



REVISITING POLYGAMY LAWS IN BANGLADESH: A SHARIAH-INFORMED PHILOSOPHICAL INQUIRY INTO PARENTING, MARITAL JUSTICE, AND THE IMPORTANCE OF MARRIAGE EDUCATION

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ABSTRACT

This study offers a critical examination of the practice and regulation of polygamy in Bangladesh. The analysis is situated within an integrated theoretical framework that draws upon Islamic legal theory, critical legal theory, social constructionism, and critical pedagogy. Particular attention is given to the potential philosophical tension between the Qurānic permissibility of polygamy and the restrictive provisions embedded in the Muslim Family Law Ordinance 1961. The findings highlight, first, the socio-emotional challenges experienced by women and children in polygamous households, and second, the extent to which the absence of structured marriage education exacerbates family instability and psychological distress. In response, the study advances a reform model that seeks to harmonize legal regulation with the higher objectives of *Sharī'ah* (*Maqāṣid al-Sharī'ah*), while simultaneously advocating for the incorporation of transformative marriage education as a means of promoting justice, compassion, and sustainable family development.

KEYWORDS

Polygamy, Muslim Family Laws Ordinance (MFLO), Maqasid al-Shariah, marriage education; critical pedagogy, socio-emotional well-being.

INTRODUCTION

Polygamy in Bangladesh exists at the complex intersection of Islamic jurisprudence, state law, and **social practice**. While the Qur'an permits a man to marry up to four women under the strict condition of ensuring justice and equitable treatment for each wife, critics argue that true emotional and material parity is rarely achieved in practice. This imbalance has been linked to higher rates of mental health issues and family conflict among women in polygamous households (Al-Sharfi et al., 2015; Shepard, 2013)

In Bangladesh, the Muslim Family Laws Ordinance (MFLO) 1961 attempts to regulate this practice, requiring a man to obtain permission from a council and the first wife's approval before a subsequent marriage. Violators face legal penalties, including imprisonment and fines (Maqsood, 2016; Ria, 2025). However, as noted by organizations like Human Rights Watch, these laws are frequently unenforced due to a lack of administrative capacity within local councils. Consequently, men often proceed with a new marriage without authorization, leaving their existing wives uninformed and unprepared (Watch, 2012).

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This legal and practical gap creates significant challenges, from emotional distress and relational imbalances to parenting difficulties. It highlights a core tension: navigating the gap between the divine permissions of Islamic law and the more restrictive regulations of the state. Critics argue that the MFLO's limitations reflect modern ideals of gender equality, which may diverge from classical *Shariah* principles, thereby creating a growing schism between state law and Islamic understanding (Hoque & bin Mohd Zarif, 2020).

Adding to this strain is a widespread lack of marital education. Couples and communities often lack the ethical and practical guidance necessary to manage the complex emotional and organizational demands of a polygamous family. From a social constructionist perspective, this absence of marital literacy within legal discourse is not accidental but rather a product of an intentional oversight (Berger & Luckmann, 2016).

In this context, this paper will address four critical objectives:

1. To analyze the jurisprudential tension between Qur'anic provisions for polygamy and the restrictions imposed by the Muslim Family Laws Ordinance 1961.
2. To examine how the limitations and poor enforcement of state laws contribute to familial and socio-emotional discord.
3. To investigate the role of inadequate marital education in the mismanagement of polygamous households.
4. To propose a Shariah-aligned reform model that integrates legal and educational frameworks to foster equitable and sustainable family structures.

Grounded in the theoretical frameworks of Islamic legal theory, critical legal theory, social constructionism, and critical pedagogy, this inquiry seeks to bridge the gap between jurisprudential interpretation and lived experience. By investigating ethical *ijtihad* (independent reasoning in Islamic law) and transformative pedagogy, it aims to develop a framework for a more just and emotionally sound family structure in Bangladesh.

Theoretical Frameworks

The following theoretical perspectives of this study form a combined framework to critically examine the legal, ethical, and educational dimensions of polygamy in Bangladesh:

Islamic Legal Theory (Usul al-Fiqh and Maqasid al-Shariah)

Islamic legal theory, which includes both the principles of jurisprudence (*Usul al-Fiqh*) and the higher objectives of Islamic law (*Maqasid al-Shariah*), provides the foundational lens for this inquiry. It allows us to analyze polygamy not as an absolute right but as a conditional permission tied to the core objectives of justice (*'adl*), compassion (*rahmah*), and public welfare (*maslahah*) (Kamali, 2008). The Qur'an's permission (Al-Quran, Sura An-Nisa, 4:3) is contingent on a husband's ability to treat all wives equally; failure to do so is considered an act of injustice (Esposito, 2001).

From a *Maqasid* perspective, Islamic law prioritizes the preservation of human dignity, family, and lineage. Therefore, this framework will be used to determine whether the state's current legal restrictions are consistent with these higher ethical goals (Auda, 2008). *Usul al-Fiqh* provides the methodological tools for jurisprudential interpretation (*ijtihad*), while *Maqasid al-Shariah* serves as an ethical compass, evaluating both permissive and restrictive legal frameworks based on their ultimate impact on human well-being.

Critical Legal Theory

Critical Legal Theory (CLT) will be used to analyze how the law functions not as a neutral body of rules, but as an instrument of social control that often reflects existing power dynamics (Unger, 1983). This framework will allow us to question whether the provisions of the Muslim Family Law Ordinance (MFLO) 1961 truly promote gender justice or if they inadvertently suppress religious and personal freedoms.

The MFLO can be analyzed as a product of inherited colonial law and modern gender discourses, potentially creating a legal system at odds with normative Islamic principles of justice and welfare (Baxi, 1982). By imposing procedural restrictions designed to regulate polygamy, the MFLO may force these marriages underground, leading to new forms of injustice for women and children. This theoretical lens provides the basis for reconsidering legal reforms by challenging the assumptions behind state intervention and advocating for a more harmonious integration of Shariah principles with contemporary social needs.

Social Constructionist Theory

Social Constructionist Theory, as articulated by Berger and Luckmann (2016), offers a crucial lens for examining how cultural and legal discourses shape societal norms around marriage and family. This theory posits that polygamy in Bangladesh is not merely a religious or legal issue but a socially constructed practice whose meaning is shaped by a dynamic interaction between government regulations, media, and local customs.

While Islamic law permits polygamy under specific conditions, state interventions like the MFLO have contributed to its stigmatization by framing it as a backward practice that is incompatible with modern gender norms. This theoretical approach focuses on how individuals internalize these societal norms, often leaving them caught in a conflict between their religious beliefs and societal expectations. The absence of formal marriage education further aggravates this conflict, failing to equip individuals with the critical consciousness needed to navigate the emotional and practical complexities of complex family arrangements.

Critical Pedagogy

Finally, the philosophy of Critical Pedagogy provides a way to understand the potential of transformative education to address the practical and ethical challenges within polygamous family systems. Drawing on Paulo Freire's (1970) concept of critical consciousness, this framework highlights the importance of equipping individuals with the tools to analyze their social realities and bring about positive change.

This aligns with the Islamic concepts of *tafaqquh fi 'd-dīn* (a deep understanding of religion) and *shūra* (consensual consultation), both of which are essential for preparing men and women for the complexities of marriage and parenthood (al-Attas, 1993). The lack of formal marriage education in Bangladesh is a significant issue that leaves couples unprepared for the ethical and emotional demands of polygamy. Critical Pedagogy advocates for an educational approach that goes beyond treating marriage as a mere legal contract. It calls for open, conscious dialogue and learning that promotes justice, personal growth, and cooperative decision-making within the family. This study, therefore, uses this framework to argue for a Shariah-compliant marriage education program that instills the core Islamic values of empathy and justice.

LITERATURE REVIEW

Socio-emotional Impact on Women and Parenting Challenges

Women in polygamous marriages often experience adverse emotional outcomes. Children raised in such families also face heightened psychological difficulties. Compared with women in monogamous unions, those in polygamous households are more vulnerable to depression. In Bangladesh, as in other countries, wives who enter a marriage as the “second” or “third” partner frequently encounter emotional neglect, social stigma, and diminished dignity (Shepard, 2013).

Effects on Children and Family Dynamics

Global reviews indicate that polygamous family structures are frequently associated with behavioral, emotional, and academic problems among children (Al-Sharfi et al., 2015; Shepard, 2013). A phenomenological study in Pakistan and Ethiopia identified family

disintegration, jealousy, and sibling rivalry as key issues affecting interpersonal relationships (Pervez & Batool, 2016). Intervention-based research in Ethiopia further points to poor communication and overall dysfunction in polygamous households. Comparative studies across Asia and Africa consistently report maladjustment and emotional distress among children, with many exhibiting lower self-esteem and weaker family cohesion.

Contextual and Cultural Variation

While the prevailing pattern highlights substantial emotional harm, some studies recognize conditional benefits when polygamy is practiced under just and equitable circumstances. Qualitative reviews by Elbedour et al. (2002) and Tabi et al. (2010) noted potential economic and communal advantages—particularly for childless wives and cooperative sibling households—when the husband genuinely adheres to Islamic principles of justice and welfare. This nuance is philosophically significant, as it demonstrates that outcomes are shaped less by the family structure itself and more by the ethical conduct of family members.

Gender-biased Interpretations and Patriarchal Influence

In many cases, Qur'anic injunctions on polygamy are interpreted superficially, without regard for their ethical and contextual meaning. Such interpretations mistakenly suggest that Islam grants men unconditional license to practice polygamy. This neglects the Qur'an's emphasis on justice, fairness, and responsibility within marriage. These misreadings are not value-neutral; rather, they often arise from and reinforce patriarchal social attitudes. Instead of reflecting the higher moral purposes of Islam, they function to legitimize male authority and undermine women's dignity (Unger, 1983).

Educational Interventions and Knowledge Deficits

The absence of structured, Shari'ah-aligned marriage education intensifies the challenges of polygamous life. While studies in Ethiopia highlight the positive role of educational programs in improving communication within polygamous families, Bangladesh lacks comparable initiatives (Women, 2018).

Synthesis of Literature

The reviewed literature reveals several critical patterns. First, there is strong evidence that polygamous arrangements, particularly when poorly managed, cause significant emotional harm to women and children (Shaiful Bahari et al., 2021; Shepard, 2013). Second, studies by Elbedour et al. (2002) and Tabi et al. (2010) demonstrate that when practiced in accordance with ethical and Shari'ah-based principles—such as justice, compassion, and equitable treatment—polygamy may yield conditional social and economic benefits. Third, much of the statutory regulation of polygamy remains influenced less by Islamic jurisprudence than by ideological or patriarchal biases (Misbah & Setyaningrum, 2023). This promotes restrictive and sometimes distorted applications of law. Finally, the overall lack of marriage education informed by Shari'ah leaves families ill-equipped to manage the complexities of polygamy, while simultaneously enabling uncritical or culturally biased interpretations of Islamic law.

Taken together, these findings underscore the central philosophical challenge addressed in this study: the tension between religious permissibility and lived injustice, and the pivotal role of education in mediating this tension. They also provide a clear foundation for advancing the paper's analytical and reformative objectives. So, this paper has four Critical, Analytical, Philosophical Research Objectives.

RESEARCH OBJECTIVES

This paper pursues four critical, analytical, and philosophical objectives:

1. **To critically evaluate** the philosophical tension between the divine permissibility of polygamy in Islamic jurisprudence and the statutory limitations imposed by the Muslim Family Laws Ordinance (1961) in Bangladesh.
2. **To analyze** the socio-emotional and parental challenges generated by restrictive interpretations of polygamy, particularly regarding gender justice, child-rearing, and marital harmony.
3. **To examine** how the absence of structured marriage education contributes to the poor management of polygamous family structures, thereby undermining emotional equity and parenting responsibilities.
4. **To propose** a Shari'ah-compliant framework for educational and legal reform, grounded in ethical reasoning, social philosophy, and flexible legal interpretation (*ijtihad*), to promote sustainable family development.

METHODOLOGY

This paper employs a conceptual-analytical methodology, which involves a systematic and critical analysis of existing literature and theoretical frameworks. Instead of collecting primary empirical data, this research is grounded in a deep and comprehensive review of secondary sources.

The data for this study were sourced from a wide range of academic and institutional materials, including scholarly articles from reputable databases (e.g., JSTOR, Google Scholar), academic books on Islamic law and family studies, and reports from credible non-governmental organizations like Human Rights Watch. This approach is particularly well-suited for a study that aims to conceptually interrogate the multifaceted issue of polygamy by synthesizing complex legal, ethical, and educational dimensions. By critically reviewing and interpreting this body of knowledge, the research seeks to develop a new theoretical model for legal and social reform, addressing the core tensions between religious permissions and state regulations.

ANALYSIS

Philosophical Conflict: Qur'anic Permissibility vs. Legal Regulation

Islamic jurisprudence through *Usul al-Fiqh* views polygamy as a temporary provision for maintaining justice along with compassion and public good in specific situations including post-war care for widows and orphans according to Al-Qur'an Sura An-Nisa 4:3. According to the classical jurists particularly Shafi'i the best moral choice involves marrying only one wife because it is challenging to maintain equal treatment among multiple wives. Islamic law codifies polygamy as a special exception which is based both on ethical values and religious teachings. Early 20th-century Muslim modernists- Muhammad Abduh, Rashid Rida, Tahar Haddad- protested against the practice of unlimited polygamy. Islamic law allows for restriction or suspension of polygamy if it results in injustice or harm according to the principle that prohibition against harm is prior to acquisition of benefit. The principles of *ijtihad* in Islamic law illustrate how qualified jurists can generate contextually adaptive interpretations that uphold justice and promote the higher objectives of Shariah.

Legal Restrictions: MFLO 1961 and Its Philosophical Underpinnings

As per Muslim Family Laws Ordinance 1961 Article 6 all subsequent marriages require an approval of an Arbitration Council and the current wives' assent (Bangladesh, 1961). The legislation provides legal punishments for unauthorized polygamy in terms of imprisonments and financial fines. Such legislations establish the legal framework which assumes polygamy to be a bad practice unless some modern socio-economic conditions make it necessary to introduce it. The rigid MFLO requirements tend to go beyond the limits of Qur'anic guidance that call for justice without formal legal approval and therefore are capable of turning religious objectives into administrative norms. Ria (2025) points out that MFLO creates a punitive

system that effectively stops polygamy except for rare circumstances despite the Qur'anic requirements for justice. The High Court's decisions from the year 2022 examined whether MFLO violates the constitutional principles of justice and equal treatment for multiple wives.

The authors Hoque and bin Mohd Zarif (2020) suggest that MFLO emerged as a product of colonial and modernist legal frameworks. The law tries to prevent abuse yet it simultaneously maintains polygamy's negative reputation which goes against Shariah principles for protecting family welfare and social harmony. According critics the MFLO system dismisses the *ijtihad* traditions while it restricts Shariah's adaptive jurisprudence by replacing judicial discretion through bureaucratic governance that fails to promote social welfare. According to the High Court in *Jesmin Sultana v. Elias* (1997) the husband must demonstrate capability of fulfilling *adl* in both rights and affection according to Qur'anic precepts of justice which establish conditions previously. The High Court mandated in 2022 that the government must provide constitutional justification for Section 6 of MFLO and establish equal rights for wives.

Table 1: Table: Analytical Synthesis

Element	Shariah Perspective	MFLO Approach
Permissibility	Conditional, justice-based	Highly regulated, procedural
Intent	Uphold justice/welfare	Discourage misuse; protect women
Legal Form	Ethical and spiritual norms	Bureaucratic control, penalties
Outcome	Justice through <i>ijtihad</i>	May result in injustice and underground practice

This divergence reveals a philosophical misalignment (Table 1). The regulatory framework of MFLO which protects intentionally may create conflicts with Shariah ethical adaptability and *ijtihad* justice leading to implementation problems between divine goals and statutory rules. Polygamous relationships often move to informal settings because of strict procedural rules which damage both religious approval and legal protection.

The analysis confirms that Bangladesh's legal framework although protective exceeds the boundaries established by Islamic jurisprudence through excessive legal regulation of Quranic provisions. Research indicates that Shariah needs *ijtihad* to establish a framework which unites procedural control with ethical treatment of justice and compassion and welfare. The research establishes a philosophical disagreement between Shariah objectives and statutory procedures through a critical evaluation of these tensions to propose solutions which enhance Shariah principles through legal frameworks that respect social justice.

Socio-Emotional & Parental Challenges under Restrictive Polygamy Laws

The procedural restrictions imposed by MFLO 1961 such as mandatory written consent and Council arbitration approval are commonly disregarded during implementation. Human Rights Watch (2012) found that none of the councils assembled when examining women while men remarried without obtaining permission or experiencing legal consequences. The procedural breakdowns lead to emotional distress together with insecurity for women because institutions fail to provide help as demonstrated by Shefali S.'s case where she suffered abuse and abandonment without any help.

Studies show that women in polygamous marriages often experience higher levels of emotional strain compared to women in monogamous unions. Common challenges include depression, anxiety, feelings of hostility, and reduced life satisfaction. Children growing up in polygamous households are also more likely to face psychological difficulties, which can affect their overall well-being. Research consistently highlights these negative outcomes as ongoing patterns within such family structures.

Research indicates that children living in polygamous families develop more behavioral issues alongside emotional problems while showing worse academic results. Research indicates that students from polygamous families demonstrate poorer performance in mathematics and English assessments. The systematic review shows these family environments experience less unity and more relationship conflict.

The strong patriarchal society of Bangladesh along with poor female empowerment creates serious problems in polygamous family practice that exacerbate emotional and parental issues. The legal system of handling polygamous marriages is not efficient in delivering effective outcomes and therefore creates large numbers of unstable marriages and social prejudice. Teenage wives in urban slums face severe emotional harm as they learn about their husband's remarriage from official sources which leads to anxiety and abandonment and public shame. Women are exposed to worsening conditions as gender discrimination prevents them from attaining economic independence and property rights and securing maintenance rights. Protective laws to safeguard women against exploitation inadvertently cause harm to their mental health and parental care. The following table provides a clear representation of this conflicting scenario.

Table 2: Conflicting Scenario

Issue	Legal Context	Socio-Emotional Impact
Procedural failure	Arbitration Council requirements often ignored	Anxiety, abandonment, insecurity among women
Weak enforcement	No penalties for unapproved polygamy	Loss of trust in legal institutions
Resource dilution	Husband's divided attention and finances	Child academic deficits, emotional neglect
Patriarchal economic insecurity	Land and maintenance rights are flawed	Financial dependence, mental health strain

This evidence points towards the underlying contradiction: the current regulatory system, as it strives to uphold gender justice and religious morality, actually fosters emotional ruin and structural disintegration (Table 2). In the absence of legal enforcement and educational intervention, polygamous families are extremely vulnerable to unnecessary distress—especially children, who often suffer from interrupted schooling and undermined emotional security. Therefore, marital satisfaction and fair parenting in polygamous relationships need more than legal control. Three fundamental strategies form the solution: (1) laws with strong enforcement mechanisms, (2) extensive socio-emotional assistance programs for families and (3) educational programs that base their teachings on moral values and relational models of marriage and parenting. The essential points form the foundation to discuss transformative education as it attempts to solve these fundamental problems in the next phase of research.

The Role of Marriage Education in Polygamous Contexts

Absence of Formal Marriage Education in Bangladesh

The education system relating to marriage in Bangladesh is mostly made up of informal practices such as mosque sermons and advice from family members rather than state-initiated programs regarding polygamous family management. The 2012 Human Rights Watch report illustrates that local arbitration councils lack training and supervision which is reflective of a systemic failure to provide emotional and educational support to families after marriage such

as in communication and consent and parenting and this failure explicitly places polygamous families at risk.

Educational Interventions in Similar Societies

Large scale intervention in polygamous settings outside Bangladesh reveal striking contrasts: The family-oriented behavioral intervention targeting adolescents in polygamous families demonstrated that education suppresses emotional problems resulting from feelings of parental injustice. Researchers underscored Shariah-compliant principles: wife equitability, equitable parenting, and open communication between father and child. The Cameroon and other African nations' research affirm the reality that schooling empowers women as it reorients cultural beliefs about polygamy through the development of bargaining power and enhanced choices.

Consequences of Educational Deficits

Evidence suggests that the absence of formal marriage training contributes to psychological and relational difficulties for couples in polygamous marriages. Women often report emotional suffering, while children may also endure negative effects within such households. Qualitative studies show that religious belief and personal sacrifice are sometimes used as coping mechanisms, yet these strategies are often insufficient to prevent problems like jealousy, isolation, and conflict. Without proper preparation, polygamous families may face environments of emotional instability, household dysfunction, and long-term psychological harm.

Informal Social Narratives and Cultural Conditioning

In Bangladesh, the religious and cultural narratives surrounding marriage are largely more patriarchal or rooted in fear-stained teachings rather than normal, justice-oriented interpretations of Shariah. The online dialogue, especially through urban areas such as Dhaka, is characterized by a significant absence of education on marital ethics—leaving citizens to depend on strict and overly broad religious instruction. The literature mentions that there are three major issues: first, there's a definite shortage of uniform marriage education that responds to major concerns such as communication, consent, and financial planning; second, we can see that identical programs have been successful in countries like Ethiopia and regions of Africa; and third, the majority misread religious texts since there are no critical, Shariah-based teaching methods. Thus, marriage education is not just an added asset—but it's a vital link between Islamic education and emotional readiness. It has the potential to enhance parental roles, foster emotional resilience, and advocate for marital justice in line with the *Maqasid al-Shariah*, making it a key component of the proposed reform model for Bangladesh.

Developing a Shariah-Compliant Educational and Legal Reform Model

Three major components are evident in the literature in developing a shariah-compliant educational and legal reform model: reforming legal frameworks, embedding Shariah principles, and innovating marriage education.

Various Legal Reform Models Inspired by Maqasid al-Shariah

Maqasid al-Shariah Theory: Past and contemporary scholars such as al-Gazali, al-Shatibi, and Auda emphasized the necessity of relating any legal reform to the higher objectives of Shariah i.e. justice, welfare, and dignity. This permits flexibility (ijtihād) in personal status laws based on the possibility of establishing reforms from general principles rather than specific texts.

Mudawana in Morocco: The Moroccan family code underwent successful reform (2004), limiting polygamy, raising marriage age, and granting more rights to women which are all within an Islamic framework. This example illustrates how reform can emerge from within Islamic jurisprudence and align with maqasid principles.

Malaysia's Sisters in Islam (SIS): This NGO promotes gender-fair legal interpretations using maqasid reasoning. Their jurist-based critique of polygamy enables educational reform and illuminates how Shariah-led advocacy can transform laws from within.

Marriage Education as a Reform Component

Critical Marriage Education

Freirean pedagogy, UPR frameworks, and Islamic education theory stress preparation for marriage designed to foster ethical sensitivity and shared responsibility (*tafaqquh, shura*). Training of judges and teachers in Morocco's reforms included that which integrates with Islamic ethics fused with jurisprudence

Global Lessons

Research in Ethiopia, Cameroon, and other places has supported that marriage education aimed at communication, money management, and religious morals strengthens relationship equity and lowers psychological distress between the polygamous spouses.

Bangladeshi Gap

There are no officially certified marriage education systems operationally offering polygamy in Bangladesh. Arbitrators or religious leaders do not receive formal training in family ethics or mental health. As a result, there is a gap in emotional and parental support.

Table 3: Summary of Shariah-Compliant Educational and Legal Reform Model

Component	Legal Reform	Educational Reforms
Principles	Maqasid-aligned statutory revision; introduce mechanisms for <i>ijtihad</i>	Discover how to analyze Islamic ethics critically, emphasize justice and respect (<i>tafaqquh, shura</i>)
Procedures	Arbitration councils staffed with certified Shariah/legal training; operating under supervised transparency	Premarital and post-marital education modules; capacity-building for arbitrators
Outcomes	Meaningful consent and equitable marriage contracts; enforceable women's rights	Enhanced parental communication, emotional resilience; psychological well-being

The above table shows the integrative model (Table 3) at a glance including the legal and educational models to tackle the ethical and practical concerns surrounding polygamy. By aligning legal reform with Maqasid al-Shariah's values and adding *ijtihad*-based flexibility, this legal system not only secures religious legitimacy but also institutes justice and enforceable rights. Simultaneously, educational reforms - based on *tafaqquh* and *shura* - prepares couples with the emotional, ethical, and relational skills necessary for family life. Empirical data from countries like Morocco and Malaysia support the effectiveness of this holistic approach, because it shows that integration preserves Islamic identity while advancing gender justice and social cohesion.

Advisable Socio-Religious Model for Polygamy in Bangladesh

This model presents a comprehensive approach to ethically managing polygamy by reconciling religious allowance (*Shari'ah*) with legal boundaries and educational efforts, promoting fairness (*'adl*), empathy (*Rahmah*), and family well-being (*maṣlaḥah*)."

Shariah-Compliant Legal Framework (Ijtihad-Informed)

The first pillar of the model emphasizes aligning statutory law with Maqasid al-Shariah (higher objectives of Shariah), with the focus on justice, welfare, and human dignity (Auda, 2008). While Islamic jurisprudence permits polygamy conditionally (Qur'an 4:3), the state can regulate it to prevent harm (*darar*), as *harm* prevention is a core principle in Islamic legal theory (Kamali, 2008). Two steps may be taken in this regard: reforming arbitration councils and establishing a transparent consent mechanism.

While reforming arbitration councils involves empowering them with Shariah-trained, gender-aware arbitrators who carefully evaluate polygamy requests by considering the husband's ethical ability (*qudra*) and emotional preparedness.

Similarly, a clear and transparent consent process formalizes approval from current wives, making sure that their agreement is genuine and not forced or merely a formality. Both of these align with Morocco's *Mudawana* reforms (2004), where polygamy was not banned outright but subjected to strict ethical and procedural scrutiny within an Islamic framework (Welchman, 2007).

Transformative Marriage Education

The second pillar is about providing marriage responsibilities and meanings before and after marriage, bending Islamic principles with modern methods. Emotional intelligence, communication, and financial planning skills are stressed in premarital modules, while post marital module supports parenting counseling, conflict resolution capability, and mental health awareness. Active community involvement like involvement of imams and educators is unavoidable to oppose patriarchal misconstructions and enhance moral family practices. Evidence from Ethiopia provides evidence for the success of such interventions, and it identifies more communication and less conflict in polygamous households.

Socio-Cultural Sensitization and Policy Advocacy

The third pillar aims to shift community attitudes by reducing stigma against polygamy and protecting women. Training religious leaders in gender-sensitive, Shariah-based interpretations works to thwart patriarchal manipulation of religious texts. Policy advocacy also promotes hybrid models merging state law and Islamic law principles, rendering reforms are both religiously grounded and socially viable.

Table 4: Advisable Socio-Religious Model for Polygamy in Bangladesh

Pillar	Key Components	Shariah Alignment
Legal Regulation	Reform Arbitration Councils, enforce ethical polygamy conditions, transparent consent mechanisms	Justice (<i>adl</i>), welfare (<i>maslahah</i>)
Marriage Education	Premarital/post marital modules on equity, emotional intelligence, and Shariah ethics	Deep understanding (<i>tafaqquh</i>), consultation (<i>shura</i>)
Socio-Cultural Reform	Anti-stigma campaigns, imam training, and policy advocacy	Compassion (<i>rahmah</i>), harm prevention (<i>darar</i>)

This model (Table 4) pays full attention to religious permissibility in parallel to social justice and instructs one for ethical family life. This Socio-Religious Ethical Model allows for polygamy if practiced in alignment with intended divine intention, aligned with current social conditions in contemporary Bangladesh. This model utilizes *ijtihad* as a legal and conceptual strategy, includes critical pedagogy, and encourages engagement and realities faced in the

community to support justice for families, as well as acceptable conditions for children's wellbeing.

Alternative 5W Screening Checklist for Counselors

In order to control unnecessary attempt to polygamy, certified counsellors may regularly use a simple 5W checklist to understand why someone wants to practice polygamy. This checklist consists of *Why, Who, When, How, To What Extent* aspects of intention to remarriage. Here are the specific questions for each part:

WHY – Here are the specific questions for each part:

1. Does the intention follow Shariah goals (e.g., justice, compassion, care for widows/orphans)?
2. Is the motivation ethical or spiritual, or driven by personal desires (Lust, patriarchy, economic gain)?
3. Has the husband carefully considered if he can treat all wives fairly, both emotionally and financially ('adl)?
4. Are there alternative solutions to the issue prompting polygamy (e.g., financial support, guardianship without marriage)?

WHO – Identify stakeholders and family readiness

1. Is the man emotionally mature and financially stable enough to care for more than one wife and their children?
2. Has the current wife or wives given their consent, in line with both Shariah and national law (e.g., MFLO 1961)?
3. Are all wives aware of their rights and responsibilities in a polygamous family?
4. Are there children or elders whose well-being could be affected by this decision?

WHEN – Evaluate timing and contextual appropriateness

1. Is this decision being made during a marital crisis or conflict (risk: polygamy as “escape”)?
2. Do social factors (stigma, legal rules, or financial pressures) make polygamy more difficult or risky right now?
3. Has sufficient time been given for open discussion (*shura*) with existing family members?
4. Is this being pursued as an urgent necessity (e.g., widow protection) or a decision that's been carefully thought through over time?

HOW – Review the process and ethical preparation

1. Has the proper ethical and legal process been followed (e.g., approval from the Arbitration Council)?
2. Have all parties attended premarital sessions to prepare for emotional, financial, and parenting challenges?
3. Are the plans for handling conflicts between managing inter-wife and parent-child relationships all set?
4. Does the husband have a plan for fair division of time, resources, and attention?

TO WHAT EXTENT – Measure feasibility and justice potential

1. To what extent can the husband provide equal treatment in emotional, financial, and parental roles (Qur'an 4:3)?
2. Will this marriage strengthen the family or create more harm than good?
3. Are there preventive measures resource dilution and sibling rivalry among children?
4. Is this likely to create long-term justice (*adl*) and welfare (*maslahah*) for all parties?

Purpose of this Checklist: This tool serves as a pre-assessment framework for counselors to guide husbands and families in ethically evaluating polygamy. It is also a means to facilitate arbitrary voting, arbitrators, counselors, and religious leaders an avenue to evaluate polygamy

cases. Not only this but also informs legal and marriage educators in developing critical pedagogy for marital justice.

How to Turn the 5W Checklist into a Measurable Scale

Counselors may adopt this scale in their screening and counseling. Thus, this 5W checklist will be established overtime if they apply it on the clients regularly. The following steps are prominent and logical:

Each checklist item can be scored in a Likert-scale item to allow for quantitative scoring. For example:

Table 5: Scoring System at a Glance

Item	Response Options	Score
Is the intention aligned with Shariah objectives?	Strongly Agree / Agree / Neutral / Disagree / Strongly Disagree	5 to 1
Can the husband provide equitable emotional treatment?	Always / Often / Sometimes / Rarely / Never	5 to 1
Has consent been meaningfully sought from current wife?	Fully / Partially / Not at all	3 to 1

The 5W screening checklist is translated into a Likert-scale format and permit subtle replies from “Strongly Agree” to “Strongly Disagree” or “Always” to “Never”, with a numerical scorer assigned to each item. This will allow the calculation of a total readiness score, with specific levels of ethical readiness developed: (80–100%), moderate (50–79%), and low readiness (<50%). This system supports pre-marital counseling, legal arbitration, and religious advisement as it provides a clear and quantifiable basis for decision-making. To ensure credibility, the tool must undergo psychometric validation, including reliability testing (e.g., Cronbach’s Alpha) and validity assessment through expert consensus and factor analysis. This will provide not only standardization for ethical screening, but allows for the use of Islamic values to inform ethical decision making (e.g., justice [adl], council [*shura*], and avoiding harm [*darar*]) in a field-tested decision-making tool for polygamous family planning.

Statistical Measurement

To ensure that the scoring instrument is valid and reliable, standard psychometric practices must be adhered to. Cronbach’s Alpha (α), is a measure that can estimate internal consistency whereby ratings higher than 0.9 are considered excellent; between 0.7 to 0.8, the rating is acceptable; and if they come below 0.6, items must be revised. Validity testing should include expert content validity with religious scholars, lawyers, and psychologists to ascertain the items adequately reflect the constructs being targeted. Construct validity can be established through Exploratory Factor Analysis (EFA) to identify underlying dimensions such as ethical intent, resource readiness, and emotional capacity. Criterion validity entails correlating tool scores with real- outcomes, such as levels of family harmony among polygamous families. Additionally, if multiple assessors are involved, inter-rater reliability should be confirmed using the Intraclass Correlation Coefficient (ICC) to ensure consistency in evaluations across different raters.

Assessors and Discretion

This tool can involve three layers of assessment:

Assessor Type	Role	Discretion?
<i>Self-Assessment</i>	The husband (and wives) uses it privately to reflect on readiness.	Minimal discretion; follow scores.

Assessor Type	Role	Discretion?
<i>Religious Counselor</i>	Imam/ustad applies it as part of ethical screening before religious permission.	Some discretion (context matters).
<i>Legal Arbitrator</i>	Arbitration council uses it for official decision-making in MFLO 1961 context.	Moderate discretion (law bound).

Discretion Level: While the tool provides a quantitative score, there must also be a qualitative interview to allow assessors to override the score in exceptional cases (e.g., extreme financial capacity but poor emotional maturity).

Finally, counselors need to determine whether the 5W Checklist is consistent across diverse cultural contexts within a country, it must demonstrate strong replicability across various populations and samples—irrespective of region, religion, culture, or demographic features. Such cultural strength can be guaranteed only by extensive validation with diverse participants. When the instrument is psychometrically sound—showing high Cronbach's Alpha for internal consistency, high test-retest reliability, and good item-total correlations—it can mature into a standardized Polygamy Readiness Scale (PRS). The final scale would be weighted scores allocated to significant domains (e.g., placing greater weight on ethical intent than timing) and measuring readiness into meaningful breakpoints. A pilot survey of 100–200 participants conducted with the help of SPSS or AMOS for statistical analysis (including Exploratory and Confirmatory Factor Analysis) would be a necessary pre-requisite for academic validation. Afterwards validated, the instrument may be widely used by counselors whose data-driven decisions will not only increase case-by-case understanding but also contribute towards its cultural acceptability and ultimate international recognition as a socio-religious ethical evaluation instrument.

DISCUSSION

This research examined the complex interplay between the religious permissibility of polygamy in Islamic law and the legislative restrictions imposed by the *Muslim Family Laws Ordinance* (MFLO) of 1961 in Bangladesh. The findings reveal a long-standing philosophical contradiction: although Shariah permits polygamy under strict moral conditions (Qur'an 4:3), the prevailing legal framework reduces it to a largely procedural, coercive, or financially burdensome practice. This dissonance generates significant socio-emotional and parental challenges for families caught between religious ideals and legalistic interpretations.

The absence of formal marriage education was identified as a major contributing factor to marital inequality, emotional deprivation, and the mismanagement of polygamous family structures. Evidence from related studies (Naseer et al., 2021; Shaiful Bahari et al., 2021) supports these findings, demonstrating that poorly managed polygamy exacerbates psychological distress among women and children. Conversely, experiences in countries such as Morocco and Malaysia illustrate that *maqasid*-based reforms and transformative educational programs can address these challenges without undermining religious values (Islam, 2010; Welchman, 2007).

A key contribution of this study lies in the development of a Socio-Religious Ethical Model of Polygamy Governance, which integrates Islamic legal theory (*Usul al-Fiqh*, *Maqasid al-Shariah*), critical pedagogy, and social constructionism to guide both legal and educational reform. It emphasizes *ijtihad* (jurisprudential flexibility) and marital awareness (*tafaqquh*) as mechanisms for addressing gaps in legal procedures, religious counseling, and family ethics.

CONCLUSION

This study calls for a re-examination of existing polygamy legislation in Bangladesh through a philosophy rooted in justice, benevolence, and welfare as articulated in Shariah. While the current legal restrictions are intended to safeguard women's rights, they inadvertently perpetuate emotional injustices and constrain the interpretive flexibility Islamic law allows through *ijtihad*. Equally significant is the absence of structured marriage education, which leaves families ill-prepared to navigate the emotional, financial, and ethical complexities of polygamous unions. This gap exacerbates gender inequalities and undermines child welfare.

In response, this research proposes a hybrid model that integrates *maqāṣid*-oriented legal reform with transformative, Shariah-compatible marriage education. Such a model not only protects the higher objectives of Islamic law but also addresses the socio-emotional dynamics of contemporary family life. By uniting jurisprudential ethics with critical pedagogy, the framework offers a sustainable pathway toward marital justice and family stability. It makes a significant contribution to Islamic legal theory, enriches social policy discourse, and opens new avenues for educational reform in Muslim-majority contexts.

Implications of the Research

This study carries important theoretical, policy, and practical implications.

Theoretical

It advances Islamic jurisprudence by applying *Maqāṣid al-Sharī'ah* and *ijtihad* to modern family law debates, while enriching social philosophy through a critical-pedagogical model of marriage preparation and conflict resolution.

Policy

It advocates reforming Bangladesh's MFLO (1961) to embed ethical safeguards rather than imposing categorical bans on polygamy. It further recommends the institutionalization of marriage education programs, including specialized modules on the ethical and fair management of polygamous households.

Practical

It introduces a systematic screening checklist and readiness scale to assist arbitration councils, counselors, and religious leaders in evaluating polygamy cases. It also provides self-assessment tools for families to monitor marital satisfaction and prevent breakdown.

Future Research Directions

This study opens several pathways for further inquiry. A central priority is the empirical testing of the Socio-Religious Ethical Model of Polygamy Governance through large-scale field studies across both polygamous and monogamous families. Such studies would clarify the model's applicability across different cultural and social contexts.

Another important avenue involves developing relationship-assessment tools that enable couples to reflect on their emotional and ethical dynamics. For instance, a proposed instrument—“*How Well Are You Both Doing in Your Marital Relationship?*”—would include 25 items distributed across five domains, rated on a 5-point Likert scale, to capture relational quality from the perspectives of both men and women. Further research should focus on the design and psychometric validation of such instruments, including the Polygamy Readiness Scale and the Marital Satisfaction Survey, for use in counseling and legal decision-making.

Comparative legal research is also essential to examine how other Muslim-majority nations balance the religious permissibility and legal regulation of polygamy, offering valuable lessons for reform in Bangladesh. In addition, longitudinal studies are needed to

assess the long-term effects of critical-pedagogical marriage education on marital stability, parenting, and divorce trends. Finally, gender-specific explorations of lived experiences within polygamous households will be vital to shaping reforms that are attentive to the distinct emotional and social realities of both men and women.

Together, these directions will contribute to building a culturally grounded, ethically robust, and Shariah-compliant framework for marital justice.

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