islamic principles as well. Deviation from the stereotypes is therefore at the same time illness, morally bad and a religious sin (Knabe 1977:331).

Relations between sexes is laden with *sharm* (shame in positive and negative sense), and usually takes place in the family sphere: brothers and sisters, husband and wife, father and daughter, mother and son. If faced with a situation, where both sexes meet outside the family, no standard code for behavior is available. Both men and women feel insecure, and will address each other as 'brother' and 'sister', thus extending incest taboos into the public life (Knabe 1977:334).\(^{26}\) Women are seen as in need of protection, which she gets from her father, brothers and later her husband.

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\(^{26}\) Western females nurses, traveling in the company of mujaheddin for weeks were often called 'sister'. One of the strains put on the medical teams living for months in remote villages, was the absence of 'privacy'. This seems to be a difficulty in a lot of cultures (Zwier 1989:62). But for the Afghans, someone who wants to be alone, risks to start feeling lonely and sad. More so, in the eyes of the local population, the male team members were in charge of the control over the female members. Requests for special medical interventions by the female team members would invariably be addressed to their male colleagues. In the absence of the latter, the local male assistants would feel in charge of the behavior of their 'sisters', and try to constrain their behavior within the local boundaries of decency, sometimes much to the outrage of the female expatriates.
The honor of the family is linked to the degree of skillful control its male members have over productive and reproductive resources: this includes control of the family head over the behavior of the other members, be it male or female, and the degree he is able to 'protect' the female members of the family. Sons will avoid smoking cigarettes in the presence of their father. Indecent behavior dishonors the whole family.\textsuperscript{27}

This ideology of women being subordinate and controlled by men is of course mainly important on the level of general social relations (Boesen 1988:108). On the personal level many women exert considerable influence on, and even dominate their men. They often become close and valued companions, directly affecting the lives of their men (Ahmad 1986:43). Information between households and even different gawn seems to travel faster and less controlled through women's channels (de Torsiac 1987:24). A Westerner could have a picture of utter passivity of women as social actors. In fact, grown up in the system as it is, they prove to be as keen manipulators as the men of the principle of 'honor'.\textsuperscript{28}

\textsuperscript{27} The following joke, transmitted by a Pashtun, illustrates the preoccupation with honor, as well as the prejudice against western customs:

A Pashtu family had recently emigrated to the West. Trying to adapt, all children went to school, and of course after a certain time the oldest daughter was asked to an important social event, by a boy. Torn between his obligations as father and his preoccupation to have his children adapt, the father agreed to the outing. Before she left, the girl was called into the room with her father, mother, uncles, grandmother, the whole family. The father said: "My daughter, you are going to a dangerous encounter. You know how these Westerns are, when it comes to women. Whatever happens, remember that they will try to take away not only your honor, but also your father's honor, your grandfather's honor, the honor of whole your family, so act accordingly: your family trusts you." The girl reassured her father and off she went. The whole family waited for her return. When she came back in to the room, everybody asked whether she kept her honor, and she proudly answered yes. Then she had to relate in detail what happened. Unrest crept into the family's mind when she came to the part where her suitor convinced her to leave the party.Horror was visible on the faces when she described how she entered into the man's apartment, women started crying when she admitted having entered the bedroom. But "Don't worry", she continued, "when I realized what was on his mind, I didn't give him a chance. I grabbed him, threw him on the bed, and before he could do anything, I took away his honor, the honor of his father, of his grandfather and of whole his family."

\textsuperscript{28} An Uzbek commander set out for a routine job for a few days, and became separated from his wife for several months by the chances of war. When finally he arrived in his village, he excused himself from a new expedition a few days later, saying that his wife wouldn't agree. Taunted that his wife was only a woman and he as the man could surely decide otherwise, he replied that she could make life very difficult for him. "First, she could beat me. Secondly she'd serve poor dishes to my guests. Thirdly she would let my food burn on." Serving
Secret meetings between men and women are part of the romantic ideal both genders have about love. While Pashtun are supposed to be most repressive against such encounters, the landay\(^{29}\), as cited by Majrooh (1988) speak quite openly about wives cheating their (old) husbands (called mozigay, 'the little awful one') and meeting secretly their (young) lovers:

\begin{verbatim}
Mon amour, saute dans mon lit et ne crains rien
S'il se casse, le 'petit affreux' est là pour le réparer.

Quand tu viens chez nous, mon amant, le 'petit affreux' se fâche.
Ne viens plus, Désormais je te tendrai ma bouche entre les battants de la porte.

N'as tu pas honte, avec ta barbe blanche?
Tu caresses mes cheveux, et je ris par devers moi.
\end{verbatim}

Many informants assured me that extramarital relations are rather common, and usually it is the woman who takes the initiative, by choosing the extramarital partner as well as the meeting place and time. Boesen (1988:119) points out that in Pashtun godar means both 'the place to fetch water' and 'meeting place', and that many secret meetings are initiated there, but also take place in the fields, gardens and on rooftops at dusk. It is difficult to make distinction between actual ongoings and wishful thinking in such matters. Women who bear child from a husband who has been away from home for more than a year, are not uncommon. The generally accepted mental construction of the 'sleeping baby' enables women to give birth two to six years after the 'last' coitus. The almost absolute exclusivity of women in matters regarding pregnancy and childbirth, combined

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poor dishes to the guests would ruin his reputation as khan. Serving burnt on food, would indicate the wife had lost interest in her husband, and was preserving her better services for someone else.

\(^{29}\) The landay ('the short one') are short popular poems in Pashto of two free verses of nine and thirteen syllables without obligatory rhyme. The subjects deal with love, honor and death, often in a way that defies social norms. (Majrooh & Velter 1988:14-16)
with the more or less strictly observed purdah, enables them to hide unwanted pregnancies from male members of the family.  

Situations like this can lead to violent reactions, if made public, and provoke loss of honor for the males involved. Women will be killed, sometimes along with the man involved (Boesen 1988:113), and western informants were profoundly shocked when actually witnessing lapidation (oral information from Badakhshan, 1985), on the charge of zina.

Otherwise, everybody involved will keep quiet. Shame (badnam) is only shame if people talk about it. Tapper (1991:232-9) relates how married women have illicit sexual relations, within the extended family (where everybody will keep quiet, lest 'outsiders' would get to know), but also outside. Once a woman does engage in illicit sex with an outsider, her husband is in a difficult position. He could kill her, but how would he run the household? In many cases the lover would be richer and socially better placed than the husband, so he would not be able to kill him also, without engaging in a feud where he would be the losing party in the end. And killing only his wife would make him a cuckold twice. Remarriage would be difficult: who would marry his daughter to somebody who proved unable to control his woman? So, the best option is to keep quiet as long as possible.

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30 A female expatriate doctor called to a house for an emergency found an unmarried girl in labor. The mother first denied that her daughter could be pregnant, but once all the male family members had left the room both mother and daughter said they only wanted to know whether the delivery was going to go alright. The girl delivered, and the child was given to a married and childless relative, without the men of the family finding out.

31 Several Hazāra informants related similar reasons for ignoring what was clear to everybody. On one occasion it was made clear by members of all families involved to an outsider, who implied that he could make an illicit affair public, that the easiest way to avoid a lot of trouble would be to kill the outsider.
5.2. Marriage in Afghanistan.

An Afghan marriage is a lengthy business, but considered an imperative for all members of society (Boesen 1988:117). From the first inquiries by go-betweens, to the first visit of the woman to her paternal family as wife of her husband, or as mother of her child lie many months, sometimes years. Shalinsky (1989:15) points out that the many rituals help the girl to deal with and minimize the negative and maximize the positive aspects of her transition between families. Most observers, have witnessed parts of a marriage in different families. Gaps are filled with information transmitted by the families involved. These orally related parts seem more elaborate and complex than what actually takes place: the means in order to do what one intended are not always available. Observations done, are typical for that one marriage: these two families and that particular time. 'The' Afghan marriage does not exist. Several close similarities exist, certain ceremonies take place in almost all marriages, but not necessarily in the same order, nor at the same place. Isolating one or more aspects of marriage, in a complex society, "... in which the making of marriages is the central focus of most economic and political activity and the principal means by which status is expressed." (N. Tapper 1984:297), one necessarily risks over-simplification, when the tight link with other social processes is overlooked or ignored.

Because of the interlinking solidarity networks in Afghan society, taking and giving of wives is at once a process of imbalance and the containment thereof. Bridewealth (shirbâhâ, qâlin, walwâr) is, for the outsider, one of its most visible features, but it is not the only means of restoring imbalance.

5.2.1. Choice of partner.

For an Afghan man, father's brother's daughter is in theory the perfect match. But even among the reputedly extremely endogamous Yusufzay this is not the majority of marriages (Ahmed 1976:44). Cross cousin marriages are probably as frequent in
Afghanistan (L. Dupree 1981:195). More distant marriages are no exception, and N. Tapper (1984:304) estimates 10%-15% of men in the Duranni groups had wives from 'inferior' ethnic groups, and about as many of the non-Duranni man had also wives from a different ethnic groups. The saying goes "Zan dur ke megira, yak maza mekona" (A woman taken from afar is all the more appetizing). But a distant family tie is often invented in order to stay conventional.32 In most cases the marriage will be endogamous (through family ties, tribe, vicinity or ethnic group) and homogamous.

Most frequently a friend of the household will try to find out whether the other party is at all interested in a possible marriage. If her (his) findings are positive, the senior women of the boy's family take the initiative. Men are not involved in the early stages of negotiation, although a boy may convey his preference to his mother (Shalinsky 1989:5). A detailed description of and the delicate discussions during the visits at the girl's family is given by Doubleday (1988:77).

Women also like to find husbands for their daughters, which will allow them to stay at home. Orphan boys are quite often adopted at early age, in order to marry one of the families daughters later on. (Doubleday 1988:37; Centlivres-Demont 1988:137)

In tribal Pashtun families the role of the women is limited to the identification of suitable partners. The further negotiations are done by the men, since women are seen as part of the reproductive resources (Boesen 1988:110).

32 In Balkh, I witnessed lengthy discussions between two old men and a mullah. A young Uzbek woman had lost her 'promised one', and no eligible men were available in the same family. A possible match was found in a Tajik family from a neighboring village. Both families were well off, and after exchanges between the senior women, the grandfathers got together. After much tea and a good meal for the mullah, the latter agreed that both grandfathers had found a 'genuine' family tie, a few generations back.
For the groups where patrilinear descent is part of ethnic self-definition (Pashtun, Turkmen, Arab, sayyed) it is seen as a loss of prestige to marry outside the lineage. Outside women are taken (Ahmad 1986:37-8), but mostly as non-first wives. Falsely claiming to belong to the girl's group will be taken as a grave offence when found out.\textsuperscript{33} Pashtun will marry their daughters to other groups occasionally, if great political advantage can be expected from the marriage. Personally I met Turkmen, Uzbek and Hazāra (!) who married Pashtun women. Except for the Turkmen, the women did not belong to a typical tribal Pashtun group.

In fact the local hierarchy in the 'popular anthropology' is important. So will Arabic speaking Arabs in Balkh occasionally give daughters to Tajik, Uzbek and Turkmen, in that order. The Pashtun are regarded as "des intrus, qui vivent sur les terres du gouvernement", and persian speaking Arabs are completely excluded (Kieffer 1986:109-13). Canfield (1984:217) says that clients of a same pir would intermarry, even with partners from different communities or regions. Like this, the pir network interlaced with many kinds of ties.

One of the consequences of the war was less availability of marriageable men. Anything is better for a woman than remain

\textsuperscript{33} The following events took place in Angori, Ghazni in 1983. A young sayyed couple was married in Iran. She was Hazāra, he Pashtun. Once back home, the man turned out to be of good family, but not sayyed. The Hazāra were outraged and put him in jail. In response, the clan of the man, located on the trail that linked the main Jaghouri bazaars with Pakistan, closed the road for all Hazāra traffic. The Jaghouri Hazāra sent several of their most renown military leaders, along with a detachment of armed mujaheddin to Angori. The Pashtun sent their own. For six weeks open war was pending. More than 30 vehicles, with about 200 Hazāras were held up in the Ghazni plain, by Pashtun allied to the boy's family, daily risking discovery and extermination by government helicopters. Finally, negotiations between sayyed and ulema solved the case. This illustrates how a dispute between two families mobilizes the solidarity networks (gawm) they belong to: the two extended families, the immediate neighbors, the ethnic groups (up to the point of risking the lives of unrelated Hazāras), until one of them is able to solve the problem (sayyed and ulema).
unmarried. This led to an increase of marriage between older men and young girls, an increase of polygyny and the taking into consideration of less likely candidates.34

5.2.2. Negotiations.

One of the major tasks of the father is setting the amount of the shirbâhâ and the mahr he will ask for his daughter (see 5.3.2.). The women will set the jelîn (dowry).

On several occasions the families meet. All meetings involve a more or less elaborate meal, offered by the host. The timing of these events differ from group to group. Also the people involved. Except for the Hazâra, a lot of these 'reconnaissance' meetings are solely performed by the women. At a certain point, a sugar loaf (qand) is given by the girl's family to the boy's. It is either eaten immediately, or later, at the shirini khori (the eating of sweets), which is also the official engagement. Often half of the bridewealth is given on this occasion. If the men are present, the marriage contract can be signed on this occasion. During this period, relations between the two families are often tense: one of them could go back on his word, causing loss of face for the other. The gifts exchanged are never given hand to hand: they are always presented on a plate often carried from one house to the other by children. The time at which gifts are exchanged can differ between the groups.

34 One Uzbek family had a woman who was 'promised' just before the war. Since then the man disappeared and his family moved. The women of the family were looking to marry her, and asked a female western nurse whether her husband was strong enough for two women. They even organized a 'special' illness, so that the expatriate man, at that point not even aware of the ongoings, was called to visit the woman in question. Although already married, a Westerner and not Muslim, the women had decided that he would be a better match than no match at all.
Occasionally, the boy or girl will refuse to marry. This is unacceptable in the groups with strong patrilineal descent. But even those groups share the view that a young couple in love should be allowed to marry each other (Boesen 1988:119). It would be poor management of his household and consequently shameful for her father to force her into another marriage (Abdullah 1990:153). In Hazārājat, boy and girl often spend a few weeks in each other's families. If they prove to be incompatible, the marriage will occasionally be called off. This always causes disputes about which gifts have to be returned. Doubleday (1988:41) relates how a girl herself insisted on going through with a wedding that her father found unsuitable.

Although ideally groom and bride have not set eyes upon each other, they often know each other from childhood. Given the more or less strict purdah, it is possible that they did not see each other after the age of eight or nine. With the Uzbek, the groom will visit the bride regularly. This meetings go from romantic verbal exchange to actual sexual intercourse. Tuy e khord qingalbāzi, tuy-e kalān bordan e dokhtar (after the small feast, one is allowed to visit the girl, after the big feast, one can take her away) (Centlivres-Demont, 1988). The mother of the girl arranges for the meetings, since the father is still supposed to protect his daughter, and consequently his honor. Duranni Pashtun also know the bāzi, and many will recall it as the best time of their lives. Occasional pregnancies will speed up the marriage, or be aborted (Tapper 1991:164). According to

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35 An educated Pashtu had chosen a woman himself in Peshawar, and was planning marriage. Then his father came back from Kabul, having paid already half of the walwār for a suitable bride. He had of course the option of going abroad with the woman of his choice, but "I would never be able to come back to Afghanistan, they will kill me." he said, referring as much to his own as to his fiancee's family.

36 In Jaghori, the family of a girl who did not want to marry her cousin on mother's side, and having spent already half of the shirbaha, managed to invite some of the foreign doctors to village of the boy's family and had them perform 'free' consultations, as a way to pay back his family. The mother of the girl even embraced the male doctor in public when he arrived in the village, showing that she was on sister-brother terms with the highly valued visitors.
Kamal engaged kuchi couples will meet at night, outside the camp: their approach is immediately physical and ends with coitus at the first visit (Kamal 1978:164). Some of my Hazâra informants would talk with much appreciation about this period, where they make 'dry love'. Often several years lie between the engagement and marriage, during which the man goes abroad to earn money. He will occasionally visit his future wife's family, and often the young couple will sleep apart from the rest of the family, with the girl's parents' consent.

5.2.3. The Wedding.

The arusi or wadeh (wedding) takes traditionally three days. Invitations are sent orally by small girls (Hazâra) or boys (Uzbek and Tâjik). Often men and women will invite separate guests. Even written invitations are seldom sent more than a week in advance: all the invited know that the marriage negotiations are in their final stage. There are two main seasons for weddings: spring and fall, the latter being the more elaborate (N. Tapper 1977:169).

The day before the marriage, both bride and groom are prepared. The bride is bathed, depilated and perfumed by the women of the boy's family (Delloye 1980:29; Doubleday 1988:87). The man has his hair and beard cut, shaves his body hair, bathes with his friends. Tradition holds that this takes place in the hamâm, in the mountain villages this takes at home for the girl, while the man has his hair and beard cut on the market place. Then women of both families inspect the dowry. However big and costly, it will be criticized by the women of the boy's family.

The ceremonies, the order in which they follow each other, the place where they take place differs. I refer to Delloye (1980:22-37), de Torsiac (1987), L. Dupree (1981:198-205), Poladi (1989:292-294) and N.Tapper (1991:164-168) for detailed

37 The kuchi Kamal talks about are Pashtun nomads.
descriptions. However, the following ceremonies take place at one or other time during the three days.

A plate, takht e khina, with a bowl of henna, sugar breads (symbol of prosperity), a mirror (needed in a later ceremony), a water jug (symbol of life), a oil lamp (to ward off the evil eye and jinns of darkness). The plate is carried between the two gatherings, a public one where the husband and male guests are, and the private one, where the bride and women gather. More gifts are exchanged. Both bride and groom paint the palms of their hands with the henna, as do their closest friends. The marriage agreement is formalized in front of the mullah. In most groups the bride is represented by a male member of her family. Hazāra brides will speak for themselves. More and more, a nekāhkhat (contract) is signed also in villages. A meal is served at the bride's house, women and men separated. The bride's family is low key: they will not see their daughter/sister again for a long time. The bride herself stays detached from all the brouhaha: if too happy to join her husband, she insults her parents by indicating that she is happy to leave; if crying too much, she insults her husband's family.

In the early eighties, marriages inside Afghanistan were held very sober affairs, due to the war. Music was forbidden in many places: it was indecent to have fun when members of the same family were fighting jihad. In some places the whole ceremony was contracted to one day. Later in the eighties, music and dancing were allowed, in Afghanistan (de Torsiac, 1986) as well as for the refugees in Peshawar (own observations from 1986 onwards).

When time comes to leave her parental home, the father of the bride will knot a shawl around his daughter's waist: symbol of a finished job well done. The bride leaves the house, passing under a Qur'an, and is put on a horse (sometimes a camel, never
a donkey) and led outside the compound by a brother or paternal uncle.\footnote{In Behsud, Hazárajat, a brother or friend of the groom will approach the bridal party and ask them to hand over the bride, who is sitting on a horse. This will be refused two times. The third time, he grasps the bridle of the horse and 'takes' the bride to the groom's party.}

Arrived at her new home, a chicken will be slaughtered at the threshold, or a melon crushed as symbol of fertility.

The virginity of the bride is very important in the popular as well as ethnographic discourse: stories exist of women sent back, mutilated, or killed if they failed to give necessary proof. Given the apparent prevalence of námzádbázi this seems difficult. Of course, if necessary there are multiple ways of showing a white tissue with red spots. N. Tapper reports that because of bázi, only the coloring with henna of the hands marks a transition in sexual status of bride and groom (N. Tapper 1991:170). From my own observations, I tend to assume that many exaggerate the 'need for proof', based on customs elsewhere in the Middle East. L. Dupree (1981:204) also remarks that the virgin-check is actually performed in only few areas in Afghanistan.

For a few days, the new couple is left alone, then bride and groom will go back to their respective tasks in the groom's family. I already mentioned the strict separation of responsibilities between a male and female sphere of activities (see 5.1.).

5.2.4. Return to normality.

The son-in-law will visit his father-in-law formally a few weeks after the wedding. Some insist that it is 40 days later, but it varies. In theory, they can now have 'normal' relations, since the woman has clearly changed to the husband. Gifts are exchanged again.
Some months after the wedding, or after her first child, the daughter will visit her former family, bringing a dish she cooked herself. The father will give his daughter chickens or a cow, which provides the girl higher status within her new family.

In theory, the woman becomes property of the new family, where she will be known as 'mother of so and so'. However, she will most often keep referring to her father's family as 'her' family and I know quite a few households where disputes are caused by the meddling of the wife's brothers, who still feel they should protect their sister.

The woman will try to have children: acquiring at her turn daughters in law will give her power, looking for husbands for her daughters make her take part in the weaving of the social network.

5.3. The meaning of marriage payments.

The terms bridewealth and dowry hardly reflect the totality of the transactions that take place in Afghanistan. *Mahr* is often not paid, only set and included in the marriage contract. If ever the man divorces his wife, he'll have to pay the wife. It resembles a form of alimony, due in case of divorce or a life insurance, paid out to the wife in case the husband dies before her. The *shīrbāhā* can hardly be called 'bridewealth'. Some part is often used to pay for the expenses of the festivities. A big part is spent to buy the 'trousseau' of the bride. This could be called 'indirect dowry' (Goody, 1973:2), assuming that what we call 'dowry' goes to the union of man and wife. But then again, looking at the reality in Afghanistan, I am urged to ask the same question as Rheubottom: "Why in a patrilineal, viriloclal society would the wife-givers endow the groom with rights over the bride's labor, her sexuality, her reproductive capacity and then give the couple a substantial amount of clothing, cash and furniture as well? .... The bride's family does not endow the groom or his household: they endow the bride..." While Rheubottom observed that the dowry in Macedonia did not contain utensils for use in the household, it does so in Afghanistan, besides articles that are clearly intended for the bride's use only.
Lemennicier points out rightly that, although ideologically denied, similar transactions exist in our western society. The major difference being that in our society, a lot of the functions fulfilled by the (extended) family in Afghanistan have affordable alternatives outside the family. (1988:33) Marriage payments should be analyzed in context of the total systems where they take place (Goody, 1973:1 ff). In the context of Afghanistan, to prefer marriage over celibacy, to choose a particular partner and to decide to have many children would make sense as a rational decision in order to replace a present little satisfying situation with another, which is judged to be better.

However, Comaroff states that "marriage prestations cannot be explained in utilitarian or commercial terms, since their utilitarian quality is culturally constituted" (1980:41) He further objects to the "general tendency, within all major paradigms, to make a functional distinction [between marriage and marriage payments]. Marriage is seen as structurally prior, and prestations largely as its institutionalized mode of facilitation. ...this emphasis upon teleology typically depends upon treating 'marriage' as a single and undifferentiated category of relationship" (35-36). He argues that "they are complementary elements of the same thing: a meaningful order with reference to which the physical act of cohabitation is transformed into a social fact." (38) In societies like Afghanistan's (endogamous, with preference for patrilinear FBD marriages) "they also become an instrument used by individuals in politically and economically inspired efforts to shape social networks to advantage, and to control other persons within them." (40)

Not everything can be used in marriage payments. Tribal Pashtun have four spheres of transactions. The first, most honorable, includes man and direct transactions between men: badi, milmastya, nanawaty.

Women are the second sphere, and exchange with the first sphere occurs when two or more women are given in exchange for a killed man. Direct exchange of women occurs to emphasize the equality of both families.

A third sphere concerns the exchange of land, animals and valuables. The price of these are not related to the market price. Gifts from this sphere (horses, camels, weapons and jewelry) are used as gestures of friendship or political support. All these items can be included in the brideprice.
The fourth sphere includes the barter of goods at market value and is considered a low activity. (N. Tapper 1984:300-1) Consequently, bride prices are discussed in terms of articles of the third sphere. The value is evaluated at 150 to 200% the market price. The actual payment can be partly in cash (without relation to a real commercial exchange)

For the father of the bride, setting the right bride price is a difficult undertaking. Already he is on the losing side as wife-giver, but asking not enough will emphasize that. Asking too much will make him known as greedy: qālin nagereft, gushtekhod frukht (he did not take the qālin, he sold his own flesh—his daughter). He will also risk keeping his daughters too long, until they are no longer considered marriageable. His only opportunity to regain face, and shame the groom's family is the trousseau: the larger the trousseau, the more honor for his family.

All transactions touch a key concept in Afghan society: honor. The males' skills in control of resources and women are exhibited publicly during the engagement and marriage. N. Tapper lists 15 separate moments were goods, animals, money or the bride are exchanged in an elaborate Durrani marriage (N. Tapper 1991:169). Giving too much or too little on any of these occasions risks creating imbalance and provoking shame for one of the families involved. The formal structure of the transactions are a means to prevent this. While the core Islamic ritual (nekāh and mahr) is seen by most as the only unchangeable part of the rituals, other transactions may become less important when the marriage itself is politically less important. Although a lot of the ritual exchanges are not public, they invariably become public knowledge and the amounts and value of payments,

39 Instead of the currency unit (afghani), bride prices are discussed in hazari (banknotes of thousand afghani). Animals are equalled to multiples or parts of hazari, related to going prices at the time of the discussions. Shrewd grooms will delay payment and play on the seasonally changing market prices of the animals, and end up paying less than what was agreed to.
gifts and food offered to the guests will be matched against the place each family occupies in the local hierarchy.

Accounts of marriages in the Muslim Middle East till recently, have mostly been concerned with the causes, meanings and structural implications of the practice of parallel cousin marriage (N. Tapper 1981:387). In Afghanistan, this type of marriage represents only a small percentage of the marriages (Centlivres & Centlivres-Demont 1988:20). What is more important is how the given of an undeniable imbalance (loss of a female) is managed by both families. I wouldn't necessarily agree with Devereux\textsuperscript{40} that the primary function of marriage rituals is the masking of the hostility between the males of the two families. But in Afghanistan marriage is at least an occasion where prestige can be won or lost, a mode of conversion between different spheres of exchange and a challenge to keep or increase one's status in the local hierarchy, by reaffirming existing political ties and loyalties or forging new ones.

\textsuperscript{40} "Le rituel du mariage n'a pas pour but essentiel de créer un lien entre mari et femme, ni même une alliance entre deux familles. Il a pour fonction de masquer l'hospitalité en proclamant la création d'une alliance, d'affirmer l'entente pour éviter une rixe, de substituer la paix à la guerre." (Devereux 1985:232)."

The Afghan state has tried on several occasions to interfere with marriage and marriage payments. Starting with Amir Abdurrahman, almost every single monarch or president proposed some changes (see 6.1.) and also the islamist resistance made its attempts (see 6.3.). None of the proposed reforms had the proposed beneficial results, while some of them proved catastrophic in outcome for those who proposed them.

6.1. Marriage reforms before Decree No. 7.

The attempt of the PDPA was by no means the first to try to change the pattern of marriage transactions. In the early nineteenth century, Sayyed Ahmad Shah Brelwi, the leader of the 'Hindustani fanatics' was hailed as a savior by and led the Swat Yusufzai in a jihad against the expanding Sikh empire. Being a fundamentalist Muslim, he tried to bend Yusufzai practices that were not in line with orthodox Islam. When he urged the Yusufzai, one of the strict endogamous Eastern Pashtun tribes to abandon the practice of large brideprices, he was, probably falsely, accused of forcing Yusufzai maidens to marry his Hindustani followers and expelled from Yusufzai country (Caroe 1986:304-5).

Amir Abdurrahman Khan, as far back as 1884, also tried to introduce laws to align customary practices in line with Islam. He forbade child marriages, the levirate, exorbitant brideprices and marriage gifts. He upheld hereditary rights for women, as well as the right to divorce in certain cases. He did little to impose these laws, and upheld that men were entitled to full
control of their women because "the honor of the people of Afghanistan consists in the honor of their women".\textsuperscript{41} It should be noted that he lowered the brideprice at what Kakar calls "the very low price of 30 rupees" (Beatty 1984:190). His son, Amir Habibullah Khan, restricted marriage payments to maximum amounts, according to class in 1911 (Gregorian 1969:198).

Amir Amanullah Khan's Family Code of 1921 outlawed child marriages and intermarriage between close kin as un-Islamic practices. He also pressed to abolish forced marriages, and the levirate and to assure widow's rights. He placed tight restrictions on wedding expenses, including dowry, and granted wives the right to appeal to the courts if their husbands did not adhere to Quranic tenets regarding marriage. He also tried to give women the right to marry whom they pleased and to fix a minimum age for marriage (in 1924). He advocated monogamy, the removal of the veil, the end of seclusion and compulsory education for girls (Beattie 1984:190, N. Dupree 1984:307, Gregorian 1979:243-4, N. Tapper 1984:294). A jirga, that was supposed to clear these propositions to be accepted as law, cleared many other reforms, but got stuck on the propositions regarding women (Mukherjee 1984:64). Although Amanullah prohibited the burqa and veil in Kabul, he permitted a light veil, if one desired. He also left free choice to individuals outside Kabul, but tribal custom to the contrary must not be imposed (Mukherjee 1984:66). Although these attempts were ignored by the population as a whole (Beattie 1984:190), even his admirers judge that Amanullah wanted to go too fast and he could not change the visible aspects of social and religious traditions without first changing the infrastructure of his society (Anwar 1988:21). His attempts to interfere with women and marriage, along with modernist views on Qur'an and Islam gave his opponents the leverage to stage a successful revolution. Contrary to the PDPA's reforms, Amanullah's reform program created comparatively little resentment in the towns and cities and did not lead to

significant urban protests, where the reforms where actually implemented.

After Amanullah's debacle, reforms were kept quiet, and largely confined to the upper class in the cities. In 1950, a law was passed that prohibited many of the expensive aspects of birth, circumcision, marriage and burial rituals. But in the seventies, even the rising urban middle class largely ignored the letter of the law (L. Dupree 1980:209). In 1959 the government dropped the legal requirement that women had to go veiled in public, without forcing anybody to do so. It made clear however, that it would protect unveiled women, by jailing clerics who assaulted those women and challenging religious opponents to provide positive Quranic proof -not interpretations- for their objections (Barfield 1984:178, N. Dupree 1984:308). In the new constitution of 1964, which stated that all Afghans had equal rights and obligations before the law, without discrimination or preference, women gained equal rights (N. Dupree 1984:308), but again, without stressing the point too much. According to Kemali, no substantial change had been brought about in Afghan society by this statutory legislation (N. Tapper 1984:295)

The government of the Republic of Afghanistan (1973-1978), following the constitutional injunction that "There can be no law repugnant to the basic principles of the sacred religion of Islam", attempted to readdress specific problems through the a Penal Code (1974) and a Civil Code (1977). Hunte (1978) lists the articles of the Civil Law pertaining to women and their legal rights, as they appeared in several issues of Mermon in 1977 (see Annex B). This women's periodical had however a limited circulation, and the extremely formal style in which the laws were written made them difficult to understand for its readers, even when they were university graduates (Hunte 1978:90).

6.2. Marriage reforms under Khalqi rule.

6.2.1. Khalqi perception of women and marriage.
Decree no. 7 has to be seen in the total 'revolutionary' process after the Saur Revolution (Engeláb e Saur) in April 1978. The young PDPA government had defined the Afghan society as feudal. In their view the peasantry was composed of a mass of poor peasants, exploited by a handful of feudal lords, who had the support of the clergy. They had all intentions to change that in the shortest time possible. With Amanullah's failure as example, they decided not to count on the masses, but to perform a 'delegated' revolution, in place of the improbable working class and faced with a passive peasantry. Taraki didn't think that one had to wait for the growth of an autonomous popular movement, of which the party could take the leadership. On contrary, he thought that the party should try to attire the active and practical support of the people (Roy 1984:114). Since the working class has not yet developed its force, a well equipped and dedicated army could take the place of the popular masses to deal with counter-revolutionaries, while targeted reforms would gain popular support for the new regime.42

Main reforms were land reform (abolition of mortgages and redistribution of land ownership), alphabetization (forced campaigns would eradicate illiteracy in six months' time) and marriage reforms (abolition of brideprice and promotion of equality of women). The land reforms and the marriage reforms were considered "the 'political crux' of the Saur revolution." (Gupta 1986:49).

The situation of women, according to the PDPA and its supporters was horrible. "Women in Afghanistan have been the most oppressed being. They were like domesticated animals. Their only purpose of existence was to meet the sexual requirements of their 'owners', produce children and tend the house." (Mukherjee 1984: 163). Anwar includes marriage in his description: "The position of women in Afghanistan is perhaps even more helpless than that of animals. All Afghan nationalities practice the 'Islamic' tradition of purchase and sale of women. Child marriage is also considered in keeping with Islam. The mullah has ordained that nothing pleases God more than that a man should take four wives. Women are sold like cattle

42 According to Edwards (1988:25), this explains at least partly the attempt to reform marriages practices: "In its early espousal of women's rights, the PDPA seemed determined to strike at the heart of traditional values and relationships concerning women. Although the reasons why they chose to attack this particular sensitive area so soon after coming to power remains unclear, one factor would appear to be to create what Hassel has referred to in Central Asian context as 'a surrogate proletariat' among women whom, it might be assumed, could then be counted on to support the regime responsible for their liberation."
with full 'divine' sanction. In Afghanistan it is the bride's father who receives money in return for his daughter." (1988: 133) "The trade in women was perhaps the greatest tragedy of Afghan society, though it had the sanction and acceptance of all classes, tribes and nationalities. The sum realized through the sale of a woman was considered symbol of her purity and social position. Whatever its financial and social position, every family, rich or poor, had abided by this inhuman code for centuries as if it were providential law." (1988:143).

"By the time the Marxists took over, the female milieu in Afghanistan was a mixture of liberal trends and values fighting deep-rooted customs, traditions and prejudices, often couched in Islamic rhetoric against liberating women form their feudal shackles." (Gupta 1986:51)

The opinion of less partisan observers, using the Marxist model of analysis is given by N. Tapper (1984:295-6), where she quotes Kemali: "Excessive expenditure in marriage undermines the human dignity of women as it tends to render them into a kind of property of the husband or the family. [It] weakens the financial status of the family and tends to bring or worsen poverty. [It] tends to render the adults highly dependent on family resources; this in turn weakens their position in regard to the exercise of their right of consent in marriage as well as their freedom of choice of a life partner. Dependence of the youth on the family resources is enormous even without the stimulus of this additional factor. Marriage becomes highly dependent on the possession of financial means; this leads to intolerable discriminations against the poor. Excessive expenditure in marriage deprives many of the right to marry (e.g. many women); it also leads to late marriages, and often brings about a wide disparity of age between the spouses. Excessive expenditure in marriage constitutes a source of embitterment and conflict during the course of marital life. ... Costly marriages contribute to the continuance of the tradition-bound society and tend to slow down the process of reform. ... The practice is self-perpetuating." (1976: 47-48)

It is hardly surprising that, with this outlook on the subject, a modern progressive government as that of the PDPA in 1978, would proclaim a decree, designed to ensure "equal rights of women with men ... and to remove the unjust patriarchal and feudalistic relations which exist between husband and wife and for the consolidation of sincere family ties" (Hyman 1984:88).

6.2.2. Decree no. 7.

The decree was issued on 17 October 1978, and its intention was to replace the articles of the 1977 Civil Law pertaining to marriage and divorce with six articles. The following version is taken from N. Dupree (1984:323-324).

Article 1: No one shall engage a girl or give her in marriage in exchange for cash or commodities.

Article 2: No one shall compel the bridegroom or his guardians to give holiday presents to the girl or her family.
Article 3: The girl or her guardian shall not take cash or commodities in the name of dowry in excess of ten dirham according to Shayl'at, which is not more than 300 afs. on the basis of the bank rate of silver.

Article 4: Engagements and marriages shall take place with the full consent of the parties involved:
(a) No one shall force marriage;
(b) No one shall prevent the free marriage of a widow or force her into marriage because of family relationships or patriarchal ties;
(c) No one shall prevent legal marriages on the pretext of engagement, forced engagement expenses, or by using force."

Article 5: Engagement and marriages for women under sixteen and men under eighteen are not permissible.

Article 6: (1) Violators shall be liable to imprisonment from six months to three years; (2) Cash or commodities accepted in violation of the provisions of this decree shall be confiscated.

This decree was the shortest issued by the PDPA, inadequate and simplistic, and leading observers to suspect it had been hastily compiled (N. Dupree 1984:322; Gupta 1986:52). It addressed in six articles a matter that had been regulated with at least 66 articles in the Civil Law of 1977 (see annex 2.), and while it intended to ameliorate the situation of women, the changes proposed concerned mainly areas where tradition was a burden to men (N. Dupree 1984:323-4). Indeed, articles one to three only address the flow of material goods from the groom and his family to the bride and her family. It completely ignores the complex pattern of exchanges that take place over an often long period of time (see 5.3.) and the fact the even the material goods exchanged are not taken at market value. The decree is silent on the topics of women's right to divorce and inheritance, which give the decree its Pashtun bias. It also fails to point out that all the principles contained in the decree conform to Islamic injunctions (N. Dupree 1984:325).

6.2.3. Immediate reactions on the decree.

On this topic, only a few sources relate to observed facts, because few expatriates were left in Afghanistan by that time.
Except for Paktia, where the proclamation of the decree sparked the smoldering dissatisfaction of the local population (highly tribal Ghilzay and Eastern Pashtun) into armed resistance, little spectacular reactions were noted. Edwards (1988:34) notes that propaganda quickly spread that the government would prohibit polygamy and force older men that married younger women to divorce.

In Kabul the decree was viewed more favorably (Anwar 1988:144), but many families tried to get around the stipulations of the decree⁴³. Marriages were conducted as before, but in private and people did not register them.⁴⁴ Other families postponed the marriage dates. Instances of party members forcing girls of their choice into marriage, would sometimes so embarrass both families that violence seemed the only possible reaction. Those who actually shot the aggressor were in turn executed or imprisoned on charges of being counter-revolutionaries, imperialist agents, etc. Girls actually going out for decreed marriages were sarcastically called 'seh sadi', referring to the prescribed mahr (Taizi 1986:117).

Beattie (1984:190-1) relates the reactions in Nahrein, a district in Baghlan province. At first, people seemed to try to observe the new rules: less elaborate wedding celebrations were held. Rumor had it that two people had been imprisoned in Baghlan because they didn't observe the regulations. The decree caused friction between families with betrothed children, where already a part of the bride price was paid. A girl's family would insist on complete payment, going against the new regulations, or it would keep the first part and call the

⁴³ According to several Kabuli families I met in Peshawar. They also confirm Anwar's story on Hafizullah's eldest daughter: Hafizullah's eldest daughter Ghaurgati was to be married to Abdullah's son Asadullah Amin, in return for the hand of Abdullah's daughter for Hafizullah's son, Abdul Rahmam Amin. Amin's daughter was not interested in the marriage because she was fond of a young Kabul non-Pashtun named Rafiq. Ghaurgati, under great family pressure, finally came up with what she thought was an impossible condition. She told her father that she marry her cousin only if Ahmed Zahir, a popular Kabul pop singer, would give a concert on her wedding day at their house. Zahir was in jail at the time, charged with his wife's murder. However, for Amin, this was not a difficult thing to arrange. He had Zahir released. The unhappy marriage lasted fourteen months. Asadullah was hanged in June 1980 following Hafizullah's murder." (Anwar 1988:144-5).

⁴⁴ N. Dupree mentions a decline of intake at the Marriage Registration Office from several thousands afghani a month to a monthly average of 160 afs.
marriage off, claiming that the girls had been forced into the betrothal. Another would delay the marriage until the full bride price was paid, claiming that the girl was not yet sixteen.

Several of my informants in Balkh and Hazarajat related similar reactions. The decree had only effect in the cities and those towns that had a reasonable governmental representation. Outlying valleys and villages only heard the decree over the radio. Mostly families would delay the wedding of promised and betrothed couples. Some of the mujahedden, original from the city of Mazar-i-Sharif were in that case, and forced to flee the city a few months later, were still not married by 1985. A few informants related instances were people were actually imprisoned for going ahead with payments, agreed to before the decree came into force. All stressed the aspects of dishonor to the women and their families and the perceived un-Islamic aspect of the decree.

When the decree was proclaimed, armed resistance had already begun in certain parts of the country. In the months following, this would spread, making effective reach for implementation by the PDPA government impossible beyond the limits of the major cities. Friction between the Parcham and Khalq faction had already led to former's elimination from participation in the government. The Parcham had been seen by sympathizers of the new regime as the non-Pashtun component of the PDPA by retaining only the Khalq in power, the PDPA tried to continue Pashtun rule in the eyes of some. More important maybe was that the Parchamis had always been in favor of gradualism, a more delicate or diplomatic approach for gaining popular support, while "the Khalq leaders, and in particularly Amin, favored a vigorous and immediate onslaught on all the problems of the country, without concessions and with no holds barred." (Hyman 1984:82). From late 1978 onwards the PDPA was more concerned with identifying and eliminating perceived enemies both within and outside its own ranks than with implementing social reforms.

6.3. Islamist attempts to reform.
Although many of the islamist leaders of today were strongly opposed to Daoud's reforms in the seventies, their views on marriage come close to the mentioned articles of the Civil Law. They are against the mixture of Islam, tradition and local custom that exists in Afghanistan and hold that a right interpretation of Qur'ān and Hadith will lead to a socially just codification of the Shari'at.

While often extremely doctrinaire in Peshawar, those islamists who stayed in Afghanistan throughout the war had to make compromises. Both the organization of Zabiullah Khan I worked with in Balkh and the Shurā ye Nezār in the Nord-East set limitations on brideprice, but in both cases at a higher limit than the Decree No. 7. Others have informed me that commanders elsewhere also tried to limit exorbitant marriage payments. One concern was to reintegrate young men in society, during or after their service as armed mujâhed, and the best way to that was to marry them. During their service, they could of course not accumulate the necessary means to marry. If possible, commanders would help financially to marry off unmarried discharging mujâheddīn. Dupaigne (1986b:5) relates the complaint of a commander about the high marriages expenses, in spite of directives to the contrary.\(^{45}\)

\(^{45}\) In the document of Verhey (1988) on life during the war in a small valley in Badakhshan, the father of a man who marries a second wife complains about the amount he had to borrow in order to get the wife his son wanted. And that while officially the maximum was set to 20,000 Afghans through consensus between commanders and religious authorities. But even the mullah, who should give the example, asked four times that amount when he married his daughter... In Balkh in 1985, I heard complaints from several mujâheddīn, that although they would get 15,000 Afghans (half of the official limit) when returning home to marry, everybody was asking much more than should be permitted. In some cases it became clear in the same conversation that their sisters had been married for much higher sums also.
7. Why fail?

The changes proposed in the decree are either similar, or at least in line with changes proposed by different governments before that of the PDPA. It could in principle be accepted by the most ardent political opponents of the PDPA, the ismalist resistance, since it maintained the *mahr* (Roy 1985:125) and none of its stipulations went against official Islam. All its stipulations were also addressed, and in more detail, by the 1977 Civil Law. The difference was, that the Civil Law was available to all, but imposed on none.

Oddly enough, the decree would be unacceptable more because of what is omitted. The omissions point to the lack of understanding of Afghan society by the leaders of the PDPA. Most of them had got part of their education abroad. They belonged to what Majrooh (1990:76-7) called the 'new intellectuals': neither complete Westerners, nor complete Easterner, they had lost their roots in their own culture. They had adapted a Western rhetoric about social, political and economic change, but their personal action was seldom in harmony with what they preached.46 The complex interaction of the *qawm* between each other, the ambiguous function of Islam in the formation of socio-political solidarity networks, the negotiable power of the local leaders were all reduced to one adjective: 'feudal'.

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46 A typical example is Hafizullah Amin's daughter's marriage a few days before Decree No.7 was announced. While issuing loud and eloquent statements about the rights of women, there was not a single woman member of the Central Committee of the new cabinet.
It is not surprising that the proposed marriage reforms focused almost solely on the material economic aspects of the exchanges taking places in an Afghan marriage. The causality between marriage payments and poverty was taken for granted, and little heed was given to the social practices involved. Female exploitation was supposed to have economic roots, therefore focusing on the economic underpinnings of the marriage relationship would form the thrust of the reform.

Most of Afghanistan learned about the reforms over the radio, and the language used was Marxist jargon, translated literally in Dari or Pashto (L. Dupree 1984:65). And this while "... no revolutionary political speech is comprehensible to the Afghan peasant even if he happens to possess a solid classical culture. He may know Sa'adi's Rose Garden by heart and still understand not one syllable of the news given over the Afghan radio." (Roy 1981:51). In this context it becomes clear that what the PDPA actually proposed was less important than what it was perceived as proposing.

While under Daoud's reign reforms were always matched with an explicit reference to Islamic principles, absolutely no mention was made of Islam in the decree. On the contrary, in the same month the decree was proclaimed, October 1978, the flag of Afghanistan was changed to red (the color associated with atheist communism) and the time honored invocation to God, which preceded all official announcements on the radio, was abandoned. This invocation, "Bismillah al-Rahman al-Rahim", is used by all rural Afghans before starting any work and its absence confirmed further the suspicions of the population about the communist nature of the new government. We have seen that the legal authority of any government was accepted in as far as it defended Islam. Perceived as un-Islamic, the PDPA government lost this authority.

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47 de Ponfilly and Laffont cite the Soviet sociologist A. Rebrik on the same subject: "Nous étions au fin fond de la province du Paktia, lorsque au cours d'une réunion, de jeunes Afghans m'ont posé une question qui les embarrassait: "Tout le monde dit: la Révolution! la Révolution!... Mais qu'est-ce que c'est que la Révolution?" Personne ne savait, à l'exception d'un petit groupe de jeunes étudiants de l'Institut des cadres qui m'ont répété, presque en chœur, les paroles de Marx: "La Révolution est une locomotive pour l'Histoire." Je leur ai alors demandé: 'Qu'est-ce qu'une locomotive?' Ils furent incapables de répondre ... parce qu'ils n'avaient jamais vu de locomotive de leur vie, tout simplement parce qu'il n'y a pas de chemin de fer en Afghanistan. La Révolution est demeurée pour eux quelque chose aussi incompréhensible que cette locomotive!" (de Ponfilly and Laffont 1990:139)
Another reason for failure was misunderstanding of the nature of the Musahiban administration. We argued before that this administration never succeeded in penetrating and controlling the most basic level of social interaction in Afghanistan. It was the level where the society, the interlinked networks of the different qawm was better equipped than the government, where the government still was experienced as 'foreign'. The level where this pluri-ethnic society through interlinking solidarity networks established a social hierarchy that was maybe not just from each individual's viewpoint, but that was accepted by all, and where marriage was probably the most important tool to renegotiate each individual's and each group's place in that hierarchy. After Amanullah, reforms regarding marriage had always been announced quietly, as if the government knew it was threading on ground where its authority was not recognized. The Civil Law of 1977 could be invoked, but in fact the state had little leverage to enforce it.48

The PDPA replaced many of the sub-provincial officials with party members in the summer of 1978. While the pre-coup hard core party members would replace senior administrators on national or provincial level, new party members (suspected of opportunism) were put in charge of the outposts. Thus young, unexperienced administrators, that tried to 'prove' their faith to the new regime by overzealous actions were put in charge of those offices where the central government always had been the weakest, and where its most efficient tool for governing had been punitive action. The were left with a tool, ill equipped for any positive change. The fact that the enthusiast new administrators on many occasions refused bribes in order to close an eye for transgressions, left the local populations with the insecure

48 In our society, the authority of the state over individual marriage arrangements is recognized, but only effective to a certain limit. Lemennicier (1988:90) points out that one fourth to one third of all ex-husbands in France do not pay the alimony they have been ordered to pay, while only 36% of all divorced women that have been accorded alimony in France receive it regularly. N. Dupree states similarly that a predominant number of court cases in the seventies concerned non-paid mahr to women (1984:323).
feeling that they were losing their traditional means of control over state encroachment (Keiser 1984:125).

In its approach of marriage payments, the PDPA followed of course Marxist anthropology, but their acquaintance with all aspects of Marxism in general could at the best be called superficial (Roy 1985:113). For them it was clear that marriage payments directly caused general indebtedness, which leads to social inequality, and inferior status for women, while many writers in Marxist anthropology, apart from the so-called 'technicists' and 'vulgar materialists', have shown reluctance to deny the ontological status of the social in pre-capitalist systems (Comaroff 1980:33).

Improving 'women's status' and reducing indebtedness through marriage reforms is a typical Western concept, derived from changes in the role of women and marriage in Europe and the U.S. in the industrial and post-industrial period. While the Western male biases that lead to the very concept of 'women's status' are generally left unexplored, those who call themselves social progressives, educated and modern, feel they can justify attempts to change the customs of those they label tradition-bound and ignorant in terms of raising the status of women (Tapper 1984:296). 'Modernization' and 'development' often focus on trying to provoke imitative change, without giving heed to the different socio-economic context in which that change is supposed to take place.

The impact of Decree No.7 was mainly that it confirmed the existing suspicion with large parts of the population that the PDPA government was un-Islamic. I would even go further by saying that through the decree it became apparent that the PDPA was anti-Islamic. The brutal intrusion in a matter, that even in official Islam is seen as belonging to the private sphere (3.2.) was resented by the population as a whole.49 In Chapter

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49 The big difference between the revolts against the PDPA and the ousting of Amanullah, is that the present conflict involved the cities and towns, as well as the rural areas, and all ethnic groups and social strata. While the Hazâras had been
5, I discussed the many possibilities for imbalance during marriage and the containment thereof through delicate negotiations and ritualized transactions. Through its biased measures, the decree enforced the tendencies towards imbalance, in favor of the groom's family. If its stipulations were followed, it would have exactly the opposite effect it aspired to. The losers would be the girl's family, and consequently the woman in her new home: she would lose value in her own eyes, as well as those of her husband and brothers.

What stood out against former attempts to reform was the energy and speed with which the PDPA's reforms were performed and the ruthless actions taken against those who opposed it. But the reforms attacked symptoms, rather than conditions of social order. In Afghanistan, marriage expenses are a means of communicating status and status changes within a community. Barring this means from being used, would only give way to another means, but the idiom of honor to express the degree of control over and manipulation of various resources would probably continue.

The reaction to this and other decrees quickly took the form of jihad. The infringement of the state on age old traditions, especially on relations towards women and marriage was seen by the population as an attack on Islam. The Marxist jargon used to communicate them was known to the population from radio emissions of the Central Asian Soviet republics, known to be hostile towards Islam. The more and more overt reliance of the PDPA on Soviet and Soviet block technicians and weapons, the latter often used beyond measure against dissenters, confirmed the population's view that the government was communist, atheist and hostile to Islam. In societies like Afghanistan, "where ideology supportive to Amanullah, they were between the first to revolt against the PDPA. Informants from Mazar-i-Sharif, considering themselves 'modern' since they were fans of Ahmed Zahir, wore western style clothing and had sisters working in offices and hospitals, still were sharply critical on this decree.

50 In Kabul, people would say "under the king you were hit, under Daoud there were beaten, now you are tortured." (Hyman 1984:149).
is entirely dominated by religion and where there is no separation between the realms of politics and that of religion, wars and revolts, regardless of their actual causes, acquire a religious dimension in that their aims, their justifications and their appeals are expressed in religious terms. It is precisely the doctrine of jihad that provided this dimension in Islamic history." (Peters 1979:6).
8. The present situation.

After 1978, the situation of the PDPA government deteriorated quickly: violent revolts broke out in large parts of the country. Internally, the last Parchamis were kicked out of the government and finally Taraki was killed by Amin in a shoot-out. The military invasion of the Soviets on 27 December 1979 convinced the last hesitant Afghans to abandon the anti-Islamic regime and in a few weeks the Afghan army fell from around 100,000 to barely 30,000 men due to desertion of nearly all non-PDPA officers and troops\textsuperscript{51}. It would also provoke the largest population displacement in recent history, as well as the violent death of nearly a million Afghans, on a total population of fifteen million.

The consequences of the war (external refugees, internal refugees and war casualties) changed the total number of the in-country population, as well as its demographic and ethnic composition and its settlement pattern. It took almost ten years before the efforts of different agencies and individuals to sort out the changes led to some consolidated picture. Eighmy (1990:101) came up with what are generally regarded as the most reliable figures. He divided the 1990 population of Afghanistan up as shown in Table 2., between the districts under mujâheddin control (mostly rural Afghanistan), under PDPA control (mostly urban Afghanistan), Afghan refugees emigrated to Pakistan and Afghan refugees emigrated to Iran.

\textsuperscript{51} One must realize that within Afghanistan, Islam never, until the Soviet invasion, faced a formidable challenge from the outside (Naby 1987:127).
Table 2
Distribution of Afghan Population in 1990

<table>
<thead>
<tr>
<th>Dwelling place</th>
<th>Estimated Population</th>
<th>Number of Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural mujaheddin controlled:</td>
<td>8,004,235</td>
<td>279 districts</td>
</tr>
<tr>
<td>Urban PDPA controlled:</td>
<td>4,358,990</td>
<td>46 districts</td>
</tr>
<tr>
<td>Refugees in Pakistan:</td>
<td>3,271,580</td>
<td></td>
</tr>
<tr>
<td>Refugees in Iran:</td>
<td>1,277,700</td>
<td></td>
</tr>
</tbody>
</table>

Official estimates show that 85% of all Pakistan-based refugees are Pashtun, and mostly from the provinces bordering Pakistan (English 1988:13). The distribution between refugee and non-refugee of the major ethnic groups by Sliwinski (1987:11) show a dramatic change in importance of each group inside Afghanistan (Table 3). In how far the cut up between mujâheddin and muhâjerin (refugees) will affect a rescaling of the ethnic hierarchy is not clear yet. The fact that many male refugees insist on being called mujâhed leaves suspicion of a qualitative difference of some sort between the terms. But 'official' Islam clearly places great value on those who leave and become muhâjerin in circumstances that warrant it (Ansari 1990:4).

Table 3.
Pre-war and 1987 Ethnic Distribution

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Afghanistan 1979</th>
<th>Refugees 1987</th>
<th>Afghanistan 1987</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pashtu</td>
<td>39 %</td>
<td>84.6 %</td>
<td>13.1 %</td>
</tr>
<tr>
<td>Tajik</td>
<td>26 %</td>
<td>6.0 %</td>
<td>37.3 %</td>
</tr>
<tr>
<td>Hazâra</td>
<td>10 %</td>
<td>0.1 %</td>
<td>15.6 %</td>
</tr>
<tr>
<td>Uzbek</td>
<td>10 %</td>
<td>0.5 %</td>
<td>15.4 %</td>
</tr>
<tr>
<td>Turkmen</td>
<td>3 %</td>
<td>0.1 %</td>
<td>4.1 %</td>
</tr>
<tr>
<td>Other</td>
<td>12 %</td>
<td>8.7 %</td>
<td>14.5 %</td>
</tr>
</tbody>
</table>

As for state building, a feeling of belonging to a 'nation' seems to exist stronger than before, though Canfield (1988:193-4) suggests that there is rather a crystallization of the unifying force of Islam into a political discourse and political parties.
Certain is that each group tends to claim more active participation in the government. Distinct claims on ethnic grounds are being made by the Hazara (Grevemeyer 1988:217), the Uzbek and some of the Pashtun.

What the consequences will be for marriage and marriage payments is not clear. Many speak of a reinforcement of purdah in the refugee population and give different reasons. Pashtun men feel it even more necessary to protect their women in a strange environment than at home (Boesen 1990:168). On the other hand, the high number of widows and women whose husband is in Afghanistan between the refugees have had to assume duties and responsibilities that would normally have been taken over by their husbands (N. Dupree 1990a:128; Boesen 1990:170). The few available reports from inside Afghanistan describe similar phenomena (Botti 1986:16) and some describe women active in the armed resistance (Cusset 1989:26). The increased emphasis on purdah is seen by some as an influence of non-Afghan fundamentalists, while others see it as a means for Afghan women to preserve their own identity and a certain stability when faced with external pressures (Howard-Merriam 1986:114). Sure is that both Afghan men and Afghan women are divided on what purdah should be in the present circumstances (Dupree 1988b:22).

Although many families have been divided, politically or physically, the family has kept its role as protective core for most of the Afghans (N. Dupree 1987:27). Some report a decline in the importance of the women's network in identifying suitable partners between the refugees (N. Dupree 1988b:24), which leads to hastily arranged marriages, with much discontent for the women involved. The same sources indicate an increase in polygyny under the refugees, which I also observed in Balkh in 1985. A special problem could be the women that remarried after their husband disappeared in the early days of the communist regime. Some of these husbands have recently been released after years of imprisonment. In the cases I know, the woman is judged to have done the right thing: since her husband could not provide for her she remarried somebody who could.
What is happening inside Afghanistan, is less clear. Paradoxally, with increasing accessibility and easier communications the last three years, less reports about the subject of this dissertation have been available. This indicates that probably little has changed. Most people now make short trips, while in order to be able to observe actual ongoings on the subject, one needs to spend months in the same community. From the few of my informants that recently married one could suspect a higher degree of marriage outside the qawm, than the percentage given by N. Tapper. But this is hard to judge, since most of the men involved were rather mobile to start with.

Marriage payments have known local fluctuations. On one hand, during the height of the war, some families tried to protect their daughters from marrying mujāheddin, who had a high chance to die young, by asking very high bride prices (private communications from Balkh and Jawzjan provinces). Other informants, from areas that knew temporary drought and food shortages, brought reports of families 'selling' their daughters: marrying them off quickly to wealthy, often already married, and older men.

An interesting point of research will be to evaluate the impact of the demographic changes, not in general, but in specific areas. The inter-ethnic hierarchic scale has been changed, if not reversed in certain areas. In the North, lands turned over to Pashtuns by former governments, as grants or through a consistent discrimination, has been reclaimed by non-Pashtun farmers. The Hazāras have prohibited the Ghilzay nomads from using their pastures, except if the latter were willing to negotiate a price.
Conclusion.

Marriage reforms, such as those proposed in Decree No. 7, are derived by a minority from a Western ideology on gender roles and marriage. Focusing on symptoms, rather than conditions of social order they may have short-term consequences (like delaying planned marriages). If these reforms would be implemented by an administration that could efficiently enforce them at the social level where marriages are arranged, then the traditional function of marriage and marriage payments of (re)negotiating an individual's and his qawm's place in the social hierarchy might shift to other means of manipulation. The underlying goals of the reforms of reducing material indebtedness nation-wide and to increase the status of women would not be achieved.

In the case of Afghanistan in 1978, the administration available to the government could not be used to bring about positive action. It was tolerated on the local level, because it had been rendered inefficient by the population. On the local level, the political unit was the qawm and marriages were an important, if not the preferred tool to manifest and negotiate the social prestige between different qawm. Striking at marriage and marriage payments the way it did, the PDPA struck at an area of social exchange where the government's authority was not recognized. Afghanistan's rural population assumes that particular traditions and customs, and especially those related to marriage, are proof of Islamic orthodoxy. The attempt of the PDPA to meddle with marriage identified it clearly as un-Islamic.

Presently, due to demographic changes and a present move of at least the intellectuals to be more in line with 'official' Islam, the Afghan family and marriage may change in some of its external manifestations. One could imagine that Islamic rhetoric may prove more successful than Marxist rhetoric. I argue that
both are inefficient, unless enforced at the social level where marriage and marriage payments take place. More than before, at that level, the extended family performs functions without valid alternative outside. The war has reinforced the gawm, reshuffling sometimes their relative position in the local hierarchy. But with the total collapse of the central government, the political scene is presently occupied by the gawm. It is difficult to imagine that they would allow any fundamental change in marriage or marriage payments, both important tools of manipulation of social prestige.
BIBLIOGRAPHY

Abdullah, M.M.

Ahmed, A.S.

Ahmed, A.S. and D.M. Hart eds.

Anderson, E.W. and N.H. Dupree, eds.

Anderson, J.W.

Ansari, Z.I.
1990. 'Hijrah in Islamic tradition.' In: E.W. Anderson and N.H. Dupree eds.

Anwar, R.

Azhar, S.

Aziz, S.A.

Balland, D.


Barfield, T.J.
1984. 'Weak links on a rusty chain: structural weaknesses in Afghanistan's provincial government administration.' In: M.N. Shahrani and R.L. Canfield eds.

Beattie, H.
1984. 'Effects of the Saur revolution in the Nahrin area of Northern Afghanistan.' In: M.N. Shahrani and R.L. Canfield eds.

Bindemann, R.

Boesen, I.W.
1984. 'Conflicts in solidarity in Pakhtun women's lives.' In: B. Utas ed.

Botti, O.

Boudhiba, A.

Bousquet, G.-H.

Canfield, R.L.
1984. 'Islamic coalitions in Bamyan: a problem in translating Afghan political culture.' In: M.N. Shahrani and R.L. Canfield eds.
1987. 'Ethnic, regional and sectarian alignments in Afghanistan.' In: A. Banuazzi and M. Weiner eds.

Caroe, O.

Centlivres, P.
1988. 'Identité et image de l'autre dans l'anthropologie populaire.' In: P. Centlivres and M. Centlivres-Demont eds.

Centlivres, P. and M. Centlivres-Demont.
1984. 'La société afghane: structure et valeurs.' In: M. Centlivres-Demont et al. eds.


Centlivres-Demont, M. 1988. 'Rites de mariage: le dit et le vécu.' In: P. Centlivres and M. Centlivres-Demnot eds.


Dupaigne, B. 1984. 'Les peuples d'Afghanistan.' In: M. Centlivres-Demont et al.
1986a. 'Le rôle des hommes et des femmes.' Les Nouvelles d'Afghanistan 29-30:3.

1986b. '"Le prix de la fiancée", une protection pour les femmes.' Les Nouvelles d'Afghanistan 29-30:4-5.

Dupree, L.


Dupree, N.H.
1984. 'Revolutionary rhetoric and Afghan women.' In: M.N. Shahrani and R.L. Canfield eds.

1987. 'The Afghan family abroad: a focus on Pakistan.' WUFA 2,4:15-31

1988a. 'Afghan refugee women in Pakistan, the psychocultural dimension.' WUFA 3,1:34-45, 1988.

1988b. 'The role of Afghan women after repatriation.' WUFA 3,4:16-38.


Edwards, D.B.

Eighmy, T.H.

English, R.

Etienne, G.

Farr, G.M. and J.G. Merriam, eds.

Fazely, M.K.

Fussman, G.

Gille, E.
1984. 'L'accension au pouvoir des communistes prosoviétiques.' In: M. Centlivres-Demont et al.

Goody, J.

Goody, J. and S.J. Tambiah eds.

Gregorian, V.

Grevemeyer, J.-H.
1988. 'Ethnicity and national liberation: the Afghan Hazara between resistance and civil war.' In: J.-P. Digard ed.

Gupta, B.S.

Hjarpe, J.
1983. 'The attitude of Islamic fundamentalism towards the question of women in Islam.' In: B. Utas ed.

Howard-Merriam, K.

Hunte, P.A.

Janata, A.
1986. 'Aimaq und Tajik in West-Afghanistan.' In: E. Orywal ed.

Kakar, M.H.K.

Kamal, S.

Katz, D.J.

Keiser, R.L.

Kieffer, C.M.

Knabe, E.

Kopecky, L.M.

Kushkaki, S.

Lemennicier, B.

Magnus, R.H.

Majrooh, S.B.
1990. 'Afghan intellectuals in exile: philosophical and psychological dimensions.' In: E.W. Anderson and N.H. Dupree eds.

Majrooh, S.B. and Velter, A.

Mernissi, F.

Mukherjee, S.

Nicolaisen, I.
1983. 'Introduction.' In: B. Utas ed.

Orywal, E.
1986a. 'Erläuterungen zur Verbreitungskarte.' In: E. Orywal ed.
1986b. 'Ethnische Identität - Konzept und Methode.' In: E. Orywal ed.

Ovesen, J.

Peters, R.

Poladi, H.

Puig, J.-J.
1988. 'La résistance afghane.' In: M. Centlivres-Demont et al.

Rao, A.

Rheubottom, D.B.

Roosens, E.

Rossignol, G.
1984. 'La formation de l'état afghan.' In: M. Centlivres-Demont et al.

Roy, O.
1984. 'L'islam en Afghanistan.' In: M. Centlivres-Demont et al.
1989. 'Qawm, tribus, ethnies et nationalités en Afghanistan.' Afghanistan Info 25:8-10
Sawez, I.

Shahrani, M.N.
1984a. 'Introduction: Marxist "revolution" and Islamic resistance in Afghanistan.' In: M.N. Shahrani and R.L. Canfield eds.

Shaharani, M.N. and R.L. Canfield, eds.

Shalinsky, A.
1986. 'Uzbek ethnicity in Northern Afghanistan.' In: E. Orywal ed.
1989. 'Women's relationships in traditional Northern Afghanistan.' Central Asian Survey 8(1).

Sliwinsky, M.

Strand, R.F.

Taizi, S.Z.

Tapper, N.
1981. 'Direct exchange and brideprice: alternative forms in a complex marriage system.' Man (NS) 16:387-407.

Tapper, R.L.
1984a. 'Ethnicity and class: dimensions of intergroup conflict in North-Central Afghanistan.' In: M.N. Shahrani and R.L. Canfield Eds.
1988. 'Ethnicity, order and meaning in the anthropology of Iran and Afghanistan.' In: J.-P. Digard ed.

Tavakolian, B.

Vercellin, G.

Verhey, J.

von Moos, I. and Huwyler, E.

Wutt, K.

Zwier, G.J.
Annex A: Glossary

'ādat: tradition, custom, customary rights
Afghan: citizen of Afghanistan; used in the exclusive sense to indicate the Pashtun
Ahl e kitāb: 'people of the book', includes Muslims, Christians, Jews and Zoroastrians
arbāb: village leader, traditionally elected; now often indicating those that have been appointed by the state and became corrupt
arusi: wedding
badī: vengeance in Pashtunwali; 'getting even'
badnām: shame in the negative sense
bāzī: courtship before marriage, where the groom will visit the bride; often leads to premarital sexual relations
Bismillah: short form for Bismillah al-Rahman al-Rahim; invocation to God with which virtually all actions start in Afghanistan
burga: a kind of veil that covers the whole body
Chestiya: Sufi brotherhood with its roots in India, but very active in Afghanistan around the town of Chest-i-Sharif (Herat)
Dari: Persian as spoken in Afghanistan
dawlat: the seat of power; the state
din: religion
dindār: having a religion
Durrani: Pashtun tribal federation from which the Royal family came, living primarily in the south-west
Engelâb e Saur: the official name of the Saur Coup of 27 April 1978
Ghilzay (ghalji): Pashtun tribal federation in the south-east
godar: place to get water; (secret) meeting place
hadith: words and doctrines of the Prophet, handed down by a line of authorities
hamām: public baths
Hanafi: school of legal writers that adopted the interpretation of Abu Hanifa (9th century AD), presently the most widespread and most liberal school
Hazara: orthodox Shi'a population with Mongol features, living in Central Afghanistan
hokumat: the government
Isma'ili: Shi'a sect that believes the seventh Imam is the hidden Imam (instead of the twelfth as orthodox Shi'a believe)
jelin: dowry; trousseau
jihad: 'struggle' for Islam; often limited to its use for describing the armed struggle in defence of Islam
jirga: assembly of men in Pashtun tribal areas
Khalq: 'the People', a faction of the PDPA that provided the two first communist leaders of the revolution (Taraki and Amin)
khan: traditional leader of a gawm, often based on client-patron relations
khwaja: descendant of the first caliphs
kuchi: nomadic Pashtun
landay: traditional short Pashto poem
madrasa: higher religious school
mahr: the sum paid by the husband's family to the woman
malik: village leader, elected; often refers now to appointed ones (equivalent of arbâb)
mazhab: religion, term used to make the difference between Sunni and Shi'a, as well as between different Sunni law schools
milmastya: hospitality in the Pashtunwali
mohâjer: refugee
mozigay: 'the little awful one', used in the landay of Pashtun women to designated the husband
mullah: low level Muslim religious leader
murid: disciple of a pir who receives personal initiation
mut'a: temporary marriage, acceptable by Shi'a (also shiga)
myân: a religious figure in tribal Pashtun areas
nâmzâdbâzi (bâzi, qingalbâzi): the same as bâzi
nanawatay: sanctuary in the Pashtunwali
Naqshbandiya: Sufi brotherhood founded in the fourteenth century by Bahaudin Naqshband, strongly implanted in Afghanistan
nekâh: marriage ceremony; marriage contract
nekâhhkat: the written marriage document
Nuristani: a number of tribes in north-east Afghanistan, converted to Islam in the late 19th century
pakhtu kawul: 'do Pashtun'; this designates somebody as Pashtun
pakhtu wayu: 'speak Pashtun'
Parcham: 'the Flag', faction of the PDPA, led by Babrak Karmal and then Najibullah, put in power by the Soviets after the invasion in 1979
Pashto (Pakhto): language spoken by the Pashtun Pashtun (Pakhtun): dominant ethnic group in Afghanistan, living mainly in the south
Pashtunwali: Pashtun tribal code
PDPA: People's Democratic Party of Afghanistan, communist party of Afghanistan
peghor: 'rumor', 'hearsay'; contrary to Islam, Pashtun will accept this as sufficient proof for adultery
pir: Sufi spiritual leader; leader of a religious network
purdah: seclusion of women
Qaderiya: Sufi order founded by Abdul Qader Gaylani in the thirteenth century
qâlin: bride wealth
gand: a sugar loaf, brought to the girl's home as sign of promise
gawm: a solidarity group whose sociological basis may be ethnic, geographic, descent, religious, professional
gazi: a judge who applies the Shari'at
gisas: retaliation as allowed by the Shari'at to meet out private vengeance
ramadhan: the month of fasting in Islam
rivâj: local custom, as opposed to Shari'at, but in rural Afghanistan seen as sanctioned by Islam
Salafiya: reform movement in Islam in the nineteenth century, with Jamaluddin Afghani and Muhammad 'Abduh canvassing for a return to the ancient doctrine to meet the challenge pose by the West
sayyed: descendant from the Prophet (through his daughter Fatima)
seh sadi: nick name for the girls who married under Decree No.7 Shari'at: the totality of the Muslim religious law
sharm: shame in both senses; applied to anything considered in the private sphere
shirbâhâ: bride wealth
shirini khorã: the official engagement
sunnat: the tradition of the Prophet: accounts of his deeds and actions and his sayings (hadith)
ta'wiz: amulet
ulema: plural of 'alim, applied to someone who has successfully completed a higher degree in a madrasa
'Umma: the Islamic community, the totality of Muslims in the world
Uzbek: a Turkish-speaking ethnic group in North Afghanistan
wadeh: the wedding
Wahhabism: a strict puritan sect, founded in Saudi Arabia and dominant in that country
walâr: bride wealth
zina: unlawful intercourse
zyârat: tomb of a 'saint' that has become a place of pilgrimage
Annex B : The articles related to marriage in the Civil Law of 1976.
(According to Hunte, 1978)

Art. 48: Documents pertaining to marriage, divorce, and the proof of parentage and succession shall be registered with the courts.

Art. 60: Marriage is a contract which legalizes intercourse between a man and woman with the object to establish a family, and it creates rights and obligations for both parties.

Art. 61: The marriage contract shall be registered, and three copies shall be made and distributed to courts, husband and wife.

Art. 62: Engagement is permissible if the woman is not married, nor in her divorce period (eddah).

Art. 63: A man cannot request marriage of a woman during her divorce period.

Art. 64: Engagement is a promise for marriage and either of the parties - man or woman - can give this up.

Art. 65: If a gift is given and the engagement is broken, either party can demand to have the gift (or cash equivalent) returned.

Art. 66: Requests of marriage must be asked frankly and received openly in front of witnesses.

Art. 68: Badal without the individual’s consent is illegal.

Art. 69: Where a person marries two women, each shall be entitled to a separate marriage portion.

Art. 70: Marriage is not adequate until the male completes the age of 18 and the female completes the age of 16.

Art. 71: a. Where the female is not 16 years of age, marriage maybe only concluded through her father or the competent court.
   b. The marriage of a minor girl whose age is less than 15 shall never be permissible.

Art. 77: The contract of marriage (nikah) is accepted by the court if:
1. the offer is made by one party and accepted by the other;
2. this is performed in the presence of two witnesses;
3. there are no legal prohibitions.

Art. 80: When a wise girl attaining her majority age marries, her marriage shall be binding.

Art. 81: Marriage to one’s direct ancestors or to his own descendants or to the descendants of one’s father and mother and the first layer of descendants of one’s forefathers is prohibited.

Art. 82: Marriage to the widows of one’s ancestors or descendants is prohibited.

Art. 86: Polygyny can take place after these conditions are fulfilled:
1. when there is no fear of injustice between the wives;
2. when a person has financial sufficiency to sustain the wives (that is, when he can provide food, clothes, a suitable house, and medical care);
3. when there is legal expediency (that is, when the first wife is childless or when she suffers from diseases which are hard to be treated).

Art. 87: The female whose husband does not follow Article 86 can demand a divorce form the court.
Art. 89: During marriage when a person conceals his previous marriage to more than one wife and when he has not secured clear consent of a woman, the newly married wife can demand divorce.

Art. 90: A complete marriage shall create all rights and obligations for the spouses, such as maintenance of the wife, right to inheritance, obligation to prove blood lineage, and to avoid prohibited acts.

Art. 91: It is prohibited to marry the sister of one's wife.

Art. 92: Marriage of a Muslim woman and a non-Muslim man shall be null. A Muslim man can marry a woman who believes in divine books (ahl e kitab), however children shall be subject to the religion of their father.

Art. 93: If a man has a Muslim wife he can nonetheless marry a non-Muslim woman.

Art. 99: The wife shall be entitled to a specific marriage portion (mahr).

Art. 100: Property whose ownership is transferrable may be determined as the marriage portion.

Art. 104: The woman can demand the husband to determine the mahr after or prior to copulation.

Art. 105: If separation takes place before copulation, the wife shall be entitled to one half of the mahr.

Art. 106: If separation takes place before copulation on demand of the wife, the mahr shall be abolished.

Art. 107: If separation takes place before copulation, the wife is entitled to full clothing.

Art. 108: If separation takes place after copulation, the mahr must be given.

Art. 109: If a woman is engaged to a sick man who dies, he must have previously written her inheritance in his will.

Art. 110: The mahr is the sole property of the wife; she can exercise any ownership power over her marriage portion.

Art. 111: Once the mahr is given, it cannot be taken back from the woman.

Art. 113: A father cannot take the mahr from his daughter.

Art. 114: The wife cannot be forced to place all or part of her marriage portion at the disposal of her husband or any other person. If the husband dies before the woman receives the mahr, she has the right of inheritance and also the mahr.

Art. 115: The husband shall provide suitable residence for his wife.

Art. 116: If one has more than one wife, they cannot be forced to live together.

Art. 117: After a marriage contract is settled, the man must provide the alimony for the woman, even if she still resides at her father's house. If the woman has refused without any reason to reside in the household of the man, he need not pay alimony. The woman has the right to refuse to go to her husband's residence if it is not suitable or if her immediate mahr is not paid.

Art. 118: Alimony consists of food, clothes, suitable residence and medical care.
Art. 119: If the husband refuses to pay alimony and the court discovers this, he will be forced to pay.

Art. 120: Even if the husband is in jail he must pay alimony.

Art. 121: If the husband is absent, the court has the power to his possessions to pay alimony.

Art. 122: The woman cannot obtain alimony if:
1. she goes out of the residence without permission of the husband or when she goes out for illegal purposes;
2. she does not submit to conjugal affairs.

Art. 123: The husband must provide alimony as well as he is financially able; this must be enough to sustain the woman.

Art. 125: If the husband has not paid alimony for a period of time and he is judged to be responsible for this the amount must be paid in retrospect.

Art. 126: Following divorce during the period of eddat, alimony must be paid by the husband.

Art. 133: Annulling the marriage is acceptable when:
1. the process of nikah is not conducted properly;
2. one of the related parties is insane;
3. there is deficiency in the amount of mahr fixed for the woman;
4. there is cussing.

Art. 135: Divorce shall be issued by the husband or the authoritative court.

Art. 137: Divorce granted by the husband shall be valid even though he may be stupid or sick (but not mentally retarded).

Art. 139: The husband can divorce his wife orally or in writing.

Art. 140: An incapacitated wife shall not be divorced by her husband or his father.

Art. 141: The following individuals cannot obtain a divorce from their wives:
1. a husband who is deranged;
2. a very elderly man who is senile;
3. a drunkard.

Art. 144: The husband must repeat three times that he divorces his wife.

Art. 176: A wife can demand separation when her husband is the victim of a disease whose recovery is impossible or when intercourse with him is harmful.

Art. 183: When a wife receives harm from intercourse she can demand separation.

Art. 194: When a husband is gone for more than three years, a wife can demand separation.

Art. 218: Any child born to a married couple belongs to the husband.

Art. 237: The mother has the priority right to care for a child during marriage; during a separation period the mother or her relatives have the right to care for a child for two years.

Art. 240: If these individuals cannot care for the child during separation, the husband's relatives have the right to do so.

Art. 244: The father of the child pays for child care charges.
Art. 248: Where the wife does not cohabit with her husband and where the age of the child is more than five years, the courts may place the child in the care of the spouse who is most interested in the welfare of the child.

Art. 249: The care period of a male child shall end when he is seven years of age; the care period of a female child shall end when she is nine years of age.

Art. 251: Where it is proven that the person taking care of the child is not in the interest of the child (even if it is his father), the court can place the child in the care of the second person entitled.

Art. 2001: Causes of inheritance are marriage and blood relations.

Art. 2002: Inheritance is in accordance with the shares fixed by the shari'at.

Art. 2003: A male receives twice as much inheritance as does a female.