

## Challenges of Muslims on Polygyny in the Modern Societies: An Islamic Perspective

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**Abstract:** One of the numerous marital challenges of the contemporary Muslims is their ignorance of religious laws as well as lackadaisical attitudes toward polygyny, which has become a highly controversial and contentious issue with profound impact among Muslims, and between Muslims and non-Muslims (1). While the orientalist misperceive polygyny as one of the practices in Islam which degrade women (2), the Muslims misuse its permission to exploit women in polygynous homes (3). The non-Muslims see it as one negative side of Islam, a complicated and outmoded system of marriage which works only in backward societies, and it needs to be abolished and replaced with monogamous system of marriage that is relevant to modern societies (4). They add that since slavery is now illegal, the practice of polygyny should be illegal. Such people restricts themselves to monogamy as the only civilized system of marriage that in actual fact protects the rights of women and a panacea to incessant marital discord, feud and other negative impacts attributed to polygyny (5). As a result, a good number of Muslims practice polygyny with less frequency than in earlier times. The Muslim intellectuals see the above campaign as a clear manifestation of ignorance to the wisdom of Islam on polygyny, and a movement against what God has made permissible (6). This paper intends to provide in-depth study on the wisdom of Islam on polygyny. It attempts to prove its relevance to modern societies, against its rejection by the non-Muslims and Muslims with secular ideology. It argues that the laws of Islam are never static and its muhkam laws are relevant to all times and places.

**Key words:** Islam, Islamic Family law, marriage, monogamy, polygamy, polygyny, polyandry

### 1. Introduction

Islam is the fastest growing religion in the world, yet it is the most misunderstood of the world's major faiths. Some of the criticisms against Islam stem from calculated attempts to tarnish the image of the religion and hamper the massive conversion of people to Islam. The orientalist claim that Islam is unjust to women when it permits polygyny against polyandry; that a polygynous marriage is a sign of women degradation and a violation of Human Rights; that Islam's permission of polygyny is one cause of the retrogressive condition the Ummah; that polygyny is an avenue for sexual pervasion and a means to oppress women (Lemu, 1988). The attempts to answer these misconceptions by some Muslims are emotional, which may not convince the critics of polygyny. In other words, despite the fact that the Noble Qur'an and Sunnah are the principal foundations of Islam that provide guiding

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principles on family law, the permission of polygyny has become a highly contentious issue challenging the Muslims.

While the non Muslims question the validity of polygyny, modernists and women rights activists wrongfully accuse Islam of injustice because it allows Polygyny. They engage in debates regarding its relevance to the modern societies. In fact, the government of Tunisia had outlawed polygyny (Jamila, 1981). Iraq, Syria and Pakistan are calling for its outright abolition, while the Republic of Iran restricts Iranians from having more than one wife due to massive abuse and neglect of women in polygynous homes (Ishiaku, 2013). In Egypt, polygyny is neither restricted nor regulated but require husbands to declare their marital status and consent of the existing wives during the contract of subsequent marriages. In Sri-Lanka, the Marriage Ordinance that emphasizes monogamy excludes Muslims, whose practice of polygyny requires no official registration, which according to them, leads to neglect of legal duties and responsibilities in polygynous homes.

In an attempt to make a sort of compatibility between the Shariah, Islamic Family Law with International Human Rights law, to justify the need for renewal in Islamic thought and to address the complexities and realities of modern life, the modernists upheld that it is inappropriate and unsustainable to practice polygyny in the 21st century. They continue to call for the need to institute comprehensive legal reform of the existing Shariah Family Law to reflect “gender equality and women rights”, if the countries are to fulfill its commitments to international human rights standard (Rehman, 2007). They add that in view of the changing status of men and women, the legal reasoning that defined the role of spouses has little bearing on today’s realities. They argues that since Islam provides a wealth of guiding principles to develop new body of laws, there is the need for re-evaluation of the Islamic Family Laws to tackle modern challenges attributed to the practice of polygyny. In fact, some of them prefer to marry their daughters to non Muslims than polygynous Muslim homes. The “traditionists” insist that it is a Muslim’s right that cannot be changed, while classical Jurists listed several circumstances which warrant the permission of polygyny (Mashhur, 2005).

The above arguments reveal a misunderstanding of the wisdom of polygyny, which belly some of the misconceptions and a corresponding increase in the agitation for complete abolition of the system through a plethora of strategies. The paper attempts to trace the wisdom behind the permission of polygyny in Islam. It seeks to address whether polygyny is still relevant to the changing realities of modern life and provide answers to some of the criticisms against its practice in the contemporary societies. It concludes that polygyny is the best protection against indulgence in indecent activities.

## **2. Pre-Islamic Forms of Marriage**

The pre-Islamic era is otherwise called Jahiliyyah period of ignorance. Very few believed and acted in accordance with the social teachings of the monotheistic religion preached by Ibrahim and Isma’il(as) or Judaism and Christianity, such as Waraqah bin Nawfal, Zaid bin Amr bin Nufayl and Qas bin Sa’adah al-Iyadi (Mahmud, 2003). The pronominally righteousness is uncommon and the righteous are scanty. Religious and social life was governed by custom and tradition without restriction.

The accounts of different institutionalized forms of marriage practiced by the Jahiliyyah Arabs reveal the practice of polyandry. In most cases, the wisdom for this form of relationship was for a quest for good breeding. At birth, women involved in this form of marriage used to summon the group of men they cohabit with to decide the father of their child among them. The more the relationship became public, the more such women lived in

isolation with disrespect, and the relationship terminated. In fact, it is clearly established that slave owners used to force their slave girls into this sexual behavior for earnings to their masters (Hammudah, 1982). The claim that most women involved in the above form of prostitution in the Jahiliyyah era were in the main, slaves of non Arab stock does not erase the fact that it happened in the pre-Islamic Arabia.

Other pre-Islamic forms of marriage include wife lending or *Istibda*-where a husband voluntarily permits his wife to cohabit with men of distinction in a quest to select offspring. There is also temporary marriage or *Mut'ah* — a form of pre-Islamic marriage contracted for a limited period of time, largely by strangers and travelers. Secret cohabitation or *Akhdan* — where a woman gives her consent to cohabit with as many men as she can without any contractual agreement was practiced. Marriage by exchange or *Shigar* — where two men could reach an agreement to exchange their wives or daughters in the name of marriage was also popular, and no reciprocity or dowry is required. There was also marriage by purchase, capture, inheritance and by service in place of the bride price (*Dowry*). More others prefer to adopt a child and treat him as their natural son in order to marry their daughters, bear the lineal identity of the adopting father and to continue to preserve the family name. A section of the Semitic tribes of the pre-Islamic Arabia used to allow young men and women to cohabit before marriage in the name of pre-marital experience and to prove the fertility of the parties. Whenever the parties became satisfied with each other, the relationship graduated into marriage on permanent basis, otherwise there was no commitment on either side. Very few observed Marriage by Contract — a fully fledged marriage with all the contractual responsibilities and normal marital consequences (Hammudah, 1982). It was in this chaotic situation of immoral practices that Allah (SWT) sent a messenger with divine rules that reform the social evils of the Jahiliyyah.

### **3. Reforms of Islam on the Jahiliyyah Forms of Marriage**

The laws of Islam are the basis and foundation upon which Muslim civilization rests. Its social laws strike a balance between the individual and the community. Man is naturally created to be inter- dependent with fellow mankind to survive (Q18:7). He is expected to have the social virtue of piety, honesty and justice in all his dealings, toward collective prosperity and success here and in the Hereafter (Q24:55).

Marriage is a culturally accepted and socially respected institution. It is one of the moral principles which Islam made a lawful contract between a man and a woman as husband and wife. They are expected to cohabit in peace, harmony, cooperation, tolerance, understanding, love and care for the rest of their lives. Allah (SWT) ordained that marriage is a religious duty and a lawful means of exhausting love for lawful sexual satisfaction and procreation. Each party to a marriage contract is expected to feel comfortable with the other for the establishment of a sound Muslim family for the survival and sustenance of the society and mankind on earth (Muhammad, 2007).

In order to achieve the above, Islam vehemently condemned the pre-Islamic forms of marriage. It brought codified reformations and rules of marriage that reflect moral sanity toward social stability. The institution became a system of contractual obligation with defined responsibilities between couples. It recognized only monogamy and polygyny as the most decent, acceptable and sustainable forms of marriage. While monogamy is the practice of having only one wife by a man, polygyny permits husbands to marry up to the maximum of four wives, depending on the ability and capability of the husband (Q4:3). In contracting any of the above forms of marriage, the Noble Prophet (SAW) made the consent of guardian, payment of bride price and presence of two reliable witnesses as the obligatory requirements for a valid marriage. Other necessary requirements include the consent of

parties and provision of shelter among others.

Therefore, Islam prohibits polyandry because the social destruction it causes outweighs its benefit to women. As such, the ban on polyandry is not based on serving the interests of men in violation of women rights. Rather, the system creates confusion and discord. The wisdom of this sanction is to shield women from greater exploitation by men which will endanger their health, protects them from sexual collapse and massive spread of sexually transmitted diseases, and ensure parental care and lineage for utmost care and maintenance, stability, sustenance and progress of the society.

#### **4. Monogamy in the Modern Societies**

Monogamy is one of the forms of marriage recognized by Islam, especially to those who are contented with only one wife and fear committing injustice in having two or more wives. The modernists provide different interpretations against the practice of polygyny. They believed that monogamy is the acceptable and simplest form of marriage that should be maintained to protect the rights of women. They argue that when Khadijah was alive, the noble Prophet (SAW) never married another wife. That very few women have little confidence in the practice of polygyny due to fear of marital abuses in form of betrayal, neglect, financial insecurity and co-wife rivalry resulting to feuds and violence. As a result, women intellectuals and activists make efforts to exhaust all avenues to prevent husbands from taking second wives. They do it without regard to the effect of the increasing ratio of women to men and widespread of illicit sex in the form of adultery, fornication, lesbianism and homosexuality in the society. They engage in debate and public awareness campaigns against polygyny, thereby judging the divine permission with what men's hands have wrought.

The attempt to attach additional condition of seeking the consent of an existing wife as one criterion for the permission of polygyny amounts to interfering in the divine power allotted to men over women (Q4:34). It gives women the license to manipulate husbands, the circumstance which forces men to hide their subsequent marriages from the knowledge of first wives, another threat to marital stability. In some cases, rejection of men's request to engage a second wife leads to annulment or break of the existing marriage through divorce, another menace that destroys the strength and stability of the society. Those women who reject second wives, prefer their husbands to attend to girl friends or mistresses than to allow them marry second wives. More others opted for death than to consent for a second wife. Also, the additional condition of court clearance to the practice of polygyny prevents many Muslims with necessity and just intention to marry second wife. Such men largely resort to attending girl friends and mistresses. As such,, attaching stiff conditions to the practice of polygyny lead to over sanctioning of divine permission and limits set by Allah (SWT) in the name of modernity.

It is an irrefutable fact that if properly practiced, polygyny works positively for women, the family and society. There are more than enough women who are willing to be second wives. More others would be pleased if their husbands took another wife. The above analyses reveal that despite the level of commitment to Islam, culture and tradition still have strong control over many Muslim women at the expense of their faiths. Some of them are not unconnected with the pressure of westernization, which produced crisis to the Ummah. The harmfulness of this development tempers with the right of men and moral security of the women and the society. That is why today, many Muslim countries are being confronted with incessant cases of oppression, maltreatment, rape, molestation and torture of women due to weakness of the law, restriction of polygyny, poverty, nudist appearance and political oppression. In fact, even in the Christian-West societies, it is the church and not the Bible that puts

restriction on the number of wives to one. Today, many Christians are gradually acknowledging the wisdom of polygyny. They are reforming their laws to accommodate polygyny. Recently, President Uhuru Kenyatta signed a Marriage Bill into law, legalizing polygyny in Kenya, despite the claim by some Christians that it undermines Christian principles of marriage and family, and does not respect the principles of equality of spouses in the institution of marriage, the idea which has no scriptural accounts of Jesus prohibiting polygyny.

## 5. Polygyny in the Modern Societies

Polygyny is an ancient practice and a prominent system of marriage in many nations and religions for centuries. It was practiced without any condition and limitations (Qardawy, nd). Islam only sought to control and regulates the number of wives rather than give free license. In fact, historical accounts reveal that many Prophets before Muhammad (SAW) such as Dawood, Sulaiman, Ibrahim and Musa (as) practiced polygyny.

Some of the impacts and wisdom of polygyny can be traced in the house of Prophet Muhammad (SAW), who married nine wives as an exclusive privilege and not for the sake of worldly pleasures, but for the religion he exhibited wisdom to establish. Apart from Aisha bint Abdullahi bin Abi Quhafa, all the other wives were either widows or divorced. For instance, he married Sawdat bint Zam'a bin Qais abd Shams in order to look after the orphans, Zainab bint Jahash bin Ri'ab upon command from Allah (SWT), Umm Salma bint Abu Umayya in order to weaken the harshness of her tribe towards the Prophet (SAW) and the Muslims, Hafsa bint Umar bin Khattab and Zainab bint Khuzama bin Harith in order to honor their husbands who were martyrs at the battle of Uhud, Umm Habiba bint Abu Sufyan in order to douse the enmity of his worst enemy Ubaydullah bin Jahash, and Juwairiyyah bint al-Harith in place of her ransom. Others include Safiyyah bint Huyay bin Akhtab, Maimuna bint Harith bin Hazan al-Hilal and Maria bint Shemon from Egypt. He married them for their perseverance in keeping to the religion and sticking to the faith and to soften the heart of their pagan parents toward social security (Ishiaku, 2013).

As such, those who linked financial instability, less time to enjoy one's spouse, lack of fairness, jealousy, social unrest and disunity, pitting co-wives against each other, physical, emotional and sexual abuse, stress and even economic challenges to the practice of polygyny are not fair to Islam because; it should be judged with its laws and not based on the deeds of contemporary Muslims. Also, those Christians calling for its abolition on grounds that it is out of the principles of Christianity has no clear scriptural basis.

One should not deny the fact that many Muslims practice polygyny as inherited culture in the contemporary societies. Others attributed it to traditional and patriarchal practices that suppress women due to ignorance of the religion. This may be the reason why the system became one of the most questioned principles of Islam among non Muslims (AbdelAzeem, nd). They argue that the acceptable norm is to marry one woman to be his solace, the joy of his heart, the keeper of his house and the one to trust with secrets (Phillips & Jamila, 1985). That the conditional permission of polygyny (in Q4:3) proved that Islam discouraged polygyny, since it is impossible to establish justice among plural wives (Q4:129). That is why the Qur'an advises Muslims to marry only one. Also, the fact that the Prophet (SAW) was polygynous cannot be a justification of its practice for Muslims because, the noble Qur'an said neither the Prophet nor his wives are like other men and women (Q33:32, 50) (Imran, 2007).

## 6. Advantages of Polygyny over Monogamy to Muslims

In Islam, it is not compulsory to have more than one wife. Islam only permits, encourages and sometimes

discouraged the practice of polygyny. Allah (SWT) is aware that it is impossible to establish or perfect equality of love among plural wives, yet He permits polygyny because of its importance to the society. The Justice referred to (in Q4:3) means equal treatment of wives in respect of Food, clothes, shelter and maintenance. They also forget to mention that it is the same Qur'an that enjoins believers to emulate the life style of Muhammad (SAW).

Therefore, polygyny is a divine mechanism whose purview is social security and stability. It takes into account all the human variables and provides men and women with viable options. Islam permits a Muslim to marry up to four wives if he is sure of fair treatment among them (Q4:3). The wisdom behind polygyny is to provide comfort for the new converts, provide security for the orphans, unite families together, and provide opportunity for the widowed and divorced women to be married again. In other words, it accommodates the increasing number of unmarried women. It is also a natural solution if the wife is barren and the husband wants to have children of his own, or if the wife is unable to perform her marital duties due to illness and the couple don't want divorce. If the wife cannot cope with the excessive sexual needs of her husband, polygyny then is a tool that controls the widespread of fornication, adultery, abortion, lesbianism and homosexuality. Polygyny is also a means of reconciling the imbalance or variation between the population of men and women. It also regulates the number of wives to marry (Phillips & Jamilah, 1985). Other importance of polygyny have to do with reviving the Sunnah and the promotion of good deeds such as increase in faith, companionship, security, pleasure, charity, wisdom and equality in life. All that is required of a believer is to exhibit a sense of fairness and equality between or among his wives. Abu Huraira reported the Noble Prophet (SAW) to have said;

The man who had two wives and was inclined toward one of them will come on the Day of Judgment bent to one side (Sunan Tirmidhi: Hadith No. 1141).

Whoever has two wives and is more inclined toward one of them, he will come on the day of judgment dragging one of his side while it is dropping (Sunan Ibn Majah: hadith No. 1969, Nasai: Vol. 7, hadith No. 63).

The practice of polygyny in the modern societies is facing challenges with full of disdains. Sometimes, the wives have to compete with each other to attract the attention of their husband, which enables husbands to manipulate and exploit their wives. But the attempt to place additional conditions to the divine call for justice and fairness in dealing with wives will only give license to other social ills in the society. Some require the consent of the existing wife, others have to obtain written permission of a competent judge, who must be satisfied with the intention as "necessity and just". Otherwise jail term and fine await defaulters, whether the marriage is invalid or not. This is no worse than in the Christian-West that considers taking second wife, even with the free consent of the first wife, as a violation of the law. But impliedly consider cheating the wife without her knowledge or consent as legitimate, which is very difficult to understand the legal wisdom behind such deceptive contradiction that punishes honesty.

The rejection of polygyny is not backed by religious restriction but cultural affiliation and banal interpretations based on modern thoughts, which reveal a clear misconception of the wisdom of Islam on polygyny. It is neither compulsory for Muslim men nor prohibited, but permitted because it is relevant to all times and civilizations. As such, it is a fallacy to claim that polygyny corrupts the society. If properly practiced, it safeguards it against social evils and forces men to fidelity. The Shariah neither permits what will harm people or destroy the society, nor forbids something of benefit to the Ummah. It permits polygyny because its benefits outweigh the artificial harm, just like the way it forbids alcohol because the sin is greater than the benefit (Q2:129). In other words, the evil of harm and rivalry among wives has less effect to the society than engaging in adultery which kills the moral strength of the society. It is not compulsory but permitted when the necessity for it exists. As

such, denying the validity of polygyny amounts to denying the comprehensiveness of the Islamic system and the wisdom of the divine decree (Mashhur, 2005). The noble Qur'an emphasizes the need for fairness and equality based on human capability as the foundation of every successful polygynous home. Husbands are expected to exhibit fairness, equity and Justice in terms of food, clothes, shelter and maintenance. While they are expected to hide their preference of love among the wives, a husband should not be accused of unequal love among his wives, since it is humanly impossible to achieve perfect justice of equal love between wives. The noble Qur'an said:

You will never be able to do perfect Justice between wives even if it is your ardent desire, so do not incline too much to one of them (by giving her more of your time and provision) so as to leave the other hanging (i.e., neither divorced nor married). And if you do justice, and do all that is right and fear Allah by keeping away from all that is wrong, then Allah is Ever-Forgiving and all Merciful" (Q4:129).

The Modernists interpret verses of the Noble Qur'an to suit venal desires, justify cultural influence and to submit to the pressure of the west in the name of modernity. For instance, the Republic of Iran permits temporary marriage against polygyny, at a time when people of Iraq are proposing the inclusion of polygyny against its outright prohibition in the country (Miller, 2005). As such, Islam is not responsible for the unjust treatment of women in polygynous homes but the manipulation of people. Many polygynous homes are very successful. Very few fail to meet the expected result. In fact, due to the high rate of extramarital affairs in western societies, most monogamous societies will in the future recognize polygyny as a remedy and viable solution to some of the social ills of modern societies. Such as the evils of prostitution, spread of sexual diseases, abortion, adultery and jealousy that dominates the so called civilized west.

## 7. Conclusion

Islam is fundamentally honest religion which permits a Muslim to marry a second wife if there is necessity for it, but strictly forbids all clandestine amatory associations in order to safeguard the moral probity of the community. Islam is not the first to permit polygyny. It only provides perfect injunctions governing all classes of people and cures to the social ills of the society. It only reforms the system with conditions and provisions as social and moral tools for solving societal challenges in respect of the orphans, widows, divorced and the unmarried. While monogamy sustains the society, polygyny cures the diseases of the society. When polygyny is properly practiced, it is a solution to many of the contemporary marital challenges. It has never been a problem to the Ummah but its abuses by some Muslims. Despite the suppression of women and the continuous deterioration of their rights in polygynous homes, the system is still relevant to modern societies because; it controls the widespread of vices that destroy the strength of the society.

All that is divinely required is for the husband to exhibit a sense of fairness in dealing with the needs of the wives. It is neither within the rights of an existing wife to permit nor prevent her husband from having another wife, since the interest of the Shariah is much greater than that of the individual. On the other hand, it is the unfair treatment by some husbands which causes the abuse and ruins in the lives of women in polygynous marriages. They manipulate religious text to maltreat and exploit wives to the extent that, many Muslim women have to gather spiritual strength as a source of inspiration and comfort to cope with the situation because of the firm belief that condoning marital difficulties is an act of worship. While promulgating additional sanctions to the permission of polygyny, the ulama and courts should develop policies based on facts, which should not deter people from practicing what Islam permits and made lawful. Such sanctions should be geared toward ensuring fairness in

polygynous homes than transferring men's right of polygyny on first wife, which is more dangerous to the Ummah than marital abuse being faced by women. In other words, on no account should modernity temper with the content of *Muhkam* laws of the Qur'an that are relevant to all times and the needs of the society.

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