



AL-MISBAH

RESEARCH JOURNAL

Recognized in "Y" Category Journal by HEC

ISSN (Online): 2790-8828. ISSN (Print): 2790-881X.

Volume IV, Issue III

Homepage: <https://reinci.com/ojs3308/index.php/almisbah/index>

Category

Y⁺

Link: https://hirs.hec.gov.pk/index.php?r=site%2Fresult&id=1089437#journal_result

Article:

An Analytical Study of Marriage, Remarriage, Divorce, and Polygamy in the Light of Islam

Authors &

¹ Mian Saadat Ali Nadeem

Affiliations:

Doctorate Candidate, Department of Law, the Islamia University of Bahawalpur.

² Dr. Abdul Hameed

Administrative Officer Faculty of Law/Visiting Faculty Member the Islamia University of Bahawalpur.

³ Mr. Nawazish Ali Nadeem

Country Head CAD, Habib Metro Bank, Karachi.

Email Add:

¹ miansaadatali@yahoo.com

² abdulhameedqureshi169@gmail.com

³ nawazishalinadeem@gmail.com

ORCID ID:

ORCID ID: 0009-0007-0054-1949

Published:

2024-07-18

Article DOI:

<https://doi.org/10.5281/zenodo.14454808>

Citation:

Mian Saadat Ali Nadeem, Dr. Abdul Hameed, and Mr. Nawazish Ali Nadeem. 2024. "AN AN ANALYTICAL STUDY OF MARRIAGE, REMARRIAGE, DIVORCE, AND POLYGAMY IN THE LIGHT OF ISLAM". *AL MISBAH RESEARCH JOURNAL* 4 (03).

<https://reinci.com/ojs3308/index.php/almisbah/article/view/242>.

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EuroPub



Published by Institute of Culture and Ideology, Islamabad.

+92-313-305-2561, +92-300-030-9933

www.almisbah.info



AN ANALYTICAL STUDY OF MARRIAGE, REMARRIAGE, DIVORCE, AND POLYGAMY IN THE LIGHT OF ISLAM

*Mian Saadat Ali Nadeem

**Dr. Abdul Hameed

***Mr. Nawazish Ali Nadeem

ABSTRACT

A well-functioning family comprises of the husband's parents and blood relatives in addition to the couple and their offspring, according to this definition of a family. The fact that a strong family structure is necessary for the existence of a robust social structure suggests the importance of the home. Any nation's progress is dependent on this institution. A weakened family structure can lead to the disappearance of human conduct, social responsibility consciousness, and belief in one's place in society. Marriage is regarded as both a holy institution and a complex legal structure governed by a range of customs and laws in many cultures and religions. Marriage is viewed under Muslim law as a civic contract between a male and a female. We'll look at Muslim law's current perspectives on second marriages and whether they are permissible. In Islam, the subject of second marriage is intricate and steeped in history. The legal processes pertaining to women's rights in divorce and remarriage safeguard. Empowering society is the first step toward building a powerful and progressive country. An analytical examination of marriage, divorce, remarriage, and polygamy in the context of Islam is presented in this article.

Keywords: Study, Marriage, Remarriage, Divorce, Polygamy, Islam.

Introduction:

The first of women's rights is the selection of her husband. It is improper to force a lady to marry a man before she gives her consent. Muslim women have the right to pick him and determine the conditions of their marriage to him on their own.

"When they have fulfilled their term (attained majority), there is no sin on you if they (the wives) dispose of themselves in a just and honorable manner (i.e., they can marry)."¹

In similar way the Holy Prophet Muhammad (PBUH) has said:

"لَا تُنكِحُ الْأَيُّمَ حَتَّى تُسْتَأْمَرَ وَلَا تُنكِحُ الْبِكْرَ حَتَّى تُسْتَأْذَنَ"²

"Do not marry a widowed woman until she asks herself, and do not marry a Virgin woman until she has permitted."

* Doctorate Candidate, Department of Law, the Islamia University of Bahawalpur.

** Administrative Officer Faculty of Law/Visiting Faculty Member the Islamia University of Bahawalpur.

*** Country Head CAD, Habib Metro Bank, Karachi.

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In mentioned above Hadith, This is clearly stated that woman are allowed to reject marriage organized without their incentive are permission. All through first century Hijri and later, similar act has been adopted. This facet is prominently stressed In Sahih Bukhari. It conclude a whole chapterwith significant title:

When someone gives his girl in tie-not and she posses angers on it, the marriage shall be cancelled.

"وَعَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ جَارِيَةً بَكَرًا أَتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -فَدَكَرَتْ: أَنَّ أَبَاهَا زَوَّجَهَا وَهِيَ كَارِهَةٌ , فَخَيَّرَهَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ"-³

"Once a virgin girl came to the Prophet (peace be upon him) and said that her father had married her to a man against her wishes. The Prophet gave her the right to repudiate the marriage."

Seven women are prohibited because of their Nasab (lineage), mothers are the women from whom lineage is inherited through fathers or mothers, grandmothers and grandkids, whether close or distant, are all mothers and are entered by their mothers' order due to their shared Nasab (lineage). The Holy Qur'an has already made reference to stepmothers' holiness. Daughters include declarations, grandkids, and great-grandchildren of whatever rank. Included are a sister, aunt, maternal aunt, niece, nephew, and their offspring. To put it succinctly, your values and offspring are forbidden. The term "milk relationships" refers to foster connections. It is forbidden to wed foster parents and siblings; however, it is permissible to wed foster nephews, nieces, aunts, uncles, and so on.

"عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي بِنْتِ حَمْرَةَ: لَا تَحِلُّ لِي يَحْرُمُ مِنَ الرِّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ هِيَ بِنْتُ أُخِي مِنَ الرِّضَاعَةِ"-⁴

"It Is Narrated Ibn Abbas (R.A),The Prophet ﷺ said about Hamzas daughter, I am not legally permitted to marry her, as foster relations are treated like blood relations (in marital affairs). She is the daughter of my foster brother."

The stated Hadith defines that foster relationships, like those of breast feeding are salted like blood relationships in marriage laws. Four categories of women are considered unlawful for marriage: (1) the daughters of the spouse he is having an affair with; (2) the mother of the wife and her grandma. (3) Fathers' wives, etc. (4) Sons, grandchildren, etc. (Wives of the Froo or branches). Furthermore, even in cases where the daughter is not under the husband's legal care due to accidental custody, marrying a guy who has engaged in sexual relations with another man's daughter is also illegal. However, this step-daughter is illegal for the husband alone, halal for the husband's offspring, and illegal for the husband when engaging in sexual relations with the wife. If the wife agreed to divorce or passes away, her daughter would become legal.

It is okay to wed a son who has spoken, but it is not permitted to wed a foster son's wife since she is under the control of a relative son, and their grandchildren are also sons. Marrying two sisters at some time is not allowed. The Holy prophet said,

"عن أبي هريرة رضي الله عنه: أن رسول الله صلى الله عليه وسلم قال: لا يجمع بين المرأة وعمتها، ولا

بين المرأة وخالتها"°

"It is unlawful to marry aunts, uncles, and nieces together."

So the prohibition is not permanent because it is illegal to have both in your marriage at the sometime, the wife's related is not unlawful for the partner; it is illegal to keep them both in your marriage at the same time. That is why Allah said it is unlawful to have two sisters. He did not say that the sisters of your wives are unlawful, so if someone divorces his spouse and her *Iddat* get finished, at that time he can marry her sister. As it is illegal to keep two sisters married at the same time, just as it is illegal to seduce two sisters collected, similarly, it is illegal to gather a woman and her aunt or uncle, as is proven in the light of Hadith that it is haram to accumulate three types of women at same time in Nikah, these are two sisters, wife and her aunt.

Right to Remarriage

Divorced women also have the right to remarry. In the Holy Quran describes about this,

"And when you divorce women, and they have come to the end of their waiting period, hinder them from marrying other men if they have agreed with each other in a fair manner."⁶

Concerning widows, the Quran declares,

"And if any of you die and leave behind wives, they bequeath thereby to their widows (the right to) one year's maintenance without their being obliged to leave (their husband's home), but if they leave (the residence) of their own accord, there is no blame on you for what they lawfully do with themselves."⁷

Widows therefore have the right to remarry within the specified time even if they choose to do so, the must forfeit their right to regular maintenance. But it's important to keep in mind that the Maliki School grants a parent or guardian the authority of force over their choice of husband in every circumstances mentioned, including if daughter is virgin, widowed or divorced.

The Prophet (peace be upon him) said,

" قَالَ لَا تُنكِحِ الْأَيِّمَ حَتَّى تُسْتَأْمَرَ وَلَا تُنكِحِ الْبِكْرَ حَتَّى تُسْتَأْذَنَ " قَالُوا يَا رَسُولَ اللَّهِ وَكَيْفَ إِذْهَا قَالَ

أَنْ تَسْكُتَ. 8"

"A woman without a husband (or divorced or a widow) must not be married until she is consulted, and a virgin must not be married until her permission is sought. They asked the Prophet of Allah, PBUH How her (virgin's) consent could be solicited? He (the Holy Prophet) said: she keeps silence."

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Example from the Life of our Holy Prophet (PBUH)

Except for one woman, the Prophet discloses that every woman he wed was either divorced or widowed. Such ladies had nowhere to turn during that time due to the absence of social structures. These women, for the most part, required a husband to provide them with physical, emotional, and spiritual security. The Prophet had a duty to help them as a statesman and a humanitarian.

Marriage as Institution

Islam places a high value on marriage and encourages its adherents to get married in accordance with their personal preferences. When Muslim men attain adulthood, they can make a *Nikkah* contract with free women, slaves, or Ahl-i-Kitab (Jewish & Christians). That being said, if a Muslim is unable to handle the obligations that come with marriage, then they should not marry. The importance of this institution is demonstrated in the following passages:

Allah Almighty said:

“And marry those among you who are single (i.e., a man who has no wife and the woman who has no husband), and (also marry) the Salihun (pious, fit and capable ones) of your (male) slaves and maid-servants (female slaves).”⁹

“If one cannot afford to marry the free Muslim women, then (he may marry) the one you people own of your Muslim girls. Allah knows best about your faith. You are similar to each other. So, marry them with the permission of their masters, and give them their dues, as recognized, being bound in marriage, not going for lust, nor having paramours. So, once they have been bound in marriage, if they commit a shameful act, they shall be liable to half of the punishment prescribed for free women. That is for those of you who apprehend to indulge in sin. However, you will benefit from being patient. Allah is Most-Forgiving, Very-Merciful.”¹⁰

In the Holy Quran, Allah says:

“(Lawful to you in marriage) are chaste women from the believers and chaste women from those who were given the Scripture (Jews and Christians) before your time when you have given their due Maher (bridal-money given by the husband to his wife at the time of marriage), desiring chastity (i.e., taking them in legal wedlock) not committing illegal sexual intercourse, nor taking them as girlfriends.”¹¹

In the Holy Quran Allah said:

“And let those who do not the financial means for marriage keep themselves chaste until Allah enriches them of His bounty”.¹²

The verses that were previously presented demonstrate that choosing to be married is a major decision that needs to be made at the right time. In the same way, two most

prominent Hadith's books, Bukhari & Muslim, narrative about asking of Holy Prophet "those young men who are able to support wife should marry because it will keep them away from indulging in immoral acts and those who can't should observe fasting to suppress their sexual desire." As Anas (R.A.) reports that:

"الدُّنْيَا كُلُّهَا مَتَاعٌ وَخَيْرُ مَتَاعِ الدُّنْيَا الْمَرْأَةُ الصَّالِحَةُ" -¹³

"The best thing in the world is good women".

A number of Aayat and Ahadith emphasize the value of marriage, the family unit, and its significance for society. All of these Islamic precepts emphasize marriage as a commitment between the parties and a significant duty. Additionally, it requests that devout Muslims lead normal lives rather than dedicating their entire lives to Allah. Additionally, Muslims now have access to guidelines on how to take extra precautions to preserve the institution. The Holy Prophet Muhammad (PBUH), according to Ibn Maja and Abu Daud, said:

"وَعَنِ ابْنِ عُمَرَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: أَبْغَضُ الْحَلَالَ إِلَى اللَّهِ تَعَالَى الطَّلَاقُ" -¹⁴

"Ibn 'Umar reported the Prophet as saying, "The lawful thing which Allah hates the most is divorce."

If the situation between the wife and husband reaches a point where they cannot live together, Islam ultimately (as the last option) gives them the right to terminate the relationship and get divorce.

Allah Almighty will bestow His bounty on those who marry if they are impoverished, since matrimony is a way to gain generosity and overcome adversity. It is well known that generosity is gained and suffering is removed when marriage is blessed. Numerous Ahadith also refer to this. Some Ahadith for persuasion are as follows: It is the authority of Hazrat Abdullah bin 'Abbās (R.A.) The Prophet (ﷺ) said.

"عَنْ ابْنِ عَبَّاسٍ قَالَ: التَّمَسُّوا الرِّزْقَ بِالتَّكَاحِ" -¹⁵

Seek sustenance through marriage.

"قال رسول الله صلى الله عليه وسلم: تزوجوا النساء فإنهن يأتينكم بالمال" -¹⁶

"It is narrated on the authority of Hazrat Urwah (R.A.) that the Holy Prophet (PBUH) said, Marry women because they will bring you (sustenance and wealth) from Allah."

The Holy Prophet (PBUH) is claimed to have remarked, "Marry women because they will bring you (sustenance and wealth) from Allah," according to the Authority of Hazrat Urwah (R.A.). Even though Allah Almighty has said, "If they are poor, then Allah Almighty will enrich them with His bounty," Hazrat Umar bin Khattab (R.A.) adds, "I am surprised at the person who is trying to get rich without marriage." Another psychological theory explains why marriage makes a man wealthy: single men are usually carefree before getting married, but once they are married, they get a sense of responsibility that drives them to put in a lot of effort at work.

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Thousands of people who were previously carefree, jobless and idlers start working and avoid idle activities as a result of the door to subsistence opening.

Right of Khula for Women

In Islam, a woman's right to file for divorce from her spouse is referred to as the Khula. When it becomes difficult for a wife, for any reason, to live with her husband, she may exercise this Khula right. She is entitled to the same rights on medical, ethical, religious, and other grounds that may arise after marriage or if she believes she is incapable of upholding husband's rights. After Nikkah, a wife can ask for the right of divorce to be given to her.

Allah said:

“Then if you fear that they would not be able to keep the limits ordained by Allah, then there is no sin on either of them if she gives back (the Maher or a part of it) for her Al-Khul (divorce).”¹⁷

It is authoritative to note that whatever a husband has given to a wife as Maher, should be returned by the wife to get separation but a husband cannot claim more than what he has given to her. It means that he has no right over his wife's wealth etc. The amount, which a wife has to return for Khula is provisional upon the understanding between husband and wife. If both agree just a portion of the Maher may be returned, which is acceptable in Islam. In other words there is no minimum limit for deciding such cases while the maximum limit is equal to the amount the husband has paid as Maher. In brief, Islam has fixed limit for rights of husband and wife, neither husband has the right to refuse the rights of his wife nor the wife conspire with the rights of her husband.

Allah has ordained to keep the limits for husbands and wives as stated in the following verse:

“And it is not lawful for you (men) to take back (from your wives) any of your Maher (bridal-money given by the husband to his wife at the time of marriage) which you have given them, except when both parties fear that they would be unable to keep the limits ordained by Allah.”¹⁸

In a Hadith of Bukhari and Nisai, it is written that Sabit-bin Qais's wife came to the Holy The Holy Prophet (PBUH) asked, would you return the garden that he gave you as Maher for marriage? She said, yes then the Holy Prophet (PBUH) asked the husband to take his property back and give her divorce. Islam has strained on keeping better relations based on love and mutual wellbeing between the husband and wife and the right of Khula should not be used unless it is legal and with cogent reasons. The Holy Prophet has said:

“A wife who demands divorce from her husband without cogent reasons, the aroma of paradise is Haram on her”.¹⁹

The same message is existing in another Hadith of the Holy Prophet:

“لَا تَسْأَلُ الْمَرْأَةُ زَوْجَهَا الطَّلَاقَ فِي غَيْرِ كُنْهٍ فَتَجِدَ رِيحَ الْجَنَّةِ وَإِنَّ رِيحَهَا لَيُوجَدُ مِنْ مَسِيرَةِ أَرْبَعِينَ

عَامًا.”²⁰

“No woman asks for divorce when it is not necessary, but she will never smell the fragrance of paradise, although its fragrance can be detected from a distance of forty years' travel”.

Divorce's Rights & Its Method

Islam grants rights to men to dismiss his marriage as Talaq. Allah S.W.T permitted Talaq if no solution of disputation remain to solve between spouse. Therefore divorce has not only been allowed in Islam but it was being exercised in society before Islam as well. Islamic teachings emphasizes on obligation of Nikah and frequently order spouses to fulfill it. therefore, Holy Prophet (PBUH) said:

“Each of you is a shepherd and each of you is responsible for his flock. The imam who is over the people is a shepherd and is responsible for his flock; a man is a shepherd in charge of the inhabitants of his household and he is responsible for his flock; a woman is a shepherdess in charge of her husband's house and children and she is responsible for them; and a man's slave is a shepherd in charge of his master's property and he is responsible for it. So each of you is a shepherd and each of you is responsible for his flock.”²¹

Islam directs spouse to live together with love and peace. If any conflict occurs between them, tolerance and being patience has been advised in Islam in this condition. As Allah Almighty says:

“Live with them honorably. If you dislike them, it may be that you dislike a thing through which Allah brings a great deal of good”.²²

If dispute remain then it is recommended to take help any third party to solve problem. two responsible persons from both families recommended to try making peace & reconciliation between couple.

Allah has said in the Holy Quran:

“If you fear a breach between them twain (the man and his wife), appoint (two) arbitrators, one from his family and the other from her; if they both wish for peace, Allah will cause their reconciliation”.²³

Approaches To Separated Women

Islam orders Muslims to live with justice accompanied by their wives and don't try to abandon them. The right to divorce has only been permitted in condition of unavoidable condition. Allah said:

“You will never be able to do perfect justice between wives even if it is your ardent desire, so do not incline too much to one of them (by giving her more of your time and provision). To leave the other hanging (i.e., neither divorced nor married)”.²⁴

However, it must be well-known that according to Prophet (PBUH):

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“Allah did not make anything lawful more abominable to Him than Divorce.

Of all the lawful acts the most detestable to Allah is Divorce”.²⁵

Polygamy and Islam

Polygamy is an arrangement of marriage and it means to keep together many women in nikah at same time. There are two types of Polygamy and one of them is to marry more than one women while second of them is called polyandry in which woman marries many men at same time. In Islam, limited polygamy is allowed and polyandry is entirely forbidden. Before the arrival of Islam, polygamy was a very common practice. In addition to being married to slave women, men were accustomed to having a sizable number of wives. Islam prohibited Muslims from taking more than four wives, and only in extreme and difficult situations was this practice restricted. In this same framework, all of the Islamic prohibitions against polygamy were revealed. Islam requires husbands to treat their wives fairly, particularly if they have multiple wives. It is preferable for them to limit themselves to one if they are unable to treat each one fairly.

Allah says in Holy Quran:

“But if you fear that you shall not be able to deal justly (with them), then only one, or (slaves) that your right hand possess. That is nearer to prevent you from doing injustice”.²⁶

Because cruelty is forbidden in Islam, it is inevitable that a spouse will treat one or more of his wives cruelly and unkindly if he is unable to establish justice among them. When it comes to providing them with love, time, food, clothing, shelter, and other necessities of life, husbands should treat all of their wives fairly. He shouldn't choose between widows who are young, old, tall, short, or attractive. Allah says in the Holy Quran about this:

“You will never be able to do perfect justice between wives even if it is your ardent desire, so do not incline too much to one of them (by giving her more of your time and provision). To leave the other hanging (i.e., neither divorced nor married)”.²⁷

A Hadith, which Abu-Huraira (R.A) has narrated, says that:

” مَنْ كَانَ لَهُ امْرَأَتَانِ يَمِيلُ لِإِحْدَاهُمَا عَلَى الْأُخْرَى جَاءَ يَوْمَ الْقِيَامَةِ أَحَدُ شِقَائِهِ مَائِلًا ”^{٢٨٠}

"Whoever has two wives and is inclined to favor one of them over the other, he will come on the Day of Resurrection with half of his body leaning."

The aforementioned verses and the Ahadith of Prophet's persuaded devout to have only wife if they couldn't uphold fairness (*Adal*) among them.

Additional investigation into Islamic prohibitions on polygamy reveals that it was permitted in circumstances where large number of women and children were abandoned as widows and orphans following the war of Badar & Uhad. In addition, a large number of foreign ladies converted to Islam and settled in Madina. Men were called upon to give new Muslim women and widow a dignified life in what amounted to an emergency. It was the male

Muslims' duty to marry these defenseless people and give them a place to live in order to preserve their honor and dignity.

The fundamental principle of Islam is that no man should have sex with a woman if he is not going to be financially responsible for her, as well as for the upbringing and costs of any children born out of marriage. Allah says

وَ إِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَ ثُلَاثَ وَ رُبْعَانَ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَٰلِكَ أَدْنَىٰ أَلَّا تَعُولُوا^{٢٩}

If you alarm that you will not do justice to the orphans, then, marry the women you like, in twos, in threes and in fours. But, if you fear that you will not keep equity, then (possess to) one woman, or bondwomen you own. It will be closer to abstaining from injustice.

According to Imam Hassan Basri (RA) due to their affluence, the Madina people used to marry the orphan boys entrusted to their care, even if they had no interest in them. As a result, Imam Hassan Basri (RA) claims that the Madina people used to marry the orphan boys given to their care, even if they had no interest in them, because of their wealth. Subsequently, the rights of the orphan boys were not maintained. By treating them poorly and postponing their inheritance until after they died, this passage prevented them from doing so.³⁰ According to the second perspective, people did not worry about infidelity but were terrified of being hurt by the sponsorship of orphans. The second group claimed that although adultery did not worry them, individuals were afraid of what would happen if they helped orphans. If they avoided providing for orphans out of concern for injustice, the advice that was offered to them was to be suspicious of adultery. To avoid it, marry ladies who are lawfully yours and who don't mind having an affair.

“They were warned that if they avoided helping orphans out of concern for injustice, they should be on the lookout for adultery. Avoid the illicit and marry women who are lawful for you to assist prevent it.³¹

Hazrat Abdullah bin 'Abbās (R.A.) told Hazrat 'Akramah (R.A.) that the Quraish had ten or more ladies, and when they could no longer support themselves, they would donate to orphan girls.³²

In the light of above advice, it is consider your financial situation and limit your spending to avoid using the wealth of orphans.³³

Additionally, it was discovered that equality between partners is necessary, requiring that widows and virgins, as well as new and old, be treated similarly. To dress, to eat, to drink, to live, and to spend the night with someone, is all depend upon fairness. In these kinds of situations, everyone should be treated equally.

A. Polygamy is an Exception, Not a Rule

Therefore polygamy is an exemption, not a rule. Many people are under the misconception that a Muslim man must marry more than one wife. Quran is the only religious scripture in the world that says 'marry only one' Quran is the only religious book, on the face of this earth,

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that contains the phrase 'marry only one'. There is no other religious book that instructs men to have only one wife. Broadly, Islam has five categories of do's and don'ts.

- (i) 'Farz' i.e. compulsory
- (ii) 'Mustahab' i.e. recommended or encouraged
- (iii) 'Mubah' i.e. permissible
- (iv) 'Makruh' i.e. 'not recommended' or discouraged
- (v) 'Haram' i.e. prohibited or forbidden

Polygamy falls in the medium category of permissible things. It cannot be said that a Muslim who has two, three, or four wives is better as compared to a Muslim who has only one wife.

B. Justice to be Strictly Observed

Allah has said to this effect:

"If you fear that you will not be equitable, then only one (wife)"³⁴

Hazrat Aisha (RA), a wife of the Prophet Muhammad, was reported as saying: Allah's Prophet (PBUH) distributed everything justly amongst his wives; yet after all, he used to say:

"عَنْ عَائِشَةَ، قَالَتْ كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَفْتِسِمُ فَيَعْدِلُ وَيَقُولُ "اللَّهُمَّ هَذَا فَسَمِي فِيمَا أَمْلِكُ فَلَا تَلْمَنِي فِيمَا تَمْلِكُ وَلَا أَمْلِكُ " يَعْنِي الْقَلْبُ."³⁵

"O Allah, this is my division concerning what I possess, so do not blame me concerning what you possess and I do not." [Reported by al-Arba'a; Ibn Hibban and al-Hakim graded it Sahih (authentic). at-Tirmidhi held that the stronger view is that it is Mursal (a missing link in the chain after the Tabi'i.

The above passages reveal a strict requirement that a man who has numerous wives must treat each of his wives equally. This equivalence is likely with respect to finances, emotions, and even sexual relationships. The Holy Quran obviously defines that if a person is incompetent to do this and treat his wives rightly he should not marry more than one.

It is inevitable that a husband will treat one or more of his wives cruelly and unkindly if he is unable to uphold justice among them, and cruelty is prohibited in Islam. To be just to all of their wives, husbands must treat them equally by providing them with food, clothing, shelter, love, and additional necessities of lifetime. He shouldn't follow a widow's demands regardless of how young, old, handsome, short, or tall she is.

Allah says in Holy Quran:

"You will never be able to do perfect justice between wives even if it is your ardent desire, so do not incline too much to one of them (by giving her more of your time and provision). To leave the other hanging (i.e., neither divorced nor married)".³⁶

Abu-Huraira narrates in a hadith that:

"عن أبي هريرة، عن النبي صلى الله عليه وسلم قال: مَنْ كَانَتْ لَهُ امْرَأَتَانِ فَمَالَ إِلَى إِحْدَاهُمَا جَاءَ يَوْمَ الْقِيَامَةِ وَشَفُّهُ مَائِلٌ."³⁷

“Whoever has two wives and inclines to one of them will come on the Day of Resurrection with his half tilted.”

The aforementioned verses and the Holy Prophet’s hadiths convinced the devout to possess single wife as they couldn't uphold justice (Adal) among them. Further investigation into Islamic prohibitions on polygamy reveals that it was permitted in situations where numerous women and children were abandoned as widows and orphans during the wars of Badr and Uhud. In addition, a large number of foreign ladies converted to Islam and settled in Madinah as a means of support. Men were ordered to give newly converted Muslim women and martyrs' widows a dignified life in what amounted to an emergency. It was the male Muslims' duty to marry these defenseless people and give them a place to live in order to preserve their honor, dignity, and self-respect. But, the men's decision to marry depressed women was not unqualified; they were also required to treat their wives with respect and to treat them fairly, while they were cautioned that it is not simple or even possible to treat all of their wives fairly.

Summary:

Dealing with Muslim patrons poses challenges of both a religious and cultural nature. The aforementioned details provide an overview of Islamic marriage and divorce. But a person’s cultural or familial customs can significantly alter this framework. The best guidance for practitioners is to be curious about their customers and to ask probing questions that will help them discern between religion and culture. This article's contents should be used as a resource to teach professionals about Islamic customs and to acquaint lawyers with key of Islamic ideas related to marriage and divorce. In order to ensure that this law is implemented and followed, the state must also take a highly proactive stance. Unhappily, our nation does not now allocate adequate funds for social welfare. The least important things are children's wellbeing, health, and education. Additionally, using Islamic ideas to support family law reforms in a traditional country puts rights activists in a powerful position. This implies that improving the Islamic expertise of advocates for women's rights must be one approach. In response, it is necessary to guarantee women's legal professional participation in the judicial system and to provide gender problems training for all judges and attorneys. The coordinated efforts of civil society must go on and never stop. In addition, lobbying and group effort are essential to reaching the objectives. Therefore, it is crucial to involve other like-minded national and international organizations in this regard, including Ministries, the Human Rights Commission, Judicial Reform Institutions, and civil society organizations in general is very important in this respect.

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