

Research Article

**The Practice of Polygamy in Islam: Rights, Regulations,
and Realities**

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Abstract. Polygamy, as sanctioned by Islam, continues to be one of the most contentious elements of Islamic family law, frequently misinterpreted both within and beyond Muslim communities. This study analyzes the practice from three fundamental perspectives: rights, rules, and realities. Based on Qur'anic directives, Prophetic traditions, and classical legal interpretations, it delineates the stringent conditions under which a Muslim man may take multiple wives—particularly emphasizing the necessity of fairness, financial capability, and equal treatment. The study examines the rights granted to all parties involved, particularly the frequently neglected protections provided to women. Moreover, it juxtaposes the optimal regulatory structure with the actual experiences in diverse cultural situations, emphasizing both adherence and exploitation. The research aims to elucidate misconceptions and provide a balanced perspective of polygamy's intended role, ethical limitations,

and obstacles within contemporary Muslim societies by examining religious ideas in conjunction with current socioeconomic evidence.

Keywords: Polygamy, Islam, Rights, Justice, Realities

INTRODUCTION

Polygamy is the act of simultaneously having multiple wives.¹ Polygamy is an old practice seen in numerous human communities. The Bible does not denounce polygamy. Conversely, the Old Testament and Rabbinic texts often affirm the legality of polygamy.²

Polygamy primarily results from tribal conflicts. As men divided into clans and established distinct residences, conflicts would inevitably arise among them. In such instances, the outcome would mirror the historical events in North America following its initial European arrival, including the annihilation of the Hurons by the Iroquois. The vast majority of the men were slaughtered; the women and children, forced into the invaders' residence, largely vanished into concubinage and servitude.³

Polygyny is a system that has been misconstrued, misapprehended, and exploited. These shortcomings have been present in both Islamic communities and their Western opponents. Nonetheless, the practice of polygyny itself does not appear to be as problematic as its implementation.⁴

Polygamy in Islam is one of the most contentious issues regarding women and the religion. Widespread misconceptions regarding this historic Islamic institution exist, and non-Muslims vehemently condemn it.⁵

RESEARCH METHODS

This study is based on a qualitative and descriptive approach, relying primarily on Islamic textual sources and contemporary scholarship. The Qur'an and authentic Hadith collections are examined to establish the foundational principles and conditions of polygamy in Islam. In addition, relevant academic articles, books, and contemporary research studies are reviewed to analyze how polygamy is practiced.

¹ The Oxford Encyclopaedia of the Islamic World. Ed. Esposito, John L.: Oxford University Press, 2009. Oxford Reference. P.p.384

<<https://www.oxfordreference.com/view/10.1093/acref/9780195305135.001.0001/acref-9780195305135>>.

² Azeem, S. A. (2005). *Women in Islam versus women in the Judaeo-Christian tradition*. World Assembly of Muslim Youth, Eastern Province. p. 41

³ Orr, James, M.A., D.D. General Editor. "Entry for 'POLYGAMY'". "International Standard Bible Encyclopaedia". 1915.

⁴ Jones, R. (2006) "Polygyny in Islam," *Macalester Islam Journal*: Vol. 1: Iss. 1, Article 11.

⁵ Jawad, H. (1998). *The rights of women in Islam: An authentic approach*. Springer. p. 42

This combined method allows for a balanced understanding of both the religious framework and the social realities of polygamy.

RESULTS AND DISCUSSIONS

Historical Context of Polygamy in Islam

Islam's laws regarding marriage have been greatly misinterpreted. Some have argued that it made polygamy a reality. In many ways, Islam has been misrepresented across Europe, as any scholar of Western literature would acknowledge. The Christian priests took great care to protect their followers from real Islam, instead presenting skewed images that would be disgusting to see.

Jesus Christ or his immediate apostles did not forbid, rule, or restrict polygamy. For centuries after Christ, polygamy was still practiced by Christians. In Christianity, polygamy was not frowned upon when Muhammad started his mission thirteen centuries ago. When Muhammad introduced the precepts of Islam approximately six hundred years after Christ, polygamy was prevalent throughout all nations and religions. Aside from Christianity and Judaism, no contemporary religious system has denounced or even governed it. Hindus possess the most ancient history, civilisation, and religion. However, they remain polygamous.⁶

Indeed, Islam did not originate polygyny but rather restricted its quantity and established rigorous requirements for its practice. Among the majority of people and communities that embraced Islam, this behaviour was conventional. They were required to adhere to the boundaries and criteria prescribed by Islam.⁷

Why Prophet Muhammad (S.A.W) permitted polygamy

The usual explanations encompass the issue's inherent characteristics, the woman's persistent health condition, and her often reserved and modest sexual impulses, which may not correspond with the man's intense cravings. There are further motivations for a man to desire a second wife beyond those mentioned. The list is deficient as it merely emphasises the most prominent and recurrent causes.

Scholars of different stripes have noted the following on the real, unique circumstances of Islam:

- The Muslims needed heirs to bolster and reinforce their nascent civilisation.
- A rising population of needy widows and orphans, bereaved of their providers due to diverse circumstances, urgently requires caretakers, foster families, and guardians. Their material and moral welfare.
- Inadequate public financing or "state budgets" to tackle the urgent

The needs of these vulnerable dependents were apparent. In that period, marital unions were typically tenuous and needed revision. Polygyny served as a mechanism for stability and uniformity. The passage authorizing polygamy was

⁶ Ibid., p. 3

⁷ Chaturvedi. A. ed. (2003). *Encyclopaedia of Muslim women. Vol 4 Commonwealth.* p. 60

disclosed subsequent to the fatal Battle of Uhud. A number of male Muslims were deceased, hence reducing the male population. A multitude of young girls became orphans, requiring safeguarding. The Qur'an expressly delineates requirements for the safeguarding of orphans and the maintenance of their welfare. The conventional Arab custom entailed guardians marrying orphaned girls without their consent to obtain their property. The Qur'an forbids it, asserting that marrying an orphan may result in the infliction of injustice on her. Marriages should be celebrated for ladies who have lost their partners or for other single women.

A situation emerged that made polygamy necessary. The number of women surpassed that of men. The framework of human civilization often leads to the squandering of persons at particular times. The ongoing conflict in Europe has created a comparable situation. Prophet Muhammad (S.A.W) served as a spiritual mentor. He was a moral philosopher. He could not recognize "unwed mothers." He could neither endorse "war babies" nor dismiss human nature. A woman's solitary existence is not an intrinsic condition. A healthy woman with inherent vigor, if confined to solitude, will suffer the consequences of neglecting the demands of nature. Modern society may condone or be complicit in infidelity. Prophet Muhammad (S.A.W) was unable to. Had Muhammad not endorsed polygamy, even with restrictions, he would not deserve the esteem he presently garners as a prophet and a social and moral reformer from rational and impartial perspectives.

He asserted that the Book of Laws he presented was derived from the Supreme Author of Nature. The claim is equally legitimate under the legislation governing polygamy as it is under other legal statutes. It is universally acknowledged that polygamy is not a premier institution, as it disrupts societal harmony by fostering reciprocal jealousy among the wives of a single man. This jealousy arises from a husband's inability to be equally attentive to both of his wives.⁸

Conditions and Regulations of Polygamy in Islam

If an individual cannot maintain self-control within the confines of monogamy, the acceptance of polygamy remains an available option. The obligation to marry four women is not mandated for all Muslims. Having multiple wives is not required under Islamic law. Interpreting the aforementioned Quranic passage in such a manner would be erroneous.⁹ Muslims stated clearly and in the Quran:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَاثَ وَرُبْعًا ۚ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَذَىٰ ۖ أَلَّا تَعُولُوا

⁸ Kidwai, M.H. (1976). *Woman Under Different Social & Religious Laws*. Seema Publications. p. 102

⁹ Zafeeruddin, M. M. (1995). *System of Modesty and Chastity in Islam*, Idara Ishaat-e-Diniyat Pvt. Ltd, New Delhi. p. 83

If you fear you might fail to give orphan women their 'due' rights 'if you were to marry them', then marry other women of your choice—two, three, or four. But if you are afraid you will fail to maintain justice, then 'content yourselves with' one or those 'bondwomen' in your possession.² This way, you are less likely to commit injustice.¹⁰

The aforementioned verse implies that the husband ought to treat them equitably and justly in fulfilling his responsibilities, which encompass supplying food, clothing, shelter, and other essential needs, as these are all voluntary actions. Two elements remain beyond one's control: love and connection. The Islamic Shariah underscores the necessity of striving to avoid this inequality from becoming a source of hatred for the less fortunate. Nonetheless, an individual is not culpable if, despite their utmost endeavours, they fail to pursue their heartfelt aspirations.¹¹

Equality

The significance of equitable treatment concerning time and wealth cannot be overstated, as it is the primary component undermining the established conditions for marriage, which a man evaluates in his daily interactions with his wives. Regrettably, several contemporary Muslims, influenced by Western ideologies, have misconstrued specific Quranic verses to substantiate their claims for monogamy and the eradication of polygyny.¹² However, the equality referred to in Surah an-Nisa:

فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً

If you fear that you will not be able to treat them justly, then marry (only) one¹³

Refers to time and money, but the equality cited in Surah an-Nisa's verse 129 pertains to matters beyond human control, which are solely governed by Allah's command.

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ

You will not be able to treat your wives with absolute justice, not even when you keenly desire to do so.¹⁴

Ibn 'Abbas and 'Ubaydah as-Salmani, the Prophet's Companions, claimed that the equality referred to in Surah an-Nisa verse 129 applies to sexual intercourse and attachment. Furthermore, it is crucial to recognize that the Prophet asked for pardon for feelings of love, affection, or sympathy that were stronger for one of his wives than for the others. But Allah S.W.T permitted the Prophet to marry more ladies than

¹⁰ Al-Quran 4:3

¹¹ Zafeeruddin. opcit. p. 84

¹² Philips, A. A. B., & Jones, J. (2005). *Polygamy in Islam*. Saudi Arabia: International Islamic Publishing House. p. 62

¹³ Al-Quran- 4:3

¹⁴ Al-Quran 4:129

the average Muslim man was allowed to marry. Because this criterion cannot be used as a gauge of equality in Islamic plural marriages, any attempt to outlaw polygyny because a man might prefer one woman over the others is futile and false.¹⁵

Time Division

The allocation of time following Islamic law is predominantly based on evenings, as this period is typically when individuals cease labour and engage in rest. At night, individuals seek solace in their residences from the challenges of the external environment, while couples engage in their most private moments together. The separation of night and day was divinely established to align with human nature¹⁶, as Allah () states in the Qur'an:

وَجَعَلَ اللَّيْلَ سَكَنًا

"He makes the nights for rest and tranquillity" (Qur'an 6: 96)¹⁷

وَجَعَلْنَا النَّهَارَ مَعَاشًا

"And made the days as a means of subsistence."¹⁸

A man with multiple wives should allocate evenings among them, but the daytime is reserved for earning a livelihood, attending to others' needs, or engaging in any permissible activities of his choosing. If a guy is a student, he is likely attending lectures during the day; if he is a merchant, he is occupied with trade matters; and if he is unemployed, he ought to be actively pursuing employment to meet his obligations to others. Regardless of a man's occupation, he is likely to be occupied with it for a significant part of the day. An exemption may apply to a night watchman or individuals whose primary working hours occur throughout the night. In such instances, the days would be apportioned among the women, as his nights resemble the days of others. Consequently, the allocation of time is determined by the duration designated for sleep or rest.

It is necessary to divide the rest periods equally among the wives. In the tradition of the Prophet, a man may set apart one night for each of his wives; or he may set aside two or three nights for each of them. It would be wise for a man to divide his time so that he spends one night with each of his four wives, allowing each to spend three days with her husband. Each woman would only interact with her hubby six days after a two-night separation. According to the lunar calendar, the night before Maghrib, which started at Maghrib the day before, is frequently seen as continuing into the period before Maghrib (sunset and the fourth daily prayer). Accordingly, the solar calendar observes "Laylatul Jumu'ah" (literally, Friday night)

¹⁵ Philips. Opcit. P. 63

¹⁶ Ibid. p. 65

¹⁷ Al-Qur'an 6: 96

¹⁸ Al-Quran 78:11

on the Thursday before and the start of Ramadan at Maghrib on the last day of Sha'ban. It is a woman's right to have her home where a man can unwind during the day if he spent the night with her the night before. Therefore, he should eat his midday meal at his wife's house on that particular day. According to an authentic hadith, Sawdah, one of the Prophet's wives, is believed to have dedicated the entire day to 'Aishah, which is the basis for the listing of days and nights. The statement made by 'A'ishah also contains this information.

The wife's right to time

The rest intervals must be distributed equitably among the wives. A man may designate nights to his wife according to the Prophet's tradition, designating one night to each; alternatively, he may give two or three nights to each lady. Should a guy have four wives, it would be prudent to distribute his time such that he spends one night with each, enabling each wife to be with her husband every three days. A separation lasting two nights would lead to each lady interacting with her spouse only after six days. The interval preceding Maghrib (sunset and the fourth daily prayer) is often considered to be part of the preceding night, which began at Maghrib the previous day according to the lunar calendar. The commencement of Ramadan occurs at Maghrib on the last day of Sha'ban, and "Laylatul Jumu'ah" (literally, Friday night) transpires on the preceding Thursday night according to the solar calendar. If a guy wants to relax during the day, he should do it in the residence of the woman with whom he spent the previous night, as it is her right. Consequently, his midday meals should be taken at the residence of the wife designated for that day. The enumeration of days and nights is based on an authentic hadith, in which Sawdah, a wife of the Prophet, is said to have devoted her entire day to 'Aishah. This information is also contained in 'A'ishah's statement.

"Allah's Messenger visited all of his wives in turn when he was sick and would ask, where shall I be tomorrow?"

Time rights of a new wife

The additional free time afforded to an acquaintance of the virgin bride is necessary owing to her inexperience with marriage and sexual intimacy. Conversely, the previously married bride is typically acquainted with both and merely needs an opportunity to familiarise herself with her new partner. Nevertheless, a seven-day option is available for widows or divorcees to address circumstances in which marriage and sexual intimacy may be as new to them as to a virgin. This applies in cases when her previous marriage was particularly short or unconsummated, or if there was a considerable gap between her former marriage and her later remarriage. A married man who acquires a new wife is legally allowed a period of acquaintance lasting seven consecutive days if she is a virgin, and three days if she has been

previously married. He undertakes this without compensating for the time owed to the other wife or wives.¹⁹ This law is based on the Shahabi, Anas (R.A), report.

"It is from the Sunnah (the Prophet's practice) if a man marries a virgin that he stays with the virgin wife for seven days and then divides his time equally after that. And, if he marries a woman who was previously married, not a virgin, he should stay with her for three days and then divide his time equally."

He may, however, grant the already married new wife's request for seven days for herself, but he will have to compensate the other wives for the lost time. According to Abu Bakr ibn al-Harith (R.A), the morning after the Prophet Muhammad (R.A) wed Umm Salamah (R.A), he addressed her,

"Do not feel that you are unimportant among your people, for if you wish, I will spend seven days (with you) and spend seven with the rest of my wives, or if you wish, I will spend three days with you and divide the time equally after that." She replied, "Make it three."

Consequently, once the new wife has received her designated time, the husband is required to allocate his time equitably among the other wives, utilising a lottery system to ascertain the order of engagement.

Positive and Negative Impact of Polygamy

Negative Effect

The marital relationship of polygamy would be unstable because of the jealousy of the wife because of the practice of polygamy; no doubt, there would be hurt feelings in an older wife and engender hope in a new one. Nevertheless, a short while later, a jealous fire would ignite in the woman's heart, old or new, and her great jealousy would be reduced according to her circumstances.

Psychologically, a wife would be disturbed and hurt to see her husband relate to another woman. Studies have shown that the average wife, upon learning that her husband remarried, spontaneously suffers from bouts of depression, constant stress, mixed sadness and disappointment, and resentment over having been betrayed.

Polygamous unions impose significant mental burdens on offspring, particularly on females. A child is ashamed when his father is called "the bride-man" and avoids socializing with his male associates. Most of the children whose fathers practiced polygamy and then sought other breakaways, such as free association, and so forth. This is because they lack their parents' attention, especially their father, who must divide his time between his wife and another, or even have no communication with his child.

¹⁹ Philips. Opcit. p. 71

Positive Impact

Polygamy is one incarnation of god's mercy and esteem. To his creatures. This is because polygamy was often seen as a solution to household emergencies. As the Quraysh Shihab thought, polygamy was an emergency passage through which, of course, was allowed. Polygamy is a form of respect for women. A husband who is so emergency that he chooses to practice polygamy is a form of respect for his wife. He does not then divorce her, but continues to make her a responsible wife. It's just that her husband practiced polygamy in an emergency. In the case of wives who are unable to bear offspring, for example, husbands are forced to remarry another woman to fulfill the purpose of marriage, namely, procreation. In Islam, it is more honorable for a husband to engage in sexual immorality. Another example is if a wife cannot perform her functions as a wife, or she has an incurable disability or illness. By practicing polygamy in this latter way, the husband maintains marital pride. Specifically for the husband who was a polygamist, being a polygamist was her solution, not to succumb to adultery.²⁰

CONCLUSION

Islam does not have polygamy as a fundamental or unique institution. Polygamy is not encouraged by Islam. The only religion that promotes monogamy as the most equitable form of marriage is Islam, which states clearly in its laws, "Then marry only one." The Book of Islam is still pure. It is the final gospel that was revealed to the last of the prophets.

The entire Muslim world cannot modify a single letter of it. The practices of the whole of the Muslim community or the traditions and life of Muhammad cannot serve as an authoritative opposition to it. Every individual can access the Holy Book of Divine Revelation, the authoritative Word of God. If he seeks the authentic Islamic law of marriage, he will discover that polygamy is sanctioned for Muslims.

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