

POLYGAMY; A RESTRICTED OPPORTUNITY IN ISLAM

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INTRODUCTION

The tendency to live in pairs is natural to human beings. In order to meet this biological drive, Muslims are bound by the Shari'ah-based marriage rules & regulations. A happy marriage based on love and compassion becomes the motivation and drive towards the perfection of life in this world and the hereafter. While unhappy marriage will result to personal weaknesses that will negatively affect the society.

Different religions and different systems have different types of marriage practiced by their believers. Some are monogamous, while some are polygamous.

Polygamy is considered one of the most sensitive issues in Islam. For ages some extremists used polygamy as a proof against Islam without even trying to read about how Islam dealt with this issue and what limitations did Islam put for it.

Islam is criticized for allowing polygamy, for popular culture in the West views polygamy as relatively backward and impoverished. For many Christians, it is a license to promiscuity, and feminists consider it a violation of women's rights and demeaning to women. A crucial point that needs to be understood is that for Muslims, standards of morality are not set by prevalent Western thought, but by divine revelation.

Thus; this paper attempts to discuss the status of polygamy under the Islamic religion and other religions. The paper also seeks to examine the legality of polygamy in Islam, the reasons for the permissibility of polygamy in Islam with a view of ascertaining that polygamy is a restricted opportunity in Islam.

DEFINITION OF POLYGAMY

Polygamy means a system of marriage wherein one person has more than one spouse at the same time. Polygamy can be of two types; one is polygyny wherein a man marries more than one woman, and the other is polyandry, wherein a woman marries more than one man. Islam permits limited polygamy while prohibits polyandry completely.

POLYGAMY IN OTHER RELIGIONS

Islam did not introduce polygamy. The Qur'an is the only religious book, on the face of this earth, that contains the phrase 'marry only one'. There is no other religious book that instructs men to have only one wife. There is no other religious book that instructs men to have only one wife. None of the other religious scriptures, be it the Vedas, the Ramayan, the Mahabharat, the Geeta, the Talmud or the Bible put a restriction on the number of wives a man is entitle to marry. According to these scriptures one can marry as many as one wishes. It was only later, that the Hindu priests and the Christian Church restricted the number of wives to one.

Among all Eastern nations of antiquity, polygamy was a recognized institution. For instance, polygamy was a prevalent practice among the Hindus of the earliest times. Also there was, as among the ancient Babylonians, Assyrians, and Persians, no restriction was made as to the number of wives a man might have.

Many historians and sociologists revealed that polygamy was in existence in almost all ancient civilizations. For example, it was practiced among ancient Egyptians, Persians, Indo-Europeans, pre-Islamic Arabs and among the Slavs (Yugoslavia, Czechoslovakia and Russia). Even in some civilization where the normal code of law was against polygamy it still provided a way out in case polygamy was absolutely needed. For example, one famous code in history is known as the Code of Hammurabi. In that Code, monogamy was alleged to be the norm but within the code exceptions were provided allowing a person to have concubines along with his legitimate wife.

Edward Westermarck writes in 'The History of Marriage' that: liaison between married men and mistresses was not uncommon in the Greco-Roman codes. So, whether the law restricted it or not, the reality is that the practice of having more than one female partner was not uncommon. This does not mean that in all ancient civilization polygamy was the norm. This would be an over statement because this could only happen when the sex ratio is so low that there are at least two women for every man which of course does not happen. This simply shows that it was practiced and was acceptable either legally, openly or by exception. This was not limited to ancient civilizations but also includes early Jews and Christians too.

According to the Bible: Abraham had three wives, Moses had two, Jacob had four, David had at least 18 and Solomon had 700 wives.

According to the Hindu Scripture (s), some of their religion personalities had multiple wives. King Dashrat, the father of Rama, had more than one wife, while Krishna had several wives.

#### ISLAM AND POLYGAMY

Muslims derive the permissibility of polygamy in Islam from Qur'an where Allah says:

**"If you fear that you shall not be able to deal justly with the orphans, marry women of your choice, two, or three, or four; but if you fear that you shall not be able to deal justly (with them), then (marry) only one..."**

From this verse, it is evident that polygamy is neither mandatory, nor encouraged, but merely permitted. The Qur'an also warns about the difficulty of dealing justly between multiple wives Allah says:

**Ye are never able to be fair and just as between women, even if it is your ardent desire: But turn not away (from a woman) altogether, so as to leave her (as it were) hanging (in the air). If ye come to a friendly understanding, and practice self-restraint, Allah is Oft-forgiving, Most Merciful.**

Nevertheless, Allah made fair and equitable dealing with wives an obligation. If one is not sure of being able to deal justly with wives, Allah says in Qur'an 4:3: "then (marry) only one".

The Qur'anic injunction, thus, made polygamy restrictive, when compared with the prevalent practice in the world.

The requirement of justice among the wives mentioned in the above quoted verses rules out the desire that man can "own as many as he pleases." It also rules out the concept of a "secondary wife", for all wives have exactly the same status and are entitled to identical rights and claims over their husband and his properties. It also implies, according to the Islamic Law, that should the husband fail to provide enough support for any of his wives, she can go to court and ask for a redress."

#### REASON FOR THE PERMISSIBILITY OF POLYGAMY IN ISLAM

Wars cause the number of women to greatly exceed the number of men. The continuous battles against the Muslims were very costly in terms of Muslim men's lives. The women had to be taken care of one way or the other. For this reason, Allah Almighty had revealed the Noble Verse quoted supra to Prophet Muhammad (S.A.W), to solve the social problems that the Muslims were facing. That is why at the very beginning of the verse, Allah Almighty sets a conditional clause for orphans *"If ye fear that ye shall not be able to deal justly with the orphans, marry women of your choice, two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one, or (a captive) that your right hands possess, that will be more suitable, to prevent you from doing injustice"*

This verse came down for the purpose of protecting the orphans and to increase the number of the Muslims by allowing the men to marry multiple wives (preferably from the grown up orphans at that time), up to four wives only. The purpose was absolutely neither for man's sexual pleasure, nor was it to support man's personal ego. It was revealed to solve a major social problem to prevent major sins such as illegal sex and prostitution.

In a monogamous society (where man is allowed to marry only one woman) these women, left without husbands or support, resort to prostitution, illicit relationships with married men resulting in illegitimate children with no responsibility on the part of the father.

Also we have to consider the fact that the present world female population is more than male population. This is a fact in many countries today. Thus, the only two options before a woman who cannot

find a husband is to marry a married man or to become public property. Islam prefers giving women the honourable position by permitting the first option and disallowing the second.

Mobenar, a member of the previous French Parliament noted: *"There are two and a half million French girls now who cannot find a husband, if we assume that every French young man will marry only one woman. I frankly declare what I truly believe is that a woman will not enjoy a healthy life unless she becomes a mother. I believe that any law which passes a judgment that such a big number of the members of a society should live opposing, contradicting and neglecting to fulfil the natural laws of man on the Earth is but a cruel and savage law that contradicts the simplest meaning of justice and fairness.*

#### IS POLYGAMY A SOLUTION?

Let us consider a few honest questions: What is the situation in countries that have banned polygamy? Do they really enjoy sincere and faithful "monogamy" as the norm? Are infidelity and secret extramarital sexual relationships more moral than the legitimate, legally protected husband-wife relationships, even under polygamy if there is a pressing need for it? Which of the two situations is better?

There are societies where women outnumber men. Besides these, wars take a heavier toll on men as compared to women. For unmarried women who cannot find husbands and widows who aspire to a respectable family life, polygamy is often an acceptable alternative.

Although not preferred in Islam, Polygamy has some benefits such as it sometimes minimizes divorce as men are given the option to marry other women of their choice without divorcing their present wives (who may be somehow either for medically or physiologically incapable of performing her responsibilities as a wife) . This subsequently, prevents the occurrence of psychological problems among children of broken families.

Furthermore, polygamy gives the opportunity for more unmarried women to be married, considering the fact that women exceed men in number. This in turn eliminates fornication and prostitution, thus greatly reducing the number of children born out of wedlock. Unfortunately, children born out of wedlock are being harassed in the same way as their mothers are being look down upon by the society. In polygamy, children are recognized as legal offspring of their fathers just as their mothers are respected as legally married women.

In 1959, the United Nations published a special publication stating:

*"This publication has proven, by numbers and statistics, that the entire world is now facing a growing problem of illegitimate children, as opposed to legitimate children. The number of illegitimate children has increased by 60% in some countries. In Panama, for instance, the percentage of illegitimate births soared to 75% of the total number of births in the country. This means that three out of every four children are illegitimate, born outside of wedlock. The highest percentage of illegitimate births is stated to be in Latin America."*

Allowing Polygamy enabled Islam to face the drift of lots of men towards multiple mistresses. To ensure this, Islam puts a penalty of throwing stones at a person (man or woman) who commit adultery till death if he/she is married. By that, Islam ordered men to discharge their responsibilities towards their wives sand children and stopped them from pursuing their own desires.

Gustav Le Bon, the well-known French thinker, says in his book Arabic Civilization: "Polygamy enables the society to reduce social crisis, prevents the mistress problem and cures the society from illegitimate children."

## CONCLUSION

The association of polygamy with Islam is a serious misunderstanding. Polygamy was practiced, often without limitations, in almost all cultures. In Islam, polygamy is not a substitute for monogamy, but merely a permission to practice limited polygamy, which is consistent with the Islamic realistic view of human nature, as well as social needs.

Dr. Jamal Badawi states: *"Rather than requiring hypocritical and superficial compliance, Islam delves deeper into the problems of individuals and societies, and provides for legitimate and clean solutions that are far more beneficial than would be the case if they were ignored."*

Annie Besant, in her book on Indian Religions says: *"I read in the Old Testament that the closest friend to Allah, whose heart acts upon the Will of Allah, was polygamous. Moreover, the New Testament did not forbid Polygamy except for priests or ministers of the church, who were required to keep and maintain one wife only. Old Indian religious books also permitted Polygamy. It is easy, however, to criticize others in their religious practices. And that is what made people accuse Islam and attack it for its permission of Polygamy."*

*However, it is strange that Westerners are against the restricted and limited Polygamy of the Muslims, while they suffer from wide scale prostitution and promiscuity in their own societies. A close look at the Western society reveals that only a few pure, chaste and honest men respect their clean marital relationships and honour their marriage to one wife and have no other sexual relationship outside marriage.*

*It is an incorrect and inaccurate statement, therefore, to describe a community as monogamous, in which the men maintain a single marriage, while they are indeed having mistresses, girl friends and other means of sexual relationship outside the marriage to their legal and lawful wife.*

*If we were to be fair and just, we could see that Polygamy in Islam protects, honours, maintains and respects women in society. Polygamy is better than the Western prostitution that permits a man to have a mistress or a girl friend to fulfil his sexual desires with no respect to the feelings, emotions, needs and honour of the women.*

*The man will disown that woman as soon as he gets his satisfaction. The man has no social commitment or obligation towards the mistress or the girl friend. She is only meant to fulfil his sexual*

*needs of the moment and give him the company he needs temporarily. Even though some people declare both Polygamy and fornication or prostitution as bad and unacceptable, yet it is unfair for the non-Muslims to blame a Muslim for doing the same thing that he does while his society accepts and condones it."*

Islam does not make polygamy a binding law that must be strictly followed by every adult male muslim, rather, it is an alternative to discrepancy in an Islamic home in particular and in the society in general.

Islam being against immorality, hypocritical pretence of morality and against unnecessary divorce (unless no better solution is available) provides for a better alternative which is consistent with human nature and with the preservation of pure and legitimate sexual relationships. In a situation like this, it is doubtful that any solution would be better than polygamy, which is, after all, **AN OPTIONAL SOLUTION**.

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