

WOMEN'S PERCEPTION TOWARD POLYGAMY

Mazriana Bt Mohd Nawi
(Matric No.P010499)

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Faculty of Leadership and Management
KOLEJ UNIVERSITI ISLAM MALAYSIA
Kuala Lumpur

Perpustakaan KUIM



1000021949


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AUTHOR DECLARATION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the work in this thesis/dissertation/academic project* is my own except for quotations and summaries which have been duly acknowledged.

Date: 28th January 2004

Signature: 
Name: Mazriana Binti Mohd Nawi
Matric No: P010499
Address: Kampung Lalang Luas, Labok
18500 Machang, Kelantan.

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ABSTRAK

Kajian ini bertujuan untuk membincangkan tentang persepsi wanita terhadap poligami. Bagi memperolehi data, beberapa kaedah kajian telah digunakan iaitu kajian perpustakaan, temubual dan soal selidik. Skop kajian pula dijalankan di Bandar Machang, Kelantan. Seramai 50 orang wanita telah dipilih untuk ditemubual dan diberi soal kaji selidik. Mereka terdiri daripada pelajar, peniaga, surirumah, penjawat awam dan penjawat swasta. Ojektif utama kajian ini adalah untuk mengenalpasti tanggapan sebenar wanita terhadap poligami dan untuk mengetahui punca-punca yang menyebabkan ramai wanita tidak dapat menerima poligami. Disamping itu juga, untuk mengetahui kesan-kesan poligami kepada golongan wanita serta untuk mencari jalan penyelesaian yang terbaik bagi menangani masalah ini. Hasil kajian mendapati ramai dikalangan wanita tidak bersetuju dengan poligami, yang mana sebab utama mereka tidak dapat menerima poligami adalah disebabkan lelaki tidak dapat berlaku adil dan beranggapan bahawa poligami ini mendatangkan banyak masalah dalam keluarga. Oleh itu, menjadi kewajipan semua umat Islam dan kerajaan untuk membendung masalah ini agar dapat dilaksanakan dengan cara yang betul dan menurut syariat Islam dan mengubah persepsi wanita terhadap poligami.

ABSTRACT

This academic project discussed about polygamy from woman's perspective. To get the data and information for this research, some method had used such as library research, interview and questionnaire. The scope of this study is at Machang Town, Kelantan and 50 woman had chose for interviewing and they are also given the questionnaires form to help the researcher do this research. The respondents include students, businesswomen, housewives, public and private staffs. The primary objective of this research is to know the problems of women on why they accept or reject polygamy, the particular marriage practice allowable in Islam. Secondly, this research aims to look into the effects in a polygamous marriage. Finally, the research provides practical suggestions and recommendations an avoiding in a polygamous marriage. From this research, the researcher gets that some of women did not agree with polygamy, where the main cause that they cannot accept it because the man cannot be fair after the marriage and they think that this polygamy will come many problem to make family society. Therefore, it is become the responsibility to all Muslim society and also to government to overcome this problem, by implement this polygamy marriage in the right way and follow to Syariah Islamiah and also to change women perspective to polygamy marriage.

ملخص البحث

هذه البحث تهدف إلى مناقشة وبحث نظر المرأة إلى تعدد الزوجات. وهذه البحث قد أجريت في مدينة "ماجغ" بعدد خمسين مستجيبة من المرأة بمقابلتهن وتعيينه استمارات، الإستيان. وهن من مختلف خلكيات كطالبة، تاجرة، ربة البيت، وموعظة في المؤسسات الحكومية والأهلية. وبجانب ذلك قد استخدمت الباحثة المنهج المكثبي لزيادة المعلومات في سبيل انجاز هذا البحث. والهدف الأساس لهذه البحث معرفة الآراء الصحيحة من قبل المرأة في مسألة تعدد الزوجات وبالتالي معرفة التأثير والتأثر على المرأة من مسألة تعدد الزوجات والبحث عن طريقة حل هذه مسألة. وتستنبح هذه البحث على أن كثيرا من النساء لا يوافقهن بتعدد الزوجات بسبب اكثر أن زواج لا يستطيعون فعل العدالة والخيرات بين زوجاته ويرون أن تعدد الزوجات تؤدي إلى كثير من المسائل بدلا من المصالح خاصة للعائلة. ولذلك اقترحت الباحثة على المسلمين خاصة الحكومة واجبات ومسئوليات لحماية هذه المسئلة حتى يكون اجراءة موافقا للمتطلبات الاسلام والمسلمين وتكون نظرة المرأة اليه نظرة ايجابية.

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GLOSSARY

Al-Quran	the Holy Book revealed by Allah (S.W.T) to Prophet Muhammad (S.A.W)
As-Sunnah	the tradition of Prophet Muhammad (S.A.W) including his deeds, saying and approval
Ancient	belonging to times long past
Adultery	infidelity to one's wife or husband by voluntarily having sexual intercourse with someone else
Bible	Christian or Jewish scriptures; copy of these
Barren	unable to bear fruit or young
Creator	God
Fair	giving proper consideration to the claims of all concerned
Fanatic	person filled with excessive enthusiasm
Hadith	collection of tradition containing sayings of Prophet Muhammad and accounts of his daily practice
Islam	is the religion of those who follow the Prophet Muhammad
Monogamy	system of being married to only one person at the time
Mormons	member of a Christian sect founded in 1830 in the U.S.A
Muslim	A person who professes and practices the faith of Islam
Polygamy	is the form of marriage that permits a person to have more than one husband or wife
Syari'at	the Muslim code of religious law
Woman	an adult female human being

ARABIC WORDS TRANSLITERATION SYSTEM

TRANSLITERATION TABLE

1. ALPHABET

<u>Arabic</u>	<u>Latin</u>	<u>Example</u>	<u>Transliteration</u>
ء	'	فأر	fā'r
ب	b	برد	burd
ت	t	تال	tall
ث	th	ثوب	Thawb
ج	j	جدار	jidār
ح		حليب	halīb
خ	kh	خادم	khādīm
د	d	ديك	dīk
ذ	dh	ذهب	dhahab
ر	r	رفيق	rafīq
ز	z	زميل	zamīl
س	s	سلام	salām
ش	sh	شعب	sha ^c b
ص	s	صخر	Sakhr
ض	ḍ	ضيق	ḍaya
ط	t	طالب	Tālib
ظ	ẓ	ظالم	Zālim
ع	ʿ	عقل	ʿaql
غ	gh	غلام	ghulām
ف	f	فيل	fīl
ق	q	قلب	qalb
ك	k	كلام	kalām
ل	l	لب	lubb
م	m	مال	māl
ن	n	نجم	najm
ه	h	هول	hawl
و	w	ورق	waraq
ي	y	يم	yamm

2. Short Vowel

<u>Arabic</u>	<u>Latin</u>	<u>Example</u>	<u>Transliteration</u>
ا	a	كُتِبَ	kataba
ي	i	عَلِمَ	°alima
و	u	غَلِبَ	ghuliba

3. Long Vowel

<u>Arabic</u>	<u>Latin</u>	<u>Example</u>	<u>Transliteration</u>
ا، ي	ā	علم، فتى	°ālim, fatā
ي	ī	علم، داعي	°alīm, dā°ī
و	ū	علوم، أدعو	°ulūm, Ad°ū

4. Diphthong

<u>Arabic</u>	<u>Latin</u>	<u>Example</u>	<u>Transliteration</u>
و	aw	نوم	nawm
ي	ay	ليل	layl
يَ	iy	شافعي	shāfi°iy (ending)
وَ	uww	علو	°uluww (ending)

5. Exemption

5.1 Arabic letter ؤ (hamzah) found at the beginning of a word is transliterated to the letter “a” and not to’.

Example: أكبر transliterated to: akbar (not ’akbar).

- 5.2 Arabic letter ة (ta' marbutah) found in a word without ال (al), which is coupled with another word that contains, ال (al) at the beginning of it is transliterated to the letter "t".

Example: مكتبة الإمام transliterated to: maktabat al-imām

However if the Arabic letter ة (ta' marbutah) found in a word with ال (al), in a single word or in the last word in a sentence, it is transliterated to the latter "h".

Example: المكتبة الأهلية transliterated to: al-maktabah al-ahliyyah
قلعه qal'ah
دار وهبة dār wahbah

ABBREVIATIONS

U.M	Universiti Malaysia
YADIM	Yayasan Dakwah Islamiah Malaysia
Def.	Definition
Ed.	Editor/ edition/ edited by
H	hijriyyah
n.a.	No author/ no artist
n.d.	No date/ no year
n.pl.	No place
n.pb.	No publisher
p.	Page
Pp.	Pages
Trans.	Translator/ translated by
S.W.T	salla Allah calayh wa sallam
S.A.W	subhanahu wa tacala
Vol	volume

CHAPTER 1

INTRODUCTION

1.1 RESEARCH BACKGROUND

According to factual observations from the history of mankind, even before the teaching of Islam by Muhammad s.a.w, the practice of man involving in polygamy (which is then, is not restricted to for wives only) in the world. It is just the tradition of the Arabs alone during the Jahiliyyah period. There was no rule stated on how polygamy is done. Therefore, it is not a question why in some cases; only the first wife has the total control of the family institution in the polygamy family.

The introduction of Islam by the Prophet Muhammad s.a.w had put the limit to four wives for a Muslim man, but still there are some conditions that have to be fulfilled. Which are first having the means to so which is to be able to provide the family in basic aspects of life and being able to be just between the wives. All of these conditions are so-called conditionally approved.

In the Islamic society, the percentage of man marrying 2 wives is less, what more for us to hear man who marries 3 wives and 4 wives. It would be in come small percentage. Practically, man tend to marry one only, if there is a case of man marrying more than one, there must be such reasons.

It cannot be denied that by marrying a wife only is much better as it can ensure that the man will oblige to his soul duty. But this cannot be consider a 100%, as there is man who has more than one wife and still being able to be fair to all parties. Fairness in this matter is for the man to be able to perform his duties in material aspect.

In Islam it is considered permissible for a man to marry four wives at a time if the conditions applied where he can able to divide his times and devotion, home and material family.

As Allah said in Chapter Al-Nisa', verse 3

وإن خفتم ألا تقسطوا في اليتيمى فأنكحوا ما طاب لكم من النساء مثنى وثلاث وربيع فإن خفتم
ألا تعدلوا فوحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعدلوا (٣)

“ 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 only one, or (a captive) that your right hand possess, that will be more suitable, to prevent you from doing injustice”.

Being just or fair treatment here means that the man would be able to perform his right fairly towards his wives as in time management, provision of means to support life, and a place to call home. But there is an exception as in which one is loved most, it would not be consider as a sin because it is a subjective matter of a human being. The Prophet s.a.w once said:

“ My god, this is the division that I can do, please don't inveigh things that you possess and I don't”

Polygamy had existed way before time before time the arrival of Islam. The western, Ibranian and Arabs are among the society that had been exercising polygamy during those years. Therefore, it cannot be said that Islam is the one who had started this because it is clear that it exist in countries that is not an Islamic country, e.g. Senegal, Rwanda etc.

At first, Christianity did not consider this exercise as illicit because it is not stated in the Bible. Their practice of practicing monogamy is due to their tradition done before time such as Rome and Greeks where by they make it as unlawful to practice polygamy.

As stated in a lot of history books or historical journals, they would know that the Musyrikins practice polygamy without any laws or terms of conduct enact to it. They can marry how many they want, the numerical can reach 100 if they want to. The state of their polygamy is the worst thing that can be done to a woman.

Before the Islamization Polygamy can be done freely, does not matter if the women are your own family or not. They even can have a lot of wives and a lot of mistress too. These women can have the husband's child (in this case; to enlarge the family communities).

The Jahiliyyah women like to roam out freely and show their embellishment to men who are their husband. This is why ghazal (sort of poetry) was introduced due to the astonishment of the Arabs' men towards them. That is why the Romans in the 5 century sees women as a thing or toy for pleasure, because they can have husband that can be inter change according to their desire.

1.2 PROBLEM STATEMENT

Polygamy is a practice that is considers necessary in Islam. Even the rules of conduct and conditions had been laid down beautifully. Even with that, there are still people especially women who viewed in a different way. As an example, Perlis had invited men who wants to get married again in order to practice polygamy came them to do it rather than going to Thailand and do it.

The issue mentioned had been in a hot debate when the Minister of Women and Family Development Ministry, Datuk Shahrizat Abdul Jalil and some Non-Government

Organizations (NGO) openly disagrees with the idea. The move taken by the Perlis Government is considered as a disgrace to the wives in Malaysia. (Nur Asiah Ismail, 2003).

This issue is also viewed differently by a female lawyer, Azalina Othman said, a woman who is consider as brave and for certain personal, also a feminist, she accept the idea by the state Government with open mindedness. (Khairunnisa, 2003)

From this scenario, a study is being done to view how far the perception or view of a women to the necessity of polygamy and its effects in the implementation of it.

1.3 THE AIM OF RESEARCH

The aim of this research is to obtain a deeper understanding about polygamy and to have a look into the perception or understanding of women about polygamy, which have been a hot debate in our nation to date.

1.4 THE OBJECTIVES OF RESEARCH

1. To have a clear view of what is polygamy to women
2. To know the reasons why a majority of women cannot accept the practice of polygamy.
3. To know what is the women's view on the effect of polygamy.
4. To find out the best possible solution about the problems of polygamy

1.5 RESEARCH QUESTIONS

1. What is the real impression of women toward polygamy?
2. What are the reasons of why a majority woman does not accept polygamy even though it is a necessarily in Islam?
3. How far does a women think of the effects of polygamy in today's world?
4. What is the best possible solution towards the problem that is caused by polygamy?

1.6 DEFINITION OF CONCEPT

Polygamy in technical definition means a husband who is married to more than one wife, where by the husband is able to fulfill his obligations towards his wives physically and mentally and also sexually and being able to be fair and just to his wives. Polygamy is also a way to ensure that women does not involves in any unwanted incidents.

According to Malaysian Encyclopedia 1997 edition, polygamy is a marriage that allows a husband or wife to marry more than one at the same time. But anyway, polygamy usually goes with a husband and wives, not the other way round. In anthropology, the most exact concept is if a man who has more than one wife is called polygyny and on the other side, it is called polyandry.

Marriage to according Islam is between a man and woman only is called monogamy. But in certain situation, if there is a need, it is permissible for him to marry more than one wife. But it must be according to the rules and regulation that is very tight indeed, the must be able to provide the wives well enough physically, mentally and spiritually. If the person feels hesitant, therefore he must not pursue his desire.

1.7 THE IMPORTANCE OF THE RESEARCH

The reason of this research is to find out the reason and a complete picture about the view of women towards polygamy and to understand the system as it is in Islam. It is also aim for the society to understand the real definition of polygamy in Islam.

CHAPTER 2

INTRODUCTION

2.1 POLYGAMY BEFORE ISLAM AND ITS HISTORY

Islam allows a Muslim man to marry more than one woman if he is competent enough to satisfy all the material and moral needs of his wives and treat them equitably. If he lacks the assurance that he is competent to satisfy their needs with justice and equality, he is prohibited from marrying more than one woman. Allah says:

فإن خفتم ألا تقسطوا في اليتيمى فإن كحوا ما طاب لكم من النساء مثنى وثلاث وربع فإن
خفتم ألا تعدلوا فوحدة أو ما ملكت أيمنكم ذلك أدنى ألا تعدلوا (٣)

“And if you fear that you will not act justly towards the orphans, marry such women as seem good to you, two, three, four; but if you fear that you will not be equitable, then only one, or what your right hands own; so it is likelier that you will not be partial (or become destitute).”

Equal treatment mentioned above pertains to equality in the division of material needs of the wives, such as food, drink, housing, clothing and expenses. Equality in the division of love is humanly impossible and Allah in this regard forgives any imbalance. No one can be absolutely fair, especially in his feelings and affections. The Prophet has said:

“Oh Allah! I endeavor my utmost in distributing my attention and care among them equally. This I can do. But the degree they share in my heart that is in your power, not in mine, is your decree, My Lord. So blame me not (if my feeling for them is not the same).” (Ustaz Abdul Aziz, 1992)

2.1.1 The History of Polygamy

It is biased and inappropriate to say that Islam first introduced polygamy. In fact, mankind has practiced it for thousands of years. This custom has existed before the advent of Islam among the Jews, the Arabs, the Persians and many other societies in the world. Moreover, after the coming of Islam, it was prevalent in the Western countries where Islam was not their main religion.

Christianity did not prohibit polygamy because Jesus has never spoken against it. The Christians in the Western societies practice monogamy because their ancestors (the Greek and the Romans) were monogamous. The customs of the Greek and the Romans were monogamy and they maintain their practice after their conversion to Christianity. The latter generations hold the custom of monogamy as the teaching of Jesus even though polygamy was never been prohibited in the Bible. (Ustaz Abdul Aziz, 1992)

2.1.2 Polygamy without Limitations before Islam

Those who the history of the Arabs will find that the Arabs in the pre-Islamic time had practiced polygamy without limitations and regulations. A man can have hundreds of wives. All of the relationships were unrestricted and the women were often oppressed and abused.

A man could take anyone either from his own family (sisters, aunts, etc) or outsiders as his wives. Besides, he could have as many concubines as he wishes without any limits or conditions. The sole purpose of marriage in the advent of Islam was to procreate and expand the progeny. The people of this time were proud if they have many children.

The women of that time lived in undignified life. They liked to go out and exposed themselves to the public. Meanwhile, the Romans regarded the women as the item to

fulfill their sexual needs and can be traded. (Dr. Ruhan dan Prof. Dr. M. 'Attiyyah Al-Abraasyi, 1995)

2.1.3 Polygamy among the Ancient Nations

The religion of the ancient Persians allowed them to marry unlimited number of wives and lived together in one household. The Venetians, on the contrary, perceived polygamy as a deceitful and disruptive practice. Most of the Western societies and ancient Israelites considered polygamy as a common practice. The ancient Greeks, who were regarded as the most developed nation in cultural aspect, kept women under the authority of their husband that can be sold and shifted to another person. The women were rated as the property that can be sold and traded. They were exploited to fulfill the sexual lust of men.

In Athens, the women must be sold to men only. They were subjected to the responsibility of taking care of the households and bearing the children. The Spartans, in contrast, did not allow a husband to take more than one wife. Polygamy was only allowed in certain circumstances. However, a woman was allowed to marry more than one man.

Polygamy was a common practice in the Roman Empire. Initially, the religion of the Romans prohibited polygamy. This prohibition was abolished right after the defeat of the Romans. The governors introduced and initiated the customs of polygamy in their localities. The statuses of the women were degraded and a man was free to marry unlimited number of women without any responsibility obliged upon him.

The marital bondage between a wife and husband the most delicate bond where a woman can shift herself from a man to another. The Romans in various forms, such as polygamy and polyandry, practiced the plurality in marriage. This clearly shows that plurality in marriage, regardless of its forms, was not opposed by any societies.

2.2 POLYGAMY IN ISLAM

The enemies of Islam and the Anti-Islamic movements alleged Islam as the first religion that allows polygamy. This allegation is baseless and demonstrates their ignorance of other religions. Islam is not the religion that innovates polygamy, as it has already existed long before the coming of Islam. Rather, it was Islam that regulated this practice and instituted equal rights and status for all wives. Islam prescribed a limit to the number of women one may marry and also outlined the conditions for polygamy to take place.

Allah allows men to marry more than one wife provided that he can deal justly with them. Allah says,

فانكحوا ما طاب لكم من النساء مثنى وثلاث وربع، فإن خفتم ألا تعدلوا فوحدة

“Marry such women as seem good to you, two, three, four; but if you fear that you will not be equitable, then only one.” (Al-Nisa’: 3)

However, in the other verse, Allah tells men that they will never be fair and just in dealing with their wives. Allah says,

ولن تستطيعوا أن تعدلوا بين النساء ولو حرصتم، فلا تميلوا كل الميل فتذروها كالمعلقة

“You will not be able to be equitable between your wives, even so you will be eager. Yet, do not be altogether partial so that you leave her (i.e., the wife discriminated against) as it were suspended.” (Al-Nisa’: 129)

2.2.1 The Conditions of Polygamy

Islam prefers monogamy to polygamy. However, polygamy is permissible in certain exceptional circumstances with strictly enforceable conditions for justice. For example, if the first wife is barren or terminally ill, her husband is allowed to marry with the second wife.

The association of polygamy with Islam is unfair and biased. It is based on a serious misunderstanding. In fact, polygamy was allowed and practiced in the time of Moses and Jesus, while other cultures practiced polygamy without limitations and regulations. It is appropriate to say that it was Islam that regulated this practice, limited it and made it more humane and instituted equal rights and status for all wives. Islam does not allow polygamy unless the necessity for it exists. A maxim in Islamic jurisprudence declares, “necessities make things permissible”.

Thus, polygamy is permitted in Islam, but with strict conditions. (Dr. Ruhan dan Prof. Dr. M. ‘Attiyyah Al-Abraasyi, 1995)

2.2.2 Necessities for Polygamy

There are two verses as far as polygamy is concerned:

1. “...but if you fear that you will not be equitable, then only one...” (Surah An-Nisa’:3)

فلا تميل كل الميل.

2. "...do not be altogether partial so that you leave her..."

ولن تستطيعوا أن تعدلوا بين النساء ولو حرصتم.

The first verse indicates that if one fears that he will not be able to do justice, he should marry with one wife only. The Muslim scholars agreed that injustice (or oppression) is prohibited in Islam. The Prophet related from his Lord, saying:

"O My servants, I have made oppression unlawful for me and unlawful for you, so do not commit oppression against one another." (Muslim, al-Tirmizi and Ibn Majah relate this)

The meaning of the phrase *fain khiftum* (if you fear) is "if you consider". Thus, the meaning of *fain khiftum alla ta'dilu fawhidatun* is actually "if you consider that you will not be equitable, then only one". Al-Qurtubi also relates the phrase *fain khiftum* and *zanantum* with "if you consider".

Hence, this verse prohibits man from marrying more than one wife if he considers that he will not be able to treat his wives with justice and equality. This verse does not allow man to marry more than one wife and divorce them if he is not able to do justice among them. In fact, this verse orders men to be either fair to their wives or never marry more than one. It cautions men against injustice.

Meanwhile, the second verse explains the tendency of man to do injustice. Allah permits men for some sorts of injustice. Allah knows that man is unable to be equal in his love to all his wives. Equality in division of love is beyond human capability.

It can be concluded that these two verses express the permission for the practice of polygamy with the condition of being just and fair. However, if a man feels that he is incapable of doing justice, he should never consider of marrying another women. Allah prohibits mankind from indulging in injustice and oppression. (Islam dan Persoalan Wanita Moden, Dr. Bahay Al-Khauily, 1995)

2.2.3 Justification for Polygamy

It is easy for a researcher to find the justification for polygamy. It is closely related to everyday life. The justification can be summarized as follows:

(a) One of the purposes of marriage is procreation. If a wife is barren and incapable of bearing children, her husband should be allowed to marry another woman without divorcing her.

Some Muslim women do not mind polygamy. Moreover, some of them even seek wives for their husbands. They did this as a reward for the patience of their husbands who remain with them even though they are barren. Some of them eagerly anticipate the birth of the child from the second wife and treat the child as their own.

(b) It is probable that a woman is terminally ill, and instead of divorcing her, a man should be allowed to marry another woman and stay next to the first wife.

The Europeans prefer monogamy with a blended mass of prostitution to polygamy. Some of the wives allow their husbands to have affairs with many women outside the marriage in order to satisfy their sexual needs. On the other hands, they do not permit their husbands to take chaste women as their wives.

In contrast, Islam allows polygamy in order to prevent major sins such as illegal sex and prostitution. Islam does not allow a wife to give her consent for her husband to commit adultery, which will result in the widespread of many diseases. Islam allows a husband to marry another chaste women if his wife is terminally ill and disabled.

(c) Sometimes, there are women who are ill mannered and do not love their husbands. They do not perform their obligations towards them. It is not considered an offense if the husband seek to marry another woman.

(d) Besides, polygamy is justified on economic ground. A nation needs more population for its economic growth. Agriculture and industrialization need more workers and polygamy can solve the problem.

(e) Polygamy is crucial in countries that suffer from continuous war. Millions of people were killed and this left the number of women substantially more than men. These countries need sufficient amount of the population for development and polygamy is the best means to attain the goal.

In fact, war was the main cause for the revelation of verse on polygamy. The Muslims suffered a dramatic decrease in the number of Muslim men after the battle of Uhud. As the results, the widows and the orphans were left without any protection. Besides, if polygamy was not permitted, the number of Muslims will decrease significantly and it will be dangerous to battle against a large number of enemies. (Dr. Bahay Al-Khauily, 1995)

2.2.4 The Position of Islam towards Polygamy

Polygamy has been a controversial issue in Islam. Some argue that the Qur'anic norm is monogamy and polygamy is permissible only in certain circumstances. Some maintain the position that polygamy can be practiced even without any reasonable cause.

As a matter of fact, polygamy was allowed and practiced by the Prophet. The Muslims should not restrict the flexibility of the Shari'ah. Polygamy is permissible and not compulsory upon each man. However, polygamy can be obligatory, optional, averse or prohibited. For example, if a man is sure of his incapability of doing justice among his wives, he is prohibited from marrying another woman. In contrast, if a man has a great sexual desire, he should take another woman as his wife. It is worried that if he does not do so, he will indulge in illegal sex.

Islamic Law allows a man to marry more than one woman if he is capable of treating all of them equally. If he is incapable of doing so, he should never marry more than one. Allah says,

“but if you fear that you will not be equitable, then only one” (al-Nisa’: 3)

Polygamy might not be allowed for those who might result in damaging a marriage. A husband who is unable to give equal treatment his wives will only destroy his marital life. It is better for him to be with only a wife.

Unequal treatment of wives will lead to the feeling of dissatisfaction in the heart of the wives who are deprived of their rights. This feeling of dissatisfaction will later change into hatred and will result in dissolution of marriage.

One must bear in mind that polygamy was permitted, not ordained by Islam. Thus, a Muslim man should not think of marrying more than one wife, except in particular circumstances. (Yusuf Ali Bedewi, 1996)

2.3 THE WISDOM OF POLYGAMY

Dr. Yusuf al-Qardawi, an eminent scholar of Islam, emphasizes that Islam is the final message sent down to human beings. The Shari'ah of Islam is comprehensive and universal. It applies to all human beings in all times and places.

Some of the husbands are given strong inclination towards having children, but unfortunately their wives are unable to give birth due to their illness or infertility. It is an honor for a wife to let her husband to marry another woman, and at the same time she remains as his wife.

Some of the husbands have great sexual needs; in contrast, their wives are not. In this case, it is preferable for a wife to allow her husband to take a chaste woman as his wife than committing adultery.

Sometimes, the number of women is larger than men. The death of millions of men in war left the women as widows and not able to get married if they are single. The choice left to these women is either:

1. A chaste and childless old maidenhood,
2. An unofficial second wife with no legal rights (a mistress), or
3. Shares an already married man who is confident in his ability to deal fairly and justly between his wives.

Undoubtedly, the final choice is the best and permitted by Islam.

Dr. Wahbah al-Zuhaili, in the discussion on the wisdom of polygamy, divides the reasons for the introduction of polygamy in Islam into two:

1. **Common reason:** to solve the problem of social imbalance between men and women. This problem leads the need for a sufficient amount of population to work in various sectors for the development of the country.
2. **Particular reason:**
 - a. Men's sexual needs are greater than those of women
 - b. The infertility of the wife
 - c. The health condition of the wife

Syed Sabiq has explained the wisdom of polygamy in detail. According to him, polygamy is:

1. A blessing from Allah
2. The means to increase the number of Muslims for the sake of spreading the message of Islam throughout the world
3. The protection of widows who lost their husbands in the battlefield
4. The solution for the major social imbalance between men and women
5. The solution for the husbands to the problem of the impossibility of cohabitation with their wives in the time of menstruation, giving birth or the end of menstruation cycle.
6. The prevention of social and moral decadence in the society.

Any society that prohibits polygamy will suffer:

1. Widespread of illegal sex and prostitution
2. The birth of illegitimate children. In the United States of America, over 1000 illegitimate children are born every year.
3. Widespread of physical and mental illness.
4. Marital dissolution
5. Uncertainty in the recognition of the right lineage. (Hikmah Kejadian Wanita, Khairunnisa Ghazali, 2002)

2.4 THE EXCEPTIONAL CASE OF PROPHET MUHAMMAD

The polygamous practice of the Prophet can be treated as an exceptional case. Most of his wives were either widows or divorced women. Only one of his wives was virgin, and he married her because her father was his best friend. The purposes of the marriages of the Prophet were to promote friendship, create alliances, and as a model for the Muslims on how to treat their spouses.

The wives of the Prophet were known as Ummu al-Mukminin, or the mother of all believers. They were the closest people to the Prophet. It was truly hard for the Prophet to choose only four of them after the revelation of the verse that limits the number of wives to four.

Allah excludes the Prophet from the limitation and he was allowed to remain with nine of his wives. Later, a verse was revealed and prohibits the Prophet from taking another wives. This privilege was granted to the Prophet in order to preserve the dignity of his wives.

Allah has exempted Prophet Muhammad from the limitation that allows a man to marry only up to four wives because he was the leader for all Muslims. He did not marry for the sake of sexual pleasure at all. He chose to marry the weak from his people to encourage the Muslims to do the same.

Allah has prohibited the Prophet from divorcing his wives and married another women in their places. Aishah narrated that the prohibition was abolished before the death of the Prophet, but he chose to remain with his wives and not taking another women as his wives. (Yusuf Ali Bedewi, 1996)

2.5 THE DIVISION OF TIME

Ta'addud zawjaat or plurality in marriage is permissible in Islam. Equal division of time is crucial in the polygamous life. Muslim Jurists put the division of time between wives in a specific chapter, i.e., the chapter of al-qasm. Qasm, or division of time between wives is mandatory. Sheikh Abu Shuja' says in his book, equal distribution of time between wives is obligatory upon each husband.

Equal division of time is based on the obligation of a husband to treat his wife in a kind manner. Allah says in His Holy Book,

“and women shall have rights similar to the rights against them, according to what is equitable” (al-Baqarah: 228)

“and treat them kindly” (al-Nisa': 181?)

A husband should be fair and just in the division of time among his wives. He should not spend more time with his young and beautiful wife and leave the older ones alone. Moreover, he should not use the time allocated to his sick wife to spend with his healthy wife.

A husband should make up for the turn that he missed. An exception is made if he misses the turn due to his marriage with another woman. A man must be with his newly wedded wife for:

1. Seven days, if she is a virgin, or
2. Three days, if she is a widow or a divorced woman.

This ruling is based on the saying of the Prophet: “Seven days for a virgin, and three for a widow.”

The turn of time must be divided equally and it is the right of the wives. A wife can give her turn to the other wives. Saudah binti Zam'ah, one of the wives of the Prophet, has transferred her turn with the Prophet to Aishah. Thus, the Prophet spent his time with Aishah in her turn and Saudah's.

Equal distribution of love is not obliged upon a husband. A man will always tend to love one of his wives more than the other wives. It is considered as an offense, since equal love is humanly impossible. However, a husband should not spend more time with the one that he loves the most and left the others. He should treat all of them with equal fairness, regardless of the degree of affection he feels towards them.

The Prophet used to pray to Allah:

"Oh Allah! I endeavor my utmost in distributing my attention and care among them equally. This I can do. But the degree they share in my heart which is in Your power, not in mine, is Your decree, My Lord. So blame me not (if my feeling for them is not the same)."

This clearly shows that no one can be absolutely fair. The Prophet divided his time among his wives equally, but he could not do the same with the feeling and affection he felt towards one of them.

Allah has said in His Holy Book:

"You will not be able to be equitable between your wives, even so you will be eager." (Al-Nisa': 129)

Ibn Abbas interpreted the meaning of the phrase “not be able to be equitable” as the inability of being fair and equal in affection and attachment one felt towards a particular wife.

Thus, a man should think thoroughly before taking another woman as his wife. Besides, he should also take his financial ability into consideration. Unequal in the treatment of wives may lead man into injustice and oppression, which is prohibited by Allah. Allah says:

“...but if you fear that you will not be equitable, then only one...” (Al-Nisa’: 3)

The Prophet (peace and blessings be upon him) said:

“Anyone who has two wives and does not treat them equally will come on the Day of Resurrection dragging one part of his body which will be hanging down.”
(Reported by the compilers of *Sunan* and by Ibn Hibban and al-Hakim)
(Khairunnisa Ghazali, 2002)

2.6 POLYGAMY ACCORDING TO CHRISTIANITY

According to Henry Hallam, the German reformers had met in a council and agreed to a resolution that allowed a man to marry with two wives. He can marry for the third time, provided that he divorced his second wife. This practice continued until the 16th century.

Three centuries later, the Mormons (Church of Jesus Christ of the Latter Day Saints), which was established by Joseph Smith in 1830, has allowed and practiced polygamy with their slogan, “the unnatural bondage of monogamy”.

Edward von Hartman, a German, was of the same opinion. He perceived men as polygamous in nature while women were inclined towards monogamy. Therefore, Prophet Muhammad was sent with the permission for polygamy because Allah has the best of men’s interests in His mind.

It is thus appropriate to say that the approach of Islam to polygamy is the most balanced and rational. It is based on the moral, psychological and physiological demands of both men and women. Islam is a universal religion and is applicable in any place and time.

2.6.1 Opposing Views concerning Polygamy

The enemies of Islam claim that Prophet Muhammad permitted polygamy for the sake of his sexual pleasure and desire. They establish that accusation based on the practice of the Prophet who married more than four women but limited the number of wives to his companions to four only.

They further set a confusing accusation that the Prophet favored sexual pleasure, while Jesus Christ preached alone and never married in his life. Renon in his book, *Ibn Rusyd*, deemed Islam as the religion that values sexual pleasure, whereas Pope Broghli views polygamy as the foundation of Islam.

The famous Muslim thinker, Abbas Mahmud Al-Aqqad rebutted all the accusations by saying that the polygamy of the Prophet was an exceptional case. The Prophet married more than four wives before the verse that limited the number of wives was revealed.

The privilege of marrying more than four wives was only applied to the Prophet. He did not practice polygamy for sexual satisfaction. Rather, it was for the sake of da'wah and the expansion of Islam. Thus, polygamy is necessary for the Prophet in order to build the nation. The process of nation building starts at home. The failure to learn a correct guidance at home would the generation to degrade. The Islamic concept of household is that it is the smallest unit in the greater organization of the nation as a whole.

The privilege of the polygamy of the Prophet needs further elaboration:

1. To cleanse the Prophet from the accusation of marrying for the sake of sexual pleasure.
2. The privilege is not meant for the Prophet to enjoy his family life and leave his mission,
3. To prevent illegal sex and prostitution.

Another rebuttals for the allegations thrown to the Prophet are:

1. The Prophet lived in a monogamous household and did not practice polygamy until he was 50,
2. Most of his wives were either widows or divorced women, except Aishah, who was a virgin.

The above arguments can be used to refute the claims made by the Anti-Islamic movements and the Orientalists.

2.7 WOMEN VIEW TOWARD POLYGAMY

The term polygamy is very sensitive for women. But, for men it means happiness and enjoyment. It not wrong to practice polygamy, beside, in Islam there are law and system stated perfectly and clearly regarding polygamy. But, people always implement in a wrong way. That's the reason why women are so afraid it and makes the term polygamy something to be afraid of. Most of the women do not totally refuse polygamy but what make a problem is the people who practice polygamy.

There are many different views from women regarding polygamy. According to Saebah from her research on polygamy among people in Tanah Merah, almost 100% women did not agree with polygamy. For man, there are different respond where almost all of the despondence agree with polygamy. From 44 women despondence that being studied about 82% did not agree and some of them agree. About 18% women agree but with condition. Its for male despondence percentage of those who agree exceeding female despondence, 93% there are man who disagree with polygamy, however, the amount is small which is only 7%. (Saebah, 2002)

While according to Norzimatul Husna in her studies ' Polygamy Without Permission from Court' in Syariah Court, Petaling District, there are a high percentage of those who involved with polygamy. Almost 80% marriage has been done in Thailand compare to other place. This cause to reason all of women did not agree with polygamy. (Norzimatul Husna, 2001)

According to Roslaini in her studies on 'Polygamy Case In Syariah Court' shows that those who applied for polygamy are age around 20 until 50. As for their wife, about the