

Polygamous Marriage

Although this is permitted in Islam, it is a pre-Islamic practice (like slavery), which was not banned outright but made subject to various limitations. Before the coming of Islam polygamy was the normal practice for men who could afford it. Women were not allowed to have more than one husband at once, but women married and divorced numerous times. In Islam, in situations where there were large numbers of widows with little provision for themselves and their children, polygamy was encouraged up to the limit of four wives, in order to help vulnerable Muslims who had got into a difficult situation.

The first rule in Islam, of course, is that **no Muslim should ever act in a way that would deliberately hurt another**; on these grounds alone many consider polygamy to be impossible in virtually all other situations. It should therefore only, ever, take place with an existing wife's permission, without causing her hurt or dismay. If the marriage to the original wife has broken down, then honourable divorce is perfectly permissible. However, in some societies an existing wife might perhaps choose to remain with her partner, even if he wished to marry another wife, rather than re-start life on her own or be obliged to return to her parents or find another spouse.

Allah allowed polygamy only on the terms that each wife was treated equally as regards lodging, food, clothing and time spent with her.

'And if you fear that you shall not be able to deal justly with the (female) orphans, marry women of your choice, two, three or four; but if you fear that you shall not be able to deal justly with them, then only one. Or (a woman) that your right hands possess. That will be more suitable, to prevent you from doing injustice.' (Surah 4:3)

If such treatment was impossible, then polygamy was forbidden.

In the UK, however, polygamy is illegal. If a Muslim man 'married' more than one woman in the UK, only the first of them would be counted as his legal wife. Any other women with whom he had a physical and sexual relationship would be counted as adulterous, and any offspring of their unions would be illegitimate. The first wife could certainly use evidence of these relationships as grounds for divorce. The second wife could only have legal rights, title, benefits and protection in law if the first wife divorced her husband by UK law.

All parties are expected to tell the truth, and not commit perjury. It is not expected that a Muslim person would lie, for that is totally *haram*. For example, if a Muslim man has a previous wife in Pakistan, Bangladesh or some other country, his marriage to a second wife here cannot be legal unless he has divorced the first wife. A divorced person will be asked to show proof of that divorce. In cases where there is doubt, the Home Office may be involved. Bigamy and Polygamy are not legal in the UK.

Marriage in the UK is according to the Marriage Act of 1949, with its amendments. If a Muslim man wished to involve himself in an illegal marital relationship with a woman in the UK, he should tell the woman concerned **her accurate position, and she might agree to it, but it must be without coercion or deception**. If the man

deceives a woman into a false marriage, not only is that marriage null and void, but a criminal offence has been committed, of fraud and deception. Such a thing is totally against the sunnah of Islam.

However, if the woman knew all the facts and she then chose to live with the man, that would be her business, but she would not be his legal wife. The UK law would only take action against such a man if the matter was reported because of some particular reason, and evidence produced. In view of the fact that so many people in the UK live together without marriage, as common-law partners, lovers, etc, a Muslim man who acted in similar fashion would not be hounded for no reason. However, he would have acted totally against the spirit and law of Islam; he would have jeopardised the security and honour of the second 'wife' or others, their children would be illegitimate, and he himself will have to render account for his actions in the Life to Come. So will she, if she has acquiesced knowingly in the supposed 'marital' relationship.

It is highly debatable whether a simple religious ceremony performed by an Imam would 'cover' the requirement in the eyes of Allah that there should be no sexual relationships outside honourable marriage. That is a matter that would be left to the consciences of all concerned.

One of the main areas of concern, and the most likely reason for the refusal of a Muslim man to divorce his 'wife back home', is the fact that he probably also has children by her 'out there' and is still responsible for their upkeep. Secondly, it may be much more socially acceptable 'out there' for the first wife to remain married, even if the marriage is no more than in name by now, rather than be branded as a divorced woman, and perhaps lose not only her status but also her home and protection, and her children by him to also lose their status and respect.

However, although an Imam might understand the motivation, it is highly debatable whether he should condone it, or acquiesce in it. In Islamic law, a husband should not abandon a wife for an unreasonable length of time, for any reason – even if it is to gain employment and wages abroad. The generally accepted length of time a wife can be asked to exist without her marital relationship is four months. One of the caliphs ruled that one reason why polygamy was limited to four wives was that a wife should be able to expect her husband to fulfil his sexual obligation to her at least once every four days.

'Temporary Marriage' – Mu'tah and Urfi

It is known that at the time of the Prophet many people contracted 'temporary marriages'. These occurred when a man with a strong sexual appetite was 'away from home' for some reason, such as long stay in another place, away in battle, away at university, away on a work contract elsewhere, etc. Rather than just 'sleep around', a temporary union was given some sort of validity by payment to the woman for her agreed services for an agreed length of time. The Prophet at first had no revelation to condemn the practice, but it was soon over-ruled by the revelation that no Muslim should have a sexual relationship outside proper marriage.

A Mu 'tah marriage is by agreement between a man and woman, for a specific period of time, on the payment of a *mahr* (see Mahr section), which in these cases really acts as a fee for services rendered. The practice of Mu 'tah marriage still takes place, largely in Shi'ite Muslim societies. Some scholars argue that it is still legal; but the vast majority of Muslim scholars regard it as little more than a form of prostitution, especially when such a 'marriage' may be contracted for just a few hours!

An Urfi marriage is similar, a practice of some wealthy Muslim business men travelling abroad from their own countries. Girls are 'bought' for an agreed price, and 'paid off' when the visitor leaves. Since some of these men are extremely wealthy, money is no object.

Both practices are in direct opposition to the *sunnah* and spirit of Islam, and are in any case completely illegal in the UK.