

## Polygamy in the Light of *Maqāsid Al-Sharī'a*

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### Abstract:

Islam provides a balanced way of life to humans with equal rights and justice. Intent of Sharia is to provide these rights to all followers irrespective of their gender, marital, social or economic status. From marital point of view, the widow and divorced woman has right of second marriage, either with a married man or unmarried. Similarly, a man has a right to have four wives at a time and this system is known as polygamy. This paper, in this context, explores the wisdom behind polygamy in the light of *Maqāsid Al-Sharī'a*. It tries to answer these questions: Is the law of polygamy allowed to fulfil one's sexual desires legally? Secondly: what are the implication of polygamy in the preservation of family/ human race and nipping the social evils like prostitution, suicidal intentions, and mental issues? This study is divided into three sections including: (1) A brief introduction to *Maqāsid Al-Sharī'a*; (2) Polygamy and its brief history; and (3) Wisdom behind polygamy in the light of *Maqāsid Al-Sharī'a*.

**Key words:** Maqāsid Al-Sharī'a; Polygamy; Women's rights, Sharī'a;

### A Brief Introduction to *Maqāsid Al-Sharī'a*

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*Maqsid* (plural: *Maqāsid*) is derived from an Arabic word “*Qasd*” meaning aim or objective in an action. Sharī'a literally means ‘way to water’—the source of all life. Sharī'a is described as an Islamic law and a system of the ethics and values covering all aspects of human life. It is not only limited to law, but a complete code of life encompassing diverse and multiple dimensions of day to day life.<sup>3</sup> The technical meaning of *Maqsid Al Sharī'a* is :

مقاصد التشريع العامة: هي المعاني والحكم الملحوظة للشارع في جميع أحوال التشريع أو معظمها، بحيث لا تختص ملاحظتها بالكون في نوع خاص من أحكام الشريعة، فيدخل في هذا أوصاف الشريعة وغاياتها العامة، والمعاني التي لا يخلو التشريع عن ملاحظتها ويدخل في هذا أيضا معان من الحكم ليست ملحوظة في سائر أنواع الأحكام، ولكنها ملحوظة في أنواع كثيرة منها<sup>4</sup>.

According to Ibn Ashūr<sup>5</sup>, the main objective (Maqasad) of Islamic legislation is to preserve the social order of the community and safeguard healthy progress by promoting the well-being and virtue (Ṣalah) of the human race. The Ṣalah of human beings consists of the soundness of their intellects and of their deeds, as well as the goodness of the worldly things in which they live that are put at their disposal.<sup>6</sup> Therefore, the term ‘Maqāsid’ refers to a purpose, objective, principle, intent and goal which means that Maqāsid of the Islamic law is the objective behind the Islamic rulings.

<sup>3</sup> Ziauddin Sardar, *Islam, Postmodernism and Other Futures*, Pluto Press London 2003, P 64

<sup>4</sup> Ahmad Al-Raisooni, *Nazariyyat al-Maqasid Inda Al-Imam Al-Shatibi*, 1992, 2<sup>nd</sup> edition, 6.

<sup>5</sup> Muhammad Al-Tahir Ibn Ashūr (1879–1973) was the most renowned Zaytuna Imam and one of the great Islamic scholars of the 20th century. He studied with reform-minded ‘ulamā’ and mastered classical Islamic scholarship. He became a judge then Shaikh al-Islām in 1932, and was a prolific writer and author in the area of reforming Islamic education and jurisprudence.

<sup>6</sup> Ibn Ashūr, Mohammad al-Ṭahir, *Ibn Ashur-Treatise on Maqāsid Al-Sharī'a*, trans. Mohamed El-Ṭahir El-Mesawī, , London-Washington: International Institute of Islamic Thought 2006, P 87

## ***Maṣlahah***

Maṣlahah in the literal meanings refers to benefit, advantage, or interest, and technically it means unrestricted public interest or public good. While discussing Maslaha kahllaf said: "The benefits which the lawgiver did not impose as a rule to be implemented, and neither there is any textual indication acknowledging it, nor rejecting it."<sup>7</sup> For instance: (1) while praying not to touch body parts or moving any body part for the sake of maintenance of concentration in prayer. (2) Ṣaḥābah decided to impose taxes (kharaj) on the agricultural lands in the conquered territories. While no textual authority can be found in the favor of these examples.

Numerous Islamic scholars, including al-Juwayni, al-Ghazali, al-Razi, al-Shatibi, Kamali etc, have elaborated the term "Maṣalah" as the preservation of the Shari'ah's objectives which are linked to the public interest or the interest of humanity.

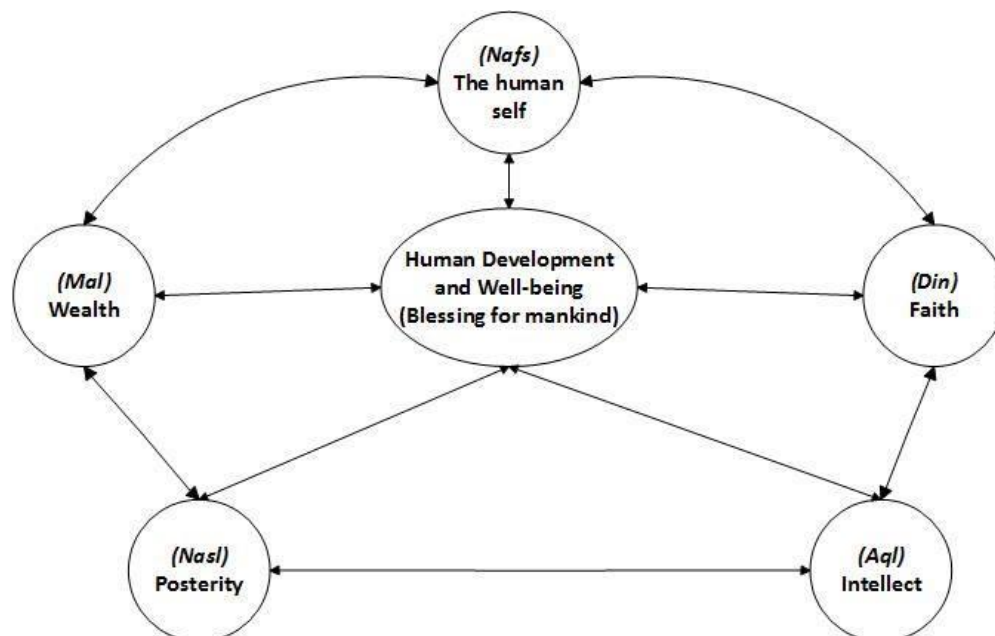
## **Objectives of Sharī'a:**

In order to understand the Sharī'a, one needs to know its objectives. According to Imām al-Ghazālī: The objective of the Sharī'a is to promote the well-being of all mankind, which lies in safeguarding their faith (Din), human self (Nafs), intellect ('Aql), posterity (Nasl) and the wealth (Māl). Whatever ensures the safety and preservation of these five, serves public interest and is desirable."<sup>8</sup> Maqāsid Al-Sharī'a may be elaborated as follows<sup>9</sup>.

<sup>7</sup> Abd al-Wahab Khallaf, 'Ilm Usul al-Fiqh (Cairo: Maktabah al-Da'wah al-Islamiyyah), 84.

<sup>8</sup> Chapra, M. U, *The Future of Economics: An Islamic Perspective*, The Islamic Foundation Leicester 2000, P 118

Chapra, M. U., *The Islamic Vision of Development in Light of Maqasid al Shari'ah*, London-Washington: International<sup>9</sup>  
Institute of Islamic Thought, 2008.p:6



### Classification of Maqāsid:

Usūl scholars<sup>10</sup> have classified Maqāsid into three categories: *Ḍaruriyāt* (the essentials), *Ḥajiyāt* (the complementary), and *Tahsiniyāt* (the embellishments). Furthermore they hold that each class of Maqāsid is divided into three sub categories and according to Jamāl al-Dīn ‘Aṭīyah this overlapping of division leads to complication and ambiguity.

<sup>10</sup> such as al-Shāṭibī



Example: food is one of the means by virtue of which the Maqāsid of preserving human life is fulfilled. Obtaining an amount of food which is sufficient to keep one alive and without it one would perish, belongs to the category of essentials. The essentials are the self-interests upon which people essentially depend, such as faith, life, intellect, posterity, and wealth.

Obtaining food in the form which allows for a variety of dishes and balanced meal, belongs to the category to the complementary. The category of embellishments is represented by the way in which the food is served. In Jamāl al-dīn 'Aṭīyah's view, the levels or classification of Maqāsid, are determined by the means through which the Maqsid is being fulfilled, not by the Maqasid itself.

Contemporary theorists have criticized the above traditional Classification of necessities. For example, Ibn Ashūr gave Maqāsid that are concerned with the nation's (ummah) priority over Maqāsid that are concerned with the individuals. Muḥamd al-Ghazālī, Yusuf al-Qaradawī<sup>11</sup> included 'human dignity and rights in the theory of Maqasid.<sup>12</sup>

Generally, the Sharī'ā is predicated on benefiting the individual and the community, and its laws are designed to protect these benefits and to facilitate the improvement and perfection of human life that corresponds to the purpose of the Hereafter. In other words, each of its five worldly purposes (viz., preserving faith, life, posterity, intellect, and wealth) is meant to serve the single religious purpose of the Hereafter.

### **Polygamy: A Brief History**

<sup>11</sup> Yusuf al-Qaradawi (born 9 September 1926) is an Egyptian Islamic theologian, and chairman of the International Union of Muslim Scholars

<sup>12</sup> Aṭīyah, Jamāl al-dīn, *Towards Realization of the Higher Intent of Islamic Law: Maqāsid Al-sharī'ah : a Functional Approach*, trans Nancy Roberts, London-Washington: International Institute of Islamic Thought, 2007, P 83

According to the *Encyclopedia Britannica*, polygamy is “[marriage](#) to more than one spouse at a time. The most typical forms of polygamy have been [polygyny](#), in which cowives share a husband. The term polygamy is often used as a synonym for [polygyny](#), which appears once fairly common worldwide”. Thus, the term polygamy is applied for that person who has more than one wives at a time.

Before the advent of Islam, one man could have more than one wife and this custom was common in Arabia and prevailed in India, Iran, Egypt, and Babylon etc. According to the Christianity polygamy is not prohibited as John Milton<sup>13</sup> and Isac Taylor<sup>14</sup>, have supported this view strongly. Isaac Taylor, in his speech delivered at the Church Congress of England about the effects and influence of Islam on people, said that: “Polygamy is a more difficult question. Moses did not prohibit it. It was practiced by David and it is not directly forbidden in the New Testament”.<sup>15</sup>

Milton said in the context of polygamy: “I have not said the marriage of one man with one woman, lest I should by implication charge the holy patriarchs and pillars of our faith, Abraham and others who had more than one wife, at the same time, with habitual sin; and lest one should be forced to exclude from the sanctuary of God as spurious, the whole offspring which sprang from them, yea, the whole of the sons of Israel, for whom the sanctuary itself was made”. For it is said in Deuteronomy (23: 2), “A bastard shall not enter into the congregation of Jehovah even to the tenth generation”. Either, therefore polygamy is a true marriage, or all children born in that state are spurious, which would include the whole race of Jacob, the twelve tribes chosen by God. But

<sup>13</sup> John Milton (9 December 1608 – 8 November 1674) was an English poet, polemicist, man of letters, and a civil servant for the Commonwealth of England under Oliver Cromwell. He wrote at a time of religious flux and political upheaval, and is best known for his epic poem *Paradise Lost* (1667), written in blank verse.

<sup>14</sup> Isaac Taylor (17 August 1787 – 28 June 1865) was an English philosophical and historical writer, artist, and inventor.

<sup>15</sup> Gulen ,Fethullah , *Essentials of the Islamic Faith*, trans: Ali Unal, published by the Light Inc 2006, P 211



as such an assertion would be absurd in the extreme".<sup>16</sup> Likewise, Vedic teachings permit unlimited number of wives, even in ten's and thirteen's and twenty-sevens, at one time. Shri Krishna, a highly respected deity among Hindus, had hundreds of wives<sup>17</sup>.

In the Arabian Peninsula, families consisted of the extended type and system was controlled by extended families because it was a kinship dominated society, where family contributes to one's power and prestige.<sup>18</sup> In short the custom of plural mating was prevailed before Islam without any limitation and without being limited. In the result, people initially took too many wives to satisfy their needs or greeds. There were no specific rules to regulate these marriages and later on they could not do justice to all of their wives. In *Tafheem al-Qur'ān*, it is mentioned that: "in the view of Ibn 'Abbās and his disciple 'Ikrimah who expressed the opinion that in the Jahiliyah period there was no limit on the number of wives a man could take. The result was that a man sometimes married as many as ten women and, when expenses increased because of a large family, he encroached on the rights either of his orphan nephews or other relatives."<sup>19</sup>

Thus, the history of nations shows that no religion or law had forbidden the polygamy, neither the Jews and Christians, nor the Hindus and Arabs before Islam.

With the advent of Islam, the Islamic law condoned Polygamy but a man was limited to only four wives, and specific rules were established to prevail balance in the human society. Allah

<sup>16</sup> Christian philanthropist, *The history & philosophy of marriage: or, polygamy and monogamy*, Edited: Nathan Braun ,4<sup>th</sup> edition, San Francisco Imperial University Press 2005, P 197

<sup>17</sup> Mufti Muhammad Shafi, Tafsīr of Surah al-Nisā':3, in *Ma'ariful Quran*, Trans: Muhammad Hassan Askari; Muhammad Shamim, *Maktaba Darul Uloom* Karachi, P 301

<sup>18</sup> ABD AL ATI .H, *Family Structure in Islam*, American Trust Publication 1977, P 110

<sup>19</sup> Maududi, Abul A'la, *Towards Understanding the Qur'an*, translated and edited by Zafar Ishaq Ansari , *The Islamic Foundation* 1988 ,Vol 2, P 6

fixed the limit of four wives and instructed the Muslims that they may marry up to four wives but treat them equitably. The words of the verse are: *"Marry the women you like, in twos, in threes and in fours"* (4:3)

### Conditions of Plural Marriages:

From the above mentioned verse, it may be concluded that Plural marriages consist on certain conditions and limitations in order to protect women's rights because islam is a religion of justice and each individual marriage comprises of rights, responsibilities, obligations and contract. If one does not have the capability to discharge his obligations, he should has only one wife because the injustice of multiple marriages during Jahiliyyah without any considerations of rights of wives had made a mockery of this field of human relationship.<sup>20</sup>

In a hadith, the Holy Prophet (S.A) has said: "When a man has two wives and he is not just between them, he will come on the Day of Judgment with one side drooping."<sup>21</sup>

Our noble Prophet, may Allah bless him for ever and ever, treated his venerated wives with full equality in everything. Thus, it is a necessary condition to manages one's martial life and treat multiple wives equally.

### Wisdom behind polygamy in the light of *Maqāsid Al-Sharī'a*

Polygamy is a valid part of marriage system in Islam and wisdom behind this system is to retain stability in Muslim society and in the world generally. To understand this concept, it is necessary to have knowledge of main intent and objectives of the polygamy in islam which are following:

<sup>20</sup> Bilal Philips & Jameelah Jones, *Polygamy in Islam*, International Islamic Publishing House 2005, P 56.

<sup>21</sup> Jami` at-Tirmidhi, *Hādīth*: 1141



- 1) To control adultery and homosexuality: Both adultery and homosexuality are sources of disease and disaster which may damage the stability and integrity of the society. These traits are not only grave sins but also bring negative impacts on involved persons as well as on the society. Islamic teachings warn Muslims to stay away from them due to their negative impacts as Allah says in the Qur'ān *"And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way."* And surah *al-'Arāf* āyah 81 reads: *"Indeed, you approach men with desire, instead of women. Rather, you are a transgressing people."* Muslims are bound to adopt halal ways to interact with opposite sex. Messenger of Allah said: *"There is nothing like marriage, for two who love one another."*<sup>22</sup> Where polygamy helps to fulfill man's sexual and psychological desires it also protects women from getting involved into wrongful and unethical practices such as prostitution. Islam protects women from sexual brutality, as Allah says in the Qur'ān: *"Tell the believing men to reduce [some] of their vision and guard their private parts. That is purer for them"*.<sup>23</sup> Thus, to control adultery and homosexuality is one of the main objectives of the polygamy. It helps person to fulfil his or her sexual and psychological desires as well as to keep society clean from dangerous sexually transmitted diseases (STDs) such as HIV etc.
- 2) To provide shelter to women and orphans: Population demographics reveal that women are in greater number than men. If each man is restricted to marry just one woman, some women will definitely be forced to remain unmarried. Similarly, divorce ratio is increasing day by day in the different part of the world. The death ratio of men is also higher than women due to the wars, terrorist attacks, and

<sup>22</sup> Sunan Ibn Majah, *Hadīth*: 1847

<sup>23</sup> Qur'ān 24:30

outdoor incidents. Considering these factors, number of orphans and widows are increasing every day. In these circumstances, Islam facilitates and provides a system of polygamy in order to provide shelter to these women and children. Islam encourages men to be providers and protectors of the orphans as Prophet (S.A) said: "I will be like this in Jannah with the person who takes care of an orphan". Messenger of Allah (S.A) raised his forefinger and middle finger by way of illustration.<sup>24</sup> Therefore, to provide shelter to women and orphans is another important objective and intent of polygamy in Islam. It helps in raising orphan children and helps to show compassion towards widows and divorced women.

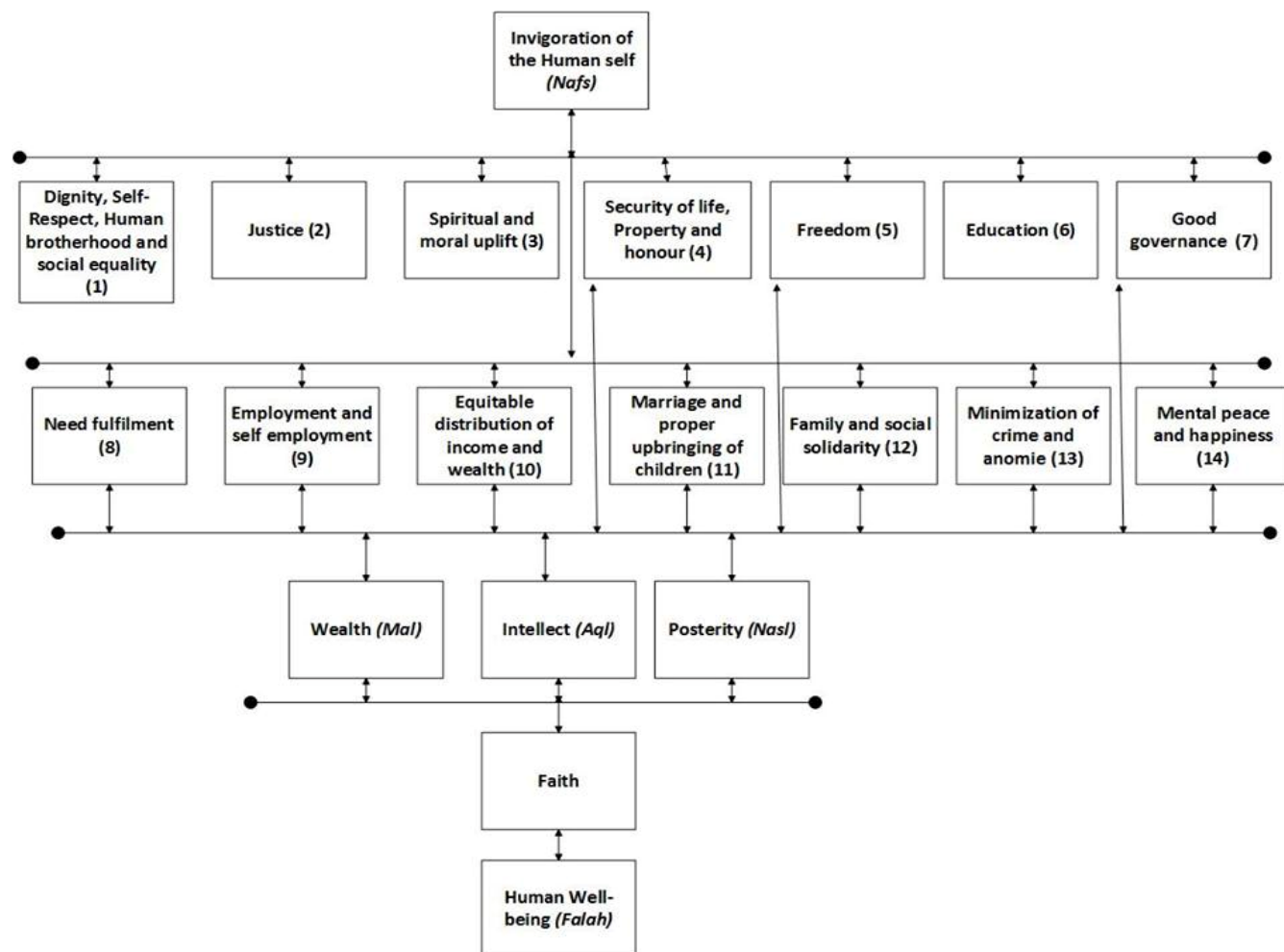
- 3) To increase the population of Muslim Ummah: In some cases, wife may be not able to meet husband's needs or she may be barren or sick. In that case Islam provides a valid and lawful way to have a second wife to fulfil needs of the husband and helps to increase the number of Muslim children in the society. Increasing the number of children, not only strengthens the Muslim Ummah but also helps to raise the economic standard due to the availability of manpower, as Prophet (S.A) said: "Marry, for I will boast of your great numbers."<sup>25</sup> The main objective and wisdom behind increasing number of Ummah is, to increase the strength/ power of the muslim society, which helps to raise the economy and stabilize the political situation of Ummah.

All of the above mentioned objectives are interlinked expression of Maqāsid al-Sharī'a (which will be discussed in details), which focuses on preservation and safeguarding of religion or faith, life, intellect, property and lineage. According to contemporary theorists, freedom, equality

<sup>24</sup> Al- Bukhari, *Ḥadīth*: 262

<sup>25</sup> Sunan Ibn Majah, *Ḥadīth*: 1863

and justice are also a part of essential (*dururi*). The following figure shows how these essentials are depending on each other's.<sup>26</sup>



<sup>26</sup> Chapra, M. U., *The Islamic Vision of Development in Light of Maqasid al Shari'ah*, London-Washington: International Institute of Islamic Thought, 2008., P 8

According to traditional and contemporary theorists, the five universal Maqasid are interlinked, as mentioned above in figure and each objective is connected to the objectives of polygamy which will be elaborated further in the following discussion.

### Preservation of Human Life and Polygamy

According to Jamāl al-dīn 'Aṭīyah "the term preservation of human life refers to preventing life from being destroyed entirely in the form of death"<sup>27</sup> this intent can be achieved through the provision of security in order to prevent attacks on people's life and save them from murder, assault and committing suicide. Now the question is how polygamy can play a role to save human life. Firstly, we will analyse some present day facts:

According to a research (a study of 100 suicide cases), those who are unmarried and living with their extended families, widowed, separated and divorced individuals comprise the largest group among cases of committed suicide.<sup>28</sup> Another study shows that married women are least likely to commit suicide than single, divorced, and widowed women. A significant percentage of suicide cases (60.4%) in the US included unmarried, divorced, or widowed women. Divorce is one of the major facts to commit suicide.<sup>29</sup> Several cases have been reported in recent past where women committed suicide because of not getting married or after being divorced. In Multan four unmarried Pakistani sisters killed themselves after a row with their father. The women were aged

<sup>27</sup> Aṭīyah, Jamāl al-Dīn, *Towards Realization of the Higher Intents of Islamic Law: Maqāsid Al-sharī'ah : a Functional Approach*, trans Nancy Roberts, London-Washington: International Institute of Islamic Thought 2007., P 118

<sup>28</sup> Rajiv Radha krishnan and Chittaranjan Andrade: *Suicide: An Indian perspective*, Indian J Psychiatry. 2012 Oct-Dec; 54(4): 304–319. doi: 10.4103/0019-5545.104793, PMID: PMC3554961

<sup>29</sup> Pablo, Jorge Lopez-Castroman, Enrique BacaGarcía, and Antonio Ceverino, *Review Article: Life Cycle and Suicidal Behaviour among Women*, *The Scientific World Journal*, Volume 2013 (2013), Article ID 485851, <http://dx.doi.org/10.1155/2013/485851>

45, 43, 38, and 35. Unmarried older women tend to face scorn from the society.<sup>30</sup> Another case of suicide was reported on 18 Feb 2014 in Rawalpindi, where a woman committed suicide after her divorce.

Similarly, a study shows suicides suicide cases are more common among unmarried, divorced and widwed individuals rather than married people in both muslim and non-muslim countries. For example, In Scotland, suicide ratio is higher than England and Ireland <sup>31</sup>. A study also shows that marriage offers security and social support. A married person is happier than indivual and “ epidemiological and psychological studies show that divorced persons are strongly represented in the psychiatric patient population.”<sup>32</sup>

The preceding discussion is all about suicide cases, that totally confront Maqāsid-Al-Sharī'a or in other words intent of preservation of human life. Women committing suicides, are actually not ready to accept the curses and scorn by the society and they don't receive proper love and care deserved as an indivisual member of the scociety .In addition, they fall prey to anxiety and stress which consequently lead them to commit suicide. Emile Durkheim's<sup>33</sup> study, Suicide, is generally regarded as the first explicit sociological study of the mental health. Durkheim compared the rates of suicide in different European countries at the end of the 19th century. According to him people who were socially isolated were more likely to commit so called

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<sup>30</sup> *The National*, **September 20, 2013**, Updated: March 26, 2015, <http://www.thenational.ae/world/south-asia/four-pakistan-sisters-commit-suicide-over-dowry>

<sup>31</sup> A profile of deaths by suicide in Scotland 2009-2014 ,<http://www.isdscotland.org/Health-Topics/Public-Health/Publications/2016-08-10/2016-08-10-ScotSID-Report.pdf>

<sup>32</sup> Augustine J Kposowa, *Marital status and suicide in the National Longitudinal Mortality Study*, Journal of Epidemiology & Community Health 2000;54:254-261

<sup>33</sup> David Émile Durkheim (April 15, 1858 – November 15, 1917) was a French sociologist, social psychologist and philosopher.



“egoistic” suicides. For example, married people had lower suicide rates than the unmarried, and married people with children were especially unlikely to commit suicide.<sup>34</sup>

Marriage can secure these victims having suicidal tendencies by having a positive influence on their psychological and spiritual needs. Polygamy may serve as a rescue to preserve the lives of such individuals because it's not easy for aged, divorced or widowed to get an unmarried man. Moreover, there is a high probability that a married man may cater their needs well and take care of them, based on his previous marital experience.

### Preservation of Human Reason

This intent is composed on the development, preservation and utilization of the mind. Anything having harmful effects on mind such as taking intoxicants or drugs, may cause psychological and physical disorders<sup>35</sup>. In such conditions one may take any unimaginable step leading to suicide or making him permanently disabled.

According to research conducted in a residential area of Karachi; Defence Housing Authority (DHA), Pakistan, 423 participants were interviewed. Among respondents, females were found to be slightly more depressed than the males. Only one quarter of the married people were found to be depressed. However, a higher ratio of depression was observed in the singles. Income and family type had negligible effect on the level of depression. Similarly, weight, height, number of children and duration of marriage also contributed little towards the level of depression. Young people were more depressed than elder ones. Nevertheless, if a person got divorced or widowed,

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<sup>34</sup> Teresa L. Scheid, Tony N. Brown (Eds) *A Handbook for the Study of Mental Health Social Contexts, Theories, and Systems*, 2<sup>nd</sup> Edition (Cambridge University Press 2010, P 10

<sup>35</sup> Aṭṭīyah, Jamāl al-dīn, *Towards Realization of the Higher Intents of Islamic Law: Maqāṣid Al-sharī'ah—A Functional Approach*, trans Nancy Roberts, London-Washington: International Institute of Islamic Thought, 2007, P 120





the probability of getting depressed becomes exponentially high. On contrary, Married couples were found to be least depressed. Study conducted among women of a semi-urban community of Karachi also reported married women as being less depressed, compared to single or widowed/divorced women.

The scenario is analogous even for the rural areas of Pakistan as well.<sup>36</sup> The survey found that stress level increased much more among women who are separated and Divorced. Higher stress ratio and consumption of drugs and alcohol were reported among separated women.<sup>37</sup> Frequency and intensity of binge drinking intervals were greater among unmarried women (3.3 times per month and 6.4 drinks on an occasion), compared with the married women (2.6 times per month and 5.4 drinks on an occasion).<sup>38</sup> Unmarried women have to face constant social pressure and curses which leads them to acute health problems and drug/ alcohol addiction. In the light of these evidences, we may conclude that Islam provides a ground to protect sanity, by means of plural marriages.

### The Preservation of Personal Piety

Preservation of one's piousness (quality of being religious) is a significant individual concern, which consist of establishing and strengthening sound doctrine, performance of the obligatory rites

<sup>36</sup>Areeba Altaf, Maham Khan, Syed Raza Shah, Kaneez Fatima, Sameer Altaf Tunio, Mehwish Hussain, Muhammad Asim Khan, Moazzam Ali Shaikh, and Mohammad Hussham Arshad, *Sociodemographic Pattern of Depression in Urban Settlement of Karachi, Pakistan*, Clin Diagn Res. 2015 Jun; 9(6): VC09–VC13,. Published online 2015 June 1. doi: 10.7860/JCDR/2015/12611.6093, PMID: PMC4525587 <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4525587/>

<sup>37</sup>John R. Jung ,*Alcohol, Other Drugs, and Behavior: Psychological Research Perspectives* , Sage Publications; 2<sup>nd</sup> edition , June 25 2009, P 245

<sup>38</sup> Alcohol Use and Binge Drinking Among Women of Child bearing Age — United States, 2006–2010, *Weekly*, July 20, 2012 / 61(28); 534-538, <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6128a4.htm>

and worships, and commitment of righteous action. Marriage consummates one's faith At-Tirmidhi Hadith 3096 Narrated by Anas ibn Malik, Allah's Messenger (peace be upon him) said, "When a man marries, he has fulfilled half of the deen; so let him fear Allah regarding the remaining half".

Adultery is strictly prohibited in most of the religions, including in Islam. Likewise, there is no place of prostitution, extra-marital affairs and homosexuality in Islamic law. This is why nations which do not permit plurality of wives may run into rampant adultery (calling it 'free sex' hardly changes the reality). Even in our own time, if we look at the state of the nations in Europe and America, we will see that they look down on what they call polygamy and put a ban on plurality of wives, but they permit a man to practice adultery with as many women as he can get under the cover of 'friendship', (and unlimited are the euphemisms invented to give it other names, such as, 'relationship', 'affair', 'consenting adults', 'union', 'partner' to get around the ban). Saying no to marriage and yes to adultery is certainly very strange.<sup>39</sup> According to *The Times of India* in (2013) Bangalore district jurisdiction, 4,000 divorce cases were filed, while in 2014, the number has already touched 1,500 by June. Among these cases, 40% are the divorces being sought on the ground of adultery and extra-marital affairs.<sup>40</sup> During, an interview conducted by BBC, one lady from brothel area said:

"I don't want to be here... I have dreams about getting married and having children, but I have no choice", Kaneez says, and "the number of girls is rising by the day, and they are often brought in by relatives such as fathers, mothers. Increasingly, young women across the country are putting their bodies up for sale in the 'flesh markets'".<sup>41</sup>

<sup>39</sup> Mufti Muhammad Shafi's Tafsīr of Surah al-Nisā':3 in *Ma'arif al-Qur'ān*, English Translation, P 301-302

<sup>40</sup> <http://timesofindia.indiatimes.com/city/bengaluru/Adultery-cases-on-the-rise-Chat-trails-give-divorce-lawyers-new-age-ammunition/articleshow/37141369.cms>

<sup>41</sup> [http://news.bbc.co.uk/2/hi/south\\_asia/8222222.stm](http://news.bbc.co.uk/2/hi/south_asia/8222222.stm)

“Poverty and hunger makes hapless women do anything”, Baloch journalist Aziz Sanghur comments in a video documentary, *Inside The Brothel*, that captures the lives of Pakistani prostitutes on camera. “Just for bread in their stomach, a roof on their head, and few bucks [in their purse] they become willing to sell their bodies again and again”. Pakistan, officially an Islamic republic where only a Muslim can become the head of state or head of government, has tens of thousands of prostitutes in the length and breadth of the country. Hira Mandi in Lahore is a famous red-light area, followed by Napier Road in Old Karachi. According to this documentary, a brothel lady said: “Men were not willing to pay with five rupees, but were ready to give Rs. 500 for their lust. I realized when I can get Rs. 500 with ease, why should I go knocking doors for a job.”<sup>42</sup>

Situation in Bangladesh is more dire where Prostitution has been legal and 14 official Bangladeshi brothels currently exist. All women working here have to have legal documents proving they are over 18, but many are clearly younger than that. “Bangladesh is a poor country and the women who live in brothels are the poorest. Nobody helps us, but we sex workers need help.”<sup>43</sup> Another study from Malaysia, shows that almost 300,000 women are involved in the prostitution from different ethnic communities such as Chinese, Malay and Tamil. A large portion of sex workers in Malaysia is comprised of individuals from other countries, including Indonesia, Philippines, Cambodia, Vietnam etc. Not only poor children and ladies are involved in it but also girls from the elite sector of society, are part of it. According to the research, the majority belonged to broken families such as divorced or widowed mother/ father

<sup>42</sup> <https://www.youtube.com/watch?v=Afp9PQNMM00>

<sup>43</sup> <http://www.bbc.co.uk/news/10173115> <https://www.youtube.com/watch?v=pynguSEy-NQ>

etc. According to "The Star online" one girl named Latophah said: "she, too, was into drugs and received RM20 per sex session from her boyfriend."<sup>44</sup>.

Polygamy may serve to address such dire social evils which have deeply penetrated into the modern society. Specifically, in the context of muslim countires, plogamy may not only save individuals from getting into prostitution and adultery, but also preserves one's piousness which is a fundamental objective of an Islamic society.

Polygamy not only helps Muslims to deal with the issue of the abundance and the high number of women in society but also an important tool for the continuation of the human race. If a man wants to have children, but unfortunately, his wife may not be able to procreate. In such complicated cases, polygamy is the best choice which ensures non- commencement of divorce, and at the same time enjoying the blessing of having children.<sup>45</sup>

## Conclusion:

This study aims at highlighting the wisdom behind the polygamy in Islam, its relation to Maqāsid and its implications for modern day society. The above discussion reveals that the principle of polygamy, in the Islamic Sharī'a, is designed to save women from getting into mental, physical disorders, protect them from the scorns and ignoble consequences, and to provide them shelter and care which they deserve. It provides a respectable ground to both men and women through which they may save themselves from sexual anarchy and have a dignified and stable family life. By following the principle of monogamy, hundreds of thousands of women fail to find husbands and in many cases they are not able to find a noble place in the society. Events show

<sup>44</sup> <http://www.thestar.com.my/news/nation/2013/08/04/rm20-thats-the-going-price-for-a-child-prostitute-underage-girls-sell-themselves-to-sex-trade-to/>

<sup>45</sup> Khasawneh, Omar M., Abdul Hakeem Yacin Hijazi, and Nassmat Hassan Salman, *Polygamy and Its Impact on The Upbringing Of Children: A Jordanian Perspective*, Journal of Comparative Family Studies (2011): 563-577. ISSN: 0047-2328

monogamy is not fully practicable in today's world. We should think about the wisdom behind the permission of polygamy in Islam.

**The most important results are as follows:**

1. Marriage in general is a consolidation of the purpose of preserving religion. As for polygamy, it is worship of God and the Sunnah of all the prophets before.
2. Marriage builds families and establishes strong social relationships with the wife's family, while polygamy strengthens the relationships of individuals in the Muslim community.
3. Marriage is a fulfillment of the lust for lawful sex, protects the wife and wife from taboos, fornication and forbidden looking, covers both men and women, and protects the spouses from many psychological diseases.
4. Polygamy is a source of friendliness, mercy and decent living, and it helps the individual to fulfill his religious, social and administrative responsibilities.
5. Polygamy is one of the sources of self-chastity and the realization of the concept of money and children are the adornment of the worldly life, and it helps to preserve lineages and raise children
6. Polygamy helps to implement the principle of succession, by regulating family's educational and social relations, as the family is a small global nation.



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