UTILIZATION OF MULTIPLE MARRIAGES AS REMEDY TO INDISCRIMINATE SEXUAL ABUSE: ISLAMIC PERSPECTIVES

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Abstract

Polygyny (ta'addud zawjat) was a recognized institution among all ages and was not introduced by Islam. Unrestricted and illicit polygyny without conditions or limitations was a common practice among people of all faiths before Islam. Islam regulates the practice of lawful multiple marriage and limits the number of wives to four. Various contrasting discussions regarding polygamy in Islam have been analyzed. In their studies, scholars have viewed the issue of polygamy critically. They have reached their critical views through interpreting the verses of the Holy Quran. By considering these critical discussions and the scientific facts in fields such as sustainable development and human ecology, the present study analyzes the issue of polygamy in Islam. After analyzing the issue through various perspectives such as considering the literature surrounding the issue, discussing polygamy in the light of population increase, and taking into account other scientific facts, the study deduces that polygamy in Islam (and also in other scriptural religions such as Judaism and Christianity) is permissible so that sustainable management and a safe human ecology can be materialized. Knowing these facts as the components of the philosophy of polygamy in Islam can vivify the cultural significance of polygamy.

Key words: Utilization, Polygyny, Monogamy, Islam, Promiscuity, Remedy.

1.0 Introduction

Marriage has been ordained by Allah as the correct and legal way to produce children and replenish the earth. The family is the basic unit of an Islamic society. Marriage safeguards the rights of men, women and children while satisfying the physical, emotional and intellectual needs of the family members (Khan 67). Allah said:

> And Allah has made for you mates (and companions) of your own nature, and made for you, out of

them, sons and daughters and grandchildren, and provided for you sustenance of the best... (Q16:72).

The Prophet illustrated the importance of marriage in his tradition."When a servant of Allah marries he has completed half of his religion obligation and he must fear Allah in order to complete the second half" (Al - Baihaqi Hadith No 430).

In another Hadith, the prophet said: "Marriage is part of my tradition and whosoever is displeased with my tradition is not among us" (Bukhara vol.7, No 1).

However, some people alluded to the fact that, when the Almighty created Adam (A.S.), He made Hawwa'u for him as his only wife. Had a man physically needed more than one wife, the Almighty would have created more wives for Adam (A.S.) instead of just one. This inference is not correct. It should be understood that the issue of polygyny was first mentioned in the Noble Qur'an (Saleem 95)."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" (Q4:3).

The verse was revealed after the battle of Uhud in which many men were martyred, leaving behind widows and children. The Noble Qur'an appealed to men who could afford it to come forward to help these orphaned children by marrying their mothers and keeping their orphaned children under their guardianship (Al-Mubarakpury 121). If a man has more than one wife at the same time, this is called polygamy. Under Islamic marital jurisprudence, Muslim men are allowed to practice polygamy that is, they can have more than one wife at the same time, up to a total of four.

The Concept of Polygamy

Polygamy derived from Greek words. "Poly" and "gamy" mean (many) and (marriage) respectively (Karim 1). It refers to marriage in which a spouse of either sex has more than one mate at the same time. The term "polygamy" encompasses polyandry and polygyny. "Andr" is the Greek stem for "man", which makes "polyandry" refer to marriage between one woman and two or more men while "gyny" is the Greek stem for "woman", which makes polygyny refers to marriage between a man and two or more women (Nurmila 78). History for having multi wives is very old. It was permitted in traditional societies and religions without any restriction. It was very common in Jews and was not prohibited in Ancient manuscript. Wister Mark says that in the 17thcentury, it was lawful to have more than one wife and it was frequent among them. Kings of France used to have more than one wife. For Jews, Christians, Non-Muslims, Muslims and Arabs' the most respectable person, Prophet Ibrahim (AS), also had three wives. Their names were; Sarah, Hajara and Qintoor. Prophet Yaqub (AS) also had four wives i.e.Zulfa, Layyah, Raheel and Billa. From the above description it is cleared that Islam does not forbid having many wives. Infact, polygyny is common in celestial and non-celestial societies. Islam only restrains marriages to four at a time, and gives more responsibilities to those who marry more than one time at the time of revelation of Sura Al-nisaa Verse30. Prophet Muhammad (SAW) stood up and addressed his congregation one day:"Those who have four wives, they should keep them; and those who have more than four wives, they should be freed."Ghailan had four wives. When he embraced Islam, Prophet Muhammad (SAW) asked him to keep four wives and divorce the rest. Qais Bin Haris had eight wives and he was given the same order to

keep four and divorce the rest. Similarly, Nofil Bin M'aawiya had five wives and he received the same order from the Prophet (SAW) to keep four and divorce the fifth one. (Al-Omar 74).

Polygamy before the Advent of Islam

Islamic rulings are all based on the objective of promoting common good and benefit and avoidance and protection from harm to the individual and society. Rulings on sexual relationships are no different. People often come up with a philosophical question: why multiple marriages? The question of "why" is equivalent to the question of "what is Maqasidu". Polygyny is one of the Maqasidush- Shari'ah with the 'intent' of helping men and women experience the essence of marriage. Traditionally, preservation of offspring is one of the necessities that Islamic law aims to achieve. Allah (SWT) based the Islamic law on wisdoms and reasons that can be perceived by the mind (Ibn Ashur 5).

Polygyny is an old established custom and an essential institution from time immemorial among different peoples in various parts of the world. Almighty Allah instructed the Muslims not to make unlawful that which has made lawful. Polygyny is therefore a valid part of marriage system of Islam (Doi[1] 58). The Noble Qur'an, explicitly allows men to practice polygyny but was limited to only four wives: "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..." (Q4:3). The Prophet (SAW) was only allowed to marry more than four wives in order to help the women whose husbands were killed while they were defending their faith, or to cement relationship with devoted followers, to build bridges with various tribes who were at war with the Muslims and to establish the new legislative matters (Doi 47). It was reported that Ghaylan bn Salamah accepted Islam and had ten wives. The Messenger of Allah said: Keep four out of them and make the others free (Al-Tirmidhi 12, vol 4, hadith no 1128).

So, also Harith bn Qays said: "I accepted Islam and I had eight wives. I mentioned it to the Prophet (SAW). He advised: Select four out of them and divorce the rest" (Abu Daud19,vol 3,Hadith 2112).

Similarly, another companion of the Prophet Nufal bin Mu'awiyah had five wives. All of them were ordered to keep four wives and divorce the rest (AbuDaud 19, vol 3 Hadith no 2111).

It is, therefore, unlawful for anyone other than the Prophet (SAW) to marry more than four wives at a given time. Allah forbade the Prophet (SAW) neither to marry any other nor to choose another instead of his wives. (AlQaradawi 45) Allah said: "It is not lawful for you (to marry more) women after this, nor to change them for (other) wives, even though their beauties attract you" (Q33:52).There are some who think erroneously that "mathna wa thulatha waruba " put together comes to nine and thus up to nine wives are allowed concurrently. It is an incorrect and inaccurate statement. On this, Al-Qurtubi said:"Know that this number 'two, three and four' is not indicating permissibility of nine....They supported the argument that the Prophet married nine wives....This is a deviation from the consensus ('ijma) of the Ummah. The fact that it was permitted for the prophet to retain his wives was a unique. Arabs do not hesitate to say nine where they mean nine instead of breaking it up to 'two, three and four'... Indeed, the 'and' in this is nothing but alternatives, meaning "marry two or three or four." The word, 'aw', which translates as "or" in English was not used because it would mean if one chose two then one couldn't choose three (Al-Qurtubivol 3).

Philips and Jones (19) assert that some modern Muslim writers argued that polygyny was permitted on condition of equal treatment of wives (Q4:3) and equality was declared impossible to achieve (Q4:130).It follows then that the permission was in effect revoked. The interpretation is entirely incorrect. The text of Q4:130 was not interpreted by the Prophet (SAW) or his companions as revoking the permission granted by Q4:3 nor was such an interpretation ever commended by Muslim Jurists through the centuries.

The commentators of the Noble Qur'an are in agreement that these verses refer to equality between wives in emotions and feeling of love. Such equality which is beyond man's ability as Prophet (SAW) explained below. Justice and fairness, in this context, applies to material things such as expenditure, fair division of wealth, gifts and time. As for emotional matters, such as love and inclination of the heart towards one wife over the other, it is recognized that man has no control over his innermost heart and emotions. The mother of the faithful, 'A'ishah (RA) reported from the Prophet saying, "The Messenger of Allah used to distribute things and do justice to all and used to say: "My Lord, this is my distribution of what is in my control but I have no responsibility for what is in your control and over which I have no control"" (Abu Da'ud, vol 3, 356, hadith no 8132). 'A'ishah (RA) narrated that whenever the Prophet intended to proceed on a journey, he would draw lots amongst his wives and would take the one among whom the lots fell. Once, before setting out for travel, he drew lots amongst us and the lots came to me; so I went with the Prophet (Bukhari, vol 4, 154, hadith no.267). He resorted to that in order to avoid jealousy and to satisfy them all. The seriousness of the husband's obligation to his wives in a polygynous arrangement is illustrated by the hadith of the Prophet (SAW):

> A man who marries more than one woman and then does not deal justly with them will be resurrected with half of his faculties paralyzed (Abu Da'ud, vol 2, 421, hadith no 3133)

And according to the Qur'anic injunction:

> ... do not incline too much to one of them (by giving her much of your time and provision) so as to leave the other hanging.... (i.e. neither divorced nor married)(Q4:129).

It is a well-known fact that Islam strictly prohibits adultery, fornication and homosexuality but condones lawful polygyny. The Prophet (SAW) took all measures to protect the society from these social diseases which, if they become widespread, can only bring harm and destruction upon individuals, families, and the basic bond holding the society together as a whole The following tradition shows the 'wisdom behind the ruling' of the Prophet (SAW) and patience in convincing a young virile man, by eloquent analogies, about the injustice of double standards and the evils of wanton desires leading to fornication and adultery. No one would want his own female relatives to be exploited, used and abused, so how then can they allow themselves to exploit others? An authentic tradition narrates:

> A young man came to the Messenger of Allah SAW) and asked: "O Messenger of Allah, permit me (with special license) to commit fornication (and adultery)." The people started to rebuke him harshly, but the Prophet sat close to him and asked: "Would you like it for your mother? He replied "No, by Allah, 'may Allah make me a sacrifice for you!"The Messenger of Allah (SAW) said: "And thus the

people do not like it for their mothers," and continued: "Would you like it for your daughter? "No," he replied. The Messenger of Allah (SAW) said: "And thus the people do not like it for their daughters," and continued: Would you like it for your paternal aunt?" "No," he replied. The Messenger of Allah ((SAW)) said: And thus the people do not like it for their paternal aunts," and asked: "Would you like it for your maternal aunt?" "No," he replied. The Messenger of Allah (SAW)) said: and thus the people do not like it for their maternal aunts." Then the Prophet (SAW) put his hand on the youth and said: 'O Allah forgive his sin and purify his heart and make him chaste (fortify his abstinence from sexual sins) (Ahmad I, vol 3, hadith no 22265).

One might say that this tradition is a practical application of the golden rule as mentioned by the Messenger of Allah (SAW): None of you truly believes until he loves for his brother that which he loves for himself (Bukhari 15, Vol. 3, Hadith no 2134).

Philips and Jones (15) assert that Islam has a complete marriage system which takes into account all human variables and provides men and women with variable options. To deny the validity and legality of polygyny is tantamount to denying the comprehensiveness of the Islamic system and wisdom of divine decree. It is not possible that everything in life should happen according to our feelings and desires. Nor is it possible to live without experiencing pain. On the contrary, Allah has stated in the Noble Qur'an that Muslims shall be tested:"Be sure we shall test you with something of fear, and hunger, some loss in goods or lives or the fruits, but give glad tidings to those who patiently persevere" (Q2:155)."Do men think that they will be left alone on saying, "we believe" and they will not tested?" (Q29:2). Neither test, nor pain, whether physical or emotional can be avoided in this life. Nor can any aspect of the Islamic system be negated merely to justify a particular individual's or group's opinions. Although polygyny may be painful for some women while it is beneficial for others and society as whole. Muslims must accept the whole of Allah's message and submit to the fact that Allah's wisdom is superior to our opinions. Muslims are warned not to abuse polygyny. According to Kliattab, those who do abuse polygyny will have to answer to Allah (SWT) for their deeds, just as those who abuse other rights will (49). A1-Qaradawi (43) argues that all that was permitted by Islamic law had pure benefit or benefit which outweighs harm. All that is forbidden by Islam must have pure harm or the harms must outweigh the benefits. He cited a Qur'anic verse about alcohol and gambling: "They ask thee concerning wine and gambling. Say: "In them is great sin, and some profit, for men; but the sin is greater than the profit" (Q2:219).

If we were to be fair and just, we could see that Polygyny in Islam protects, honours, maintains and respects women in society. In 1959, according to Philips and Jones, 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. At the same time, the publication proves and indicates that the number of illegitimate births in the Islamic world is almost nil (in comparison with other countries). The editor of the publication goes on to say that Islamic countries are protected against such social problems and disease due to the fact that the people practiced polygyny.

The Objectives of Polygyny

Polygyny is a vital aspect of marriage in Islam in which the welfare of the Community supercedes the desires of the individual (Woman). Polygyny provides benefits to both husband and wife while there is no harm for both of them. Islam does not make the first wife the mother or chief of all subsequent wives nor the last wife be given preferential treatment at the expenses of the others. Each individual wife carries the same amount of weight in Islam (Al-Qaradawi 72). A man who is impotent should not seek any marriage since he is unable to fulfill its basic requirement. He who knows for sure that he is financially incapable of supporting another wife and household. is not allowed to seek another marriage (Din 14) As Allah said, and which can be taken as a general rule: "Let those who find not the wherewithal for marriage keep themselves chaste until Allah gives them means out of His grace" (Q24:33). Polygny should, therefore, fulfill the following conditions: Polygyny is not mandatory for a Muslim man, and its permissibility is restricted to a maximum of four wives.

The proposed marriage is just and necessary. The requirement, "just and necessary," means that the husband who intends to contract polygynous marriage needs to show that such a marriage is "necessary", and it is also "just" for him to do so. The applicant has the financial means to support his existing and future wives.

The consent of the existing wife or wives should be sought.

The applicant should be ready to accord equal treatment to his wives as required by the Islamic law.

The proposed marriage does not cause harm (darar) to the existing wife or wives.

If the husband fails to produce enough support for any of his wives, she can seek a divorce. Allah said: "But if the two separate (by divorce), Allah will provide abundance for each of them from His bounty" (Q4:130). Sometimes, a woman is infertile and is unable to produce children; even medical sciences cannot work while getting children is the need of every man. Children are the future of parents and their successors, which every parent desires.

Sometimes, a woman faces a lifelong disease (like infectious diseases) which stops a woman from pregnancy. In this case, a man has to face two ways. In the first case, he has to divorce the first wife and marry the second one and this is a total loss for the first wife. In another case, a man has to keep the first wife and marry another one too. The husband has to fulfill all the needs of the two wives. This case benefits the two wives and the husband. Some men are financially strong, and sexually demanding and potent with higher levels of hormonal testosterone. One wife may not be able to fulfill his lawful and natural sexual desire. It is natural and a common observation that the numerical prevalence of women over men is a serious concern. They constitute more than half of the total population, and this explains why it is *sunnatic* for a man to marry more than one wife.

1.4 Conclusion

From the above discussion, we can conclude that polygyny is not invented by Islam; rather, it has been reformed by Islam contrary to what is obtained in history of different societies. Based on the existing hypotheses and the arguments regarding polygamy mentioned above, we can posit that the main purpose of marriage in Islam is to produce a healthy and intelligent human generation who can use his reasoning ability at maximum capacity. Indeed, in this divine religion, we need population growth among Muslims to make its progress. According to the studies conducted so far, human progress

began at the Industrial Revolution era, exactly during the time when the world's population started an exponentially growth trend. With reference to the evidence raised, today, there are two major perspectives on population increase through marriage: 1) Islamic (religious) and 2) human ecology. According to the former, as mentioned earlier, generation increase can lead to human progress and smart use of resources; e.g., the greater production of the resources of nature industrially. In this way, they can have multiple and limited spouses. This standpoint accounts for many existing Islamic-human problems in accordance with its method. From such a viewpoint, love neither takes precedence nor is the focal point of a family; rather, it is the full implementation of Muhammed's tradition that is the first priority, as the second priority is the love between couples. Another perspective is human ecology of international communities, which aims to control population increase. According to this viewpoint, population increase may reduce resources; that is, the greater the population, the greater the consumption, and finally the lower the resources will be. It seems that this view of environmental culture in human societies is afflicted with cultural abuse and its consequences will emerge later.

References

Sunan Abi Da'ud., Al-Ash'ath. Dam Ar-Risalah Al- Alamiyyah. 2009.

Rehman J. The sharia, Islamic family laws and international human rights law: Examining the theory and practice of polygamy and talaq. Int J Law, Policy Fam. 2007;21(1):108-127.

Dehkhoda AA. Dehkhoda dictionary. Second Sdition. 1998;1377.

Kamali MH. Principles of Islamic Jurisprudence. Islamic Texts Society Cambridge; 1991.

Weiss B. Interpretation in Islamic Law: The Theory of Ijtihād. Am J Comp Law, 1978;26(2):199-212.

Ali SS, Rehman J. The Concept of Jihad in Islamic International Law (2005). J ConflSecur Law. 2005;10:3-321.

Moin M. Moin encyclopedic dictionary. 1981.

Zaidi T. Polygamy: In the Perspective of Islam. Soc SciInt Res J 2016:544-2395.

Ali MM. Holy Quran. Ahmadiyya Anjuman Ishaat Islam Lahore USA; 2015.

Ayyashi MIM. Tafsir of Ayachi. Hashim Rasouli. 1960.

Majlisi MB. Bihar al-anwar. 1983.

Lutz W, Sanderson WC, Scherbov S. The End of World Population Growth in the 21st Century: New Challenges for Human Capital Formation and Sustainable Development.

Earths can; 2004.

For BC. Human Ecology - Basic Concepts for Sustainable Development. Vol 4.; 2003. doi:10.1108/ijshe.2003.24904bae.004

Abdelhamid Mohammad M. Women 's Rights Between Islam and Other Religions. Cairo; 1990.

Stix G. Fact or fiction?: Oxytoc in is the 'love hormone.' Sci Am. 2014;8.

Bittles AH. The role and significance of consanguinity as a demographic variable. Popul

Al Qaradawi Yusuf. Status of Women in Islam, Cairo, MaktabahWahbah, 1998.

Al Tirmidhi. Muhammad Bn Isa. SunanAl-Al Tirmidhi. Beirut. DarulIhya' At-Turath Al-Arabi. nd.

Al-Baihaqi, Ahmad bn Al-Husain. Al-sunan Al-kubra. Maktabat Dari Al-baz. 1994.

Ali Abdullahi Y. Translation of the Glorious Qur'an and Commentary. Beirut. Darul-Fikr. 1983

Al-Mubarakpury, Sofiyyu Al Rahman. The sealed Nectar (Ar-Rahiqul-Makhtum). Lahore. Darul Manarah. 2003.

Al-Omar Abeu' Rah mar. Bin Harmr.ad. The Religion of Truth. Saudi Arabia, Ministry of Islamic Affairs. 2000.

Al-Qurtubi. Muhammad-B. Ahmad. Tafsirul Qurtubi. Beirut. Dar al Ihya al-Turath al-Arabi.1985

Azeem. Sherif Abdul. Women in Islam. Canada. np. 1985.

Bukhari. Muhammad bnIsma'il. Sahih Al-Bukhari. Beirut. Dar Al-Arabiyyah, nd

Din (Da'wah Institute of Nigeria) Is polygamy Fair To Women. Islamic Education Trust (I.E.T). Minna, Niger State. 2011.

Doi Abdul Rahman. Women in Shari'ah. (Islamic law), np. 1992

Doi1 Abdul Rahman. Shari'ah: The Islamic Law. (Islamic law), np. 1983.

Ibn Ashur, Muhammad al- Tahir. Treatise on Maqasidush-Shari'ah. USA. International Institute of Islamic Thought.2013.

Khan. M.W. Woman Between Islam And western Society. India. The Islamic Centre. 1995.

Khattab, Huda. Bent Rib: A Journey Through Issue in Islam. London. Ta-Ha Publishers Ltd. 1997.

Nurmila, Nina. "Women, Islam and everyday life" < www.amazon.com> 28th February, 2017, 5:15pm. Philips, Abu Ameenah and Jones, jameelah. Polygamy in Islam. Riyadh. Saudi Arabia. International Islamic Publishing House. 2015.

Saleem, Shehzad. "Islam and Women, Misconceptions and Misperceptions" <www.javedahmadghamidi.com/books/Islam->22nd March, 2017. 5:10pm