

POLYGAMY: IN THE PERSPECTIVE OF ISLAM

TERASA ZAIDI

Abstract: The question of women's status and rights has acquired great importance throughout the world from the very beginning. There are many misconceptions and prejudices relating to Islam. These are most pronounced with regard to status of women in Islam. Without giving due regard to the historical, cultural and contextual variables various scholars often challenged and criticized the notions relating to marriage, inheritance, mahr(dower), maintenance, polygamy etc. The issue of Polygamy continued to remain dominant in the Islamic world in particular and in whole world in general. It is generally believed particularly by the western scholars that in Islam women are considered inferior to men in terms of dignity and rights. This perception emanates from the ignorance of real Islamic teachings. There may be difference between what Islam prescribes and what Muslim societies have been actually practicing. The fundamental motive behind this study is to correct the wrong beliefs and perceptions and also remove all misconceptions and prejudices relating to polygamy in the light Qur'anic teachings. The methodology which applied in this paper is theoretical and historical approach.

Introduction: Polygamy means having more than one wife at a time. Before Islam it was widely practiced in the world and regarded as a symbol of male virility, power and domination. No other institution in Islam has been so vehemently criticized by non Muslims as polygamy. The issue of polygamy is a matter of great concern, not only as an argument against Islam, but also for many Muslim women who worried and frightened from the possibility that her husband will accompany taking a second wife and that her rights would be curtailed along-with there would be share in her husband's love by some others. They also associated polygamy with Islam. This also is a direct result of the wrong interpretation of the Qur'anic verses. If one thoroughly studies and carefully reads the holy Qur'an one will find that Islam never encourages Polygamy. There is no doubt that the holy Qur'an does permit polygamy. One can marry up to four wives. But it is not enough to say this. In this regard it is necessary that the medieval notions of Islam should must be critically examined regarding the polygamy. But before examine the institution of polygamy there is the need to see what Qur'an says on this issue. The first verse in this connection in the Holy Qur'an is:

وَتُؤْتَانِ مِن مَّا فِي بَيْتِهِمَا مِمَّا كَرِهْتُمَا ۚ وَمَا تَجِدَ فِيهَا مِن شَيْءٍ فَاعْتَدُوا ۚ وَذُرِّيَّتَهُمَا عَلَيْكُم ۚ إِن كَانَ بِكُمْ أَن يَقْدِرُوا عَلَىٰ صِرَاطٍ مُسْتَقِيمٍ فَاسْرِبُوا فِي سَبِيلِ اللَّهِ ۚ ذَٰلِكَ يُبَيِّنُ اللَّهُ لَكُمُ الْآيَاتِ وَاللَّهُ عَلِيمٌ خَبِيرٌ

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 that which your right hands possess. That will be more suitable to prevent you from doing injustice.

This verse expressly and unambiguously permits marriage with more than one woman. However, this is only one possible justification for polygamy in Islam. But it is a contextual justification, not a normative one. In this regard Qamaruddin Khan and Asghar Ali Engineer both are of the view that the verse (4:3) cannot be read in isolation. It has to be

read in conjunction with the preceding verses, i.e. 4:1 and 4:2 of chapter 4 of the holy Qur'an. One has also to keep in mind the context of the revelation of the previous verses as well as the verses of whole Surah. First of all, we should note that the very first verse of this Surah makes it clear that men and women have been created from nafs wahidatin (a single being) and hence they enjoy equal status. According to Qamaruddin Khan, the verse further emphasises the equality of the male and female because both are created from the same single soul (naf). The word "selves" (anfus, sing, nafs) means the original souls from which men and women were created. That means, man and woman were created independently from the same soul, to provide companionship and comfort to each other, and woman was not created as subservient to man. The verse describes clearly that the fundamental institution of marriage is to build a complete society by a one man and a woman, and not by one man and many women. The second verse talks of doing justice to the orphans in matter of their property and not to exchange their good property with the bad property of their wards. And the third verse is related to the issue of polygamy.

It should be realized that the Islamic permission for polygamy is conditional. It arose out of the circumstances that Islam found itself engaged in an almost unending series of wars. This naturally led to the progressive reduction of the male population among Muslims. The problem of surplus women left in such circumstances could not be solved except by permitting men to marry more than one wife in order to provide assistance and homely life to the helpless women and save them from falling into the evil of prostitution.

Moreover in Arabia before the emergence of Islam, the institution of polygamy was unrestricted. A man could marry as many women as he liked without any restrictions.

A correct understanding of the revealed words indicates that Islam in essence preaches monogamy and allows polygamy only under special conditions and circumstances. The Muslims have practiced Polygamy without restraint, because of the misinterpretation of the Qur'anic verse and highly male oriented society. The patriarchal mindset provides the context to misinterpret that verse of the holy Qur'an. It is true with ancient Arabia as well as contemporary Muslim societies. The 'ulama, in this regard, generally miss the anthropological perspective. They don't give due recognition to the fact that social conditions along with the social consciousness. This social condition changes from time to time. They have regarded the supposed permission in the Qur'an for conditional polygamy as a divine recommendation and as a fundamental right of the male society. It is a fact that polygamy has been extensively practiced throughout Muslim societies in the name of Islam.

A verse in the 4th chapter of the holy Qur'an entitled, "Al Nisa" (The Women) Says:

إِلَىٰ أَمْوَالِهِمْ نَأْكُلُوا وَلَا بِالطَّيِّبِ الْخَبِيثِ تَتَّبِعُوا وَلَا أَمْوَالَهُمُ الْبَيْتَامَىٰ وَأَثْوَا
كَبِيرًا حُوبًا كَانَ إِنَّهُ أَمْوَالِكُمْ

To orphans restore their property (when they reach their age) nor substitute (your) worthless things for (their) good ones; and devour not their substance (by mixing it up) with your own. For this is indeed a great sin. [4:2]

Another important factor, according to Asghar Ali Engineer is the contextual revelation of these verses. In this regard Qamaruddin Khan has the same opinion. According to him, this permission to marry more than one woman is derived from the verse which was revealed after the tragic event of the battle of 'Uhud' in which seventy Muslim were killed. In this battle their total strength was only seven hundred. A large number of women become widows and a large number of children were rendered orphans. Neither the young state of Madinah nor the poverty-stricken Muslims of Madinah had economic resources to help these unfortunate widows and orphans. It was at that occasion the permission to have up to four wives at a time was given. Jalaluddin Umari also discussed this point under the heading of polygamy as a social need. He said, no doubt under normal conditions nature maintains the balance in the number of males and females born anywhere on earth. Manpower plays an important role in the life of nations and country's defence. However during the events of war or in the battle fields tremendous loss of life of the armed man takes place. Due to this the male population greatly reduces, particularly the young men of marriageable age. In this situation there happens an imbalance in ratio of male and female population declined. In this condition the female population exceeds the males. In this disastrous situation a large number of young

widows, unmarried woman and orphans suffered. If we leave them to perish or take the path of sin, that create a state of sexual anarchy and morally turpitude society. Under such peculiar conditions and in delicate situations, the polygamy is the solution and ways of adding to the numerical strength. Polygamy not meant for debauchery. That means a person may wed any woman whenever he likes and he can marry the permitted number, four. Moreover he may divorce any of them and replace her by another one. Muhammad Abduh in his commentary of the Holy Qur'an, adopting a modern approach, concluded that 'polygamy is in contrast to the original nature of marriage. At the same time, however, Abduh stresses the need for the option of polygamy to remain open in case of necessity, such as for instance in times of war or when the woman is infertile. He further suggests that it is up to the rulers in the in the various countries to legislate according to specific circumstances. If there is a need in a society for polygamy the ruler should allow this option, whereas if there is no need the ruler should forbid it. This is a thought provoking suggestion, particularly in view of the fact that state of Tunis has actually prohibited polygamy, a matter which has aroused the anger of Islamists.

According to the prevailing system in Arabia, the nearest male member of the family became the guardian of the widow and the orphan and his property. It was the beginning of corporate life in Islam. The standard of honesty was not very high at that time. So the guardians could not be fully relied upon to look after the orphans under their patronage. Sometimes they misappropriated their property by mixing their corrupt one with their good one. So in the second verse Allah admonishes such people and asked them to stop this fraudulent practice, for it is a sin and a crime. They were given the charge of these orphans to help them and not harm them.

There was another consideration. Many widows and orphan girls were young, so the guardians, who looked after them and their affairs, could not easily withhold their temptations. Sometimes these young women and orphans were abused by them. If they kept a distance they could not properly manage their affairs. If they mixed freely with them they were liable to fall into sin. In either case they would be failing in their duty.

Therefore in the third verse, Allah commands the guardians that if they cannot do justice to the orphans under their charge by remaining at a distance they could marry from these widows or orphan girls and accept a direct responsibility of them. In this way, the widows and their children could receive legal relationship and protection as well as moral claim upon their husbands. However men were permitted to marry them only if they could do

justice to all their wives. If they could not do justice then they were directed to have no more than one wife. If the men were not likely to do justice even to one free wife, then they could marry one of their slave women (after marriage the women would become free according to Islamic Law, and therefore it would be a great favor to her) if they acted in this manner they were more likely not to do injustice. Qamaruddin Khan discussed some points to understand the contents and implications of the passage (4:3) of the Holy Qur'an:

1. The permission given in the third verse is not at all an outright permission to marry more than one woman. Hence it is not a general license to practice polygamy. It was given in a special historical situation brought about by a recent war, on account of which a large number of Muslim women and children had become widows and orphans.

2. It was an emergency situation, and there was no alternative to solve the problems of young widows and orphans. Polygamy was the most pious and dignified way out. It was the best solution of the problem at the moment from both moral and legal point of view. Therefore it was permitted or adopted. But the Such situation can not repeat itself in normal circumstances. The Muslims are now a world community (Ummah). If such emergencies arise again on a large scale and persist, polygamy may still find it's anyway or a claim on a limited scale, but within the relevant a rightful context only. The widows if they are not financially independent or taken care off well, by the state may fall easy prey to commercial sexual exploitation. Today, however, there may present several options to solve the problems of widows and orphans unless the situation becomes too grime.

3. The permission was addressed only to the guardian. It was in the beginning of Islam in Madinah. But now under the Shar'iah law, as well as the state law, no one however nearly related can claim any guardianship or authority over widows and orphan girls. Generally, people do not enter into the second marriage with the intention to help the widows and orphans.

4. Such orphans can be helped by state and social institutions. When they are economically rehabilitated they can look after their own affairs independently, and marry by their own choice. Thus, they can save themselves from hardship and indignity of polygamy.

5. The permission therefore must be regarded as a temporary or a contingent measure, and it cannot be interpreted as a permanent law of marriage in the shariah. These Qur'anic verses deal with the problem of the widows and the orphan girls, and the obligations of the guardians towards them. These

verses do not treat the subject of marriage in the general context.

6. The question of justice is also very important. In the third verse of chapter Allah says: if you fear that you cannot be equitable to the several wives then have only one, or marry a slave woman. There is one more verse about polygamy in the Holy Qur'an in the same chapter (4:129). It sates:

7. *الْمَيْلُ كُلُّ تَمِيلُوا فَلَا حَرَجَ لَكُمْ وَلَوْ النِّسَاءَ بَيْنَ تَعْدِلُوا أَنْ تَسْتَطِيعُوا وَلَنْ رَجِيمًا غُفُورًا كَانَ اللَّهُ قَائِمًا وَتَنَفَّوْا تُصْلِحُوا وَإِنْ كَالْمَعْلُوقَةِ فَتَدْرُوهَا*

8. You are never able to do justice between (your) wives, even if it is your ardent desire (to do so): but turn not away (from a woman) altogether, so as to leave her as in suspense.

According to Qamaruddin Khan in this verse God has emphatically tells that a man cannot be just to several wives, however much he might wish. But the jurists and some 'Ulama have misinterpreted the whole passage and regarded it as the general law of marriage and permission of polygamy.

Thus in this verse again the Qur'an tells his (the) believers that they cannot do justice even if they so desire, between wives, so they should refrain from taking more wives than one. It is a warning.

Amongst the Arabs there was no limit to the number of wives. The restrictions were put by Islam. It put maximum limit on the number of wives a Muslim could have under any conditions.

-Islam did not devise the system of polygamy. It existed all over, before the advent of Islam. Nor Islam completely abolished the polygamy. Nevertheless, Islam brought about reforms in these customs. The first reform that Islam enforced was that it imposed restrictions upon the number of wives. It laid down stringent conditions for marrying more than one wife. It should be noted here that during jahiliyah period there was no limit or restriction to the number of wives one could marry. One man could keep hundred of wives. Women were not for protected by law within the institution of marriage. No other religion or legal code till then had restricted the number of wives a man could keep at the same time. Islam put a maximum limit and a man was not allowed to have more than four wives. So this in itself was a remarkable reform, rather a revolutionary step towards achieving higher status to woman. The other reform that Islam enforced was that it made a condition that there must never be, for any reason, discrimination between the wives or their children. It is ordained in the Qur'an (4:3).

Polygamy did not exist only among the pre-Islamic Arabs. The custom existed also amongst the Jews, the Iranians in the Sassanid period and in some other nations. So it is clear that Islam did not introduce or originate polygamy.

Beside the condition of justice other conditions and duties are bestowed upon man. We all know that a

wife by herself has a series of rights which must be met by the husband.

Thus justice to orphan girls, on the one hand and the rights and interests of women whom men intend to marry, on the other, receive primary consideration. Also, it is necessary for a man to do equal justice to all his wives. If he cannot do so he should marry only one. This is also makes quite clear in this that justice is the central concept and polygamy cannot be treated as a right or privilege of a man as has unfortunately happened in a male dominated society. Ayatullah Murtaza Mutahhari gives many causes and factors in his book such as historical, geographical, psychological and economic behind the sanction of restricted polygamy in Islam. The most important of all the factors enumerated by him is the excess of number of women over the number of men.

Murtaza Mutahhari gives arguments in favour of permitted polygamy in his book: a) There can be a comparative excess of number of women over the number of men. b) The right of Marriage is a natural Human Right.

He argues, if monogamy is the only legal form of Marriage a large group of women will be in practice deprived of their natural right (the right to Marriage). It is only by the provision of the law of polygamy (of course with special conditions and circumstances) that this natural right is restored.

The Christian writers who have condemned Islam on the score that it allowed polygamy ignore the fact that their own religion has now here expressly prohibited the institution of polygamy. Although, the New Testament upholds the ideal of monogamy, it does not prohibit polygamy except in the case of a bishop or a deacon. According to Naseem Ahmad even in this modern world in the west there is a considerable number of thinkers and sociologists who recognized that polygamy is not an unmitigated evil and that in certain circumstances it may be desirable and necessary. In England proposals were made in the 17th and 18th centuries to legislate polygamy as a means of restraining infanticide, adultery prostitution and other evils come out from the illegal relations outside the marriage. He believed, in a social which does not permit polygamy under any circumstances will be constantly threatened with troublemaking tendencies.

References:

1. The Holy Qur'an, Surah al-Nisa, 4:3
2. Qamruddin Khan, op.cit., pp. 16-17
3. Naseem Ahmad, op.cit., p.345
4. The Holy Qur'an, Sura al-Nisa, 4:2
5. Qamruddin Khan, op.cit., p. 19
6. Jalaluddin 'Umari, op.cit., p.
7. Anne Sofie Roald, op.cit., p.202
8. Qamruddin Khan, op.cit., p.20
9. The Holy Qur'an, Surah al-Nisa, 4:129
10. Qamaruddin Khan, op.cit., p.

Polygamy was sometimes practiced by Christian king without the disapproval of the church. Charlemagne had two wives and many concubines and one of his laws seem to imply that the custom was not even unknown even among the priests.

On this issue Asghar Ali Engineer had opinion that, before us there was a example of west who strictly follow the legally binding rule of monogamy. But with its disastrous results. In the west, one man, one wife may be the legal order in their society. But on the same time many mistresses, secretaries and so called girl friends are associated with one man, he only knows better. In these circumstances these women remain deprived of all those rights which they enjoyed by the legally wedded wife, even as a co-wife as in Islam. Secondly, according to Sayyid Jalaluddin Umari, if somebody finds out that his wife is physically or psychologically completely enable to bearing children, the two options open to him: he may retain the barren or unfertile woman and wed another, and the other course lies in divorcing the first and then taking another partner. Apparently, in rare cases only the second alternative would be acceptable and beneficial to any woman. In another verse God says:

They (your wives) are a vestment for you and you are a vestment for them." [2:187]

The mutual relations of husband and wife are here described in words which could not be surpassed in beauty. They serve as a garment for each other, and the weakness of the one is made up by strength of the other.

مَوَدَّةَ بَيْنِكُمْ وَجَعَلَ إِلَيْهَا لِتَسْكُنُوا أَزْوَاجًا أَنْفُسِكُمْ مِنْ لَكُمْ خَلَقَ أَنْ أَيْتِهِ وَمِنْ يَتَفَكَّرُونَ لِقَوْمٍ لآيَاتٍ ذَلِكَ فِي إِنْ وَرَحْمَةً

And of His signs is that He created for you, of yourselves, mates, that you might repose in them and He set between you love and mercy. [30:21]

Conclusion: From these verses it is clear that the law of marriage as given in Qur'an is that of monogamy, and not that of polygamy. It is clear that men and women can enjoy peace, comfort, and happiness in marriage only if the relationship is established on the principle of truth and justice, that can be inspire mutual confidence, love and mercy in conjugal life. Yet it is a great irony that the permission of polygamy is confidently extracted from the Qur'an and misinterpreted by Muslim jurists, and gratefully received and exploited by male population in Muslim society throughout the world in one form or another.

-
11. Murtaza Mutahhari, op.cit., p. 324-325
 12. Naseem Ahmad, op.cit., p. 665/445
 13. Asghar Ali Engineer, op.cit., p.4
 14. Jalaluddin 'Umari, op.cit., p.
 15. The Holy Qur'an, Surah al-Baqarah, 2:187
 16. Surah al-Rum,30:21

Terasa Zaidi/Ph.d Scholar/Dept. of Islamic Studies/Aligarh Muslim University/Uttar Pradesh/