



## ISLAMIC LAW AND THE RIGHTS OF WOMEN IN POLYGYNOUS MARRIAGES: AN EMPIRICAL STUDY OF ILORIN METROPOLIS, KWARA STATE, NIGERIA

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### Abstract

*Polygyny is a legally recognized form of marriage under Islamic law, provided the husband adheres to the conditions and responsibilities set by the Sharī'ah, including justice, maintenance, fair treatment, and respect for each wife's rights and dignity. While permitted in Islam, its practice in modern Muslim communities has raised concerns about the effective protection of women's rights. This research evaluates the rights of Muslim women in polygynous marriages in Ilorin Metropolis, Kwara State, Nigeria. It examines the rights afforded to women under Islamic law, including maintenance, fairness, dower (mahr), inheritance, emotional and physical health, dignity, respect, and safety, and assesses how well these rights are upheld in practice. Using a qualitative approach, the study draws on primary data—collected through interviews and questionnaires in Ilorin—and secondary sources, including the Qur'an, Sunnah, Islamic legal texts, legislation, court rulings, and scholarly works. Guided by Sharī'ah principles such as justice, family preservation, human dignity, and harm prevention, the study expects to identify a gap between the rights recognized by Islamic law and their enforcement in some polygynous marriages. Factors such as limited awareness of Islamic marital rights, financial hardship, unequal treatment, emotional neglect, communication issues, and cultural customs may lead to violations or the denial of women's rights. Accordingly, the study recommends enhanced Islamic legal education, greater awareness of women's marital rights, responsible practice of polygyny, and stronger family and community measures to address violations. It concludes that, when practiced in accordance with the Sharī'ah, polygyny should not compromise the rights and dignity of Muslim women.*

**Keywords:** Muslim Women; Polygynous Marriage; Islamic Law; Women's Rights; Maqāṣid al-Sharī'ah; Ilorin Metropolis; Marriage; Justice; Dignity

### 1.0 INTRODUCTION

Marriage holds an important place in Islamic law; it is recognised as a sacred institution established to promote companionship, tranquillity, mutual support, and the preservation of our society. Islam regards marriage not merely as a contractual relationship but as a union founded on love, mercy,



justice, and mutual respect. In fact, the Prophet (S.A.W) was reported to have said, “Marriage is part of my sunnah, and whoever does not follow my sunnah has nothing to do with me.”<sup>1</sup> Within this framework, both spouses are accorded specific rights and obligations designed to ensure harmony and stability within the family. The rights granted to women under Islamic law are not dependent on their husbands’ goodwill. Still, they are divinely ordained and legally protected entitlements intended to safeguard their dignity, welfare, and status in society.

Polygyny, which permits a Muslim man to marry up to four wives subject to certain conditions, is a distinctive feature of Islamic family law. However, the permissibility of polygyny is not absolute. The Glorious Qur’an conditions its practice upon the husband’s ability to deal justly and equitably with all wives. Justice and fairness, therefore, constitute the cornerstone of a valid polygynous marriage, and the protection of women’s rights remains central to the Islamic regulation of such unions.<sup>2</sup>

Islamic law guarantees numerous rights to women in marriage, including the right to consent to marriage, the right to maintenance (*nafaqah*), fair and equal treatment, accommodation, inheritance, dower (*mahr*), education, respect, dignity, and access to justice. These rights are not formulated by anyone but are derived from the Glorious Qur’an, Prophetic precedent and the juristic interpretations of classical and contemporary Islamic scholars. The protection of these rights reflects the broader objectives of Shari’ah (*Maqasid al-Shari’ah*), which seek to preserve religion, life, intellect, lineage, and property while promoting justice and human welfare.<sup>3</sup>

However, despite the comprehensive legal framework provided by Islamic law, the practical realisation of these rights often varies across different societies and communities. In many cases, cultural practices, economic constraints, inadequate knowledge of Islamic teachings, and weak enforcement mechanisms affect the extent to which women enjoy their rights in polygynous marriages. This disparity between the legal guarantees of Shari’ah and the lived experiences of many Muslim women underscores the need for a detailed examination of these rights.<sup>4</sup> Ilorin, the metropolis of Kwara State, Nigeria, is one of the cities in the North Central part of the country that is populated with a high rate of Muslims and the practice of polygynous marriage. It is believed

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<sup>1</sup>Sunnah ibn Majah Vol. 3, Book 9, Hadith 1846

<sup>2</sup>Wahbah al-Zuhayli, *Al-Fiqh al-Islami waAdillatuhu*, Vol. 9 (Dar al-Fikr 2007) 6650–6665; Qur’an 4:3.

<sup>3</sup>Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (IIIT 2008) 23–30; Jamal J Nasir, *The Islamic Law of Personal Status* (3rd edn, Kluwer Law International 2009) 145–152.

<sup>4</sup>John L Esposito, *Women in Muslim Family Law* (Syracuse University Press 2001) 34–40; Amina Wadud, *Qur’an and Woman* (Oxford University Press 1999) 84–88.



that the city, bestowed with Islamic scholars and guided by the practice of Islamic teaching, would follow the standard teaching of Shariah in matters relating to the rights of women in a polygynous marriage. Still, the study carried out by this research shows that the majority of the Muslims practising polygyny in the city have no detailed knowledge of the concept and have no or little respect for the rights of women.

Against this background, this study examines the various rights accorded to Muslim women in polygynous marriages under Islamic law, relying on both doctrinal and non-doctrinal methods. It analyses the nature, scope, and legal basis of these rights as set out in the Glorious Qur'an, Prophetic precedent and the opinions of Islamic jurists. The study also evaluates the extent to which these rights are observed in practice, providing a foundation for the subsequent discussion of the challenges affecting their realization

## 2.0 RIGHTS OF WOMEN UNDER POLYGYNOUS MARRIAGE UNDER SHARIAH

Under Islamic Law, women are entitled to certain rights whether they are married or not. These rights are granted to women by Allah (SWT). They cannot be taken away or restricted by their husbands or any members of their family, except under certain conditions recognised by Islamic Law.<sup>5</sup> Just as individual members of society are entitled to certain rights and responsible for fulfilling certain obligations, so too are family members. They are obliged to fulfil certain obligations within the family structure.<sup>6</sup>

The Prophet (S.A.W) outlined the general hierarchy of responsibility in society in the following statement narrated by Ibn 'Umar.<sup>7</sup> (may Allah be pleased with them) that the Prophet said:

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<sup>5</sup> Rights of women under Shariah can be restricted in certain instances, and such restrictions are recognised under Islamic Law. These may include, but are not limited to, Nuszhus (a situation in which a wife seriously and unjustifiably violates established marital obligations; in these circumstances, her right of maintenance can be restricted) see Quran Chapter 4 verse 34. Secondly, the woman's refusal to fulfil legitimate marital obligations without any legal justification. Thirdly, refusal to observe the waiting period: during this time, her right to contract another marriage is restricted until she completes her Iddah for the previous marriage. Fourthly, limitation of maintenance in particular circumstances. The woman has the right to maintenance (*nafaqah*), and this right can only be restricted if she fails to fulfil certain legal marital obligations.

<sup>6</sup> Philips, Abu Ameenah Bilal and Jones, Jameelah, *Polygamy in Islam*; 2nd ed., (International Islamic Publishing House (2005

<sup>7</sup> Collected by Bukhari, (Arabic-Eng.), Vol. 3, p. 438; hadith no. 730 and Muslim, (Eng. Trans.), vol. 3, p. 1017, hadith no. 3396.



حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي أُوَيْسٍ قَالَ: حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنِ ابْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: كُلُّكُمْ رَاعٍ، وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ، فَالْأَمِيرُ الَّذِي عَلَى النَّاسِ رَاعٍ، وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ، وَالرَّجُلُ رَاعٍ عَلَى أَهْلِ بَيْتِهِ، وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ، وَعَبْدُ الرَّجُلِ رَاعٍ عَلَى مَالِ سَيِّدِهِ، وَهُوَ مَسْئُولٌ عَنْهُ، أَلَا كُلُّكُمْ رَاعٍ، وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ.

Ibn 'Umar reported that the Messenger of Allah, may Allah bless him and grant him peace, said, "All of you are shepherds and each of you is responsible for his flock. The amir of a people is a shepherd and he is responsible for his flock. A man is the shepherd of the people of his house and he is responsible for his flock. A man's slave is the shepherd of his master's property and he is responsible for it. Each of you is a shepherd and each of you is responsible for his flock."

Thus, marriage could be considered a partnership in which the principal parties have been assigned different but complementary roles consisting of rights and corresponding responsibilities<sup>8</sup>. For family life to flow smoothly, each partner must fulfil their part of the partnership. Neither has the right to demand that their responsibilities are not fulfilled.<sup>9</sup> In Islamic law, marriage is a contract that establishes reciprocal rights and responsibilities between the husband and the wife(s). When a Muslim man chooses to practice polygyny, these rights do not diminish; rather, the responsibility to observe them increases because of the Qur'anic injunction to maintain equity among wives.<sup>10</sup> The Glorious Qur'an commands:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي النِّسَاءِ فَإِنَّ لَكُمْ مِنْ النِّسَاءِ مِثْلَ وَلَدِكُمْ وَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَذَىٰ أَلَّا تَعْدِلُوا ۚ

"...if you fear that you shall not be able to deal justly (with them), then only one..."<sup>11</sup>

<sup>8</sup> Ibid

<sup>9</sup> Ibid

<sup>10</sup> Abu Dawud. *Sunan Abi Dawud*, Hadith No. 1692. Beirut: Dar al-Kutub al-'Ilmiyyah. p.211.

<sup>11</sup> Quran Chapter 4 verse 3



This verse establishes that justice is the fundamental condition for the validity of polygyny. It is also necessary to state that Allah has given general guidelines concerning the role of each partner in the marriage in the following Glorious Qur'anic statement.<sup>12</sup>:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ

Men are the caretakers of women, as men have been provisioned by Allah over women and tasked with supporting them financially. And righteous women are devoutly obedient and, when alone, protective of what

One of the commentaries<sup>13</sup> on the Glorious Qur'an further elaborated on the above verse, stating that the man is responsible for the woman. He is her maintainer, caretaker and leader who disciplines her if she deviates; this is because Allah has made one of them to excel the other, and that is why prophethood was exclusive to men, as well as other important positions of Leadership.

However, despite the provision of the Glorious Qur'an that gave men the role of leader against women because of their responsibilities over them, jurists are unanimous in explaining that women are entitled to some rights as clearly explained in the Glorious Qur'an, and this is not basically related to the wives in polygynous marriage alone, but all Muslims women in general. Details of some of those rights are therefore explained below:

## 2.1 THE RIGHT TO CONSENT TO MARRIAGE

The first and most fundamental right of a Muslim woman in marriage is her right to free consent. Islamic law requires the woman's free consent for a marriage to be valid. Forced marriages are a cultural practice, not an Islamic one<sup>14</sup>. The contract of Marriage in Islamic law is essentially based on the consent of the contracting parties, namely the husband-to-be and the wife-to-be. There must be a meeting of the mind (consensus ad idem)<sup>15</sup>. Marriage under Islamic Law is considered a bilateral contract based on the mutual consent of the contracting parties with legal capacity<sup>16</sup>. Some jurists require the presence of sufficient witnesses for the validity of the marriage; the publicity of the marriage is also laudable<sup>17</sup>. Islam accords the right to a woman to either give her consent in marriage or reject it, and this in no way affects the power of the father in relation to the exercise

<sup>12</sup> Quran Chapter 4 verse 34

<sup>13</sup> Ibn Kathīr, Ismā'īl ibn 'Umar, *Tafsīr al-Qur'ān al-'Aẓīm*, Riyadh: Dār Ṭayyibah li al-Nashr wa al-Tawzī', 1999

<sup>14</sup> Jaafar-Mohammad, Imani and Lehmann, Charlie 'Women's Rights in Islam Regarding Marriage and Divorce' *Journal of Law and Practice* (2011) Vol. 4, Article 3. Available at: <http://open.mitchellhamline.edu/lawandpractice/vol4/iss1/3>

<sup>15</sup> Aminu Gurin, *An introduction to Islamic Family Law*. (Malthouse Law Books 2014) p. 35

<sup>16</sup> Ibid

<sup>17</sup> This is in line with tradition of the Prophet (S.A.W) with encourage Muslims to publicist their marriage even if it is with bean of drum.



of *Ijbar*<sup>18</sup>. Before the advent of Islam, the consent of the woman was not even necessary; they were always forced into marriage for social and economic gain.<sup>19</sup> And this and many lapses that Islam came to rectify. The Glorious Qur'an<sup>20</sup> commands that women should not be forced into marriage without their approval:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرْهًا

“O you who believe! It is not lawful for you to inherit women against their will”

This verse abolishes the pre-Islamic practice of compelling women into marriages for social or economic advantage. And this principle and rules of Islamic law was later incorporated in the Convention relating to the formation of marriage and adopted by the United Nations' General Assembly on 14 December 1961<sup>21</sup>. The provision of the Glorious Quran cited above served as a basic rule and procedure for the marriage of a woman without their consent.

The Prophet (S.A.W) reinforced this right of consent to a woman in marriage when he said,

وَعَنْ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الْأَيُّمُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا وَالْبِكْرُ تَسْتَأْذِنُ فِي نَفْسِهَا وَإِذْنُهَا صِمَاتُهَا». وَفِي رِوَايَةٍ: قَالَ: «الْثَّيْبُ أَحَقُّ بِنَفْسِهَا مِنْ

<sup>18</sup> This is the right of *waliy* (guardian) to decide whom his ward should marry with or without her consent. It is a power only exercise by father when he pays the role of *waliy* on his own daughters, provided the ward falls into any of the following categories: a *bikr*, who has never married and has attained the age of forty to fifty, divorcee and daughter who does not possess full faculty of reasoning. See M. A Ambali (n 18)

<sup>19</sup> Abdur Rahim, *Islamic Jurisprudence* (Ta Ha Publishers, London 2002) 327–329

<sup>20</sup> Quran Chapter 4 verse 19

<sup>21</sup> The united Nations General Assembly on December 14, 1961 adopted the convention relating to the formation of marriage and stated as follow: Article I, "No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law." Article II, "States Parties to the present Convention shall take legislative action to specify a minimum age for marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses." Article III, "All marriages shall be registered in an appropriate official register by the competent authority." See [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVI-3&chapter=16](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=XVI-3&chapter=16) Accessed on 12 October, 2025



“A previously married woman has more right to her person than her guardian, and a virgin’s consent must be sought”<sup>22</sup>

Thus, based on the above authority from the Glorious Quran and the Prophetic precedent (S.A.W.), any marriage entered into without the woman’s free consent is invalid under Islamic law.<sup>23</sup>

All jurists are unanimous that women have the right to give free consent to marriage, as there is a clear provision for it in the Glorious Quran and the Sunnah of the Prophet (S.A.W). Therefore, it is incumbent upon a Muslim man who intends to exercise the right of polygyny to obtain the free and informed consent of the woman he intends to marry as a second, third, or fourth wife. Under Islamic law, marriage is founded upon the mutual agreement of the parties, and the consent of the prospective wife constitutes an essential element of a valid marriage contract.<sup>24</sup> Consequently, it is unlawful to compel a woman into marriage against her will, irrespective of the motives or status of the persons involved. A father, guardian, or any other person cannot validly force a woman into a marriage without her consent.<sup>25</sup>

Similarly, a prospective husband has no right to coerce a woman into entering a polygynous union.<sup>26</sup> The right of a woman to freely choose her spouse is recognised and protected under Shari’ah, and any marriage contracted through force, coercion, or undue influence is contrary to the principles of justice, dignity, and personal autonomy upheld by Islamic law.<sup>27</sup>

While responding to the right to consent to marriage as one of the important rights of Muslim Women, one of the interviewees, Respondent P7, also held the view that consent to marriage is very important to women in any relationship, and that this right cannot even be taken away from a woman.

## 2.2 THE RIGHT TO MAINTENANCE (*NAFAQAH*)

Another right recognized by Shariah is a woman's right to maintenance. (*nafaqah*). Maintenance is a legal and moral duty imposed on the husband. This duty is not limited to women in polygynous marriage. It applies to all married women. Maintenance includes food, clothing, shelter, medical care, and all other necessities, according to the husband's means. The Glorious Qur’an<sup>28</sup> explicitly provides:

لِيُنْفِقَ ذُو سَعَةٍ مِّن سَعَتِهِ وَمَن قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ

<sup>22</sup> Al-Bukhari. (1997). *Sahih al-Bukhari* (Hadith No. 5136). Riyadh: Darussalam, p. 382.

<sup>23</sup> Mohammad Hashim Kamali, *Shari’ah Law: An Introduction* (Oneworld Publications 2008) p. 112.

<sup>24</sup> Al-Bukhari. (n 22)

<sup>25</sup> Nasir (n 4)

<sup>26</sup> Al-Zuhayli (n 2)

<sup>27</sup> Ibid

<sup>28</sup> Quran Chapter 65 verse 7



“Let the man of means spend according to his means; and the one whose resources are restricted, let him spend according to what Allah has given him”.

The above verse of the Glorious Quran states that it is the responsibility of a man to take care of his wife and those under his care, according to his means. The man should spend according to what Allah has provided for him. The Glorious Quran's position is also in line with the saying of the Prophet (S.A.W.), as stated in His tradition.<sup>29</sup> as follows:

وعنه قال رسول الله صلى الله عليه وسلم: “أكمل المؤمنين إيماناً أحسنهم خلقاً وخياركم خياركم لنسائهم.” ((رواه الترمذي وقال: حديث حسن صحيح)).

Messenger of Allah (ﷺ) said, "The most perfect man in his faith among the believers is the one whose behaviour is most excellent; and the best of you are those who are the best to their wives."

Maintenance, one of the rights of women in polygynous marriage, refers to the necessary obligations incumbent upon a husband towards his wife or wives that make their marital life easy, happy, and successful.<sup>30</sup> Under Islamic law, a wife is entitled to maintenance from her husband, a right that applies to all wives in polygamous marriage. In a polygamous marriage, each wife is entitled to financial maintenance according to the husband's means, and no man should abandon his responsibility or maintenance in favour of others. This includes food, clothing, shelter, and general upkeep.<sup>31</sup> The Prophet (peace be upon him) also said:

وَعَنْ عَبْدِ اللَّهِ بْنِ غَفَرٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - { كَفَى بِالْمَرْءِ إِثْمًا أَنْ يُضَيِّعَ مَنْ يَكُونُ. } رَوَاهُ النَّسَائِيُّ.<sup>1</sup>

“It is sufficient sin for a man to neglect those whom he is responsible to sustain”<sup>32</sup>

This right of maintenance is compulsory on the husband to take care of all his wives, and it is a sin for a man to practise what is known as selective maintenance among his wives.<sup>33</sup>

<sup>29</sup> Al-Tirmidhi. *Jami' al-Tirmidhi* (Hadith No. 3895). (Riyadh: Darussalam 2007), p. 284.

<sup>30</sup> Gurin(n 14)

<sup>31</sup> Quran Chapter 4 verse 34

<sup>32</sup> Abu Dawud. *Sunan Abi Dawud*, Hadith No. 1692. Beirut: Dar al-Kutub al-'Ilmiyyah. p.211

<sup>33</sup> Philips, Bilal and Jameelah (n 6)



The man is responsible for maintaining and treating all his wives equally, without taking sides or showing favouritism among them. Jurists have further explained and stipulated certain conditions that entitle a wife or wives to maintenance under Islamic law. These conditions include the following:

- a. **Marriage must be valid and subsisting:** The jurists are unanimous that a woman has a right to maintenance, but hold the view that, whether in a monogamous or polygamous marriage, to be entitled to unconditional maintenance from the husband, the marriage between that husband and the wife must be validly entered into.<sup>34</sup> Therefore, an invalid marriage cannot confer any right on the wife or impose any obligation on the husband.<sup>35</sup>
- b. **Marriage must be consummated:** Another condition stated by the jurists for a woman to be entitled to maintenance is the consummation of marriage. Consummation means the actual act of sexual intercourse between the spouses.<sup>36</sup> This act must occur between the spouses before the wife becomes entitled to maintenance. If, however, the cause of non-consummation is not on the wife's part, for example, where the husband suffers a defect that prevents him from consummating the marriage, minority maintenance is still incumbent on him. That is, the wife shall get her maintenance when the husband is impotent or too ill to be intimate with her.<sup>37</sup>
- c. **A wife must be able to tolerate conjugal relations.** A wife may not be entitled to maintenance if she cannot tolerate conjugal relations with her husband. For example, if the wife is of tender age or has a minor illness that prevents her from tolerating conjugal relations with her husband. However, under the Shafi'i laws, it makes no difference whether the wife is a minor or not; the woman has to be maintained if the husband married her in accordance with the provisions of Islamic Law.<sup>38</sup>
- d. **The wife must be available for conjugal relations.** The husband will not be responsible for the wife's maintenance if it is evident that he is unable to have sexual intercourse with his wife due to any act or conduct of the wife, e.g., if the wife is imprisoned for debt, she is serving punishment, or the other, except at the husband's instance, or even where she is forcibly abducted.<sup>39</sup>

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<sup>34</sup> All the schools agreed upon the legitimacy of rights and obligations conferred upon the spouse by a valid marriage. This marriage has been conducted soundly, without any irregularities or prohibitions. It is the one conducted in accordance with the rules of Islamic law and all the legal requirements of marriage. Therefore, where the marriage is disputed in the Maliki School, like a marriage conducted by a woman without a valid *Waliy*, such a marriage is not valid under the Maliki School; this is because a woman lacks representative capacity in that manner. Although the position is different under the Hanafi school. Such a marriage is valid and can confer responsibility of maintenance on a man. *See* Gurin (n 16)

<sup>35</sup> Gurin (n 16) p.119

<sup>36</sup> Ibid

<sup>37</sup> Ibid p 121

<sup>38</sup> Azizah Mohd and Badruddin H J Ibrahim, 'Muslim Wife's Rights to Maintenance: Husband's Duty to Maintain a Working Wife in Islamic Law and the Law in Malaysia' (2012) 18(1) *IIUM Law Journal* 1

<sup>39</sup> Mulla, *Principles of Mahomedan Law* (22nd edn, LexisNexis Butterworths 2017) 319



Also, if the wife performs the obligatory Hajj in the company of her husband or an accredited Mahrim, with her husband's consent, she does not lose her right to maintenance. However, if she performs the obligatory *Hajj* or *Umra* without her husband's permission, she loses that right.<sup>40</sup>

- e. **Wife must respond to the invitation to cohabit by her adult husband:** the woman may lose her right to maintenance if her husband, if an adult, invites her to the conjugal roof and fails to comply or refuses the invitation without a valid reason.<sup>41</sup>

It is immaterial whether actual cohabitation occurred. The basic rule is that the mere invitation to the conjugal roof, together with the wife's compliance or resistance, is the basis.

It is also important to note that for a wife to be entitled to maintenance under Shar'iah, she must be ready to obey all reasonable orders of her husband.<sup>42</sup> A wife must follow and abide by all reasonable and lawful commands of her husband. However, this cannot go without some limitations:

- i. that he must not order her to perform an act whose performance or non-performance violates the rights of God;
- ii. that he has to see that the orders to be carried out fall within the permissible categories of action; and
- iii. that the order to do or refrain from doing matters explicitly falls within the range of his rights.<sup>43</sup>

Regarding the right to maintenance, all respondents interviewed affirmed that it is sacrosanct under Islamic law. The data reveal clear awareness among respondents of the rights to material provision that accrue to women in polygynous marriages under Islamic law. The right to maintenance (*nafaqah*) was consistently cited as a fundamental entitlement, with one respondent confirming that "these rights include maintenance (*nafaqah*), equitable treatment among co-wives, inheritance, dignity, and access to education." Another participant noted that a "husband is expected to provide financial support to his wives equally regardless of the wife's personal wealth."<sup>44</sup> Affirming the non-conditional character of the maintenance obligation in Islamic law. The right to adequate and separate accommodation was similarly emphasised, with participants noting the entitlement to "right to shelter and conducive apartment" and the recommendation to "give them separate shelter for security reasons." The right to freedom in choosing residence was

<sup>40</sup> Muhammad Jawad Mughniyya, *The Five Schools of Islamic Law* (Ansariyan Publications 2001) 349–350.

<sup>41</sup> Asaf A Afyze, *Outlines of Muhammadan Law* (5th edn, Oxford University Press 2008) 151–152

<sup>42</sup> Nasir (n 4)

<sup>43</sup> Ibid

<sup>44</sup> P 5, interview with an Islamic Scholar at Ilorin, Kwara State 18/2/2026



also raised, with one respondent articulating women's entitlement to "freedom to choose where to live, freedom in finance."<sup>45</sup>

Maintenance is very important under Islamic law, and the husband must take care of his wife, whether in a polygynous marriage or not. The obligation of maintenance, aside from the exceptions discussed above, is central to marriage. The husband must take care of his wife during times of difficulty or hardship in life and provide maintenance during his absence, such as when travelling to another state or country. The husband should not use his absence from his wife to abandon her or fail to fulfill his responsibility to maintain her.<sup>46</sup> Maintenance is also compulsory during a wife's illness. The husband shouldn't abandon his wife to her family or relatives during her illness.<sup>47</sup> He must take care of his wife and provide the necessary maintenance.

### 2.3 THE RIGHT TO EQUITABLE TREATMENT AMONG CO-WIVES

Another right of women in polygynous marriage is the right to be treated equally with co-wives. In polygynous marriage, the Qur'an commands justice and equality among wives in all material and emotional matters. It even makes this one of the conditions for a man to practice polygyny. This is clearly stated in the Glorious Qur'an, where Allah commands a man to marry more than one wife if he is certain that he will do justice among those wives:<sup>48</sup>

فَأَنْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَّةَ وَرُبُعٍ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا

“Marry women of your choice, two, three, or four; but if you fear that you shall not be able to deal justly, then only one”

Justice in this context includes equality in maintenance, time, and companionship among wives. The Prophet (S.A.W) was known to distribute his time fairly among his wives and warned his companions and Muslims at large to be just to their wives:<sup>49</sup>

"مَنْ كَانَتْ لَهُ امْرَأَتَانِ فَمَالَ إِلَىٰ إِحْدَاهُمَا جَاءَ يَوْمَ الْقِيَامَةِ وَشِقُّهُ مَائِلٌ"

“He who has two wives and inclines to one of them will come on the Day of Resurrection with half of his body leaning”

<sup>45</sup> P3, Interview with women in polygynous marriage at Ilorin, Kwara State 17/2/2026

<sup>46</sup> Al-Qaradawi p. 42

<sup>47</sup> Gurin (n 16) 123

<sup>48</sup> Quran chapter 4 verse 3

<sup>49</sup> Abu Dawud. *Sunan Abi Dawud*, Hadith No. 2133. Beirut: Dar al-Kutub al-‘Ilmiyyah. p.357



The spirit of this injunction is to prevent emotional and financial favouritism among the wives, which undermines family unity.<sup>50</sup>

Equitable treatment among co-wives is among the most consistently reported rights in the dataset, reflecting both the principle's doctrinal centrality and its practical contestation in Ilorin. Respondents<sup>51</sup> affirmed the right to "equitable treatment among co-wives" and the husband's obligation to allocate time fairly, noting the entitlement to "right to equal attention" among wives. The dataset reveals an awareness that the Islamic model of polygyny demands not only material equality but also attentive and relational equity: one respondent affirmed that men should "try as much as possible to balance up and be "romantic" to all wives.<sup>52</sup> The Prophetic practice of casting lots to select travel companions was also cited as a Sunnah-based mechanism to ensure fairness in time allocation.

## 2.4 RIGHTS TO EMOTIONAL WELL-BEING, DIGNITY, AND PEACE OF MIND

The data reveal a set of rights centered on psychological and emotional welfare that, while perhaps less frequently articulated in classical fiqh literature, are acknowledged by respondents as genuine entitlements within Islamic marriage. One participant explicitly identified "the right to emotional and psychological well-being" as a recognized right of women in polygynous marriages.<sup>53</sup>

Another respondent noted the entitlement to "right to peace of mind and religious development and understanding," linking psychological welfare to spiritual flourishing. Respondents also articulated the right to "express feelings without being misinterpreted" and the right "to be heard and seen."<sup>54</sup>

This indicated an understanding of emotional expression and dignified communication as components of the marital entitlement framework. One respondent recommended "providing counselling and support groups for women in polygynous marriages," recognizing that institutional support may be necessary to give practical effect to these rights.

One of the fundamental rights accorded to women under Islamic law is the right to emotional well-being, dignity, and peace of mind within the marital relationship. Islam regards marriage as an institution established to foster tranquillity, affection, compassion, and mutual support between spouses. The Glorious Qur'an emphasises that one of the signs of Allah's wisdom is the creation of spouses for one another so that they may find tranquility and comfort in each other's company.<sup>55</sup>

Consequently, every wife in a polygynous marriage is entitled to be treated in a manner that preserves her emotional stability, personal dignity, and psychological well-being.

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<sup>50</sup>Ibn Kathir, (n 13)

<sup>51</sup> P 4 interview with Islamic Scholar Kwara State University, Malete, Kwara State, Nigeria 17/2/2026

<sup>52</sup> P3, interview with a woman in polygyny held in Ilorin, Kwara State, Nigeria, 17/2/2026

<sup>53</sup> P1, interview with a woman in polygyny held in Ilorin, Kwara State, Nigeria 16/2/2026

<sup>54</sup> P3, Interview with women in polygynous marriage at Ilorin, Kwara State, 17/2/2026

<sup>55</sup> Quran Chapter 30 verse 21



The right to emotional well-being is closely linked to the Islamic principle of kindness and good treatment (*mu'asharahbilma'ruf*). The Glorious Qur'an commands husbands to live with their wives in kindness and equity, and to avoid conduct that could cause emotional harm, humiliation, or unnecessary distress.<sup>56</sup> In the context of polygyny, this obligation is even more significant, as the presence of multiple wives may create feelings of insecurity, jealousy, neglect, or emotional deprivation if not properly managed. Islamic law, therefore, requires the husband to exercise wisdom, fairness, and sensitivity in his dealings with each wife to maintain harmony and protect their emotional well-being.

Furthermore, Islam recognizes the inherent dignity of women and prohibits any treatment that undermines their honour or self-worth. Human dignity is a fundamental value in Islamic jurisprudence, grounded in the divine honour bestowed on all human beings.<sup>57</sup>

Accordingly, a husband in a polygynous marriage must refrain from acts of discrimination, public humiliation, verbal abuse, emotional manipulation, or preferential treatment that may diminish any wife's dignity. While complete equality of affection and emotional inclination may not be humanly possible, Islamic law requires fairness in all outward manifestations of marital relations, including companionship, attention, accommodation, maintenance, and the allocation of time among wives.<sup>58</sup>

The right to peace of mind is also reflected in the requirement that a husband create a secure and stable family environment. A woman should not be subjected to persistent anxiety arising from uncertainty about her rights, maintenance, accommodation, or marital status. The Prophet (SAW) consistently emphasized mercy, compassion, and consideration in marital relationships and condemned conduct that inflicted hardship on women.<sup>59</sup>

Consequently, a husband who neglects one wife in favour of another, creates unnecessary rivalry among co-wives, or fails to fulfill his obligations may be regarded as violating the spirit and objectives of Shari'ah.

Protecting emotional well-being, dignity, and peace of mind aligns with the broader objectives of Islamic law (*Maqasid al-Shari'ah*), particularly the preservation of human dignity, family stability, and social welfare.<sup>60</sup> A successful polygynous marriage, therefore, requires more than material provision; it demands cultivating a respectful, supportive environment in which each wife feels valued, protected, and emotionally secure. Where these rights are respected, polygyny may contribute to family cohesion and social harmony. However, where they are ignored, the result may be emotional trauma, marital conflict, psychological distress, and family instability.

## 2.5 RIGHT TO INHERITANCE AND DOWER (*MAHR*).

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<sup>56</sup> Quran Chapter 4 verse 19

<sup>57</sup> Al-Zuhayli (n 3)

<sup>58</sup> Nasir (n 4)

<sup>59</sup> Abu al-Husayn Muslim ibn al-Hajjaj, *Sahih Muslim*, Book of Marriage, Hadith No. 1468.

<sup>60</sup> Auda (n 3) 23–30



Another fundamental right of a woman is her right to her dowry and inheritance. Islamic law recognizes women's financial independence and property rights, and guarantees specific economic rights within marriage, including the right to receive dower (*mahr*) and to inherit property. These rights are divinely ordained and form part of the broader framework established by Shari'ah to protect women from economic vulnerability and ensure their financial security. This contrasts with many pre-Islamic customs that denied women the right to own or inherit property; Islam expressly grants women independent legal personality and the capacity to acquire, own, manage, and dispose of property in their own right.<sup>61</sup>

The right to dower (*mahr*) is one of the most important financial rights a woman holds in marriage. *Mahr* is the sum of money, property, or any valuable consideration that a husband undertakes to give to his wife as a consequence of marriage. The Glorious Qur'an expressly commands men to give women their dowries willingly and as a mark of honour and respect.<sup>62</sup>

*Mahr* is therefore neither the purchase price for the wife nor a gift to her family; rather, it is an exclusive right of hers. Once validly stipulated, the wife acquires an enforceable claim to the dower, and neither her husband nor her guardian may deprive her of it without her free consent.<sup>63</sup>

In polygynous marriage, each wife is entitled to her own separate dower, irrespective of the presence of other wives. The husband cannot rely on the payment of dower to one wife as satisfaction of his obligation to another. Each marriage contract creates an independent obligation to provide *mahr*, and any attempt to discriminate among wives in this regard may amount to a violation of their rights under Islamic law.<sup>64</sup> Furthermore, where the payment of dower is deferred, the wife retains the right to demand its payment at the agreed time or upon dissolution of the marriage through divorce or death.<sup>65</sup>

In addition to dower, Islamic law guarantees women's right to inherit from specified relatives, including their husbands. The Qur'an established a comprehensive inheritance scheme that allocated fixed shares to female heirs and protected them against exclusion.<sup>66</sup>

وَاللِّسَاءُ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلْمَرْأَةِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ ۚ نَصِيبًا مَّفْرُوضًا ۖ

“And for women, there is a share in what their parents and close relatives leave—whether it is little or much. ‘These are’ obligatory shares”

A wife is entitled to inherit from her husband's estate upon his death, and the presence or absence of children determines her share. Where the deceased husband leaves children, the wife is entitled to one-eighth of the estate, while in the absence of children, she is entitled to one-quarter.<sup>67</sup>

<sup>61</sup>Nasir (n 4)

<sup>62</sup> Quran Chapter 4 verse 4

<sup>63</sup> Abdur Rahman I Doi, *Shari'ah: The Islamic Law* (Ta-Ha Publishers 2008) 171–175.

<sup>64</sup> Al-Zuhayli (n 2)

<sup>65</sup> Sayyid Sabiq, *Fiqh al-Sunnah* vol. 2 (Dar al-Fath 1997) 151–154.

<sup>66</sup> Quran Chapter 4 verse 7

<sup>67</sup> Quran Chapter 4 verse 12



وَلَهُنَّ الرُّبُعُ مِمَّا تَرَكْتُمْ إِنْ كُنْتُمْ أَوْلَادًا فَإِنْ كُنْتُمْ إِذًا فَلَهُنَّ الثُّلُثُ مِمَّا تَرَكْتُمْ

“And your wives will inherit one-fourth of what you leave if you are childless. But if you have children, then your wives will receive one-eighth”

In a polygynous marriage, all surviving wives collectively share the prescribed portion allocated to wives and divide it among themselves in accordance with the rules of Islamic succession.<sup>68</sup>

The right of inheritance is particularly significant in protecting women from economic hardship after their husbands' deaths. It ensures that wives are not left destitute and promotes financial stability within the family. Islamic jurists have consistently maintained that inheritance rights are mandatory and cannot be arbitrarily denied or altered by custom, family pressure, or personal preference.<sup>69</sup>

Any attempt to deprive a woman of her lawful share of inheritance violates divine injunctions and undermines the principles of justice and equity underpinning Islamic family law.

The rights to dower and inheritance reflect the Shari'ah's concern for women's economic welfare and dignity. These rights contribute to the realization of the objectives of Islamic law by preserving wealth, protecting human dignity, and promoting social justice.<sup>70</sup>

Consequently, effective observance of these rights is essential to the welfare and security of women in polygynous marriages and in society as a whole.

Respondents also recognized these rights during the field study of this research. They believe that the rights to own property independently and to inherit from a deceased husband's estate constitute another cluster of rights that underpin women's position in polygynous marriages. One participant<sup>71</sup> noted the entitlement to "right to own properties." At the same time, another affirmed that "wives are not forbidden to have their own wealth too," reflecting the well-established Islamic legal principle that a wife's property remains entirely her own and cannot be appropriated by the husband. The right of inheritance was specifically raised, with one participant<sup>72</sup> noting the reported violation of this right in practice, "a widow being denied the right to her late husband's property" and another referencing institutional legal protection for this right through "the law on the estate of a deceased Muslim in Kwara State." Respondents also spoke to a broader right to economic participation, articulating the entitlement to "participate in family decision-making and pursue lawful economic empowerment."<sup>73</sup>

## 2.6 RIGHT TO SEXUAL SATISFACTION

<sup>68</sup>Al-Zuhayli (n 2)

<sup>69</sup>Al-Zuhayli (n 2) 7705–7712

<sup>70</sup>Auda (n 3)30.

<sup>71</sup> P3, Interview with women in polygynous marriage at Ilorin, Kwara State 17/2/2026

<sup>72</sup> P6 interview with a woman in a monogamous marriage held in Ilorin, Kwara State, Nigeria, 18/2/2026

<sup>73</sup> P 2 interview with a woman in a polygynous marriage held in Ilorin, Kwara State, Nigeria 19/2/2026



Another fundamental right of women in any marriage is to receive sexual satisfaction from their husbands. As the man is entitled to conjugal rights from his wife, scholars of *fiqh* emphasise that wives also have the right to conjugal intimacy from their husbands, and neglect in this regard is grounds for complaint and, in some cases, for dissolution of the marriage.<sup>74</sup>

It is incumbent upon a man to ensure justice in the matter of sexual satisfaction among his wives. Starving a woman of sex without justification can lead to the dissolution of that marriage.<sup>75</sup>

Some scholars suggest that a husband should fulfil his wife's needs as often as necessary to ensure her chastity, though prolonged abstinence without agreement or excuse is often strongly discouraged.<sup>76</sup>

It is important to note that if a husband withholds his wife's rights for two to three months without a valid reason, Islamic law permits the wife to seek intervention from an Islamic authority, a judge, or a local scholar.

If he refuses to resume their marital relationship or divorce her, the Islamic court can legally annul the marriage to protect the wife from harm.<sup>77</sup>

Therefore, it is part of a man's responsibility to ensure that he satisfies all his wives in a polygynous marriage. This act is also recognized as one of the requirements a man must fulfill before entering into polygyny.

## 2.7 RIGHT TO DIGNITY AND RESPECT

Another fundamental right accorded to women under Islamic law is the right to dignity and respect. Islam recognizes the inherent worth and honour of every human being and prohibits any treatment that degrades, humiliates, or diminishes human dignity. The Glorious Qur'an affirms that Allah has honoured the children of Adam and bestowed upon them a distinguished status among His creation.<sup>78</sup>

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ

“We have indeed honoured the children of Adam”

This honour extends equally to men and women and serves as the foundation for the rights and obligations governing family relationships in Islam.

<sup>74</sup>Ibn Qudamah, A.A, *Al-Mughni*, Vol. 9. Riyadh: (Dar al-‘Alamiyyah. 1997) p.263.

<sup>75</sup> Wahbah al-Zuhayli (n 3)

<sup>76</sup> Such as Imam al-Ghazali are of the opinion that ‘A man should make love to his wife every four nights ... though he should make love to her more or less than this, according to the amount she needs to remain chaste and free of want since a husband must enable her to keep chaste., Shaykh Jamir Meah, ‘What Does Islam Say About the Neglect of the Wife’s Sexual Rights? <https://seekersguidance.org/answers/general-counsel/islam-say-neglect-wifes-sexual-rights/> access 6/5/2026

<sup>77</sup> Abdul’Aziz ibn ‘Abdullah ibn ‘AbdulRahman ibn Baz, *Majmooa al-fatwa* Vol 1 p-356

<sup>78</sup> Quran Chapter 17 verse 70



Within marriage, a woman is entitled to be treated with dignity, kindness, and respect by her husband. Marriage in Islam is not a relationship of domination or subjugation but one based on mutual affection, compassion, and cooperation. The Glorious Qur'an commands husbands to live with their wives in kindness and good conduct (*mu'asharah bilma'ruf*), even when disagreements or misunderstandings arise.<sup>79</sup>

Consequently, a husband is under a legal and moral obligation to respect his wife's personality, feelings, and rights, and to refrain from conduct that may humiliate, abuse, or cause her indignity.

The right to dignity and respect assumes even greater significance in polygynous marriages, where rivalry, jealousy, and unequal treatment among co-wives are common. Islamic law, therefore, requires the husband to maintain fairness and avoid actions that may undermine any wife's dignity. He must not publicly demean, insult, ridicule, or discriminate against one wife in favour of another. Similarly, he is expected to safeguard each wife's reputation and honour and ensure that his conduct promotes harmony rather than conflict within the family.<sup>80</sup>

The obligation to treat wives honourably aligns with the Prophet's (SAW) teachings that the best among believers are those who treat their wives best.<sup>81</sup>

”وَعَنْهُ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: “أَكْمَلُ الْمُؤْمِنِينَ إِيمَانًا أَحْسَنُهُمْ خُلُقًا وَخَيْرُكُمْ خَيْرُكُمْ لِنِسَائِهِمْ”

“Messenger of Allah (ﷺ) said, "The most perfect man in his faith among the believers is the one whose behaviour is most excellent; and the best of you are those who are the best to their wives."

In another revelation, Prophet Muhammad (S.A.W.) was reported to have commanded men to honour women's dignity.<sup>82</sup>

وَاسْتَوْصُوا بِالنِّسَاءِ فَإِنَّ الْمَرْأَةَ خُلِقَتْ

“Treat women kindly, for they are your partners and committed helpers”

Furthermore, respect for a woman's dignity entails recognizing her opinions, feelings, and personal autonomy. Islamic law grants women legal personality and recognizes their capacity to own property, enter into contracts, seek education, and participate in matters affecting their welfare.<sup>83</sup>

Accordingly, a husband should consult his wife on issues affecting family life and avoid decisions that disregard her interests or emotional well-being. In a polygynous marriage, this is particularly

<sup>79</sup> Quran Chapter 4 verse 19

<sup>80</sup> Al-Zuhayli (n 2)

<sup>81</sup> Abu Isa Muhammad al-Tirmidhi, *Jami' al-Tirmidhi*, Book of Rada', Hadith No. 1162.

<sup>82</sup> Muslim, *ḥadīth* No. 1468, p. 412

<sup>83</sup> Nasir (n 4)



important, as decisions on accommodation, maintenance, child welfare, and family responsibilities may directly affect the rights and interests of all wives.

The protection of dignity and respect also aligns with the objectives of Shari'ah (*Maqasid al-Shari'ah*), particularly the preservation of human dignity, family stability, and social harmony.<sup>84</sup>

When women are treated with respect and fairness, the likelihood of marital conflict, emotional distress, and family breakdown is significantly reduced. Conversely, the denial of dignity and respect can lead to psychological harm, resentment, and instability within the family.

Therefore, the right to dignity and respect is an indispensable component of the rights afforded to women in polygynous marriages under Islamic law. It reinforces the principles of justice, compassion, and equality that underpin the Islamic conception of marriage and serves as an important safeguard against oppression and abuse within the family.

## 2.8 THE RIGHT TO EDUCATION AND PERSONAL DEVELOPMENT

Seeking knowledge is the foundation of Islam. Islam prioritizes knowledge and understanding of how to worship the Creator. This is evident in the first revelation of the Glorious Quran, when Allah says:<sup>85</sup>

اقْرَأْ بِاسْمِ رَبِّكَ الَّذِي خَلَقَ

Read, 'O Prophet,' in the Name of your Lord Who created—

Islam encourages the pursuit of knowledge for both men and women alike. The Prophet (S.A.W) said:<sup>86</sup>

" طَلَبُ الْعِلْمِ فَرِيضَةٌ عَلَى كُلِّ مُسْلِمٍ

“Seeking knowledge is obligatory upon every Muslim, male and female”

Historically, women such as Aisha bint Abi Bakr (may Allah be pleased with her) were renowned scholars who contributed significantly to the transmission of hadiths and issued legal rulings on various issues after the death of the Prophet Muhammad, drawing on the knowledge they had acquired from him. Therefore, depriving women of education contradicts the teachings of Islam and hinders their spiritual and intellectual growth.<sup>87</sup>

<sup>84</sup> Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (IIIT 2008) 23–30.

<sup>85</sup> Quran chapter 96 verse 1

<sup>86</sup> Ibn Majah, hadith No. 224, p. 47

<sup>87</sup> Jamal J. Nasir, *The Status of Women under Islamic Law and Modern Islamic Legislation* (3rd edn, Brill 2009) 39–41;



Therefore, depriving women of education is in clear contradiction to the teachings of Islam, which emphasizes the pursuit of knowledge for all believers, both male and female. Such deprivation not only limits women's ability to fulfill their religious obligations effectively but also undermines their spiritual, intellectual, and social development.<sup>88</sup>

In a broader sense, restricting women's access to education weakens the moral and intellectual fabric of society by preventing half of the community from contributing meaningfully to its growth and advancement.<sup>89</sup>

## 2.9 RIGHTS TO EMOTIONAL WELL-BEING, DIGNITY, AND PEACE OF MIND

The rights to emotional well-being, dignity and peace of mind are another right of the woman in polygynous marriage identified by participants during the interview. The data reveal a set of rights centered on psychological and emotional welfare that, while perhaps less frequently articulated in classical fiqh literature, are acknowledged by respondents as genuine entitlements within Islamic marriage. One participant<sup>90</sup> explicitly identified "the right to emotional and psychological well-being" as a recognized right of women in polygynous marriages. Another noted the entitlement to peace of mind and religious development and understanding," linking psychological welfare to spiritual flourishing. Respondents also articulated the right to "express feelings without being misinterpreted" and the right "to be heard and seen," indicating an understanding of emotional expression and dignified communication as components of the marital entitlement framework. One respondent recommended "providing counselling and support groups for women in polygynous marriages," recognising that institutional support mechanisms may be necessary to give practical effect to these rights.

It is necessary to state that the rights identified by the participants are not at odds with Islamic Law. Islam encourages men to give women the respect they deserve. A woman shouldn't be humiliated or treated as inferior to her husband. A woman must be afforded the respect and dignity she deserves. This is in line with the words of the Prophet(S.A.W.) in his farewell sermon, when he emphasized women's right to dignity and respect.<sup>91</sup>

وَأَسْتَوْصُوا بِالنِّسَاءِ فَإِنَّ الْمَرْأَةَ خُلِقَتْ

“Treat women kindly, for they are your partners and committed helpers”

Therefore, women's rights to emotional well-being, dignity and peace of mind in marriage are not borrowed rights but are well protected under Islamic law.

<sup>88</sup> Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (3rd edn, Islamic Texts Society 2003) 367–369;

<sup>89</sup>Nasir (n 87)

<sup>90</sup> P5, interview with an Islamic Scholar at Ilorin, Kwara State 18/2/2026

<sup>91</sup> Muslim, ḥadīth No. 1468, p. 412



### 3.0 QUANTITATIVE DATA ANALYSIS ON THE ASSESSMENT OF THE RIGHT OF MUSLIM WOMEN IN POLYGYNOUS MARRIAGE IN ILORIN METROPOLIS, KWARA STATE, NIGERIA

In this study, the researcher adopted a quantitative approach to collect data from respondents on their awareness of women's rights in polygynous marriages in the Ilorin metropolis. The collected data were analyzed, as shown in Table 1.

Table 1: Rights of Muslim Women in Polygynous Marriages in Ilorin, Kwara State, Nigeria

| S/N | Statement                                                                                                                                             | Mean | Std. Deviation |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------|------|----------------|
| 1   | Islamic law provides Muslim women in polygynous marriages with several rights to be enjoyed in their marriage                                         | 2.00 | .677           |
| 2   | Muslim women in polygyny are entitled to the right to maintenance and the right to be treated with dignity and respect                                | 1.84 | .657           |
| 3   | Muslim women in polygyny according to Shari'ah have the right to equitable treatment by their husbands among co-wives                                 | 1.76 | .693           |
| 4   | Muslim women in polygyny have the right to educational and personal advancement                                                                       | 1.84 | .746           |
| 5   | Muslim women in polygynous marriages have the right to inherit from the properties of their husbands in case they survive their husbands after death. | 1.75 | .786           |
| 6   | Muslim women are adequately enjoying the rights mentioned above in polygynous marriages in Ilorin, Kwara State                                        | 1.80 | .790           |
|     | Valid N (listwise)                                                                                                                                    |      |                |

Source: Researcher's Field Study, 2026

The table above presents respondents' perceptions of the rights of Muslim women in polygynous marriages in Ilorin, Kwara State, Nigeria. The decision rule is that a mean score below 3.00 indicates agreement that Muslim women possess such rights. In contrast, a mean score of 3.00 or above indicates disagreement. The findings show that respondents generally agreed.

Muslim women in polygynous marriages have recognized rights under Islamic law. Specifically, respondents agreed that Islamic law provides Muslim women in polygynous marriages with several rights (Mean = 2.00, SD = .677). The findings further indicate that Muslim women are entitled to maintenance, dignity, and respect (Mean = 1.84, SD = .657), equitable treatment among co-wives in accordance with Shari'ah (Mean = 1.76, SD = .693), and the right to educational and personal advancement (Mean = 1.84, SD = .746). Respondents also agreed that Muslim women in polygynous marriages have inheritance rights over their husbands' property after death (Mean =



1.75, SD = .786). Furthermore, respondents affirmed that these rights are adequately enjoyed by Muslim women in polygynous marriages in Ilorin, Kwara State, Nigeria (Mean = 1.80, SD = .790). Overall, the results suggest that Islamic law recognises and protects various rights of Muslim women in polygynous marriages, and that these rights are perceived to be substantially observed within the study area.

### **3.1.0 EXAMINING THE ADEQUACY OF ENJOYMENT OF RIGHTS OF MUSLIM WOMEN IN POLYGYNOUS MARRIAGE IN PRACTICE**

Despite the normative clarity of the rights framework, the data indicate a significant gap between theoretical entitlements and their practical realization among women in polygynous marriages in Ilorin. A majority of respondents reported that women do not adequately enjoy the rights accorded to them under Islamic law. Responses such as "No, they aren't being enjoyed," "Not adequately," and "many women do not fully benefit from all those rights in practice in Ilorin" point to a pervasive pattern of rights deprivation. One respondent<sup>92</sup> offered a particularly stark assessment: "5% out of 100% enjoy this equitable treatment," suggesting near-total practical non-fulfillment of the Islamic standard. Fewer respondents acknowledged partial or context-dependent enjoyment, with one participant noting that "some polygynous marriages afford women opportunities to enjoy the rights above while some may not," and another affirming that the adequacy of rights enjoyment depends on "the kind of husband." One respondent provided a personal account: "Alhamdulillah in my marriage", illustrating that such positive experiences, while exceptional, do exist.

P9 attributed this lack of enjoyment of women's rights in polygynous marriage to their husbands, stating that women don't enjoy those rights given to them by Allah because of their husband's self-interest.

"No, most women are denied their Islamic rights, like the right to equitable rights with their elderly ones, the right to inherit from their late husband in some cases, not all; some even deny their wives their educational rights just because of their own self-interest."<sup>93</sup>

The majority of the problems encountered by women in polygynous marriage must be due to their husbands' level of understanding and to a lack of understanding of the provisions of Islamic law regarding women's rights. This is in line with another respondent's answer during the interview when she was asked whether women in polygynous marriage enjoyed their rights.

No, because I strongly believe that if the rights are adequately enjoyed, the problems in polygamy will be minimized to some level.<sup>94</sup>

### **3.3.0 WEAK ENFORCEMENT AND IMPLEMENTATION GAPS**

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<sup>92</sup> P 3, Interview with women in polygynous marriage at Ilorin, Kwara State, 17/2/2026

<sup>93</sup> P9, interview with an Islamic Scholar on the rights of women in polygynous marriage held in Ilorin, Kwara State, Nigeria, 2/3/2026

<sup>94</sup> P8, interview with a woman of polygynous marriage on the rights of women in polygynous marriage held in Ilorin, Kwara State, Nigeria, 3/3/2026



Beyond the absence of dedicated legislation, the data reveal a pervasive problem of weak enforcement of the legal and normative frameworks that do exist. Even respondents who acknowledged that some regulatory structures are in place expressed deep scepticism about their practical efficacy: one participant noted that the existing frameworks are "trying but not duly followed." At the same time, another articulated the core problem as one of implementation rather than principle: "the legal framework exists, but its sufficiency depends on implementation and accessibility." Respondents<sup>95</sup> observed that "These rights are simultaneously actually strong in principle, but the real issue is whether they are genuinely followed in practice," capturing the gap between normative aspiration and lived reality. The data also reveal that Nigerian family law, as currently structured, offers stronger protections for monogamous marriages, with one respondent<sup>96</sup> noting that the "Nigerian legal system has protection for the single marriage system, but when it comes to women's rights in polygynous marriages, they are not consistently protected." This asymmetry leaves women in polygynous marriages in a legal grey zone where their rights are acknowledged in Islamic law yet systematically underprotected by the state.

#### 4.0 CONCLUSION

The study finds that women's rights in polygynous marriage under Shari'ah are derived from the primary sources, the Glorious Qur'an and Sunnah, thereby making their observance matters of obedience to Allah's commandments. The empirical findings presented in this study reveal that Muslim women in polygynous marriages are generally aware of certain rights accorded to them under Islamic law, particularly the rights to maintenance, accommodation, inheritance, dower (*mahr*), and equitable treatment among co-wives. The findings further indicate that respondents widely acknowledge that Shari'ah provides a comprehensive framework for protecting women's rights within polygynous unions and imposes corresponding obligations on husbands to ensure justice, fairness, and family harmony.

However, the study also reveals varying levels of compliance with these rights in practice. While some respondents reported enjoying their rights to maintenance, accommodation, and respectful treatment, others expressed concerns about unequal treatment, emotional neglect, inadequate financial support, and limited awareness of certain legal entitlements. The findings suggest that although the principles governing polygyny under Islamic law are well established, their practical implementation is often shaped by social, economic, educational, and cultural factors.

The empirical data further demonstrate that women's rights in polygynous marriages extend beyond material provisions to encompass emotional well-being, dignity, respect, participation in family decisions, and protection from discrimination. Respondents generally agreed that observing these rights significantly contributes to marital stability, family cohesion, and the overall welfare

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<sup>95</sup> P9, interview with an Islamic Scholar on the rights of women in polygynous marriage held in Ilorin, Kwara State, Nigeria, 2/3/2026

<sup>96</sup> P 10 interview with an Islamic Scholar on the rights of women in polygynous marriage held in Ilorin, Kwara State, Nigeria 8/4/2026



of women and children. Conversely, failing to observe these rights often leads to dissatisfaction, conflict among co-wives, emotional distress, and family instability.

The findings therefore affirm that Islamic law provides substantial safeguards for women in polygynous marriages. Nevertheless, the effective realization of these rights depends largely on husbands' commitment to fulfil their religious and legal obligations, women's awareness of their rights, and supportive family and community structures that promote justice and accountability. Consequently, while the rights of women in polygynous marriages are firmly recognized under Shari'ah, greater efforts are required to ensure their practical observance and enforcement.

The empirical evidence gathered in this study underscores the need to strengthen awareness, education, and compliance mechanisms to bridge the gap between the rights guaranteed under Islamic law and the realities women experience in polygynous marriages.