

Polygyny in Islam: Scriptural Foundations, Ethical Conditions, Women's Rights and Contemporary Challenges in Uganda

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Journal article manuscript

Abstract

Polygyny the marriage of one man to more than one woman at the same time is a longstanding social institution that predates Islam and remains a subject of religious, legal and public debate. In Islamic jurisprudence, its permissibility is commonly grounded in Qur'an 4:3, which refers to two, three or four wives while directing a man who fears that he cannot act justly to marry only one. This article examines polygyny in relation to monogamy, its historical context, the principal Islamic textual arguments, the meaning and practical limits of justice, reasons commonly advanced for plural marriage, and its implications for women, children and family welfare. It also considers the contemporary Ugandan context, including research on women's experiences in Kawempe Division and the Constitutional Court's 2025 decision in *Women's Probono Initiative v Attorney General*. Using a doctrinal and interpretive method, the article distinguishes Qur'anic text, juristic interpretation, historical claims, empirical findings and statutory or judicial materials. It argues that Islamic permission should not be mistaken for a universal obligation, an automatic recommendation for every man, or a licence to neglect existing wives and children. The ethical credibility of polygyny depends on justice in matters within a husband's control, including maintenance, accommodation, time, respectful treatment and parental responsibility. The article recommends premarital education, realistic financial assessment, transparent household arrangements, improved legal literacy, safe dispute-resolution pathways and further empirical research. It concludes that discussion of polygyny should move beyond polarised approval or condemnation and evaluate the practice against the duties and safeguards that Islamic ethics and applicable law require.

Keywords: polygyny; polygamy; monogamy; Islamic family law; Qur'an 4:3; justice; women's rights; children; Uganda.

1. Introduction

Marriage is a central institution in Islamic social and ethical thought. It is associated with companionship, sexual responsibility, family formation, mutual obligations and the pursuit of tranquillity, affection and mercy (Qur'an 30:21). Within this framework, polygyny remains one of the most debated aspects of Muslim family life. Some understand it principally as a religiously permitted arrangement; others emphasise the risks of unequal treatment, financial neglect, emotional harm and gender inequality. A serious academic account must distinguish the normative question of whether polygyny is permitted in

mainstream Islamic jurisprudence from the separate questions of when it is responsible, how it is practised, and whether individual households fulfil the duties attached to it.

The central argument of this article is that the Islamic discussion of polygyny cannot be reduced to the numerical permission in Qur'an 4:3. The verse itself links plural marriage to justice and directs a man who fears that he will not act justly to marry only one. Qur'an 4:129 further acknowledges the difficulty of complete equality between wives and warns against inclining entirely toward one while leaving another in a suspended condition. Read together, these passages place justice, responsibility and the prevention of neglect at the heart of the debate (Qur'an 4:3, 4:129; 'Abd al-'Ati, 1977).

The subject is particularly relevant in Uganda, where Muslim and customary marriages exist within a plural legal and cultural environment. Local research has documented reported concerns among women in polygynous marriages, while the Constitutional Court has also considered the constitutional challenge to polygamy (Tukundane, 2021; Women's Probono Initiative v Attorney General, 2025). These sources do not establish that all polygynous households have the same outcomes. They do, however, demonstrate the importance of considering lived experience alongside religious doctrine and legal recognition.

The article asks four related questions: (1) how should polygyny be distinguished from polygamy and monogamy; (2) what are the principal historical and Islamic textual foundations of the institution; (3) what obligations and risks arise in its practical application; and (4) what measures could support fairer family outcomes in Uganda?

2. Methodology and scope

This article adopts a doctrinal and interpretive approach. It analyses selected Qur'anic passages, draws on 'Abd al-'Ati's account of Islamic family structure, considers a Ugandan postgraduate study on polygyny and women's rights, and discusses relevant Ugandan legal materials. It does not present original interviews, surveys or field observations. Accordingly, its conclusions are interpretive and normative rather than statistical. The article differentiates religious texts from scholarly interpretations, local empirical findings and judicial decisions.

The discussion uses "polygyny" for a marriage in which one man has more than one wife simultaneously. "Polygamy" is the broader term for marriage involving more than one spouse and is often used in general public discussion to refer to polygyny. "Polyandry" refers to a woman having more than one husband at the same time. "Monogamy" refers to marriage to one spouse at a time. These distinctions matter because imprecise terminology can obscure differences between social practices and legal or religious categories.

3. Polygyny, polygamy and monogamy: concepts and historical context

3.1 Conceptual distinctions

Polygyny is one form of polygamy and is the form primarily discussed in Islamic jurisprudence. It should not be confused with polyandry, nor should monogamy be defined as a marriage in which a man alone is restricted to one wife without regard to the broader concept of one spouse at a time. In ordinary usage, monogamy means a marital arrangement involving one spouse at a time. In this article, "polygyny" is preferred when discussing the Islamic rule because it is more precise than the general term "polygamy."

The distinction between a permitted institution and an ethical endorsement is equally important. A practice may be recognised within a religious or legal framework without every instance of that practice being wise, fair or free from harm. The evaluation of a particular polygynous household therefore requires attention to the circumstances of the marriage, the rights of the spouses, the capacity of the husband and the welfare of children.

3.2 Historical background before Islam

Plural marriage existed in a number of societies before the emergence of Islam. Historical accounts of ancient and pre-modern communities describe different forms of polygyny, often shaped by wealth, political alliance, inheritance, labour, lineage and social status. In some settings, the number of wives or dependants a man could maintain was associated with prestige and economic capacity. In others, marriage arrangements were shaped by dynastic succession, kinship obligations or household labour. Such patterns were not uniform across time or place, and historical claims must distinguish formal marriage from concubinage, political alliance and other relationships.

The supplied historical account refers to figures such as Abraham, David and Solomon, European monarchs, African rulers and Buganda's kingship traditions. These examples are often invoked in public discussions to show that polygyny did not originate with Islam. However, claims about particular rulers, numbers of wives, the status of women in specific historical periods, or customs such as burying wives with deceased husbands require reliable, context-specific historical sources. They should not be repeated as established facts without verification. The broader and better-supported analytical point is that plural marriage existed in diverse pre-Islamic and non-Islamic contexts, and its social meaning varied considerably.

Islamic revelation emerged in a society where plural marriage was known. In mainstream Islamic jurisprudence, Qur'an 4:3 is understood to have regulated the practice by setting a maximum of four wives and linking the permission to justice. This was not the creation of polygyny as a new institution; rather, the verse established a normative limit and a condition that became central to Muslim legal discussions ('Abd al-'Ati, 1977; Qur'an 4:3).

4. Islamic scriptural foundations and juristic interpretation

4.1 Qur'an 4:3: permission bounded by justice

The principal Qur'anic passage cited in discussions of polygyny is Qur'an 4:3. It refers to marrying women "two, three or four" and then states that if a man fears he cannot act justly, he should marry only one. In mainstream Sunni jurisprudence, this passage is generally understood as establishing a maximum of four wives at one time. Its conditional wording is significant: the verse does not command every Muslim man to marry multiple wives, nor does it state that numerical permission alone demonstrates a man's ability to fulfil the resulting obligations (Qur'an 4:3; 'Abd al-'Ati, 1977).

The verse opens with a reference to concern about justice toward orphan girls. Classical and modern commentators have offered explanations of the connection between the protection of orphans and the regulation of marriage. The context cautions against treating the verse as a free-standing statement of male preference, detached from questions of vulnerability and justice. Interpretations of Qur'an 4:3 have also

varied across historical periods, showing that Muslim exegetical discussion is not wholly uniform in how it explains the verse's rationale and application (Mubarak, 2022).

A responsible interpretation must therefore hold together both parts of the verse: the recognition of plural marriage within a defined limit and the instruction to choose monogamy when justice is feared to be unattainable. The permission should not be detached from its ethical condition.

4.2 Qur'an 4:129: equality, affection and avoiding neglect

Qur'an 4:129 acknowledges that complete equality between wives cannot be achieved in every respect, while warning men not to incline wholly toward one wife and leave another in a suspended state. Muslim jurists have commonly discussed this passage alongside Qur'an 4:3, distinguishing involuntary differences in emotional affection from matters that can be managed through deliberate conduct. The difficulty of making feelings identical does not excuse unequal maintenance, arbitrary allocation of time, abandonment, humiliation or failure to fulfil obligations.

Read together, Qur'an 4:3 and 4:129 suggest that justice is not a simplistic claim that every aspect of family life can be made mathematically identical. It is a practical and moral obligation to avoid preventable unfairness in areas within one's control. A husband who cannot realistically provide the material and relational conditions required for a plural household should take that limitation seriously rather than assuming that religious permission guarantees capacity.

4.3 Is polygyny obligatory, recommended or merely permitted?

A key correction is necessary where polygyny is described as the ideal or default form of Islamic marriage. Qur'an 4:3 permits plural marriage under conditions; it does not state that marrying two wives is the initial or universally preferred form of marriage. Islamic jurists have differed in how they classify marriage and polygyny in particular circumstances, and legal or ethical evaluations can depend on individual capacity, need, intention and the likelihood of injustice. It is therefore too broad to claim that marrying one wife is inherently inferior or that every Muslim man should aspire to have more than one wife.

For some individuals and circumstances, a plural marriage may be considered permissible and potentially beneficial. For others, monogamy may better fulfil the requirements of justice, financial responsibility, emotional stability or family welfare. The question should not be decided through social pressure, status competition or the assumption that a larger number of wives proves greater religious commitment. The relevant issue is whether the marriage is valid under the applicable framework and whether its obligations can be discharged responsibly.

5. Why polygyny is permitted: arguments and limits

5.1 Social support and care for vulnerable families

Muslim scholars have discussed polygyny in relation to the protection or support of widows, orphans and women facing social or economic vulnerability. In particular contexts, marriage may provide companionship, financial support and a recognised family relationship. Such outcomes are possible, but they are not automatic. A marriage entered into in the name of helping a vulnerable woman may still become unjust if the husband does not provide maintenance, respect her agency or fulfil his responsibilities

to all dependants. Support for widows and orphans can also be pursued through charitable assistance, community funds, education and social protection without making marriage the only available response.

5.2 Particular family circumstances

Other reasons commonly discussed include differences in spouses' reproductive circumstances, a desire for additional children, or situations in which a husband believes that plural marriage will enable him to maintain an existing marriage while addressing a further personal or family need. 'Abd al-'Ati (1977) discusses a range of explanations offered within Muslim family thought. These reasons should be approached carefully: infertility or childlessness does not diminish a wife's dignity, and a woman should not be treated as valuable only because she can bear children. Nor does a husband's desire for children by itself cancel the duties of kindness, consultation and fair treatment.

5.3 Sexual needs and the prevention of illicit relationships

Some arguments for polygyny refer to differences in sexual desire or the possibility that a person may seek sexual relationships outside marriage. Within Islamic ethics, lawful sexual relations and the avoidance of adultery are important concerns. However, a general claim about male sexual nature is not sufficient to establish that polygyny is necessary or appropriate in every case. It does not justify coercion, deception, unsafe conduct or neglect of an existing spouse. Ethical reasoning must consider both the stated need and the rights and welfare of everyone affected.

5.4 Avoiding reductionist explanations

No single explanation accounts for all polygynous marriages. Some may be entered into with mutual understanding and adequate resources; others may involve secrecy, unequal power, financial hardship or family pressure. It is therefore inaccurate both to portray every plural marriage as a charitable intervention and to assume that every polygynous household necessarily experiences abuse. The circumstances and outcomes should be assessed on evidence, not stereotypes (Mubarak, 2022; Tukundane, 2021).

6. Justice as the central practical obligation

6.1 Financial maintenance and household resources

Financial justice is one of the most visible obligations in a polygynous household. A husband should realistically assess income, housing, food, healthcare, education costs, debts and the needs of existing dependants before entering another marriage. Maintenance should not be treated as a discretionary favour or left to competition between wives. Where resources are insufficient, a new marriage may deepen poverty, undermine children's education or leave one household dependent on uncertain contributions. The relevant assessment is not simply whether a husband is wealthy in absolute terms, but whether his resources are sufficient for the actual responsibilities he undertakes. A financial plan should identify each household's needs and the regular support available. Promises of future income are not a substitute for realistic planning.

6.2 Allocation of time, accommodation and respectful treatment

Justice also includes the allocation of time, suitable accommodation, privacy, respectful communication and the avoidance of deliberate favouritism. A husband may not be able to make his emotional attachment identical across relationships, but he remains responsible for conduct that can be regulated. Leaving one

wife in uncertainty, visiting arbitrarily, using one household to punish another, or humiliating a spouse in front of co-wives is inconsistent with a serious commitment to justice (Qur'an 4:19, 4:129).

6.3 Transparency, consultation and informed choice

Secrecy and deception can undermine trust and intensify conflict. Transparent communication and meaningful opportunities to ask questions are important to responsible family decision-making. The precise legal and juristic consequences of disclosure, consent and contractual conditions vary by school of law and applicable legal framework; this article does not claim that every school imposes identical requirements. Nevertheless, ethically informed practice should not rely on coercion, intimidation, fraud or the exploitation of a spouse's economic dependence. Religious leaders and counsellors should explain both the relevant doctrine and the practical consequences rather than presenting a numerical rule in isolation.

6.4 Existing obligations remain in force

A subsequent marriage does not erase obligations to an existing wife or children. A husband remains responsible for the commitments already created, including maintenance, care, parental involvement and respect. A new marriage should not be financed by withholding necessities from an existing household, nor should children be made to compete for school fees, healthcare or their father's attention. A decision that creates additional dependants without a credible plan for meeting their needs risks contradicting the justice invoked to justify it.

7. Women's rights, children's welfare and household outcomes

7.1 Women's agency and the risk of coercion

Women's experiences of polygyny are diverse. Some may regard their arrangements as acceptable or beneficial; others may experience distress, insecurity, economic dependence or limited influence over household decisions. A woman's silence should not automatically be treated as proof of free and informed agreement, because social pressure, fear of stigma, financial dependence and family expectations can constrain the choices available to her. At the same time, women in polygynous marriages should not be portrayed as a single, uniform group or assumed to lack agency.

Tukundane's (2021) study of women in Kawempe Division, Kampala District, reported concerns including lack of consent, psychological and emotional abuse, competition between co-wives, violations of economic rights, and neglect of wives or children. These findings are important local evidence of problems reported within the study population. They should not, however, be generalised to every polygynous household in Uganda, and the study's conclusions should be read in light of its case-study scope.

7.2 Children and the distribution of parental responsibility

Children's welfare is a central consideration because polygyny can affect the distribution of household income, parental time and emotional attention. Fathers remain responsible for all their children, regardless of which household they live in. School fees, food, healthcare, stable accommodation and emotional involvement should not be determined by rivalry between wives. Children should not be used as messengers in adult disputes or made to feel responsible for a parent's marital decisions.

It would be excessive to claim that polygyny invariably harms children; family outcomes depend on the level of conflict, resources, caregiving, safety and the quality of relationships. Equally, it would be irresponsible to dismiss children's welfare as irrelevant to a decision framed solely as an adult religious entitlement. A child-centred approach requires practical planning and safeguards for every household.

7.3 Domestic conflict and socioeconomic consequences

Where duties are not met, disputes may arise over maintenance, accommodation, time, inheritance, property, school expenses and the status of children. These disputes can extend beyond the spouses to relatives and community institutions. Inheritance disputes may become especially complex where marriages or children are not adequately documented or where family members rely on competing assumptions about ownership and entitlement. Such risks support better legal literacy, record-keeping and early access to competent advice.

Claims that polygyny causes particular social outcomes should be supported by evidence rather than asserted universally. The defensible conclusion is that plural marriage creates additional relational and financial responsibilities; where those responsibilities are not managed fairly, the potential for conflict and harm increases.

8. Polygyny and the contemporary Ugandan context

8.1 Legal pluralism and Muslim marriages

Uganda's family-law environment includes statutory, customary and religious dimensions. The Marriage and Divorce of Mohammedans Act, Cap. 147, provides a framework for matters concerning Muslim marriages and divorces, including registration and jurisdictional issues. Its provisions should be read alongside the Constitution, relevant case law and the applicable legal rules governing particular disputes. Religious validity, registration, constitutional recognition and ethical conduct are related but distinct questions; none should be assumed to settle every issue concerning maintenance, property, inheritance or child welfare.

8.2 The constitutional challenge to polygamy

In *Women's Probono Initiative v Attorney General*, Constitutional Petition No. 12 of 2021, [2025] UGCC 6, the Constitutional Court of Uganda dismissed a challenge to polygamy. The case considered issues including equality, non-discrimination, family and cultural rights, and the relationship between polygynous marriage and constitutional protections. The decision is an important part of the contemporary legal context, but it should not be misrepresented as a finding that every polygynous household is fair or that individual claims of neglect or abuse are legally irrelevant (*Women's Probono Initiative v Attorney General*, 2025; Mujuzi, 2026).

The legal question whether a form of marriage is constitutionally recognised differs from the ethical question whether a husband has met his obligations in a particular household. The existence of legal recognition does not remove the need for accurate information, effective remedies and fair treatment. Similarly, religious arguments about permissibility do not by themselves resolve every question of statutory interpretation or constitutional law.

8.3 Legal literacy and access to remedies

Men and women should have accessible information about marriage registration, mahr, maintenance, property, inheritance, divorce procedures and the institutions competent to address disputes. Religious leaders can make an important contribution by explaining Islamic principles carefully and referring complex legal questions to qualified practitioners. Counselling or mediation may be helpful where participation is voluntary and safe. It should not be used to silence a person reporting violence, coercion or serious harm, or to prevent access to lawful protection.

Because the legal consequences of a particular marriage depend on its circumstances and the law in force, this article is not a substitute for case-specific legal advice. Before publication, the author should confirm statutory wording and any later judicial developments against official Ugandan legal sources.

9. Discussion

The analysis points to a distinction between permission, capacity and performance. Permission concerns what mainstream Islamic jurisprudence recognises under specified conditions. Capacity concerns whether a particular person has the financial, practical and relational ability to discharge the resulting duties. Performance concerns whether the husband actually fulfils those duties over time. Confusing these three dimensions can lead to the mistaken belief that because polygyny is permitted, every man is able to practise it justly.

The Qur'anic emphasis on justice should be treated as a substantive requirement rather than a decorative phrase. It has practical implications for budgeting, housing, time allocation, communication, parental care and the prevention of neglect. Qur'an 4:3 directs a man who fears injustice toward monogamy; Qur'an 4:129 warns against allowing one wife to be left in a suspended condition. The ethical task is therefore not simply to defend or reject the institution in the abstract, but to take seriously the conditions that govern its responsible practice.

The historical argument also requires precision. The existence of polygyny before Islam is relevant to understanding the institution's background, but it does not by itself prove that the practice is morally justified or unjustified. Likewise, historical accounts of rulers or cultural traditions cannot be used as substitutes for analysis of Islamic sources or contemporary evidence. The more persuasive argument is that Islam regulated a pre-existing practice and placed justice within the conditions governing it.

Finally, an evidence-based discussion should avoid two opposite errors. Uncritical approval can overlook the experiences of women and children when obligations are neglected. Blanket condemnation can overlook the diversity of household experiences and the legal and religious context in which some families understand their choices. Academic analysis should neither romanticise nor stereotype polygyny. It should test claims against primary texts, juristic interpretation, credible research and applicable law.

10. Recommendations

10.1 Strengthen premarital and marital education

Mosques, Muslim organisations and family-support institutions should provide accessible education on the Qur'anic conditions of polygyny, maintenance, allocation of time, children's rights, communication,

conflict management and available legal procedures. Programmes should explain responsibilities and foreseeable costs as clearly as they explain permissibility.

10.2 Encourage realistic capacity assessment

Before entering a plural marriage, a prospective husband should assess income, debts, accommodation, time, existing dependants and the needs of all children. Religious counsellors should not treat the numerical permission alone as evidence that a man is capable of maintaining multiple households fairly. A written household budget and clear arrangements may help identify risks before they become disputes.

10.3 Protect women's dignity, information and agency

Women should have confidential access to reliable religious and legal information concerning mahr, property, maintenance, inheritance and separation. Community education should challenge coercion, deception and the assumption that a woman's property automatically belongs to her husband. Support should be culturally and religiously informed while remaining firm on dignity, safety and lawful rights.

10.4 Prioritise children's welfare

Family arrangements should provide for each child's education, healthcare, food, accommodation and emotional needs. Fathers should avoid allowing competition between households to determine children's access to basic support. Community organisations should establish referral pathways to counselling, social services and legal assistance where necessary.

10.5 Improve legal literacy and dispute resolution

Public-facing guidance should explain relevant Ugandan marriage legislation, registration procedures and available dispute-resolution routes in accessible language. Religious leaders should collaborate, where appropriate, with legal practitioners and social-service providers. Mediation should be voluntary and safe, and cases involving credible threats or violence should be referred to appropriate protective services.

10.6 Support further empirical research

Further research in Uganda should examine a wider range of polygynous households and include the perspectives of wives, husbands, co-wives, children, religious leaders and legal practitioners. Research should distinguish between household types and should not generalise beyond the population studied. It should also investigate how financial resources, disclosure, household arrangements, legal knowledge and access to support affect outcomes.

11. Conclusion

Polygyny is a historical institution that predates Islam and is recognised within mainstream Islamic jurisprudence under conditions that include a maximum of four wives and the obligation to act justly. The central Qur'anic passages, especially 4:3 and 4:129, do not support an interpretation that isolates numerical permission from the responsibility to avoid injustice. Nor do they establish that every Muslim man should marry more than one wife or that monogamy is inherently deficient.

The reasons commonly advanced for polygyny including support for vulnerable women, particular family circumstances and the management of sexual needs must be considered in context. They do not automatically guarantee beneficial outcomes or excuse the neglect of existing wives and children. Justice requires practical attention to maintenance, housing, time, dignity, communication and parental

responsibility. Local Ugandan research shows that some women have reported serious problems in polygynous relationships, while the 2025 Constitutional Court decision provides an important legal reference point. Neither source should be overgeneralised.

The most constructive approach is therefore neither uncritical endorsement nor unsupported general condemnation. It is a careful assessment of the institution against its scriptural conditions, the rights and welfare of those affected, credible empirical evidence and applicable law. Education, realistic planning, transparent arrangements, women's access to information, child-centred support and fair access to remedies can help narrow the gap between normative principles and lived experience. In the final analysis, the credibility of any claim to practise polygyny in accordance with Islamic ethics depends not merely on the existence of permission, but on the sustained fulfilment of justice and responsibility.

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