

ISLAMIC, POLYGYNY AND DOMESTIC VIOLENCE: A PERSPECTIVE

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ABSTRACT

Polygyny has been a long existing form of marriage among the nations of the world before it was popularised by Islam. Islam introduced it with limitation in the number of wives. This work aims at explaining Islamic views on polygynous system of marriage and domestic violence. It employs the qualitative research design, depending on secondary sources in gathering data. The study finds that Islamic polygynous system emanated from Allah's injunction as enshrined in the Qur'an. It puts it that polygynous system in Islam is not resorted to without reasons; some situations necessarily make a man marry more wives. Also revealed in the study are the principles of justice that are expected from the part of husband towards his wives. The study further reveals the act of domestic violence and its forms which include physical, emotional, forced marriage and economic. It provides Islamic solutions to these problems as to ensure a peaceful society. The study recommends that Muslim men should consider polygynous system in Islam as a problem-solving and not as a fashion. It further recommends that every member of the Muslim family including husband and wife should avoid domestic violence through adhering to what Islam dictates. It concludes that polygyny is an acceptable institution in Islam with laid down principles about how husband and wives should treat each other fairly.

KEYWORDS: Polygyny; Domestic Violence; Islam; Perception.

INTRODUCTION

Polygyny is not a new phenomenon. It has always been with mankind from time immemorial among different people in various parts of the world. The Arabians were polygynous even before the advent of Islam. The Arabs used to marry a large number of women and considered them as a chattel. The situations were so with people of other parts of the world (Doi, 2000: 144). With the introduction of Islam, polygynous system was restructured among the Muslims to a limited number and women were liberated from evil acts that are being perpetually committed against them. However, domestic violence was also common amongst the Arabs and other peoples of the world before the coming of Islam. The weak and the needy, orphans and widows, and slaves and servants had no defined rights. Islam then came to establish justice and mercy in the heart of a cruel world and prohibited any oppressive behaviour (Al-Wani, 2021: 1). Living in peace guarantees tranquility among people and especially within matrimonial homes where husband and wife or wives with other family members live. Husband and wife are considered as the originators of the family who must imbibe peace in their dealings in order to have a health society.

There are various existing studies on polygyny and domestic violence. Mwambene (2017: 2) submits that polygynous system of marriage has long been perceived to be in conflict with the ideas of gender equality, violating the dignity of women, increasing women's risk of contracting HIV/AIDS, damaging emotions, and is considered to be economically oppressive. Africa Regional Sexuality Resource Center (2005: 10) affirms that polygyny leads to abuse of wives as a result of economic hardship and desire of some Muslim men to marry more wives with the hope that such will be a panacea to their poverty. It is of this reason this research is conducted as to clear the misconceptions about the polygyny as relates to Islam religion. In Islam, polygyny is introduced to solve the societal problems and not as a contributing factor to the problems.

On domestic violence, Adeyemo and Bamidele (2016) explain that it is a regular part of most women's experience, especially in the homes where the expectation of every member

is the attainment of uplift and growth. They mention the cases of domestic violence in some of the world. They explain that it has become a significant problem in the United States, estimating that approximately 2 million women in the United States are severely assaulted by their partners each year. In South Africa, the Department of Justice estimates that one out of every four South African women is a survivor of domestic violence. In Nigeria, Women and girls are subjected to multiple forms of domestic violence. Due to a lack of official statistics, it is difficult to establish the extent of domestic violence as hundreds of cases go unreported and undocumented (178-179). In their own analysis, NOIPOLLS (2016) establish that there is an increasing prevalence of domestic violence in Nigeria of which causes are constant economic hardship, misunderstanding and impatience between couples, lack of trust, disrespect from the side of women and lack of moral values (7-8).

This therefore gives the researcher a great opportunity to present the views of Islam on domestic violence as to make people realize its effects on marriage and make corrections through the prescription of Islam.

Historical Background of Polygyny

Historically, Islam did not introduce polygyny. Polygyny was common among nations of antiquity. Among the Hindus, polygyny prevailed from earliest times. It was also common among the ancient Assyrians and Persians and no restriction as to the number of wives a man might have. Although Greece and Rome were not polygynous societies, having concubines was a norm in those societies (Islam House, 2020: 2).

Polygyny is as irresistibly fascinating in the American public as it is controversial. The moral issues relating to polygyny have been debated in the United States of America, where some states prohibit polygyny. In the Western countries, however, there are diverse cultures that participate in polygyny (Tsoaledi and Takayindisa, 2014). Polygyny continues to be widely practised among the Africans. This is so despite the bid by Western feminists to try to eradicate the practice in an effort to improve the status of American women (Tsoaledi and

Takayindisa 2014). This historical evidence proves that polygynous system was not first recognized in Islam. Thus, it should not be seen as a new development.

Definition of Polygyny

In the Oxford Dictionary, polygyny is described as the custom of having several wives at the same time (Hornby, 2000: 900). In Islam, polygyny is seen as an established marital practice sanctioned by the Qur'an, which allows a man to take up to four wives providing the cares for each equally (Wendy, 1998: 5). The first definition as given by Hornby makes it clear that polygynous system as understood by many has no limited number; one could take as many wives as he could since there is no legal ruling guiding it. In the second definition, it becomes obvious that Islamic polygynous system is rooted from the Qur'anic injunction with a limited number of wives one could have under him; minding the fact that equitable treatment must be maintained.

Undoubtedly, polygyny in Islam serves as a divine mechanism whose purview is social security and stability. It takes into account all the human variables and provides men and women with variable options. Islam permits a Muslim to marry up to four wives if he is sure of fair treatment among them (Ishiaku 2014). Therefore, before any criticism should take place, there is need to carefully study the concept of polygyny in Islam. The careful study will make the critics realize the goal of Islamic polygynous system as being different from what it was taken to be.

Polygyny in Islam

The practice of polygyny in Islam was originally from the authority of a verse in the Qur'an. The verse has been repeatedly read by Muslims in support of legality of polygyny in Islam. The verse reads:

And if you fear that you will not deal justly with the orphans, then marry those that please you of (other) women, two, or three or four. But if you fear that you will not be just, then (marry only) one or those your right hand possesses. That is more suitable that you may not incline (to injustice) (Q4: 3).

This verse was revealed after the battle of Uhud in which seventy Muslims were martyred. Suddenly, seventy homes in Madinah were bereft of all male members, and the question arose as to how all these widows and orphans were to be cared for. This was an acute social problem. It was solved by the revelation of this verse asking the people who could afford it to take care of the orphans, and marrying the widows and keeping their orphaned children under their guardianship. The principle of polygyny as enshrined in the above verses is designed, in actual sense, to save women from ignoble consequences. The permission to practice polygyny was not given in order to enable men to satisfy their sexual urges alone (Wahiduddin, 2021: 4, 17). The injunction in the verse specifically related to the above-mentioned incident but is applicable to all the time. It was designed as a practical strategy to solve problems as it will be revealed in this study. It could also be understood from the above verse that only men who are capable morally and financially can opt for polygynous marriage.

Here, it is important to consider the modernists' approach to the practice of polygyny in Islam. The modernists see Islamic polygamous system as an out-mode that does not conform to the western pattern of life. They tried to misinterpret the verses of the Qur'an that legalize polygyny; saying that polygyny is not allowed in Islam. They referred to the Qur'anic chapter where Allah says:

And you have it not in your power to do justice between wives, even though you may wish, but do not disincline (from one) with total disinclination, so that you leave her as it were in suspense (Q4: 129).

The modernists consider this verse as a clause and a legal condition attached to polygynous unions. They, therefore, argue that polygynous system is not allowed in Islam because a man who marries more than one wife puts himself in an impossible situation. When he fears justice, he must not marry more than one wife (Doi, 2000: 149). They, however, forget the fact that the justice referred to in the (Q4: 3) quoted earlier only relates to the humanly possible equitable treatment which includes residence, feeding, clothing and other conjugal rights. The justice referred to in the verse quoted by them as evidence for nullifying Islamic polygynous system is in the matter of love and sexual intercourse. It is an undisputable fact

that no one can control his heart since it is entirely in the hands of Allah; and one may satisfy one wife better as compares to the others (Ibn Abbas 99). Since this was not in the intention of man, it is not his fault and hence, he will not be held responsible.

In the west, Islamic polygynous system is seen as an act of gender-based violence that may result in physical, sexual or psychological harm or suffering to women, including threats, such as, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It is a discriminatory practice which has very real consequences for men and children. In this kind of system of marriage as believed in the west, it is real for many Muslim women that their future husbands will likely take another wife thereby influences their perception and management of their relationship. The financial impact of polygyny leaves many women facing increasing financial hardships as their husbands fail to maintain multiple wives and children (Muslim Institute 1). It has to be realized that Islam does not make it obligatory upon Muslim to marry more than one wife. Also, it does not oblige woman to marry a man who has another wife; it is optional for her. Polygyny in Islam is not as presented in the west. It is a kind of institution that protects both husband and wives from placing themselves in potentially unlawful situations or abnormal sexual behaviours and protects women from the type of suffering that can occur from being without a husband (Tukur, 2018: 49).

It must be realized that the objective of marriage in Islam is to have a healthy family where man and his wife or wives and children live in peace, love and harmony as required in the following Qur'anic verse:

Among His signs is that He created mates for you from yourselves that you may find rest in them, and He puts between you love and compassion; most surely there are signs in this for a people who reflect (Q30: 21).

It is, therefore, expected of the Muslims to follow instructions of Allah and not to pay attention to what enemies of Islam put forward. Allah has strongly enjoined the Muslims to adhere to whatever His Messenger brought to them and abstain from whatever he prohibits them. The Qur'an reads:

And whatever the Messenger give you, accept it, and from whatever he forbids you, keep back (Q59: 7).

This means Islam is sufficient as a way of life. Whatever it brings is beneficial and should be practised by the Muslims and whatever it prohibits is harmful which must be refrained from.

Situations that allow Polygyny as Best Solution in Islam

In Islam, a man marries more wives if he has the capability. Yet, some conditions may warrant a man to take another wife in order to ease some difficulties. The conditions could be:

1. When the wife is suffering from a serious disease like paralysis, epilepsy or a contagious disease. In this circumstance, it will be better if there is another wife to look after the needs of the husband and children.
2. When the wife is proven barren and after the medical examination, the experts have given their opinion that she is not capable of bearing a child. The husband should then marry a second wife so that he may have children since a child is a joy of life.
3. When she is of unsound mind. In this kind of situation, the husband and children will suffer a great deal.
4. When the woman has reached the old age and has become weak and cannot look after the house and the property of the husband.
5. When the husband finds out that she has a bad character and she cannot be reformed. He should then have another wife.
6. When she has moved away from the husband's house and has become disobedient and the husband finds it difficult to reform her, he should then take another wife.
7. During the period of war when men are killed and women are left behind a very large number, polygyny can provide the best solution.
8. If the husband cannot do without a second wife in order to satisfy his natural desire which is very strong and when he has means to support her, he could take another wife (Doi, 2000: 146).

These situations are evidences to the fact that one results to polygyny based on reasons; considering oneself as being capable of taking care of the wives and children.

Marriage institution is not for fashion but to fulfil the divine injunctions with the aim of attaining multiple rewards.

Principles of Justice and Equality in Islamic Polygynous System

Islam strongly emphasizes the principles of justice and equality in polygynous practice. It is not just in a matter of material things or time sharing among wives but it also includes affection that becomes foundation in a household. Men and women are entitled to enjoyment of peace, comfort and happiness in marriage, especially if the relationships are established on the principles of truth and fairness. These can undoubtedly inspire mutual trust, love and mercy between husband and wife. Being fair in polygyny is nowadays considered to be challenging for husbands (Rahmin et. al., 99). Husband must try by all means to deal with his wives justly. This is emphasized in the Prophetic tradition that states:

One who has two wives and he is inclined to one of them, he will come on the Day of Resurrection with a side hanging down (Abu Dawud, 133).

Furthermore, the rights and honour of the Muslim woman have been made secure by Allah's directives concerning the treatment of women in the Qur'an where it reads:

And treat them kindly (Q4: 19).

Man has been instructed to care for his wives in an equitable fashion. The implication is straightforward and profound. Wives should be accorded the best equal treatment. Nor should a husband having more than one wife make his inclination so obvious as to kindle jealousy and ill-feeling which may lead to constant hostility among the wives. In terms of time division, this could be determined by night stay. A man may divide the nights by giving one to each wife according to the Prophet's (SAW) practice; however, he may also divide them on the basis of two each or three to each wife. If, however, a man has four wives, it would be preferable to divide his time on the basis of one night each, whereby, each wife would get a chance to be with her husband every three days (Bilal and Jones, 1999: 50 -57).

This implies that once a Muslim marries more than one wife, it is essential for him to treat them equally in the matter of food, residence, clothing and other conjugal rights as far as is possible. If one is a little doubtful of equal treatment in fulfilling his wives' rights, he must

not take more than one wife (Doi, 2000: 147). Surely, every wife has equal right with her husband regardless of whether she comes first or last. All must be taken care of on equitable basis.

Domestic Violence in the Practice of Polygyny

Domestic violence has been described in various scholastic works. United Nations Children's Fund (2000: 2) sees domestic violence as the violence perpetrated by intimate partners and other family members. Another definition states that domestic violence is seen as a threat or exercise of physical, psychological and emotional violence (Marianne, Elisabeth and Anita 2). This means any type of force against another person with the intent of inflicting harm or exercising power and control over them. The perpetrator is said to belong to the victim's domestic environment.

As studies established, in the practice of polygyny, women are subjected to injury or distress, thus depriving them of their human rights and fundamental freedom; which could invariably limit or put a barrier to their socio-economic, demographic and healthy performances and development (Ayotunde, Oludare and Martin, 2017: 539). Globally, approximately 30 percent of women aged 15 and older have experienced physical or sexual intimate partner violence. Polygyny, a marital structure common to rural sub-Saharan Africa is strongly associated with heightened rates of intimate partner violence (Natalie and Victor 2).

Violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms. Similarly, the United Nations Committees on the elimination of Discrimination against Women (CEDAW) has vehemently condemned violation against women in whatever respect (Nancy, et. al., 534).

The above submissions try to protect women against domestic violence without looking at the fact that women as a key part of the family also need to fulfill some responsibilities and display honourable behaviour towards their husbands. In Islam, people

are treated equally without gender basis. No one must cheat another, and the responsibilities of every spouse, male or female, are clearly prescribed as to allow peace to reign in the families. This therefore gives the researcher the opportunity to explain, based on divine texts, how Islam provides solutions to domestic violence in the later analysis.

Forms of Domestic Violence in Polygynous System of Marriage

The following are forms of domestic violence that are common between husband and wives in a polygynous system of marriage:

- (a) Physical Violence: This is seen as the most common form of domestic violence in polygynous system of marriage which is usually experienced by women from men. This includes raising abusive words, kicking, slapping, chocking and pushing.
- (b) Emotional Violence: This is considered as the hardest form of domestic violence for it includes embarrassing the victim of abuse in the presence of family members or threatening to hit the victim with the object or a weapon.
- (c) Forced Marriage: This also leads to domestic violence since one of the couples has no interest in the contract, arguments tend to occur (Asere, 2019: 10-11).
- (d) Economic Violent: This has to do with economic abuse which may include denial of funds, refusal to contribute financially, denial of food and basic needs (Naseem et. al., 5440).

All these forms of domestic violence have a profound impact on the victim of abuse, especially women. Female victims are at risk of behavioural and psychological problems which may include suicidal behaviour, depression and anxiety (Asere, 2019: 13). Men, therefore, need to exercise patience regarding the imperfect habit of women.

Islamic Solutions to Domestic Violence

Islam plays a vital role in addressing issue of domestic violence and provides spiritual treatment to the victims. All family members in an Islamic home are expected to live in peace; father fulfilling the rights of children and vice versa, husband fulfilling his rights towards the

wife and vice versa. Everyone in the family needs to be respected (Sharifa, 2019). The Qur'an declares the relationship that is required of the believers, where it states:

The believing men and women are allies of one another (Q9: 71).

The Qur'an also emphasizes that all people are created equal in worth and value regardless of race, ethnicity, gender or class. They must, therefore, seek all the possible means to prevent any act of violence among themselves (Alwani 1). On the nature of their creation, Allah says:

O mankind! Fear your Lord, Who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs. Indeed, Allah is ever, over you, an Observer (Q4: 1).

In the aspect of domestic violence that usually occurs between husband and wife, Islam provides procedural steps in addressing it and vehemently discourages it. This is because the relationship between a man and a woman is to be one of kindness, mutual respect and caring. Several Qur'anic verses enjoin kindness to women, among which is the following verse:

And treat them kindly; then if you hate them, it may be that you dislike a thing while Allah has placed abundant good in it (Q4: 19).

Islam has laid down the procedures to be followed by the husband if there is misunderstanding between him and his wife. This is to protect the violence that may result from such. These procedures are enshrined in the following verse:

Men are in charge of women by (right of) what Allah has given one over the other and what they spend (for maintenance) from their wealth. So righteous women are devoutly obedient, guarding in (the husband's absence) what Allah would have them guard. But those (wives) from whom you fear arrogance, advise them; (then if they persist), forsake them in bed; and (finally), strike them. But if they seek no means against them. Indeed, Allah is Ever Exalted and Grand (Q4: 34).

According to this Qur'anic verse, if a husband fears his wife's egregious or defiant behaviour, he should follow three-step procedures to solve the situation. First, he must verbally advise her against her actions and correct her mistakes. If this does not improve the

situation, he must then abandon her bed as a display of his disapproval. If that too does not prove effective, then the final measure has been translated as administering a symbolic gesture of physical discipline. The physical discipline does not refer to hitting at all; it is only to be a symbolic gesture that reflects one's anger. These procedures were arguably instituted as a means to regulate an initial surge of anger by requiring the husband to essentially cool down and not to inflict harm upon his wife (Tesneem et. al., 6).

On the part of wife, it is also expected of her to seek peaceful means with her husband. Islam has enjoined on her maintenance of full respect towards her husband, which implies obeying and submitting to him absolutely except in a case of disobeying Allah. This will surely obstruct all sorts of domestic violence (Abu Bakr, 2003: 344). The Prophet (SAW) said:

If I am to command anyone to prostrate before another, I would have commanded the wife to prostrate before her husband (Abu Dawud Vol. 2, No. 2,140).

The wife must always protect her husband's property and dignity and must not go out of the matrimonial home except with her husband's permission. She must submit herself to him whenever he needs her in bed except in the case of fulfilling religious obligation like Ramadan fasting. The Prophet (SAW) said:

If a man invites his wife to his bed and refuses, and so he spends the night angry with her, the angel will curse her until the morning (At-Tirmidhi Vol. 1, 285).

Both husband and wife must be ready to fulfil their rights. This will curb any violent act that may disrupt the peace of the family. It is sure that if both the father and the mother are at peace, their dependents will imbibe such from them.

Conclusion

On a final note, polygynous system of marriage is an acceptable institution in Islam which limits the number of wives to be taken by a man to four. Man must try by all means to maintain justice among his wives especially in cases of residence to be provided for them, feeding, clothing and other conjugal rights.

However, domestic violence that usually occurs among the family members including the husband and wife is a threat or exercise of physical, psychological, economic and emotional abuses. It usually has an impact on the victim, especially women. Islam enjoins people to live in peace as they come from the same source, and both husband and wife to seek peaceful means of living together in order to have a healthy society.

The study therefore recommends that Muslim men should see Islamic polygamous system as a problem-solving and not as a fashion. They should try possible means in upholding the laws of Allah regarding the marriage, especially on the issue of treating wives equally. Domestic violence should be avoided by all members of family including husband and wife through obeying what Islam prescribes.

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