

# **Polygamy: An Overview of Historical Facts in an Islamic Context**

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## **Abstract**

Nikah is an easy and natural means of survival and growth of the human race. And according to Hanafi jurisprudence, engaging in Nikah, i.e. getting married, is better than keeping oneself free for worship.

If marriage is an occasion of happiness, then according to the motivation of Islam, more than one marriage is a process of increasing happiness and solving numerous social problems. Which is prevalent since Khair al-Quron. But unfortunately, influenced by the Western propaganda and living with the Hindus for a long time, most of us began to look at outwardly religious matters like remarriage and widow marriage with suspicion and it got to the point that if a person He wants to have more than one marriage, which is his Shariah right, despite the fact of necessity and the observance of the relevant rules and obligations. So it is seen with suspicious eyes in the society.

In this article, the historical review of polygamy is to highlight the situation of different countries and the status of polygamy.

**Key words:** Nikah, polygamy, Hanafi jurisprudence, Western propaganda, widow marriage

Polygamy has existed in one form or another in most countries of the world since ancient times. Now, in many developed countries, polygamy has been legally banned. Discussions are ongoing in some other countries. In fact, this restriction is a rebellion against religion and human nature. For this reason, the trend of having sexual partners without marriage and live in relationship is rapidly developing in these countries, which is wrong and based on immorality. As a result, the number of illegitimate children is increasing, which is ruining the society there. This negative trend is also affecting Muslim countries.

Islam has not declared the custom or polygamy of ancient times to be completely prohibited, but in view of the unavoidable circumstances and far-reaching social and social interests, it has been allowed to Muslims with regulations and limited and restricted in the number of characters.

It is objected by some people that Islam abused women by allowing it, while the fact is that the Prophet (S.A.W.W) himself had multiple marriages<sup>1</sup>. Some so-called modernist Muslims say that this affects the rights of women. They call it the supremacy of men over women. They consider it as an obstacle in the way of development. There is also a section

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of so-called Muslims, who reject polygamy by denying the Muslim principles and laws of Islam on the grounds that it does not agree with their scattered minds. He also denies the verses of the Qur'an and authentic hadiths.<sup>2</sup>

The image of Muslims in India is being maligned and efforts are being made to nullify the same concern. The true situation is that Muslims practice it nominally and under compulsion, they also do not go beyond the second wife. On the contrary, it is more common in the non-Muslim society, whose religious and national laws do not allow it, this is clear from the survey. Here it is important to mention that Islam has only allowed it, it is not a command. Here some important facts are stated.

### **A custom of the past:**

Many prophets followed this. In the time of Hazrat Nuh (peace be upon him) it was customary to have more than one wife<sup>3</sup> it is known about Hazrat Ibrahim (peace be upon him) that he had three wives.<sup>4</sup> According to another narration, he had four wives<sup>5</sup>

Hazrat Yaqub (peace be upon him) had four wives<sup>6</sup> Hazrat Dawood (peace be upon him) had nine wives<sup>7</sup> Hazrat Musa (peace be upon him) had two wives according to one narration and four according to another narration. It is said about Hazrat Isa and Hazrat Yahya (peace be upon him) that they did not marry, but an incident in the Gospel of Matthew reveals that this practice was followed during their era.<sup>8</sup> This was the reason that their first preachers did not prohibit polygamy.

Its prohibition is nowhere mentioned in the Torah law<sup>9</sup> Followers of the Talmud and the Law of Moses had many wives. According to the Encyclopedia Biblica, an ordinary Jew was allowed to have four marriages. This continued until the tenth century AD. Even Rabbi Gershom ben Yehuda (940-103AD) issued an order against it and ordered its termination. However, this practice continued among the Shepardik Jews until the 1950s. In 1950, the Office of the Chief Rabbi of the Jews in Israel issued a general ban on polygamy.<sup>10</sup>

In the time of revelation of the Gospel, polygamy was widely accepted. For this reason, there is no discussion on this topic in the Holy Bible. In the New Testament, one marriage has been declared as a favorite, but there is no prohibition to have more than one wife. For several hundred years after the beginning of Christianity, no church The Council did not oppose it. This is the reason why religious leaders, sultans and nobles had more than one wife. However, at the end of the 'Charlemagne era', it was canceled by the order of the church in all of Europe. However, it could not be revoked from here. According to the European writer 'Westermarck', some Christian sects strongly advocated it at that time. In 1531, a sect of Christians preached that whoever wants to be a true Christian should have many wives. There were some sects of Christians who considered it necessary. In the Middle Ages Ribbi Gershor issued a fatwa that a man could have as many wives as he wanted.<sup>11</sup>

### **In India:**

In the ancient history of India, there are many names of religious leaders who practiced polygamy. Sri Ramachandrajii's father Maharaja Dasaratha had three wives, Sri Krishna eighteen, Raja Chand and Raja Santan two wives<sup>12</sup> in the mentioned Vedic literature, there

are evidences that this ritual was fully embedded in some sections of the Hindu society during this period.<sup>13</sup> According to the explanation of Abul-Rehan Al-Biruni, some of the people of India may have multiple wives according to class. Four for a Brahmin, three for a Chhatri, two for a Weiss and one for a Shudra<sup>14</sup>. However, kings and nobles often had wives. According to Manu, a man can have ten wives at the same time.<sup>15</sup> In the ancient Vedic literature, the custom of more than one marriage is found. When Bin Qasim invaded Sindh, then the Raja 'Dahir' of this place had several wives.

Consanguineous marriage was also practiced in Iran. A person was allowed to marry several women. Because there was no law about wives in China, men had many wives. In China, a person could marry more than one woman. Had the right to. It was very common in the Old Testament. From the time of the Han, the tradition that a man can have only one wife became common. In African countries, nobles and nobles had many wives to promote economic needs in addition to household affairs. In some tribes, having more wives was looked upon with pride. A single person was allowed to keep three to twelve wives in his marriage.<sup>16</sup>

### **Arab society:**

Polygamy was also practiced frequently in pre-Islamic Arab society. There was no fixed number of wives. It was considered low honor for men to have one marriage. It was considered a matter of pride and honor to have more wives. Qais bin Haris, a companion, had eight wives<sup>17</sup>. Ghailan bin Salma Thaqfi had ten wives. Naufal bin Muawiyah had five wives.<sup>18</sup> All of them, the Holy Prophet (peace be upon him) ordered that it is not permissible to have more than four wives at the same time in Islam. Four of them should be selected and kept, and the rest should be separated in a well-known way.

It is a fact that the condition of women in the pre-Islamic world was unspeakable. Nor did the law of that era provide them with the protection they deserved. They were at the mercy of men. Dr. Mustafa Al-Saba'i has stated that Ancient nations such as the Greeks, Jains, Hindus, Babylonians, Assyrians and Egyptians also had this practice and most of them did not have a fixed number of wives<sup>19</sup>. From an article in Encyclopedia Britannica, it is clear that frequency was practiced in most countries and nations of the world and was a common practice until the recent past.<sup>20</sup> It was not even considered a defect.<sup>21</sup> According to the report of anthropologist George Murdoch in 1949, pluralism was practiced in 415 nations of the world. From another report by Murdoch it is also known that out of 250 civilizations or societies it was found to be practiced in 193.<sup>22</sup>

### **Global situation:**

Muhammad al-Ghazali writes: We believe that in all the religions that came from Allah Ta'ala, pluralism is permitted<sup>23</sup>. In almost all the countries of the ancient and medieval period, there was a situation of frequency it is presented as follows in 'Encyclopedia Britannica':

“Polygamy has been found in most peoples of ancient civilizations. In China, besides the legal special wife, some other women were also called wives, who were kept under 'good morals' or legal concubines. In Japan, the practice of having Chinese-type pregnant women existed as a legal system until the 1880s. It seems that polygamy was allowed in

ancient Egypt, but it was not common except for kings. Hammurabi's Kabul law states that marriage must be monogamous. However, it also states that if a man marries a woman and the disease completely overtakes her, he can marry another and have children if she remains childless. Among the Jews, a man could have many wives under any circumstances. There was no difference in the legal status of these wives, and there was no limit to the number of wives. Polygamy was permitted among many Indo-European peoples. Among the ancient Seleucids and Teutons, among the ancient Ayers and Vedic Indians. Although it appears that this practice was reserved for kings, chieftains or aristocracy, on the contrary, monogamy was the only recognized form of marriage in Greece. The practice of concubinage existed in Athens, but this practice was distinct from marriage and concubines had no rights. Marriage in Roman civilization was strictly monogamous, and illicit relations between married men and prostitutes were common until the end of the Republic.”<sup>24</sup>

Nowadays, it is not legally allowed in most countries of the world. Adultery is not a crime as long as it is done in civilized ways. In many developing countries efforts are being made to ban polygamy. In countries where it is not allowed, a married man remarrying will be considered illegal and punishable. The prevailing view at the moment is that polygamy is a violation of human rights. This is the reason why international human rights organizations and women's rights groups are trying to cancel it. In 2000, the United Nations Human Rights Committee declared polygamy to be a crime at the global level, because in their opinion it is against political and civil rights. The abominable act is called the emancipation of women.

### **Muslim countries:**

In about 50 countries where Muslims rule or are in large numbers, frequency is legalized. It is also legalized in parts of sub-Saharan Africa. It is practiced in the Middle East, there are about a dozen countries where the frequency is not recognized by the government and legally, but the people there are old. It is followed according to the custom. An exception is the North American territory of Saskatchewan, where it is largely permitted. Polygamy is legal in the northern states of Nigeria, as the law here is based on Islamic Sharia. It is allowed in Pakistan, but the consent of the first wife is necessary<sup>25</sup>.

In Great Britain, Australia and New Zealand, if the second or third marriage is done with a woman from another country, it is exempted from the general prohibition. Countries where the majority are Christians do not allow it, except for a few. Like Republic of Congo, Uganda and Zambia. Myanmar (Burma) is the only country where there is a majority of Buddhists, despite the legal prohibition, people there practice according to their old sand and customs. In India and Sri Lanka, only Muslim citizens for frequency is allowed. But a certain section in India is strongly advocating its repeal.

Frequency is allowed in some autonomous regions of Northland and Puntland (which are in Northern Somalia), because Sharia laws are followed here. Currently, it is considered permissible in the independent countries of South Sudan. Polygamy is allowed for Muslim citizens in the West Bank and Gaza Strip etc. It is still practiced in Bhutan as an ancient tradition. It is also found to be practiced in some areas of Nepal, while it is legally

prohibited here. In Kenya, Namibia and many Asian countries, there is a struggle to justify the frequency.<sup>26</sup>

### **Islamic perspective:**

There is a clear order in Islamic Sharia that if a man is not in a position to pay the rights of his wife, he should refrain from marriage. If he is in the opposite position, he may have from one to four wives at a time in view of his legitimate and natural need, provided that he can maintain justice between all the wives:

“فَإِنْ حَفِظْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَىٰ أَلَّا تَعْوَلُوا”<sup>27</sup>

This is also proven by frequency and consensus<sup>28</sup>.

If this limited and conditional permission of Islam is seriously considered, it is beneficial for men and women with the authority of the society in many ways. Especially in the case where there are more deaths of men in wars, or for some reason. A woman becomes divorced, or a woman becomes barren or suffers from a chronic disease. Polygamy is a suitable solution to such problems.

### **References:**

<sup>1</sup> Qasmi, Muhammad Shamim Akhtar, *Seerat un Nabi (S.A.W.W) par Aiteerazat ka Jaiza*, Markazi Maktaba Islami Publishers, New Dehli, 2003, P 15.

<sup>2</sup> Parvaiz, Ghulam Ahamad, *Qurani Qawaneen*, Tulu e Islam Trust, Lahore, P 57, 58.

<sup>3</sup> Old Testament (Bible) Book of Genesis, Chapter: 4, Lesson: 19

<sup>4</sup> Old Testament (Bible) Book of Genesis, Chapter: 21, Lesson: 1. Chapter: 25, Lesson: 1

<sup>5</sup> Hafiz Imad al-Din Abu al-Fida Ismail Ibn Kathir, *Tarikh Ibn Kathir (Al-Badayah and Nahaya)*, Dar al-Isha'at, Karachi, Pakistan, 2008, Vol.1, pp.226-227

<sup>6</sup> Old Testament (Bible) Book of Genesis, Chapter: 9, Lesson: 1

<sup>7</sup> Old Testament (Bible) Book of Kings, Chapter: 1-2 Samuel: Chapter: 19-11 and Chapter: 27

<sup>8</sup> *Jurisprudence and Law*, Dar al-Waraq for publication and distribution, Beirut, 1999, p.79

<sup>9</sup> Old Testament (Bible) Book of Exodus, Chapter: 2, Lesson: 22. Count: Chapter: 12, Lesson: 1. Deuteronomy, chapter 21, lesson: 10-13

<sup>10</sup> The Gospel of Matthew, Chapter: 25, Lesson: 1-12

<sup>11</sup> Al-Marat Bin Fiqh and Law, pp. 66-66

<sup>12</sup> Syed Hamid Mohsin, *Misunderstandings-Resolving Misconceptions about Islam (Islam Facts vs Fictions)*, Salaam Center, Bangalore, 2003, pp. 182-183

<sup>13</sup> Al-Marat Bin Fiqh and Law, p. 60

<sup>14</sup> Qazi Muhammad Sulaiman Salman Mansoor Puri, *Rahmat Ilal Alamin*, Center for the Islamic Haram, Faisalabad, Pakistan, 2007, Vol.2, pp.378-379.

<sup>15</sup> *Misunderstandings*, p: 185

<sup>16</sup> *Islamic Research Quarterly*, Aligarh, October-December 1987, A Research Look at Polygamy, pp: 6-7

<sup>17</sup> Abul-Rehan Muhammad Al-Biruni, per research of Mallahind, published in Hyderabad, 1377 AH, pp. 469-470.

<sup>18</sup> *Pakistan Journal Of Islamic research*, 2012, Vol:11, P49 Article: Polygamy in Islam and other religions and society, Authors: Hafiz Shabir Ahmad Jamee, Muhammad Shafiq Anjum, Muhammad Ilyas

<sup>19</sup> Al-Marat Bin Fiqh and Law, pp. 60-65

<sup>20</sup> Hafiz Abi Isa Muhammad bin Isa at-Tirmidhi, *Al-Jami'i at-Tirmidhi*, Kitab al-Nikah, Chapter Maja' fi al-Arqaal Yaslam and 10th Nishwa. Abdullah Ibn Yazid Ibn Majah, Sunan Ibn Majah, Kitab Lankah, Chapter Al-Arba, Yaslam, and the majority of Arba Nishwa.

<sup>21</sup> Fakh al-Din Razi, *al-Tafseer al-Kabeer*, Dar al-Kitab al-Ilamiya, Tehran, second publication, vol.5, part ix, p.175

<sup>22</sup> Al-Marat Bin Fiqh and Law, p. 60

<sup>23</sup> The New Encyclopedia Briyanica, William Benton Publisher, CHicago/ London/ Torento/ Genva/ Sydnay/Tokyo/Manila,15 Edition, Vol: VIII, P:97

<sup>24</sup> Maulana Syed Hamid Ali, Polygamy, Central School of Islamic Publishers, Delhi, 2003, p:3 6-3 7

<sup>25</sup> Muhammad al-Ghazali, Fiqh al-Sirah (Research and Excerpt: Muhammad Nasir al-Albani), Dar al-Kitab al-Hadithiyah, 1965, p. 470

<sup>26</sup> [http/ .www.Polygamy in Pakistan-Wikipedia](http://.www.Polygamy in Pakistan-Wikipedia), the free encyclopedia.

<sup>27</sup> Surah Nisa: 3

<sup>28</sup> <http/ .www.Legal status of polygamy-Wikipedia>, the free encyclopedia.