

# William & Mary Journal of Race, Gender, and Social Justice

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Volume 11 (2004-2005)  
Issue 3 *William & Mary Journal of Women and  
the Law*

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Article 11

April 2005

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# THERE ARE WORSE THINGS THAN BEING ALONE: POLYGAMY IN ISLAM, PAST, PRESENT, AND FUTURE

HEATHER JOHNSON\*

## I. INTRODUCTION

If one were to study “Christian Law,” one probably would not find any objections to the practice of marrying multiple wives simultaneously, or polygamy. Of course, in primarily Christian countries, there are secular rules that prohibit polygamy. Many countries that practice “Islamic Law,” however, do not have a separate secular system addressing issues such as marriage and divorce. For those states, the dependence is on the religious texts and leaders. Unlike Christianity, Islam does have an explicit stipulation providing for polygamy. In the Qur’ān, the holy book of Islam, the fourth *Sūrah* (chapter), entitled *Al Nisā’* (“The Women”), third *aya* (verse), states:

If ye fear that ye shall not  
Be able to deal justly  
With the orphans,  
Marry women of your choice  
Two, or three, or four;  
But if ye fear that ye shall not  
Be able to deal justly (with them),  
Then only one . . . .<sup>1</sup>

From this *aya*, Muslims have justified multiple marriage for over a millennium. To be more specific, *Sūrah* 4:3 permits *polygyny*, or a male having many wives, as opposed to the more general *polygamy*, which could apply to either sex. In fact, *polyandry*, a female having many husbands, is strictly forbidden in *Sūrah* 4:24.<sup>2</sup>

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1. ‘ABDULLAH YUSUF ‘ALI, *THE MEANING OF THE HOLY QUR’ĀN* 4:3 (11th ed. 2004) (1425 A.H.).

2. Also (prohibited are)

Women already married,  
Except those

Whom your right hands possess.

In other words, a man may only marry an already-married woman if he has captured her in a battle. ‘ALI, *supra* note 1, at 4:24.

Perhaps because of the fact that polygyny seems to favor men, or seems a continuance of archaic systems in which males owned women like chattel, polygyny is one of the greatest sources of criticism for Islam both within and without its ranks. Thus, it has been the focus, alongside veiling and seclusion of women, of feminist efforts at reform in Islam. Many feel that polygyny has no place in Islam, either in the past or in the present, not only because it is a negative for women, but because it goes against the nature and purpose of Islam and the Qur'ān. In the background of the loud debates over the place for polygyny in Islam, however, the practice itself has been dwindling out. It is very rare to find a polygynous family, even in the most Islamic nations. Thus, one might question whether this is a necessary debate, or whether, as in Christianity, it would be better to allow society to evolve away from it without engaging in any discourse over the reliability of Islamic texts.

This paper will discuss the debate over polygyny in Islam. The paper begins with a discussion of attitudes towards polygyny, both in favor of and in opposition to the practice, and then covers a brief overview of how polygyny came to Islam and the context in which it was revealed by Muhammad in the seventh century C.E. The paper discusses the different interpretations Islamic scholars and reformers have made of *Sūrah* 4:3 based upon the history of Islam and the available sources of Islamic law. The last section covers the status of polygyny in the Islamic world today, addressing the difficulties of reforming Islam, even after one determines that perhaps polygyny is inappropriate for Muslims, and then discussing, based on the role polygyny plays in the modern Muslim's life, whether reform is even necessary. Ultimately, the paper aims not only to provide an overview of the debate, but also to suggest that even if the practice is on the wane, its very existence as a sanctioned practice in Islam is detrimental to the future of the religion.

It is important to note, while reading the following pages, that although the paper speaks of Islamic law as if Islam were a state somewhere in the Middle East, it is not a unitary body of clearly-defined codes and rules followed by Muslims everywhere. Islam is practiced all over the world, including the United States, and plays a different role, to differing degrees, for every Muslim, depending upon where in the world that Muslim lives. There is a danger of over-generalizing what Islamic law means; what one Muslim considers to be Islamic law may not ring true for another. It is in part because of this tendency to generalize that

discussing approaches to polygyny in Islamic law is important: to exemplify that different Muslims hold different belief systems but are often characterized in the same way regardless of their individual stances.

## II. OPINIONS ABOUT POLYGAMY IN ISLAM: JUSTIFICATION AND CONDEMNATION

Polygamy was and is practiced in Islamic cultures under the authority of *Sūrah* 4:3. Before discussing whether it is an appropriate element of Islamic society in modern times, however, it is important to address the question of *why we care*. Clearly, polygamy must be meaningful, or it would not be controversial. Islam is often generalized in the West as a religion that brutalizes and enslaves its women.<sup>3</sup> Although, historically, Western cultures were themselves patriarchal and did not exhibit equality for women socially, legally, or politically,<sup>4</sup> Islam's treatment of women — particularly the practice of polygyny, the forced wearing of veils and other family "laws" — was touted as verification of Islamic enslavement of women.<sup>5</sup> Yet, some would argue that the West has portrayed polygyny unfairly.

Historical accounts of polygyny from Western travelers returning from the East described it as a lustful and hedonistic practice. Montesquieu's *Persian Letters*, for example, written after traveling in Muslim countries in the eighteenth century, painted a picture of eroticism that was very popular with readers who, due to the marked difference between the practice of polygyny and their own monogamous lifestyles, used the exotic tales as evidence of Western superiority.<sup>6</sup> Perhaps the greatest example summarizing the debate between the justification by Muslims for polygyny and the Western response can be found in an eighteenth-century skit by Voltaire of a dialogue between a Turkish Vizier and an agent of Charles V:

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3. HAIDEH MOGHISSI, *FEMINISM AND ISLAMIC FUNDAMENTALISM: THE LIMITS OF POSTMODERN ANALYSIS* (1999).

4. *Id.* at 16. Moghissi gives the example in Egypt of English politician Lord Cromer, who condemned "first and foremost" the treatment of women and held that their involvement must begin with the end of the veil and female seclusion. Back in England at the same time, Lord Cromer was the founder and president of the Men's League for Opposing Women's Suffrage. *Id.*

5. *Id.*

6. JOHN CAIRNCROSS, *AFTER POLYGAMY WAS MADE A SIN: THE SOCIAL HISTORY OF CHRISTIAN POLYGAMY* 103-110 (1974).

Christian dog [says the Turk] for whom incidentally I have a particularly high esteem, how can you reproach me with having four wives according to our holy laws while you empty a dozen casks of wine a year and I do not drink a single glass? What good do you do the world by spending a longer time at table than I do in bed?

I can give four children a year to the service of our august master. You can hardly furnish one. Anyway what am I to do when two of my wives are in labour? Do I not need two others as my law commands? What becomes of you in the last months of your one wife's pregnancy and during her illnesses? You are forced to remain in a shameful idleness or to seek another wife. You are impaled on the dilemma of committing one of two mortal sins . . .

I suppose that, in our wars against the Christian dogs, we lose 100,000 men. This means that about 100,000 girls have to be provided for. Is it not for the rich to take care of them? Woe to any Moslem so lukewarm as not to afford shelter to four girls as his lawful wives . . . (I am modest in comparison to Solomon). You change your wines. Allow me to change wives. Ah! dog, let others live according to their country's custom . . . come and have coffee with me, and then be off and caress your German wife as you are reduced to her alone.

To which the Christian dog replies:

Moslem dog, for whom I have a profound veneration, before I finish my coffee, I will confute your arguments. Any one with four wives has four harpies. . . . They are four prisoners who, having never seen anything, never have anything to say to you. They know no one but you. As a result you bore them. You are their absolute master. So they hate you . . .<sup>7</sup>

Indeed, Muslims have historically justified polygyny on this basis: not simply that Allah permitted it, but that it promoted justice. In return, feminists, Islamic reformers, and Western critics have come down on it as an antiquated practice that is oppressive of women.

#### *A. Attempts to Justify Polygyny*

Many Muslims believe that polygyny is a necessary and beneficial practice. First, it is argued that sometimes women will outnumber

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7. CAIRNCROSS, *supra* note 6, at 115 (citing VOLTAIRE, *Femme*, in *DICTIONNAIRE PHILOSOPHIQUE ET HISTORIQUE* (1774)).

men in a community.<sup>8</sup> This can happen after a battle (such as the Battle of Uhud, the battle following which Allah revealed *Sūrah* 4:3 to Muhammad) or simply as a result of a greater life expectancy for females.<sup>9</sup> According to one source, "in most human societies, females outnumber males."<sup>10</sup> Because women depend upon men for protection,<sup>11</sup> "[t]he Shari'ah . . . does not tolerate any woman seeking refuge under the roof of any man unless she is married to him or he is within the prohibited degrees of relationship to her."<sup>12</sup> Because Islam does not encourage female infanticide or celibacy,<sup>13</sup> allowing a man to be lawfully wedded to multiple wives "seems the only reasonable alternative to meet the needs of women for protection and care."<sup>14</sup>

To that end, one study examined the "severe gender crisis in the black community" in America, saying that five percent of black males die before reaching age 21, that "homicide is the leading cause of death" for black males between the ages of 20 and 35, and that many young black males are "unemployed, in jail, or on dope."<sup>15</sup> The study goes on to say that the end effect is "man-sharing," where numerous black women sleep with the same black man surreptitiously.<sup>16</sup> Polygamy has been recommended as a solution.<sup>17</sup> The problem with this study is that it assumes (a) that black women cannot marry men of other races; (b) that black men in America are capable of financially supporting multiple

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8. Sherif Abdel Azim, *Women in Islam Versus Women in the Judeo-Christian Tradition: The Myth and the Reality*, at [http://www.islamicity.com/mosque/w\\_islam/poly.htm](http://www.islamicity.com/mosque/w_islam/poly.htm) (last visited Apr. 24, 2005). Azim states that in the U.S., there are eight million more women than men, in Guinea 122 women to every 100 men, and in Tanzania 100 women for every 95.1 men. *Id.*

9. JOHN L. ESPOSITO & NATANA J. DELONG-BAS, *WOMEN IN MUSLIM FAMILY LAW* 19 (2d ed. 2001).

10. Azim, *supra* note 8.

11. 'Alī, *supra* note 1, at 4:34:  
(Husbands) are the protectors  
And maintainers of their (wives)  
Because Allah has given  
The one more (strength)  
Than the other, and because  
They support them  
From their means.

12. ABDUR RAHMĀN I. DOI, *WOMEN IN SHARI'AH (ISLAMIC LAW)* 50 (1990).

13. Azim, *supra* note 8.

14. DOI, *supra* note 12, at 50.

15. Azim, *supra* note 8 (citing *CRISIS IN BLACK SEXUAL POLITICS* 25-26 (Nathan Hare & Julia Hare eds., 1989)).

16. *Id.*

17. This solution was allegedly put forth at a panel discussion at Temple University in 1993. *Id.*

families, even though they are allegedly unemployed and "on dope," and black women are frequently the primary providers in a family; (c) that black women need the man they are "sharing" for financial support, rather than just physical and emotional attention; and (d) that another solution, such as better employment opportunities, mandatory child support enforcement, more available contraception, or other improvements for the African-American community might be more optimal (i.e., treat the illness, not the symptoms).

Another justification for polygamy is that if a woman cannot procreate, due to infertility or age, marrying a second woman would enable the man to have legal (male) heirs.<sup>18</sup> Otherwise, the man might be forced to divorce the woman in exchange for a fertile one.<sup>19</sup> Polygyny allows for procreation *and* protection of the first wife; she would arguably not be abandoned (because who would want to marry a barren woman?) and would perhaps enjoy being able to help raise her husband's children.<sup>20</sup> Similarly, if a wife is diseased or disabled, she might not be able to reproduce or to care for the children she already has.<sup>21</sup> Thus, it would arguably be better to have a second wife to care for the husband's and children's needs, in addition to attending to the "sickly wife."<sup>22</sup> Ignoring the tempting response of modern technological advancements in assisting otherwise infertile couples such as in-vitro fertilization or artificial insemination and the phenomenon of surrogate motherhood, one could still reply that there are alternatives to marrying a second woman. For the infertile couple, adoption is always an option. For the couple handicapped by a "sickly" mother, the man wealthy enough to support a second wife is surely wealthy enough to hire a nurse or a nanny.

Along the same lines, supporters of polygyny suggest that men have voracious appetites for sex that cannot be fulfilled by just one woman.<sup>23</sup> Thus, if a woman is indisposed due to pregnancy, illness, or the regular irritation of a menstrual cycle,<sup>24</sup> it is better

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18. Mufti Muhammad ibn Adam al-Kawthari, *Sunni Path Questions and Answers: Polygyny in Islam*, at <http://www.sunnipath.com/resources/Questions/qa00002124.aspx> (last visited Apr. 24, 2005).

19. *Light of Life, Chapter Twelve: Polygamy*, at <http://www.light-of-life.com/eng/reveal/r5405et4.htm> (last visited Apr. 24, 2005) (referencing the scholarship of Sayyid Qutb).

20. *Id.*

21. DOI, *supra* note 12, at 52.

22. *Id.*

23. *Id.*

24. *Sūrah 2:222* warns men to . . . keep away from women In their courses, and do not

for the man to satisfy his needs within the confines of a respectful, legal, second marriage than to do as Westerners and seek sexual solace in a mistress or prostitute.<sup>25</sup>

The sex drive justification is controversial. First, the suggestion that men should be permitted special marital rights because of an overactive libido reduces women to “passive receptacles for men’s sexual pleasure and release.”<sup>26</sup> This notion that polygamy was designed to satisfy men’s sexual needs has been perceived as a distortion of Muhammad’s intentions:

Not only do these not serve any moral or social purposes that are compatible with the Qur’ānic ideals of chastity and justice but they also pervert these ideals . . . . Through their prurient and orgiastic speculations, [Muslim men] have transformed even the Qur’ān’s view of paradise into what some critics of Islam call a “heavenly whorehouse.”<sup>27</sup>

The Qur’ānic idea of chastity is not “virginity, asceticism, or renunciation, but a sexual praxis that remains within the moral limits prescribed by God”; the Qur’ān encourages sexuality but creates a framework for its practice.<sup>28</sup> Rather, the Qur’ān’s intention was clearly addressed to ensuring justice for orphan girls, not satisfying male urges.<sup>29</sup>

Another reason some do not approve of the sex-drive justification is that men do *not* have greater sex drives than women.<sup>30</sup> Proponents of this thought claim that it is not men who are chiefly guilty of adultery, but rather women.<sup>31</sup> The Qur’ān recognizes that both men and women have sexual needs and that sex should be available to them for pleasure, not just procreation.<sup>32</sup> A woman who has to share her husband with others is more likely

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Approach them  
Until they are clean.

‘ALI, *supra* note 1, at 2:222. Notably, pre-existing Jewish law required that men stay away from menstruating women entirely. SAHIH MUSLIM, BOOK 3: THE BOOK OF MENSTRUATION (KITAB AL-HAID) 3:0590. However, in Islam, only male contact in a sexual sense with menstruating women is forbidden. *Id.* Men were still permitted to sit with them, talk with them, and pray with them — something previously forbidden under Jewish law. *Id.*

25. See *Light of Life*, *supra* note 19.

26. ASMA BARLAS, “BELIEVING WOMEN” IN ISLAM: UNREADING PATRIARCHAL INTERPRETATIONS OF THE QUR’ĀN 152 (2002).

27. *Id.* at 157.

28. *Id.* at 153.

29. *Id.* at 191.

30. *Id.* at 153-54.

31. See *id.*

32. See *id.*



to stray.<sup>33</sup> On the other hand, in a twist of mind-boggling logic, polygamy has been recommended as a solution for a woman's unsated sexual appetite.<sup>34</sup> It would be better, the argument goes, for a woman in a society where the women outnumber the men to marry a man who is already married than to have sexual relations outside of marriage.<sup>35</sup> However, this has not been a viable solution in reality; many women cannot simply choose to marry an already married man. In one anecdote, a young Muslim woman attempted to utilize polygamy to avoid this very result.<sup>36</sup> She had pre-marital relations with her boyfriend, also Muslim, with whom she was very much in love.<sup>37</sup> Unfortunately, his parents arranged for him to marry another woman.<sup>38</sup> Their love, and lust, was not curbed by this new contract, and they continued to sleep together secretly after his marriage.<sup>39</sup> She asked her *Mufti* if polygamy might be a possibility for them.<sup>40</sup> He answered to her that she should "fear for [her] soul and . . . repent earnestly," and that her hope of marrying this man was a trap set by Satan.<sup>41</sup> There, the man's ability under Islam to marry again did not protect him from adultery, nor his wife from shame.

### *B. The Argument Condemning Polygyny*

On the other side of the debate are those who find polygyny to be despicable and misogynistic. Polygyny in Islam is a strictly patriarchal ideal and a clear example of male favoritism in the eyes of Allah. *Sūrah* 4:3 permits only *men* multiple spouses.<sup>42</sup> In Islamic patrilocal societies, children "belonged" to the father's family; thus, Muslim women could marry only one man at a time so that the paternity of her child was clear.<sup>43</sup> A woman may marry again if her husband divorces her or if he dies.<sup>44</sup>

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33. Lawrence Rosen, *The Negotiation of Reality: Male-Female Relations in Sefron, Morocco*, in *WOMEN IN THE MUSLIM WORLD* 561, 658 (Lois Beck & Nikki Keddie eds., 1978).

34. LAMIA RUSTUM SHEHADEH, *THE IDEA OF WOMEN UNDER FUNDAMENTALIST ISLAM* 117 (2003).

35. See Rosen, *supra* note 33, at 568.

36. Shaykh Gibril Haddad, *Sunni Path Questions and Answers: Lingering Illicit Relationship*, at <http://www.sunnipath.com/resources/questions/qa00002847.aspx> (last visited Apr. 24, 2005).

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.*

42. 'ALI, *supra* note 1, at 4:3.

43. ESPOSITO & DELONG-BAS, *supra* note 9, at 19.

44. *Id.* at 20.

The argument continues that polygyny is yet another example of a man's control over his sexuality that a woman may not exercise. Unlike men, a woman's chief value is her "sexual purity."<sup>45</sup> It was important for a man to know that the woman he was marrying had not slept with another man who might be the real father of their child.<sup>46</sup> Because a man was required to pay a dower to the woman's tribe when he married her, and virgins were more desirable than non-virgins, a woman's virginity came to be of primary importance to her own family.<sup>47</sup> Notably, Islam is unique in recognizing sexual desires in men and women.<sup>48</sup> In Islam, a woman's sexual pleasure within the confines of marriage is considered to be a right which the husband may not deny her for more than four months at a time;<sup>49</sup> however, in practice it is generally the husband's demands that must be met, as a woman has not the equipment to force sex on her partner. Furthermore, although neither gender may engage in extramarital sex,<sup>50</sup> through polygyny the husband is permitted four times the variety of sexual partners as is his wife.<sup>51</sup> Additionally, the Shi'i tradition of *mut'ah* (temporary marriage) enables him limitless sexual partners.<sup>52</sup>

In response, defenders of polygyny in Islam put forth that different treatment of men and women does not necessarily compute into treating them unequally, "nor does treating them identically mean treating them equally."<sup>53</sup> For example, marriage is considered to be a contract between a man and a woman, to which she must consent, making her an equal party to the action rather than a possession to be bought and sold.<sup>54</sup> Also, with the coming of Islam, according to Hanafi law, both men and women were prohibited from marrying for a certain period of time (*iddah*) after

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45. *Id.* at 13.

46. *Id.*

47. *Id.*

48. See BARLAS, *supra* note 26, at 152-53.

49. See 'ALI, *supra* note 1, at 2:226:

For those who take  
An oath of abstention  
From their wives,  
A waiting for four months  
Is ordained . . .

50. 'ALI, *supra* note 1, at 24:2-4.

51. See *id.* at 4:3.

52. See Tamilla F. Ghodsi, Note, *Tying a Slipknot: Temporary Marriages in Iran*, 15 MICH. J. INT'L L. 645, 645 (1994) (noting that the custom, while legal, is not widely practiced in Iran).

53. BARLAS, *supra* note 26, at 5.

54. ESPOSITO & DELONG-BAS, *supra* note 9, at 15.

a death or divorce,<sup>55</sup> and the marriage contract could include pre-nuptial agreements specifying whether and under what circumstances the man could marry additional wives.<sup>56</sup> Likewise, the permission for a man to marry up to four wives is actually a limitation, and therefore was a reform to raise women's status.<sup>57</sup> In pre-Islamic times, there was *no* limit on the number of women a man could marry.<sup>58</sup> Because polygyny was unrestricted in pre-Islamic times, "a man would marry many women, but failed to fulfil their rights, and the women who were in his marriage were oppressed and treated unjustly."<sup>59</sup>

Beyond the fundamental arguments against the ideology behind polygyny, in practice it is a negative and oppressive experience for women. Although the Qur'an requires that a man treat his wives equally, Islamic law considers this mandate a moral issue to be judged by Allah.<sup>60</sup> Thus, without an external measurement of equality, there is no real enforcement of that principle.<sup>61</sup> Furthermore, in many cases the first wife is unable to object to the husband's taking additional wives, or in some cases, concubines.<sup>62</sup> The wives are often jealous of one another, not simply for their husband's love and attention, but also on behalf of their children.<sup>63</sup> This jealousy erupts into perpetual fighting.<sup>64</sup> Polygyny may only work in the context where a woman requires nothing but sustenance; a man might be able to handle the sexual desires of multiple women, but not their emotional needs:

[T]he polygamous home is habitually nothing but a hell of intrigues and violence. This behavior in polygamy, which is apparently normal in masculine ethics, becomes the source of perpetual torment: calumny and disputes constantly appear to recall that the sexual morality of the man does not fit the aspirations of the woman, that Islam in particular, which legitimized polygamy and charged the man with maintaining concord among the women, on this side has greatly

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55. *Id.* at 20. However, if a man did remarry before the *iddah* was complete, the marriage would be considered irregular, but not void. *Id.* at 20-21.

56. *Id.* at 22.

57. See ESPOSITO & DELONG-BAS, *supra* note 9, at 14.

58. *Id.*

59. al-Kawthari, *supra* note 18.

60. Noel Coulson & Doreen Hinchcliffe, *Women and Law Reform in Contemporary Islam*, in *WOMEN IN THE MUSLIM WORLD* 37, 40 (Lois Beck & Nikki Keddie eds., 1978).

61. *Id.* at 38.

62. WALTER M. GALLICHAN, *WOMEN UNDER POLYGAMY* 39 (1915).

63. MAZHAR UL HAQ KHAN, *PURDAH AND POLYGAMY: A STUDY IN THE SOCIAL PATHOLOGY OF THE MUSLIM SOCIETY* 90 (1972).

64. *Id.*

overestimated the strength of the man, or has forgotten to formulate a feminine ethic of polygamy.<sup>65</sup>

Polygyny often causes severe depression for Muslim women, frequently resulting in isolation, particularly for those who can procreate and feel that they have been serving all of their husband's needs, because it leads them to a sense of emotional abandonment and inadequacy.<sup>66</sup>

In response, some say that Muslim women actually enjoy polygyny: "They like to be watched and guarded closely, and discern no 'degradation' in the life of seclusion in the harems."<sup>67</sup> For example, the wives of thirteenth-century Spanish caliphs often blossomed in their respective harems, becoming accomplished musicians, artists, and writers.<sup>68</sup> Having never anticipated any future except that of sharing their aristocratic, wealthy husbands with other women, it did not occur to them to be jealous of their husbands' love.<sup>69</sup> Rather than creating jealous rivalries, polygyny could offer valuable female companionship.<sup>70</sup> The notion of a 'harem,' Muslim anthropologist Homa Hoodfar argues, is not the den of satin pillows and primped women all day waiting to sexually serve their master that many imagine.<sup>71</sup> Rather, a harem is the private, protected space for women's activities in the home, a space for bonding and female activity to the exclusion of men.<sup>72</sup>

Another study in Africa, a continent in which most of the countries permit polygyny, showed that many young African brides prefer an already-married man who is known to be a good provider than a single man who is not, and that many wives encouraged their husbands to get a second wife.<sup>73</sup> "These women," the study concluded, "felt polygamy can be a happy and beneficial

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65. Paul Vielle, *Iranian Women in Family Alliance and Sexual Politics* (Nikki Keddie trans.), in *WOMEN IN THE MUSLIM WORLD* 451, 471 (Lois Beck & Nikki Keddie eds., 1978).

66. *The Depression*, in *COPING WITH POLYGAMY: A FIRST WIFE'S JIHAD*, at <http://www.polygamyfirstwife.com/depression.htm> (last visited Apr. 24, 2005).

67. GALLICHAN, *supra* note 62, at 40.

68. *Id.* at 33.

69. *See id.* (recounting anecdotes of several Spanish wives who openly supported and loved their husbands).

70. *See* ALEV LYTLE CARTER, *HAREM: THE WORLD BEHIND THE VEIL* 50 (1989) (describing leisure activities of harem women).

71. MOGHISSI, *supra* note 3, at 87.

72. *Id.*

73. Azim, *supra* note 8. A survey of more than 6,000 women age 15 to 60 in Nigeria "showed that 60 percent would be pleased if their husbands took another wife. Only 23 percent expressed anger at the idea of sharing with another wife." *Id.* Likewise, 76 percent of women in Kenya came to the same conclusion. *Id.*

experience if the co-wives cooperate.”<sup>74</sup> Of course, these countries are undeveloped, most people going without such luxuries as running water and electricity, and women are sickeningly oppressed with absolutely no rights and frequent physical abuse by their husbands. They might feel differently if they lived in a culture where self-reliance was an actual possibility. However, even for those women who do not naturally enjoy polygyny, it could be, some argue, a positive spiritual experience in which the “wife is actually sacrificing herself for the pleasure of Allah . . . the first wife doesn’t gain materially — she gains spiritually.”<sup>75</sup>

A last objection to polygyny is not based on what it does to women, or what it means for men, but what it does to Islam<sup>76</sup> and the perception of Islam by others.<sup>77</sup> Muslim scholar Mazhur Ul Haq Khan blames polygyny for the stagnation of Islam:

During the last one century or more, Muslim mind has been agitated over the questions of the decay, and downfall — *zawal* and *saqoot* — and even destruction of the Muslim peoples, societies, civilisations and cultures . . . Keeping in the perspective the social forces which inhibit dynamism and achievement in human life and society, I have . . . analysed [that the institutions of Purdah and polygamy] are the basic factors in the decline and fall of the Muslim peoples, societies, civilisations and cultures.<sup>78</sup>

The problem, according to Khan, is that women were serially uneducated and became dull, useless, and talentless.<sup>79</sup> As such, they did not contribute to society and hindered the mental growth and development of their own children because they were bored and bitter.<sup>80</sup> Women in polygyny are often depressed and isolated and thus make very poor parents.<sup>81</sup> Islam needs all of its members

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74. *Id.*

75. *Pain & Growth*, in *COPING WITH POLYGAMY: A FIRST WIFE’S JIHAD*, at <http://www.polygamyfirstwife.com/pg.htm> (last visited Apr. 24, 2005).

76. KHAN, *supra* note 63, at 1.

77. *Id.* at 195. “Nothing,” Khan writes, “reveals the nature of a civilisation or culture more than the social role and position of women in it. Among all the civilisations of the modern world, the Muslim has suppressed them most. It is due to the institutions of Purdah and polygamy and the ideology behind them.” *Id.*

78. *Id.* at Preface.

79. *See id.*

80. *Id.* at 82.

81. *Effect on Children*, in *COPING WITH POLYGAMY: A FIRST WIFE’S JIHAD*, at <http://www.polygamyfirstwife.com/children.htm> (last visited Apr. 24, 2005).

to be active and participatory, and for female members to feel as valued as male members, in order to truly blossom.<sup>82</sup>

### III. REVELATION IN CONTEXT: HOW POLYGAMY WAS INCORPORATED INTO ISLAM

In order to understand the role of polygyny in Islam, it is illustrative to consider the Arabian world in which *Sūrah* 4:3 was revealed.<sup>83</sup> When Muhammad struck out on his emigration from Mecca to Medina in 622 C.E.,<sup>84</sup> he and his followers were immersed in a world rife with misogyny.<sup>85</sup> In fact, in the seventh century there was not a society on Earth in which women were treated as "full human beings" with independent legal rights.<sup>86</sup> In Assyria, for example, there is evidence of laws permitting men to pull out their wives' hair and cut their ears if they were disobedient.<sup>87</sup> Incestuous marriages, slavery, concubinage, and unlimited polygyny were widely practiced.<sup>88</sup> As radical as this may seem to the modern reader, Muhammad and his followers probably did not see anything amiss.<sup>89</sup> As far as they knew, this sort of treatment was entirely acceptable and even condoned by Allah.<sup>90</sup> Scholars do not know for sure whether Muhammad had ever read the Hebrew sacred texts,<sup>91</sup> but he was undoubtedly familiar with the content and would have known stories of polygynous prophets, patriarchs and kings such as Abraham, Moses, David, Jacob or Solomon who enjoyed Allah's approval.<sup>92</sup>

Some might argue that men are naturally polygynous creatures, and thus, in patrilineal tribal communities, polygyny was a practice dating back to prehistoric times.<sup>93</sup> It would be natural, some argue, because men have insatiable sex drives, as opposed to women.<sup>94</sup> However, polygyny has also been historically justified because in these patriarchal cultures, women were considered possessions; they had no legal rights, could not own

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82. KHAN, *supra* note 63, at 82.

83. See BARLAS, *supra* note 26, at 8.

84. TAMARA SONN, A BRIEF HISTORY OF ISLAM 7 (2004).

85. BARLAS, *supra* note 26, at 169-70.

86. *Id.* at 169.

87. *Id.* at 170.

88. *Id.*

89. See GALLICHAN, *supra* note 62, at 29.

90. See ROBERT ROBERTS, THE SOCIAL LAWS OF THE QORAN 8 (1925).

91. *Id.* 8-9.

92. See GALLICHAN, *supra* note 62, at 29.

93. ROBERTS, *supra* note 90, at 8.

94. See *id.* at 9.

property or earn money, and had no means of taking care of themselves outside of the protection of a man.<sup>95</sup> In times of poverty, female infanticide was not uncommon, because daughters could not earn money to provide for a family.<sup>96</sup> Thus, when large numbers of the male population were wiped out due to wars with other tribes, men would marry the widows and orphaned daughters in order to provide them with the protection previously ensured by their fathers or husbands.<sup>97</sup> In fact, it was after one such disaster, the Battle of Uhud in 625 C.E., that Muhammad first revealed *Sūrah* 4:3, regarding marriage to multiple orphans.<sup>98</sup>

This is not to say that all women were necessarily helpless. There is evidence of strong women during this time who ran their own businesses, chose their husbands, made contracts, or owned and managed property.<sup>99</sup> One example is Muhammad's first wife, Khadijah.<sup>100</sup> However, the general trend of the time period was for a woman not to participate in these arenas, and if she did, it was only with the permission of her male guardian.<sup>101</sup>

Muhammad did, in fact, have multiple wives; over his lifetime he married no fewer than eleven women.<sup>102</sup> However, evidence would tend to support the theory that Muhammad himself was not a misogynist. Men traditionally treated their daughters and wives as possessions and exercised superiority over them in both private and public spheres.<sup>103</sup> Muhammad, on the other hand, was known to have assisted in household tasks generally left to women: he cleaned up after himself, cooked, and was not waited upon by his wives.<sup>104</sup> Even more notably, in a culture where wife-beating was par for the course, Muhammad's wives did not hesitate to quarrel with him and advise him.<sup>105</sup> This is remarkable considering that he was theoretically able to assert his authority over them not only as the patriarch but also as the Messenger of Allah.<sup>106</sup> Yet, there is no evidence that Muhammad ever physically or emotionally abused his wives.<sup>107</sup> Rather, he is said

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95. SONN, *supra* note 84, at 10.

96. *Id.*

97. *Id.*

98. ESPOSITO & DELONG-BAS, *supra* note 9, at 19.

99. *Id.* at 13.

100. *Id.*

101. *Id.*

102. GALLICHAN, *supra* note 62, at 30.

103. BARLAS, *supra* note 26, at 124-25.

104. *Id.*

105. *See id.*

106. *See id.*

107. *See id.*

to have been attentive to their wants, needs, and recommendations, and was admittedly influenced by a number of strong women.<sup>108</sup> These influences may have led to the revolutionary revelation in *Sūrah* 48:25 that men and women were equal in the eyes of Allah.

Muhammad's first wife, Khadijah, was a wealthy widow he met when she employed him to drive her camel for her.<sup>109</sup> While other women may have demurely hidden behind veils, Khadijah was very active publicly, making wide, disparate, and fruitful investments adding to her wealth, and it was she who proposed marriage to Muhammad.<sup>110</sup> She was allegedly fifteen years his senior at the time they wed (although she did bear him seven children, so her age is questionable).<sup>111</sup> He was married to her for twenty-three years, during eight of which he was the Prophet.<sup>112</sup> During those twenty-three years, he took no other wives.<sup>113</sup> For some time after Khadijah died, Muhammad cared for the children on his own, acting as both mother and father.<sup>114</sup>

Muhammad later married a very young woman, A'isha, the daughter of his best friend Abu Bakr.<sup>115</sup> This action was a way for Muhammad to honor his friend and was thought to have been chiefly symbolic.<sup>116</sup> Legend has it that Muhammad was told in a dream that A'isha would help lead people into Islam, and that he was destined to marry her.<sup>117</sup> As it turned out, A'isha was a great asset to Muhammad.<sup>118</sup> She was bright, devoted, and energetic and became an integral spiritual guide and teacher to new converts to Islam, both during Muhammad's life and for many years after his death.<sup>119</sup> Unlike Khadijah, however, A'isha did not have Muhammad to herself. She was the only woman he ever married who was not widowed, and the only one who was reported to have been at all uncomfortable with his marriage arrangement.<sup>120</sup>

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108. *See id.*

109. GALLICHAN, *supra* note 62, at 30.

110. GERALDINE BROOKS, *NINE PARTS OF DESIRE: THE HIDDEN WORLD OF ISLAMIC WOMEN* 3-4 (1995).

111. Fethullah Gulen, *Sunni Path Questions and Answers: The Prophet's Reasons for His Various Marriages*, at <http://www.sunnipath.com/resources/questions/qa00002633.aspx> (last visited Apr. 24, 2005).

112. *Id.*

113. *Id.*

114. *Id.*

115. *Id.*

116. *Id.*

117. *Id.*

118. *Id.*

119. *Id.*

120. BARLAS, *supra* note 26, at 125.



In other words, A'isha was the only one among Muhammad and his other wives who had never known another lover.

One source of A'isha's reported jealousy was Muhammad's aristocratic wife Umm Salama, who had four children from her first marriage to her cousin, who died in the Battle of Uhud.<sup>121</sup> Both Abu Bakr and 'Umar allegedly proposed marriage to her after her husband died, knowing that she needed protection and support for her family, but she refused due to her loyalty to her first husband.<sup>122</sup> She ultimately accepted the protection and support of the sixty-year-old Muhammad.<sup>123</sup> Like A'isha, Umm Salama was very bright and became both a follower and a teacher of Islam.<sup>124</sup> Two of Muhammad's other wives, Hafsa and Sawdah, were also both widows of important Islamic followers, and both were facing poverty and destitution when he offered marriage to them.<sup>125</sup>

Muhammad's wife Umm Habibah had been "one of the earliest converts to Islam," despite her father Abu Sufyan's staunch opposition to Muhammad and his followers.<sup>126</sup> When her husband converted to Christianity, she separated from him; shortly thereafter, he died.<sup>127</sup> She was thus alone and without a means of support.<sup>128</sup> She refused to convert to Christianity to get aid from the local Christians or to return to her father and abandon Islam.<sup>129</sup> A woman from one of the wealthiest and noblest families in the area, Umm Habibah faced becoming a beggar to survive.<sup>130</sup> Muhammad allegedly heard of her plight and sent an offer of marriage to her via King Negus.<sup>131</sup> In this way, Muhammad made a tie to his prior enemies, the house of Abu Sufyan.<sup>132</sup>

Zainab bint Jahsh was also of noble birth.<sup>133</sup> She had anticipated a proposal from the Prophet himself, and thus she and her family were shocked when he proposed rather that she marry his adopted son and former slave (a wedding gift from

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121. Gulen, *supra* note 111.

122. *Id.*

123. *Id.*

124. *Id.*

125. *Id.*

126. *Id.*

127. *Id.*

128. *Id.*

129. *Id.*

130. *Id.*

131. *Id.*

132. *Id.*

133. *Id.*

Khadijah), Zaid.<sup>134</sup> However, they could not refuse Muhammad's request, so they were married.<sup>135</sup> This match was purposeful on the part of Muhammad to exemplify the Islamic notion of equality, that a freedman and a wealthy woman were equal in the eyes of Allah.<sup>136</sup> In time, they divorced, and Zainab married Muhammad, providing him with an important social connection.<sup>137</sup>

Juwayriyah b. Harith was a captive from a military operation.<sup>138</sup> She was the daughter of the chief of the "defeated Banu Mustaliq clan," who accepted marriage to Muhammad in exchange for her freedom.<sup>139</sup> Once the marriage between Juwayriyah and Muhammad was final, the rest of the captives were immediately relatives by marriage and thus were immediately freed.<sup>140</sup> This generous gesture accordingly led to the conversion of all of the captives to Islam.<sup>141</sup>

Saffiyah was also a military captive.<sup>142</sup> She, too, was the child of influential leaders of the defeated group, this time Jewish.<sup>143</sup> She was said to have had a dream that she would marry Muhammad, and so she did, like Juwayriyah, in exchange for her freedom.<sup>144</sup> Through this marriage, her Jewish relatives came to know, appreciate, and eventually convert to Islam.<sup>145</sup>

As earlier mentioned, all but one of Muhammad's wives were widowed. And, with the exception of Khadijah, he married all of them when he was already an old man<sup>146</sup> and the established leader

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134. *Id.*

135. *Id.*

136. *Id.*

137. *Id.* How this came to pass is a subject of much controversy and debate. Some say that Zaid requested a divorce, which Muhammad denied until the Angel Gabriel commanded him to marry Zainab himself, which he did with much hesitation and regret out of obligation to Allah. *Id.* A'isha reportedly reminisced that, "[h]ad the Messenger of God been inclined to suppress anything of what was revealed to him, he would surely have repressed this verse." *Id.* Some say that, actually, Muhammad fell in love (or lust) with Zainab, and, learning this, Zaid offered to divorce her so that Muhammad could marry her. *Id.* Regardless, it was out of this union that we get the qur'anic revelation that while it is prohibited to marry a woman who was previously married to your son, the same rule did not apply when that son was not biological. *Id.*

138. *Id.*

139. *Id.*

140. *Id.*

141. *Id.*

142. *Id.*

143. *Id.*

144. *Id.*

145. *Id.*

146. *Id.* He was over 55 when he married for the second time, having been single for four to five years following Khadijah's death. Given the life expectancy for the time period, this would have been considered old.

of his people.<sup>147</sup> It would seem from these accounts that his marriages were inspired not by lust or greed, but rather by compassion and diplomatic design.<sup>148</sup> Many of his wives, being widowed, needed financial and social support, which, as the leader of his people, Muhammad would have felt compelled to provide.<sup>149</sup> Also, because each of his wives came from a different clan or tribe, his marriage to each was a political alliance, leading to the conversion of more people to Islam.<sup>150</sup> Some might also argue that Muhammad was specifically destined to marry each woman for the special gift or talent she would provide in the development of the religion.<sup>151</sup>

Muhammad's wives were undoubtedly revered in their time and afterwards, but the manner in which he treated his wives, and the responsibility and trust he placed in them, did not survive with the religion.<sup>152</sup> For some time after the death of the female disciples, the Arab aristocratic females, prominent mothers and wives of caliphs and princes, followed in the example of Muhammad's brides.<sup>153</sup> They exercised great power of influence in their nobility and protested against polygamy.<sup>154</sup> This did not last. With the coming of the Abbasid Caliphate, Purdah and polygamy began to spread as regular practices through the middle classes and rural communities.<sup>155</sup> The Caliphs themselves took it in hand to establish Purdah as an institution.<sup>156</sup> Syed Amer Ali observed:

Gradually the noble picture of the free, courageous, independent, self-respecting, and therefore respected, Arab matron and maiden disappears from Moslem society and its place is taken by that of secluded ladies, who copied in their lives and manners the luxury, the inanity and want of dignity of the inmates of Byzantine or Persian palaces.<sup>157</sup>

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147. *Id.*

148. *Id.*

149. *Id.*

150. *Id.*

151. *Id.*

152. KHAN, *supra* note 63, at 31-32.

153. *See id.*

154. *Id.*

155. *Id.* at 32.

156. *Id.* Caliph Al-Mutawakkil (847-861) decreed that the sexes would be segregated at public feasts and ceremonies. *Id.* at 32-33. Caliph Qadir b'Illah (991-1030) passed a royal edict that women were to be secluded in Purdah. *Id.* at 33.

157. *Id.* (quoting SYED AMER ALI: HIS LIFE AND WORKS 161-68 (K.K. Aziz ed., 1968)).

By the time the Turks invaded the Abbasid caliphate in the thirteenth century, the treatment of women in Islam had disintegrated completely, and women were essentially enslaved, covered, and concealed in their homes.<sup>158</sup>

#### IV. INTERPRETATIONS: MUHAMMAD'S INTENTIONS FOR POLYGAMY IN ISLAM

Over the twenty-three years Muhammad was Prophet, the Angel Gabriel revealed to him messages from Allah that were ultimately recorded in the Qur'ān.<sup>159</sup> The Qur'ān is not considered a book of law but rather an anthology of moral guidance.<sup>160</sup> However, numerous cultures and nations are based in Islamic law or *Shar'ia*; thus, codes and strictures were required. After Muhammad died, and his guidance was no longer available to make judgments on issues of how a society should work, Muslims looked not only to the Qur'ān for guidance, but also to accounts of how Muhammad led his own life by way of example, or the *Sunnah*. There are three basic categories of the *Sunnah*: (1) Muhammad's statements (*al-sunnah al-qawliyah*); (2) his deeds (*al-sunnah al-filiyah*); and (3) his silent or tacit approval of certain actions of which he was aware (*al-sunnah al-taqririyah*).<sup>161</sup> These *Sunnah* were recorded in *Hadith* in the ninth and tenth centuries, hundreds of years after the Prophet's death, by people who claimed to know his actions, words, or implications through the recollections of Muhammad's personal acquaintances.<sup>162</sup> Islamic law is also based on *qiyas*, or reason by analogy, *ijtihad* (intellectual *jihad* or struggle) in which scholars derive rules concerning novel circumstances from the Qur'ān and *Sunnah*, and *ijma*, a rule developed by the unanimous consent of the people.<sup>163</sup> The authority of *ijma* was derived from Muhammad's saying that "my community will never agree on an error."<sup>164</sup>

For the first several hundred years following Muhammad's death, *Shari'a* was flexible and open to interpretation.<sup>165</sup> The Islamic peoples were eager to develop a reliable system of law and "provide ongoing guidance for the ever-expanding Islamic

158. *Id.* at 32-33.

159. SONN, *supra* note 84, at 6.

160. *Id.*

161. ESPOSITO & DELONG-BAS, *supra* note 9, at 5.

162. *Id.* at 5-6.

163. *Id.* at 6-8.

164. *Id.* at 6-7.

165. SONN, *supra* note 84, at 133.

community regarding what was permissible in view of the Quran and the example set by Prophet Muhammad."<sup>166</sup> It was based on the development of *ijma* that scholars "closed the gate" on *ijtihad* in the tenth century:

[T]he point had been reached when the scholars of all schools felt that all essential questions had been thoroughly discussed and finally settled, and a consensus gradually established itself to the effect that from that time onwards no one might be deemed to have the necessary qualifications for independent reasoning . . . and that all future activity would have to be confined to the explanation, application, and . . . interpretation of the doctrine as it had been laid down once and for all.<sup>167</sup>

In other words, Muslims from that point onward were encouraged to imitate precedent (*taqlid*) rather than attempt to determine what Muhammad would have recommended in a particular situation.<sup>168</sup> Without *ijtihad*, people found it difficult to attain religious guidance, because as time passed, new problems arose.<sup>169</sup> Furthermore, *ijtihad* had allowed the people to participate in the blossoming of their religion, smoothing its incorporation into their lives and shaping their societies within the confines of its purpose.<sup>170</sup> As Professor Tamara Sonn comments:

It was the creativity of *ijtihad* that had allowed the Islamic community to thrive, responding dynamically to changing historic circumstances and, within a few centuries after the death of Prophet Muhammad, to become one of the world's major political and cultural forces. But when people began to simply imitate their ancestors, elevating tradition to the status of virtue, they lost their initiative and fell into obscurity. They became easy prey for more energetic forces.<sup>171</sup>

The closing of the gate on *ijtihad* in the tenth century coincided with the beginning of a period of invasions in the Middle East, dividing the Islamic tribes.<sup>172</sup> The Crusades in the eleventh century wiped out a large number of Islamic people and created a sense of

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166. *Id.*

167. *Id.* at 134 (quoting JOSEPH SCHACHT, AN INTRODUCTION TO ISLAMIC LAW 70-71 (1982)).

168. *Id.*

169. *Id.* at 135.

170. *Id.* at 137.

171. *Id.*

172. *See id.* at 68.

distrust of Westerners by Arabian people.<sup>173</sup> The golden age of Islam was over; the advances in science, mathematics, and the arts dwindled to a state of stagnancy.<sup>174</sup> For the next several centuries, Islamic law did not change.<sup>175</sup> Thus, when European powers began to settle in the Middle East, they met an anachronistic society in the sense that its social structure and way of life probably seemed better suited for a time centuries in the past.<sup>176</sup> They became frustrated with the antiquated legal system and codes, and rather than attempt to create governments in Middle Eastern states reflecting Islamic values, they found it easier to implement their own Western codes.<sup>177</sup> In response to a millennium of distrusting the West and the fury at being colonized, Islamic people became even more protective and defensive of their way of life.<sup>178</sup> Although there were Islamic scholars who pushed for the modernization of Islam, “[u]ltimately, it became difficult to distinguish between Western attacks on Islamic law as inadequate and Islamic reformers’ critiques on Islamic law as moribund.”<sup>179</sup>

Thus, one is left to ponder the status of certain practices, like polygyny, which were widespread and common in the distant past but are now taboo nearly the world over. Although *ijtihad* allegedly is no longer an option, reformers and reconstructionists do look at *Sūrah* 4:3 differently as to what Muhammad truly intended for his people. In so doing, some have determined that, actually, Islam does not condone the practice of polygyny, and that Muhammad intended to impress monogamy as the Muslim ideal. Others have understood the *Sūrah* to mean that Muhammad did sanction polygyny, with good reason, but that it must be practiced in a certain manner. Still others, comparable to America’s Constitutional originalists, assert that Allah sanctioned polygyny, and that it is therefore not only acceptable but commendable to practice.

#### A. Monogamy-Ideal Theory

Muslim men have engaged in polygyny for centuries under the assumption that, in *Sūrah* 4:3, Allah sanctioned multiple marriages through his Prophet, Muhammad. Some, however, would

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173. *Id.* at 69.

174. See KHAN, *supra* note 63, at 2.

175. SONN, *supra* note 84, at 137.

176. *Id.*

177. *Id.*

178. *Id.*

179. *Id.*

argue that Islam does not sanction polygyny, and that monogamy was Allah's ideal. First, it is important to note the radical step Muhammad took in limiting polygyny by contextualizing the revelation in its time and place.<sup>180</sup> Considering that this revelation was made in the seventh century, in Arabia, it is remarkable that Muhammad would have ever considered placing a limit on marital practices;<sup>181</sup> polygyny had never been forbidden before.<sup>182</sup> Logically, the only reason Muhammad would have limited the practice at all would have been if there was some reason that having many wives was disfavorable to Allah.

The obvious counter to the suggestion that Muhammad wanted to abolish polygyny is that he did *not* abolish it. But as Solon once said to the Greeks, his laws might not be the best he could come up with, but they were the best he could give them.<sup>183</sup> The argument goes that even if Muhammad had wanted to abolish polygyny, he would not have been successful.<sup>184</sup> People would have balked.<sup>185</sup> But what he could not abolish, he could limit.<sup>186</sup> Otherwise, selecting the boundary of four wives would be arbitrary and capricious. Why not three? Or six? Four is a comparably small number contrasted to the number of women Muhammad himself wed.<sup>187</sup> In a commercial sense, he had to contemplate a spiritual supply-demand curve and generate a number large enough not to scare off any potential converts but small enough to be a substantive step towards his intended goal. That Muhammad compromised with his followers is evident in *Sūrah* 70:29-31, the *ayat* regarding concubines or women taken in battle.<sup>188</sup> These *ayat* were revealed in Mecca, conveniently before battle.<sup>189</sup> Reasonably, the permission was a strategic incentive to achieve his real goal: accumulating motivated soldiers.<sup>190</sup> Likewise, the argument goes, Muhammad met his men in the middle on the subject of taking multiple wives.<sup>191</sup>

Once Muhammad had his followers' obedience in this respect, he added even more limitations indicating a goal of eventually

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180. BARLAS, *supra* note 26, at 168.

181. *Id.*

182. GALLICHAN, *supra* note 62, at 29.

183. See ROBERTS, *supra* note 90, at 9.

184. *Id.*

185. *Id.*

186. *Id.*

187. See *supra* notes 102-151 and accompanying text.

188. ROBERTS, *supra* note 90, at 10; see 'ALI, *supra* note 1, at 70:29-31.

189. ROBERTS, *supra* note 90, at 10.

190. *Id.*

191. See *id.*

abolishing the practice altogether. *Sūrah* 4:3 was not written in a vacuum, and when read in context with the rest of the Qur'ān, seems to permit polygyny only if the man can meet an impossible standard.<sup>192</sup> *Sūrah* 4:3 allows men to marry up to four wives,

But if ye fear that ye shall not  
Be able to deal justly (with them),  
Then only one, or (a captive)  
That your right hands possess.  
That will be more suitable  
To prevent you  
From doing injustice.<sup>193</sup>

Thus, if a man cannot treat his wives equally, he must not marry more than one, and according to *Sūrah* 4:129,

Ye are never able  
To be fair and just  
As between women,  
Even if it is  
Your ardent desire . . . .<sup>194</sup>

Regardless of what a man might try, he cannot, according to this *Sūrah*, deal justly with multiple wives. This could be because, as stated in *Sūrah* 33:4,

Allah has not made  
For any man two hearts . . . .<sup>195</sup>

This theory is rooted in a consideration of the theme of the Qur'ān and Islam itself. The basic goals and purposes of Islamic law are to assure success in this life and the next and to establish and protect human rights.<sup>196</sup> In short, *Shar'ia* is about justice. Islamic law was revolutionary in its novel protections for women and women's rights. The Qur'ān did more than restrict polygyny; it made it "contingent on ensuring justice for women."<sup>197</sup> For Muslim men to utilize this *aya* as a justification to build harems in their homes "[makes] a mockery of its teachings."<sup>198</sup> Providing a

192. BARLAS, *supra* note 26, at 191.

193. 'ALI, *supra* note 1, at 4:3.

194. *Id.* at 4:129 (emphasis added).

195. 'ALI, *supra* note 1, at 33:4.

196. ESPOSITO & DELONG-BAS, *supra* note 9, at 8.

197. BARLAS, *supra* note 26, at 157 (emphasis in original).

198. *Id.*



man with a legal framework to keep multiple sexual partners not only does not "serve any moral or social purposes that are compatible with the Qur'anic ideals of chastity and justice but they also pervert these ideals."<sup>199</sup> In other words, utilizing the *aya* in this way does not confine it to the mischief it was intended to remedy.

However, even if one is able to see in the *ayat* a pattern indicating a desire to abolish polygyny, the *Sunnah* would seem to defeat this venture. People follow not only the Qur'an, but also Muhammad's example, and Muhammad did *not* practice monogamy after Khadijah's death.<sup>200</sup> In fact, he broke his own rule and married more than twice the number permitted for his followers.<sup>201</sup> In response, proponents of the theory that Muhammad desired monogamy point first to *Sūrah* 33:50,<sup>202</sup> stating that Muhammad was permitted more marriages as a privilege of being Allah's Messenger.<sup>203</sup> This privilege, however, was based in Muhammad's position as a spiritual leader and not as a man; otherwise, logically,

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199. *Id.*

200. Gulen, *supra* note 111.

201. *Id.*

202. O Prophet! We have  
 Made lawful to thee  
 Thy wives to whom thou  
 Hast paid their dowers;  
 And those whom thy  
 Right hand possesses out of  
 The prisoners of war whom  
 Allah has assigned to thee;  
 And daughters of thy paternal  
 Uncles and aunts, and daughters  
 Of thy maternal uncles  
 And aunts, who migrated  
 (From Makkah) with thee;  
 And any believing woman  
 Who dedicates her soul  
 To the Prophet if the Prophet  
 Wishes to wed her – this  
 Only for thee, and not  
 For the Believers (at large):  
 We know that We have  
 Appointed for them as to  
 Their wives and the captives  
 Whom their right hands  
 Possess – in order that  
 There should be no difficulty  
 For Thee, and Allah is  
 Oft-Forgiving, Most Merciful.

'All, *supra* note 1, at 33:50.

203. BARLAS, *supra* note 26, at 125.

Allah would not have limited other men.<sup>204</sup> Furthermore, "as head of the State, he was responsible for the support of women who had no other protector."<sup>205</sup> When Muhammad was younger, before he was in a position of leadership and power and before a population depended upon him for protection and support, he did practice monogamy with Khadijah for twenty-three years.<sup>206</sup> Ultimately, Allah forbade even Muhammad from marrying any more women,<sup>207</sup> indicating that Allah did not approve of too many marriages.

### *B. Originalist Outlooks*

Traditional Muslim scholars maintain that *Sūrah* 4:3 is a sanction of polygyny. This attitude has been supported by numerous prominent Muslim scholars, such as Abu al-ʿĀla al-Mawdudi, Sayyid Qutb, and Ayatollah Mortaza Mutahhari. Both al-Mawdudi and Qutb have asserted that because men have potentially hyperactive libidos, it is important to allow them multiple wives so that they do not disturb their marriages or family lives.<sup>208</sup> Polygyny, according to these men, is a "safety valve," useful and necessary when a "wife is sterile, chronically ill, or frigid," or where the female population outnumbers the male.<sup>209</sup> They acknowledge that men are required to treat their wives equally but understand this to mean financial and sexual allowances, not emotional justice and equality, which, according to *Sūrah* 4:129, is "humanly impossible."<sup>210</sup> This interpretation makes polygyny a reasonable option for wealthy men, whereas a requirement that the man love all of the wives equally would make it an option only for the exceptionally rare man, if anyone.

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204. *Id.*

205. *Id.* (quoting M.M. PICKTHALL, *THE MEANING OF THE GLORIOUS KORAN* 406).

206. See Gulen, *supra* note 111.

207. It is not lawful for thee  
(To marry more) women  
After this, nor to change  
Them for (other) wives,  
Even though their beauty  
Attract thee, except any  
Thy right hand should  
Possess (as handmaidens):  
And Allah doth watch  
Over all things.

'ALI, *supra* note 1, at 33:52.

208. SHEHADEH, *supra* note 34, at 65.

209. *Id.*

210. *Id.*

Ayatollah Mortaza Mutahhari, on the other hand, acknowledged that monogamy was the *ideal*; however, he disagreed with any notion that Muhammad wanted to abolish polygyny.<sup>211</sup> Polygyny, he set forth, is necessary for a population with too many women, a situation in which one wife cannot satisfy her husband's sexual needs, one in which a woman cannot provide a man with heirs, and so on.<sup>212</sup> Any attempt to abolish polygyny, according to Mutahhari, is a "ploy of twentieth-century men to avoid the social responsibilities of marrying more than one woman, preferring to indulge in illegal sexual activities, instead."<sup>213</sup> Polygyny is replaced by these men with having mistresses.<sup>214</sup> This is a terrible exchange, because a man has no legal or spiritual duties to a mistress, and has no obligation to take care of her or her offspring (at least, not in systems without mandatory child support). He recommended polygyny for those men who were truly wealthy enough to provide for both wives, and only where both wives consented to the arrangement.<sup>215</sup> Furthermore, Mutahhari held *mut'ah* as an excellent option in the temporary form, as a complement to modern marriages.<sup>216</sup> Thus, if a man needed to satisfy himself while his wife was indisposed, or while he was at a stage in his life where his libido was fully developed but full marriage with family was not practical (e.g., while in college), or where he was engaged to a woman but could not marry her for a certain time period, he could utilize temporary marriage, *mut'ah* (marriage for enjoyment, distinguished from permanent marriage for building a family), to satisfy his needs.<sup>217</sup>

## V. WORLD OUTLOOK ON POLYGAMY IN ISLAM

### A. *Difficulties with Reform*

As already discussed, Islamic countries are frequently resistant to any reform that is considered Western in nature.<sup>218</sup> For example, although Islam is vocally against slavery, many Muslim leaders were delinquent in abolishing it in their territories even when

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211. *Id.* at 105-07.

212. *Id.* at 105-06.

213. *Id.* at 106.

214. *Id.*

215. *Id.*

216. *Id.*

217. *Id.* at 107.

218. KHAN, *supra* note 63, at 185.

Christians, supposed infidels, had done so.<sup>219</sup> Some societies that have attempted expansion of women's rights have had them just as quickly revoked by a new power source in response to the society's distrust of anything Western. Scholar Heideh Moghissi theorizes that the conservative Islamic countries' traditional treatment of women was solidified as a defensive reaction to Western pressures.<sup>220</sup> Western politicians, doing their best to snuff feminist movements at home, would use "colonial feminism" in Islamic nations to exemplify their superiority.<sup>221</sup> These (hypocritical) repeated attacks on the Islamic treatment of women could have led to Islamic cultures caving to Western pressures, but the more likely result was a reactionary tightening of control over Islamic women.<sup>222</sup> As discussed earlier, the family is of central importance in Islam, and clear lineage and paternity are often the core of that concept.<sup>223</sup> Muslim men, in an effort to prevent Westerners from breeding them out, may have darkened the veils and limited women's exposure to Western culture even further.<sup>224</sup>

One example of a failed attempt at expanding women's rights can be seen in Iran. Following the fall of the Shah, the new government nearly immediately revoked the Family Protection Act (FPA).<sup>225</sup> The FPA had been enacted in 1967 as a result of "years of campaigning by Iranian feminists."<sup>226</sup> However, even the FPA was not as liberating as one might hope. It did promote some marital rights for females by limiting a man's freedom to divorce, and in 1975 had attempted to curb polygyny by allowing it only if the first wife gave her permission.<sup>227</sup> These reforms had "infuriated the Muslim clergy," who colored the new law as foreign intervention intended to divide the people from Allah.<sup>228</sup> The new law that replaces the FPA is "silent about polygamy and temporary marriage, and in so doing, actually encourages these practices."<sup>229</sup> *Mut'ah* was encouraged through the creation of

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219. See ESPOSITO & DELONG-BAS, *supra* note 9, at 136 (noting the gradual decline of both slavery and polygamy in the Muslim world).

220. MOGHISSI, *supra* note 3, at 17.

221. *Id.* at 16.

222. *Id.* at 17.

223. See *supra* notes 43-46 and accompanying text.

224. MOGHISSI, *supra* note 3, at 17.

225. *Id.* at 104.

226. *Id.*

227. *Id.* at 108.

228. *Id.* at 105.

229. *Id.* at 108.

Marriage Institutions, run by Muslim clergy, to facilitate temporary marriages through a sort of marketing of women.<sup>230</sup>

The Muslim clergy might not have been far off in suspecting a Western influence. Although there is evidence of Muslim women gathering for at least a century to discuss the hopeful end to polygyny,<sup>231</sup> this discussion was in the wake of American women's suffrage movement, which illustrated both that women had rights to assert and that they could effectively assert them. The objections to polygamy were initially based in terms of women's rights and did not address the theological element of the issue.<sup>232</sup> Ultimately, feminist reformers recognized that Islamic cultures were not receptive to criticism based on rights defined by Western civilization. In the 1970's, during the "Islamic revival,"<sup>233</sup> when many countries (such as Iran, Pakistan, and Sudan) were attempting to replace secular codes with Islamic-based rules,<sup>234</sup> feminists approached the abolition of polygyny from a new angle, this time forwarding the theory that Muhammad had intended for monogamy to be the ideal and goal, in order to protect women's rights even under a more traditional Islamic system of law.<sup>235</sup> Their analysis took the form of examining the sources for Islamic law, particularly *Hadith*, determining whether the source was authoritative (consistent with what they believed to be Muhammad's goals in the Qur'an), and if it was not, then disregarding it entirely.<sup>236</sup> This approach, although inculcating the theological question, was considered Western as well, and was thus disregarded by many Islamic scholars.<sup>237</sup> The approach is considered Western because when Christian feminists tried to reconcile the Bible with their feminist ideologies, they did a similar dissection of the Bible, picking out the verses they believed to have been inspired by a localized misogyny rather than God's plan and dismissing their authority.<sup>238</sup> The difference is that Christians often view the Bible as a book compiled by men: human

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230. *Id.*

231. *Id.* at 130.

232. Anne Sofie Roald, *Feminist Reinterpretation of Islamic Sources: Muslim Feminist Theology in the Light of the Christian Tradition of Feminist Thought*, in *WOMEN AND ISLAMIZATION: CONTEMPORARY DIMENSIONS OF DISCOURSE ON GENDER RELATIONS* 17, 23 (Karin Ask & Marit Tjomsland eds., 1998).

233. *See id.* at 23-34.

234. ESPOSITO & DELONG-BAS, *supra* note 9, at 105.

235. Roald, *supra* note 232, at 23. Roald particularly cites to the work of Muhammad al-Ghazzali and Abd al-Halim Abu Shaqqa. *Id.*

236. *Id.*

237. *Id.*

238. *Id.* at 18-19.

and fallible.<sup>239</sup> Muslims, on the other hand, see the Qur'ān as the *word of God*.<sup>240</sup> In other words, selective reading is not an option. Furthermore, if an idea, regardless of how brilliant, is introduced regarding the reinterpretation of Islamic law by a woman, it is likely to be disregarded because, traditionally, women were not permitted to interpret Islamic theology.<sup>241</sup>

Nevertheless, many Islamic nations and groups of Muslims have abolished polygyny based on the monogamy-ideal theory. In addition to the Hanbali school of Islam (which allows a woman to specify in her pre-nuptial contract whether or not she will permit her husband to engage in polygyny),<sup>242</sup> in the nineteenth century a group emerged known as the Babists who forwarded this monogamy-ideal theory.<sup>243</sup> It became very popular amongst prominent Muslim women who had the freedom to convert to this form of Islam.<sup>244</sup> Two other sects, the Isma'ilis of East Africa<sup>245</sup> and the Druze, have banned polygyny for their members based on the notion that Muhammad intended to prohibit it.<sup>246</sup> More recently, polygyny was made illegal in Tunisia based on this alternative qur'anic interpretation.<sup>247</sup>

### *B. The Questionable Necessity for Reform*

Arguably, polygyny is already a very rare practice and will fall out of use without the necessity of fighting an ideological war over Muhammad's intentions for marital arrangements. First, some countries, under pressure of women's groups, implemented limitations on polygyny that have contributed to its demise. For example, Muslims seem to agree that Muhammad intended that a man provide at least equal *financial* care for each of his wives.<sup>248</sup> This would involve providing separate quarters, taking both wives on vacation, and so on.<sup>249</sup> In other words, it is very

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239. *Id.* at 41.

240. *Id.*

241. *Id.* at 22.

242. Coulson & Hinchcliffe, *supra* note 60, at 41.

243. Mangol Bayat-Philipp, *Women and Revolution in Iran, 1905-1911*, in *WOMEN IN THE MUSLIM WORLD* 295, 296 (Lois Beck & Nikki Keddie eds., 1978).

244. *Id.*

245. Coulson & Hinchcliffe, *supra* note 60, at 40 (noting that polygamy was forbidden in a decree by the Aga Khan in 1962).

246. Elizabeth H. White, *Legal Reform as an Indicator of Women's Status in Muslim Nations*, in *WOMEN IN THE MUSLIM WORLD* 52, 58 (Lois Beck & Nikki Keddie eds., 1978).

247. *Id.* at 58-59.

248. See RUTH FRANCES WOODSMALL, *MOSLEM WOMEN ENTER A NEW WORLD* 117 (1936).

249. See *id.*

expensive. Some countries have developed enforcement mechanisms for this requirement. In Egypt, a man must establish a certain economic status before taking on a second wife.<sup>250</sup> Fewer than 0.05% of marriages in Egypt are polygynous as a result.<sup>251</sup> "Iraq, Singapore, and two of the Malay states" have also required that a man seek court permission before marrying more than one woman.<sup>252</sup> Steep financial requirements there and elsewhere have prevented the vast majority of men from even considering a second wife.<sup>253</sup> In states where there are strict economic requirements, like Egypt,<sup>254</sup> Iran, and Pakistan, failure of a man to provide for both wives equally will be grounds for divorce for whichever wife is being disadvantaged.<sup>255</sup> In Morocco and Lebanon a woman is permitted to stipulate in her marriage contract whether her husband can take a second wife, and to what she is entitled if he takes such action (e.g., divorce, the house, returned dower).<sup>256</sup> As a missionary once reported from Sylhet, India, fewer than one percent of the marriages were polygynous, allegedly due to the economic requirements.<sup>257</sup> However, he gathered that even if people could afford it, they would not do it.<sup>258</sup> Those that did practice polygyny, generally due to the first wife's sterility or disability, were looked upon with cynicism by others: "the sentiment of the community is decidedly in favor of only one wife."<sup>259</sup>

Other states have outlawed or limited polygyny based on pressure from feminist groups or from Western influences:

Muslim society, in the modern times . . . is changing, though often not by its own efforts but by the external influence or pressure of others . . . . The reasons for this transition are the passing away of our past riches, prestige, and power . . . [and] the increasing impoverishment of the elite and near-elite Muslim classes . . . due to [among other reasons] the influence

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250. *Id.* at 121.

251. Afaf Lutfi al-Sayyid Marsot, *The Revolutionary Gentlewomen in Egypt*, in *WOMEN IN THE MUSLIM WORLD* 261, 263 (Lois Beck & Nikki Keddie eds., 1978).

252. Coulson & Hinchcliffe, *supra* note 60, at 40.

253. WOODSMALL, *supra* note 248, at 117.

254. *Light of Life*, *supra* note 19. Egypt passed a law in 1979 at the suggestion of the former Egyptian president Anwar al-Sadat adding more restrictions to polygamy, in a token first step towards abolishing it altogether. *Id.* Fundamentalists took to referring to it as "the law of Jihan al-Sadat." *Id.*

255. Marsot, *supra* note 251, at 263.

256. Coulson & Hinchcliffe, *supra* note 60, at 40-41.

257. ROBERTS, *supra* note 90, at 121 (citing a letter to the author from Rev. T. W. Reese, a Calvinistic Methodist Missionary in Sylhet).

258. *Id.*

259. *Id.*

of the Western education and ideas, including a more liberal attitude towards womenfolk and things womanly.<sup>260</sup>

Turkey<sup>261</sup> and Communist Muslim states outlawed polygyny when they replaced religious law with a "complete code of civil law based on European legal codes."<sup>262</sup> Polygyny was a tremendously controversial issue and had been one of the primary demands of women's organizations.<sup>263</sup> Notably, at that time the practice had dwindled out of existence nearly entirely.<sup>264</sup>

In other states, it is still legal but has fallen out of practice because the state modernized, and modern, educated women will not tolerate plural marriages. For example, in Kuwait polygyny was widely practiced until the 1950's.<sup>265</sup> At that point, Kuwait came into oil and a resultant income swell.<sup>266</sup> When the country got richer, women started to leave their houses, go abroad, study, become qualified to work, and learn to take care of themselves.<sup>267</sup> Although some argue that men are naturally polygynous, women are thought to be naturally monogamous.<sup>268</sup> Women who do not need a man to support and care for them are less likely to agree to be in a relationship that is less than favorable to them, such as one in which they have to share their husband: "when the educated career woman becomes the norm, practices such as polygamy, arranged marriage, and living of women in a harem become untenable, because the social practices and patterns of living induced by these changes are so radically different."<sup>269</sup>

On the other hand, polygyny is not entirely absent as a practice, and the mere existence of this policy may advertise something about Islam (i.e., inherent misogyny) that its members would prefer were no longer a perceived element. In some nations, even where it is not commonly practiced, Muslim ideologues cling to the possibility and hold it out as a threat to Islamic women already swathed in Purdah and seclusion.<sup>270</sup> If a man has the option of

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260. KHAN, *supra* note 63, at 65.

261. WOODSMALL, *supra* note 248, at 122. In 1926, Turkey adopted the Swiss Code and legally abolished polygyny.

262. White, *supra* note 246, at 58.

263. WOODSMALL, *supra* note 248, at 122.

264. *Id.*

265. Kamla Nath, *Education and Employment among Kuwaiti Women*, in *WOMEN IN THE MUSLIM WORLD* 172, 174 (Lois Beck & Nikki Keddie eds., 1978).

266. *Id.*

267. *Id.* at 174-75.

268. See ROBERTS, *supra* note 90, at 9.

269. Nath, *supra* note 265, at 185.

270. White, *supra* note 246, at 58.



arbitrarily marrying another wife, the first wife might be frightened to disagree with him or do anything that might displease him out of fear he will introduce another wife, dividing his resources and attentions.<sup>271</sup> Furthermore, she might feel compelled to have as many children as possible to pacify her husband with male heirs.<sup>272</sup> This keeps the woman out of the workforce and alters the population demographics. It can even become a threat to non-Muslim women. For example, in India, religious laws may be used to govern citizens' personal affairs.<sup>273</sup> The law allows for eased conversion between religions because there is no civil authority over the process.<sup>274</sup> It is only under Muslim law in India that a man may marry more than one wife.<sup>275</sup> Thus, many non-Muslim men convert to Islam in order to marry a second wife without enduring the complicated process of divorcing the first.<sup>276</sup> Also, in places where women are educated and have expectations for companionship out of a marriage, a man's choice to take on a second wife can be, as one wife reminisced, the greatest pain she ever encounters, a more "gut wrenching agony, loneliness, and sadness" than being single and never having married.<sup>277</sup>

States that embrace a version of Islamic law condoning polygyny may *intend* to advertise a defense of patriarchy and female inferiority. In places like Saudi Arabia and Ethiopia, where the government is nearly entirely controlled by traditional, originalist Muslims, polygyny could decrease the likelihood of female freedom and perpetuate the notion that men's needs are more important than women's, and that women are intended to service those needs, rather than developing as citizens and people.

Finally, aside from the physical and ideological dangers of polygyny for women, the faith itself may suffer from a failure to reform. Christians and Jews, in order to maintain their female congregations and acquire new membership, have had to project new attitudes towards women with the changing times. The verses regarding male superiority are either entirely disregarded as having no application to the modern day or reinterpreted to

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271. *See id.*

272. *Id.*

273. Melanie D. Reed, *Western Democracy and Islamic Tradition: The Application of Sharia in a Modern World*, 19 AM. U. INT'L L. REV. 485, 520 (2004).

274. *Id.*

275. *Id.*

276. *Id.*

277. *The Shock, in COPING WITH POLYGAMY: A FIRST WIFE'S JIHAD*, at <http://www.polygamyfirstwife.com/shock.htm> (last visited Apr. 25, 2005).

mean something more egalitarian for females.<sup>278</sup> Some — but not all — Christian and Jewish denominations promote the use of birth control and condoms,<sup>279</sup> do not have a strong stance opposing abortion,<sup>280</sup> and permit gay marriages.<sup>281</sup> Though they may argue among themselves, different denominations and subgroups of Christianity and Judaism have permitted this type of reinterpretation and modernization to occur. Even still, some women find the roots of Judaism and Christianity too patriarchal to be welcoming.<sup>282</sup> Women, increasingly empowered, educated, and self-reliant, may be reticent to engage in any religious practice that impedes upon their freedom. Thus, it may be beneficial for Islam to reform or modernize as well in order to keep its essential female membership.

#### IV. CONCLUSION

As interactions between the West and the East increase — be it in treaties, trades, or confrontations — it is important that we understand one another. Thus, an understanding of Islamic law may be helpful. It is also important to understand the history of Islamic law, why many Eastern Muslim nations cling so tightly to religious approaches that Jews and Christians abandoned centuries ago. Furthermore, because Islam is so frequently criticized for its treatment of women, it is helpful to understand the perception Muslims have of Islamic laws relating to women (that they are not inherently misogynist), and that the practice of Islam is not necessarily exclusive of female empowerment. For a long

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278. Roald, *supra* note 232, at 23 (noting that some Muslim feminists have taken the same tack in reinterpreting the Qur'an).

279. See, e.g., Dean E. Murphy & Neela Banerjee, *Catholics in U.S. Keep Faith, but Live with Contradictions*, N.Y. TIMES, Apr. 11, 2005, at A1 (noting that "most American Catholics" disagree with the Church's ban on birth control and contraception).

280. See, e.g., Religious Coalition for Reproductive Choice, *Personhood, the Bible, and the Abortion Debate*, at <http://www.rccr.org/resources/publications/educational3word.htm> (last visited Apr. 25, 2005) (outlining the Biblical arguments to be made in support of elective abortion).

281. In March 2000, North American Reform Rabbis passed a resolution to support individual rabbis' choice to officiate over gay marriage ceremonies. *Reform Rabbis Vote to Allow Same-Sex Marriage*, at [http://www.beliefnet.com/story/17/story\\_1757\\_1.html](http://www.beliefnet.com/story/17/story_1757_1.html) (last visited Apr. 25, 2005). For a discussion of where different Christian denominations fall in the gay marriage debate, see Pauline J. Chang, *Gay Marriage Issues: Schisms Within the Nation and Church* (Feb. 26, 2004), at <http://www.christianpost.com/article/church/749/full/gay.marriage.issues.schisms.within.the.nation.and.church/1.htm> (last visited Apr. 25, 2005).

282. This interpretation is defined by Anne Sofie Roald as the "rejectionist approach." See Roald, *supra* note 232, at 19.

time, there were no reforms in Islamic law. Today, as women become increasingly involved in society and world leadership, reforms in Islam, or reinterpretations favorable to women, may be helpful in empowering female Muslims. The struggle within Islam has not been made easier by Western criticisms, but it is ongoing. Through reinterpreting texts, implementing rules protective of women's rights, and permitting women access to solutions other than polygyny, such as adoption and self-support, polygyny has fallen and will continue to fall out of practice. Nevertheless, a more active standpoint on the part of Muslim reformers to end polygyny may be necessary, as it *is* still practiced, and both the practice and the threat and insult presented by its very existence are detrimental to women and to the image of Islam. Although there may have been a time in history when women were safer to be married to an already-married man, that time has passed, and justice is no longer served by permitting men to keep multiple wives the way they might acquire additional cars or cattle.