



Polygamy and Its Impacts: A Human Rights and Psychological Perspective

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Abstract

Polygamy challenges established monogamous norms, prompting inquiries into their implications for human rights and psychological well-being. This paper investigates how polygyny may infringe upon women's rights; and it highlights the religious and customary norms approach to polygamy with strict requirements. The research addresses mounting concerns about socio-economic disparities and gender equality by examining legal prohibitions and escalating restrictions surrounding polygyny; by employing a descriptive-analytical approach to investigate the dual dimensions of polygyny. The first section critically examines international human rights instruments, particularly their position on polygyny, emphasizing women's rights. The following section explores the psychological effects of polygyny, assessing its impact on diverse aspects of individuals' lives. Key findings reveal a pressing need to harmonize cultural practices with human rights standards, safeguarding the dignity and equality of all individuals. Unveiling a rich tapestry of emotions and dynamics within polygamous relationships, the study explores jealousy, competition, power struggles, and self-esteem issues, shedding light on the intricate psychology at play within these unions.¹

Keywords: Polygyny, International Human Rights, Gender Equality, Discrimination, Right to Marriage, Polygamy and monogamous.



Introduction

Polygamy, the practice of an individual having multiple spouses concurrently, stands in stark contrast to monogamy, where one person is married to just one spouse at a time. This multifaceted phenomenon encompasses three primary forms²: polygyny, involving one man with multiple wives; polyandry, in which one woman has multiple husbands; and group marriage, a complex union where multiple husbands are married to multiple wives, forming a synthesis of polygyny and polyandry. The term "polygamy" itself, rooted in its etymology, combines "polys," meaning "many," and "gamos," signifying "marriage." In Late Greek, "polygamy" translates to "often married." [1].

As we embark on an exploration of polygamy from the vantage points of international human rights law and psychological studies, a growing consensus emerges regarding the violation of women's rights within the context of polygyny. Polygamy finds its roots in more than 850 societies, predominantly in regions such as sub-Saharan Africa, the Middle East, Asia, and Oceania. In some countries, staggering percentages of wives engage in polygamous marriages, ranging from 20% to 50%. West and Central Africa, in particular, stand as regions with high polygamous marriage rates, with Burkina Faso topping the list at 36%. This practice spans across diverse religious affiliations, with folk religions, Muslims, and Christians all contributing to its prevalence (Kramer S., 2020). While many countries have taken steps to legally prohibit polygyny, there exists a notable global trend towards further restricting this practice. Such restrictions often entail requirements for judicial or spousal consent. This evolving landscape reflects concerns not only about the socio-economic challenges associated with polygyny but also a growing recognition of women's fundamental right to equality in society (Deller Ross, S., 2002).

Polygyny, with its far-reaching consequences spanning physical, mental, sexual, reproductive, economic, and citizenship-related domains, raises critical human rights concerns. In light of these concerns, this paper is divided into two sections. The first section will delve into polygyny within the framework of international human rights instruments, exploring the extent to which such practices comply with or violate established standards. The second section will illuminate the psychological ramifications of polygyny, analyzing its impact on the well-being and dynamics of individuals involved. Through this comprehensive examination, we aim to shed light on the multifaceted dimensions of polygamy, addressing its implications on individuals and societies from both human rights and psychological perspectives.

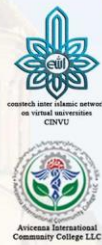
Section 1: A Brief Global overview of Polygamy Acceptance

This section offers a brief exploration of polygamy's prevalence and cultural significance worldwide. We will delve into its acceptance levels and examine diverse religious perspectives on this practice. By doing so, we aim to provide a concise foundation for understanding the complex interplay between cultural values and religious doctrines, setting the stage for deeper insights in subsequent sections.

1. Prevalence and Cultural Significance

Polygyny is notably more prevalent in Africa than on any other continent (Clignet, R., 1970). Some scholars attribute the emergence and strengthening of polygynous practices in certain African regions to the impact of the slave trade, which skewed the male-to-female sex ratio (Dalton and Tin Cheuk, 2014).

This practice is most concentrated in a region known as the "polygamy belt," which encompasses West Africa and Central Africa. Countries within this belt, including Burkina Faso, Mali, Gambia, Niger, and Nigeria, are estimated to have the highest prevalence of polygamy globally. Throughout sub-Saharan Africa, polygyny is deeply rooted in the culture and is common, with approximately 11% of the region's population living in such marriages as of 2019 (this includes 25% of the Muslim



population and 3% of the Christian population). Notably, West Africa stands out as a region with particularly high rates of polygyny, with countries like Burkina Faso (36%), Mali (34%), and Gambia (30%) having some of the highest prevalence rates globally as of 2019 (Pew Research Center, 2019). Outside of Africa, Afghanistan, Yemen, and Iraq also exhibit relatively high rates of polygyny (Kramer, S., 2020).

Historically, polygyny found acceptance in various societies, including ancient Hebrew society, classical China, and sporadic traditional Native American, African, and Polynesian cultures. In the Indian subcontinent, it was practiced during ancient times and accepted in ancient Greece until the Roman Empire and the Roman Catholic Church altered its acceptance. In North America, certain Mormon sects, such as the Fundamentalist Church of Jesus Christ of Latter-Day Saints (FLDS Church), continue to practice polygyny. Polygyny tends to be more prevalent in societies that have the custom of bride price.

2. Religious Perspectives on Polygamy

2.1. Islam and Polygyny: A Quranic Perspective

Under Islamic marital jurisprudence, Muslim men can practice polygyny, allowing them to have multiple wives simultaneously, up to four. Polyandry, where a woman has multiple husbands, is not allowed. Polygyny is permitted in the Quran but with the condition that a man treats his wives equally. If he cannot, he should marry only one, as outlined in verse 4:3 of the Quran:

If you fear you might fail to give orphan women their 'due' rights 'if you were to marry them', then marry other women of your choice—two, three, or four. But if you are afraid you will fail to maintain justice, then 'content yourselves with' one or those 'bondwomen' in your possession. This way you are less likely to commit injustice."—Qur'an, Surah 4 (An-Nisa), Ayah 3

Marrying multiple women comes with strict requirements, including financial and support equality for each wife, according to Islamic law (Lukito, R., 2013). In contrast, Muslim women cannot have multiple husbands simultaneously. However, they can remarry after divorce or the death of their husband, following the completion of Iddah, a waiting period.

Muhammad, the prophet of Islam, was monogamously married to Khadija, his first wife, for 25 years until her passing. Afterward, he married multiple women, primarily widows (IslamWeb, 2013), for social and political reasons (El-Nadi, s., 2019) with the maximum number of wives never exceeding nine during his lifetime. The Quran does not explicitly favor marrying more than one wife. Polygyny is often seen as a means for a man to provide financial support to multiple women who might otherwise lack support, such as widows (IslamWeb, 2002). Nevertheless, wives can stipulate in the marriage contract that their husband cannot marry another woman during their marriage, prohibiting him from doing so. According to traditional Islamic law, each wife maintains separate property, assets, and receives her own dower and financial support separately from her husband. Typically, wives have little to no interaction and lead separate lives, even residing in different locations, despite sharing the same husband.

Polygyny is legally permitted in most Muslim-majority countries, except Kuwait, which has no restrictions. It is prohibited in Muslim-majority Turkey, Tunisia, Albania, Kosovo, and some Central Asian countries (Nurmila, N., 2009). Countries allowing polygyny often require a man to obtain consent from his existing wives and demonstrate financial capability before marrying another. For example, Malaysia and Morocco require a man to justify taking an additional wife in a court hearing before permitting it (Cavendish Square Publishing, LLC, 2011). In Sudan, the government encouraged polygyny in 2001 to increase the population.



2.2. Christianity's Varied Stance on Polygamy

In Christianity, perspectives on polygamy vary. The Old Testament neither explicitly forbids nor endorses polygamy, and the New Testament is relatively silent on the matter. Some interpret Jesus's teachings as emphasizing unity between husband and wife, while others view Paul's writings differently, focusing on physical rather than spiritual union. Many Christian theologians argue that Jesus endorsed monogamy, citing passages like Matthew 19:3–9 and Genesis 2:24, emphasizing the union of a man and his wife as "one flesh." The New Testament discourages polygamy among specific church leaders, stating in 1 Timothy that bishops and deacons should be husbands of one wife.

Throughout history, Christian reform movements occasionally embraced polygyny based on scriptural interpretations. During the Protestant Reformation, Martin Luther permitted polygyny under specific circumstances. However, such exceptions were unconventional. Contemporary Lutheran communities in Africa and Sudan may tolerate polygynous practices among converts. The Roman Catholic Church unequivocally condemns polygyny, considering it contrary to moral law and the exclusivity of conjugal love. Despite this stance, a minority of Catholic theologians in regions like Africa argue for polygyny as a legitimate form of marriage.

In Sub-Saharan Africa, tensions arise from the clash between Western Christian insistence on monogamy and traditional polygamous practices. Some African Independent Churches defend polygamy using Old Testament passages, sparking debates and accommodations within the church.

2.3. Buddhism's Secular Approach to Marriage

Buddhism considers marriage to be a secular matter and does not view it as a sacrament. Typically, Buddhist monks refrain from participating in marriage ceremonies, although in certain sects, priests may be permitted to marry. Consequently, marriage in Buddhism does not carry religious endorsement. The specific forms of marriage practices can vary significantly from one country to another (Dr. (Mrs.) L.S. Dewaraja, 2013).

For instance, polygamy was legally acknowledged in Thailand until 1935, but Myanmar prohibited polygyny starting in 2015. In Sri Lanka, polyandry was permitted during the reign of the Kingdom of Kandy but was subsequently outlawed by the British after they conquered the kingdom in 1815. It's worth noting that when Buddhist texts were translated into Chinese, they included concubines as inappropriate partners. In Tibet, both polyandry and polygyny were historically prevalent, and having multiple spouses was not considered engaging with inappropriate partners (Berzin, A., 2010).

The Parabhava Sutta, a Buddhist text, asserts that "a man who is not content with one woman and seeks other partners is on a path of decline." Additionally, certain fragments within Buddhist scriptures appear to disfavor polygamy, leading some scholars to conclude that Buddhism, in general, does not endorse this practice (Shundō Tachibana, Routledge, 1992). Alternatively, it may regard polygamy as a tolerated but subordinate form of marriage (Harvey B P., 2000).

2.4. Judaism's Historical but Diminished Practice of Polygyny

Polygyny is not explicitly prohibited in the Old Testament. Over 40 prominent figures in Judaism, including Esau (Genesis 26:34-28:6–9), Elkanah (1 Samuel 1:1–8), Solomon (1 Kings 11:1–3), and even Moses (Exodus 2: 21), had multiple wives. However, Deuteronomy 17:17 cautions kings against having too many wives (Judaica Press Complete Tanach, Devarim – Chapter 17).

Polygyny continued among Jews until as late as the second century CE but was limited and primarily among the wealthy. By the first century, practical challenges and expenses made it less common, except in rare cases among Ashkenazi Jews since the 11th century (Coogan, M., 2010). Some Mizrahi Jewish communities, like Yemenite and Persian Jews, abandoned polygyny when they migrated to countries where it was illegal. Israel also has laws against polygamy, but they are loosely enforced,



particularly among Bedouin communities. Existing polygynous marriages among Jews from Arab countries are not subject to Israeli law, but new polygamous marriages are not permitted in Israel. Karaite Jews, who don't follow Rabbinic interpretations, don't practice polygyny. They interpret Leviticus 18:18 and Exodus 21:10 to allow a second wife only with the consent of the first wife and when the husband can fulfill his marital duties to both wives.

2.5. Hinduism's Shift from Acceptance to Prohibition

In the context of Hinduism, it is worth noting that the ancient Hindu scriptures document various instances of polygyny, particularly among kings, the nobility, and those of substantial wealth. For instance, Pandu, the father of the Pandavas in the Mahabharata epic, had two wives, namely Kunti and Madri. It is important to mention that some notable figures, such as Rama, adhered to the practice of having only one wife, which was considered a morally commendable choice. However, it is crucial to understand that despite the recognition of monogamy as virtuous, polygyny continued to be a customary and socially acceptable practice within Hindu society. It is noteworthy that the legal prohibition of polygyny for Hindus in India was established through the enactment of the Hindu Marriage Act in 1955.

Section 2: Polygyny and Its Intersection with International Human Rights Law

Polygyny's detrimental impacts on marital bonds, mental and sexual health, children's well-being, and women's citizenship necessitate legal and cultural interventions rooted in human rights principles. Despite the absence of explicit mentions in international human rights instruments, states are obligated to eradicate practices fostering discrimination. Article 23(4) of the Political Covenant, for instance, mandates states to "ensure equality of rights and responsibilities of spouses." Global instruments such as the Universal Declaration of Human Rights and the Women's Convention strive to eliminate gender discrimination, fostering transformative equality in marriage and family.

International human rights committees, including CEDAW, HRC, CESCR, and CRC, monitor state compliance and condemn polygyny through Concluding Observations and General Comments, advocating for its abolition. According to these committees, polygyny contradicts principles of equality and dignity, violating constitutional rights and international provisions. While regional treaties prohibit sex-based discrimination, some may not ensure de facto equality. Conversely, the African (Banjul) Charter and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa adopt a transformative approach towards gender equality.

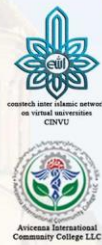
This section will delineate the international human rights violations associated with polygyny, considering its adverse effects on women and children. While the analysis involves universal human rights, the specific violations may vary depending on the context in which polygynous unions occur.

1. Family Life: A Looming Issue

1.1. Equality in Marriage and Family:

International human rights law has consistently emphasized gender equality, particularly within the institution of marriage. The United Nations Charter, dating back to 1947, underscores a commitment to the "equal rights of men and women" (Article 55). The Universal Declaration of Human Rights (Article 16) reinforces the right to marry without gender-based discrimination. The International Covenant on Civil and Political Rights (Article 23(4)) emphasizes equality within marriage, requiring States parties to ensure equal rights and responsibilities of spouses (Harris & Lee, 2000).

The International Covenant on Economic, Social and Cultural Rights (Article 2) includes a non-discrimination clause based on gender, obligating States parties to guarantee equal rights for both men and women (Article 3). Although not explicitly addressing marital equality, the Economic Covenant implies a duty to eliminate practices like polygyny that undermine women's rights. The



Women's Convention provides the most comprehensive commitment to gender and marital equality, explicitly stating that polygyny contravenes women's right to equality within marriage.

The Committee on the Elimination of Discrimination against Women (CEDAW), overseeing the Women's Convention, condemns polygyny in General Recommendation no. 21, asserting its violation of women's right to equality (Byrnes, 2002). While non-binding, General Recommendations carry substantial influence and have been cited nationally to support gender equality. CEDAW also recommends universal marriage registration to ensure compliance with the Convention and equality between partners, addressing challenges in contexts where customary or religious marriages often go unregistered (Byrnes, 2002).

In conclusion, international human rights instruments consistently advocate for gender equality within marriage, with the Women's Convention and CEDAW's General Recommendations firmly opposing polygyny due to its inherent violation of women's equal rights within the family. Despite their non-binding nature, these recommendations serve as persuasive tools in promoting global gender equality and challenging polygynous practices (Byrnes, 2002).

1.2. Privacy and Family Life:

The right to private and family life, acknowledged in the Political Covenant and the European Convention, traditionally addressed state violations such as laws against consensual homosexual activity. However, the Human Rights Committee's (HRC) General Comment no. 16 on Article 17 expanded the interpretation, asserting positive obligations beyond non-interference. States are required not only to prevent interferences but also to proactively protect this right (UN Doc. HRI/GEN/1/Rev.6, 2003). Applicable beyond state actions, it encompasses interferences by individuals, making it an individual-level concern. Polygyny, irrespective of cultural or religious context, inherently violates the right to equality within marriage and family by disrupting exclusive relationships and associated legal and economic security interests.

Patrilocal polygyny, where wives reside with a husband's kin group, infringes familial privacy, compromising women's security and relational interests. For example, the Ugandan Constitution's Article 27(2) guarantees the right to privacy, and practicing patrilocally under Ugandan law interferes with a senior wife's privacy. Cohabiting with co-wives not only breaches privacy but also attacks honor, reputation, and dignity. The Allahabad High Court, in *Itwari v. Asghari*, emphasized the severe impact of introducing a second wife on a woman's well-being. The HRC interprets Article 17 as obliging states to protect individuals' honor and reputation by law, deeming polygamy an affront to human dignity and a violation of Article 17 (U.N. Doc. HRI/GEN/1/Rev.1).

Even in polygynous families with separate households, women's relational and security interests are violated. The case of Natakunda, a Ugandan wife, illustrates how polygyny can undermine women's economic security interests, especially without matrimonial property protections. Natakunda's situation highlights the desperation and emotional turmoil resulting from polygyny threatening a woman's economic security. Although the African Charter on Human and Peoples' Rights emphasizes family protection, it tacitly acknowledges, while discouraging, polygyny in Article 6. This reveals a tension within the Charter, suggesting a duty for states to restrict and eventually abolish polygyny to fulfill their obligation to protect families (UN Doc. HRI/GEN/1/Rev. 7, 2004).

1.3. Freedom from Stereotyping:

Polygyny, as practiced in various cultural contexts, not only infringes upon the right to private and family life but also violates women's rights by subjecting them to stereotyping (Article 5, Women's Convention). Cultural teachings that endorse polygyny to maximize reproduction reinforce stereotyped roles for women within the family. It essentializes women's reproductive capacity as



central to marital success, often positioning them as a solution to infertility, the production of enough sons, post-menopausal status, or maximizing reproduction, all equating a wife's value within marriage with her reproductive capacity, particularly male-child reproductive capacity.

States parties are obligated to address such patriarchal stereotypes both within familial and broader legislative and social frameworks (UN Doc. HRI/GEN/1/Rev. 7, (2004)). CEDAW emphasizes the need to eliminate cultural, customary, and legal norms perpetuating polygyny, highlighting their concerns about the wide social acceptance and lack of sanctions for practices like polygamy and forced marriage (UN Doc. A/56/38 (paras. 97-144)). Discriminatory legislation, non-enforcement of civil laws, and harmful social practices intersect and reinforce each other, justifying discriminatory family laws and the non-enforcement of equality provisions (UN Doc. A/56/38 (paras. 97-144)).

To combat these stereotypes, public-awareness campaigns are encouraged to bridge the gap between statutory law and social customs and practices, especially in family law (*Ibid.* at para. 123.). This is particularly relevant in contexts like Bountiful, B.C., and elsewhere in Canada, where some women in polygynous unions may not be aware of their legal protections if they wish to leave such unions (*Ibid.* at para. 123.).

1.4. Free and Informed Consent:

International human rights instruments stress the crucial role of free and informed consent in marriage. CEDAW's General Recommendation no. 21 affirms a woman's right to choose a spouse as central to her dignity and equality (UN Doc. A/47/38, 1994, para. 16). Regional agreements, like the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women, explicitly mandate legislation ensuring marriages occur with the free and full consent of both parties, highlighting consent as crucial for marital equality.

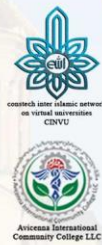
This dignity linked with consent is violated when women or girls are coerced into polygynous marriages, unable to choose their spouse or agree to the marriage. In certain Fundamentalist Mormon communities in Canada and the U.S., girls as young as fourteen may be assigned marriages by religious authorities (Bramham, 2004). Even when not forcibly arranged, information gaps in some polygynous contexts hinder genuine free and informed consent. Closed polygynous communities, where education and adherence to religious teachings are restricted, limit awareness of alternatives outside polygynous unions. This deprivation of basic information compromises individuals' capacity for "free and full consent" to marriage, mandated by international human rights law.

The United Nations General Assembly's Resolution 843 (IX) in 1954 emphasized eliminating customs inconsistent with human rights principles, ensuring complete freedom in choosing a spouse. This notion of "complete freedom" implies an informed choice, including deciding to have co-wives. Lack of information about marital rights and sexual/reproductive health compromises the capacity for informed and "complete freedom" of choice for women or girls. Countries, including Canada, should actively undertake rights awareness campaigns, especially targeting vulnerable populations like those in closed religious' communities, recent immigrants, and adolescent girls unaware of their domestic or international rights.

2. Security: Protecting Fundamental Rights

2.1. Freedom from Gender-Based Violence

In accordance with international human rights law, gender-based violence is defined in CEDAW's General Recommendation no. 19 as "violence that is directed against a woman because she is a woman or that affects women disproportionately". General Recommendation no. 19 broadly encompasses acts causing physical, mental, or sexual harm, thereby implicating practices like polygyny in its scope.



Furthermore, the 1993 General Assembly's Declaration on the Elimination of Violence against Women extends the definition of "violence against women" to include "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women" (Article 1). Notably, this declaration explicitly recognizes traditional practices that harm women, with polygyny being one of them (Ibid., Art. 2(a)).

Additionally, CEDAW's General Recommendation no. 19 underscores that gender-based violence, which impedes women's enjoyment of human rights and freedoms, constitutes discrimination under the Women's Convention. This holds true even for rights not explicitly mentioning violence. Polygyny, often associated with physical, psychological, and sexual harm, infringes upon various rights, such as the right to liberty, equality within the family, and the highest attainable standard of physical and mental health (UN Doc. A/47/38, (1992), at para. 7). Furthermore, the U.N. Special Rapporteur on Violence Against Women, Radhika Coomaraswamy, categorizes polygyny as a form of violence (U.N. Special Rapporteur on Violence Against Women, *supra* note 45 at para. 63).

Polygyny's presence within the family context renders it an especially severe form of violence. CEDAW characterizes familial violence as "one of the most insidious forms of violence against women," violating Article 16 of the Women's Convention (Ibid. at para. 23). Traditional attitudes upholding patriarchal family practices, including polygyny, often rationalize gender-based violence as a means of control (Ibid at para. 11).

2.2. Protection against Inhuman Treatment

International law not only protects against violence but also offers broader safeguards against inhuman and degrading treatment. Article 7 of the Political Covenant explicitly prohibits torture or cruel, inhuman, or degrading treatment (Cook et al., 2003). Originally applied to cases of prisoner abuse and torture, recent interpretations extend this right to protect the dignity of women, holding States accountable for instances like the rape of women by government officers (Beatriz et al., 2001). In contexts where polygyny fosters sexual abuse, as alleged in cases like Bountiful, B.C., and Utah Fundamentalist Mormon communities, individuals' rights to be free from inhuman and degrading treatment are violated (Bramham, 2014). The right to be free from inhuman and degrading treatment is increasingly invoked to protect human sexuality (Cook et al., 2003). When evaluating practices like polygyny, which can harm women's mental, sexual, and reproductive health, especially through interference with spousal intimacy, this right becomes relevant. Courts traditionally addressed sexuality through a right to privacy, but it is argued that any denial or violation of sexual intimacy denies individuals their full humanity (Ibid. at 174).

The Pan American Health Organization emphasizes that sexual health involves responsible expression of sexual capabilities for personal and social well-being. Legitimizing marital practices through law that harm women's sexual well-being violates their right to be free from cruel and inhuman treatment (Washington, DC: PAHO, 2001).

In the legal case *Itwari v. Asghari*, the Allahabad Court applied a cruelty analysis to deny a Muslim husband restitution for conjugal rights from his first wife. The Court asserted that the test of cruelty, based on universal humanitarian standards, considers any conduct causing bodily or mental pain endangering the wife's safety or health. Acknowledging contemporary social conditions and the impact of polygyny on women's well-being, the Court shifted the burden onto husbands to prove that taking additional wives did not inflict insult or cruelty on existing wives. This reflects a growing recognition that polygyny often constitutes an act of cruelty, even where legally permitted for Muslims.



2.3. Right to the Highest Attainable Standard of Health

Traditional practices like polygyny can jeopardize women's mental, physical, and reproductive health, violating various human rights, including the right to life and security of the person (Cook et al., Reproductive Health). Recognized in international treaties, such as the WHO's 1946 Constitution, the fundamental right to health is reinforced in subsequent agreements, including the Economic Covenant, obliging States parties to take concrete steps to prohibit practices like polygyny that violate health rights (UN Doc. E/C.12/2000/4, 2000).

The Women's Convention, in Article 12, calls on States to eliminate discrimination in healthcare, ensuring non-discriminatory access to services, including family planning (UN Doc. A/54/38/Rev.1 chapter I, 1999, para. 13). A broader interpretation of women's health, as in the Beijing Platform for Action, acknowledges the impact of harmful practices like polygyny on multiple facets of well-being (A/CONF.177/20, 1995). While newer national constitutions recognize the right to health, the interdependence of rights is increasingly acknowledged. Even without an explicit right to health, arguments can be made that practices like polygyny violate women's right to security of the person, as they increase exposure to diseases and disrupt reproductive health (Cook et al., 2003).

2.4. Freedom from Slavery-like Practices

In some instances, polygynous family dynamics bear resemblances to slavery, where women are assigned service roles they can't refuse (E/C.12/2000/4 (2000)). Analogies between slavery and marriage, particularly within polygynous cultures, have been noted in literature and folklore. This comparison is especially apt when women and girls in polygynous families are stereotyped into servitude and reduced to reproductive roles.

For example, in Bountiful, B.C., girls are restricted to tasks like meal preparation, catering, cleaning, sewing, and needlework within the community's private schools (Bramham, 2004). This practice ingrains the idea of women's servitude from a young age. Additionally, in many polygynous cultures, reproduction is viewed as essential for salvation or general well-being, essentially making women sexual slaves unable to control their own reproductive choices. In Fundamentalist Mormon contexts, sexual intercourse is strictly for reproductive purposes, determined by ovulation, denying women the right to make choices about pregnancy. In some Islamic and Arab contexts, emphasis is placed on producing male offspring, further stereotyping women into harmful reproductive roles (Al-Krenawi, 2001). Furthermore, though not exclusive to all polygynous contexts, child marriages in some instances infringe upon the girl-child's right to be free from early or forced marriage.

2.5. Adequate Standard of Living

Polygyny's economic consequences undermine individuals' ability to achieve an adequate standard of living, impacting their access to essential resources like medical care, food, clothing, and housing. The right to an adequate standard of living is enshrined in international law. Article 25 of the Universal Declaration recognizes this right, emphasizing access to health, well-being, food, clothing, housing, and medical care for individuals and their families.

This right is reinforced by the Economic Covenant, which requires states to recognize the right to an adequate standard of living, including food, clothing, and housing, with an emphasis on continuous improvement. While it uses the term "recognize" rather than "ensure," it still obliges states to combat practices like polygyny that hinder individuals' access to an adequate standard of living. Moreover, Article 13 of the Women's Convention obliges states to eliminate discrimination against women in economic and social life, including the right to family benefits. This encompasses benefits received through employment, social security, and healthcare, which should be equally accessible to men and



women. Polygyny, by its nature, often leads to unequal distribution of these benefits among wives, constituting a violation of women's right to be free from economic and social discrimination.

3. Citizenship: Ensuring Inclusivity

3.1. Access to Information and Education

In societies where polygyny restricts access to essential information and education for women and children, their ability to make informed choices and participate as citizens is compromised. The right to seek, receive, and impart information, as outlined in Article 19(2) of the Political Covenant, is fundamental to exercising other rights (S. Coliver, 1995).

Specifically addressing women's reproductive well-being, Article 10(h) of the Women's Convention emphasizes the importance of access to "specific educational information to help ensure the health and well-being of families, including information and advice on family planning." While traditionally seen as a negative right against government interference, some argue that it places a positive obligation on States to provide necessary information for reproductive health choices (*Ibid.*).

3.2. Right to Education

The right to education is well-defined in international human rights law. Article 28 of the Universal Declaration asserts that everyone has the right to education, focusing on the full development of human personality and the promotion of respect for human rights and freedoms. This right is further detailed in the Economic Covenant's Article 13, emphasizing the development of human dignity and respect for rights and freedoms.

CESCR's General Comment 13 on the right to education highlights education's role in empowering women and protecting children from exploitation and hazardous labor, promoting human rights and democracy, safeguarding the environment, and controlling population growth (UN Doc. E/C.12/1999/10 (1999)). However, for education to effectively challenge harmful stereotypes and practices, it must be equally accessible to both boys and girls and not used to perpetuate traditional gender roles. In alignment with this, the Women's Convention's Article 10(a) calls for equal career and vocational guidance for men and women, while Article 10(c) urges the elimination of stereotypical gender roles in all forms of education.

3.3. Religious Freedom and Women's Rights

Religious freedom arguments are sometimes used to support polygyny, but it's crucial to recognize that patriarchal religious interpretations promoting harmful practices can undermine women's rights to religious freedom. Interpretations permitting polygyny are contentious within both Islamic and Mormon faiths (Deller Ross.). In Islamic contexts, polygyny has been described as a manifestation of patriarchal dominance, with the restriction of the number of wives being a significant step towards gender equality. The Quranic verse allowing polygyny is open to various interpretations, with some viewing it as an exception rather than an absolute right (A. Yusuf Ali, 1983). This diversity of interpretations underscores the importance of the right to change one's beliefs or religion, as articulated in Article 18 of the Universal Declaration.

Furthermore, the right to be free from coercion in matters of belief is critical, as stated in Article 18(2) of the Political Covenant. Even when women support polygyny due to their religious beliefs, questions of coercion may arise. Coercion in religious beliefs extends beyond traditional methods and can include practices that restrict access to education, employment, or other rights. Ensuring objective educational standards and information access becomes essential for upholding women's rights in accordance with international obligations.



3.4. Cultural Rights and Gender Equality

The right to enjoy one's culture is protected by international human rights treaties, including the Political Covenant and the Economic Covenant. Article 27 of the Political Covenant safeguards the cultural rights of minority groups, ensuring they can "enjoy their own culture". *Lovelace v. Canada* upheld this minority right to culture, highlighting an unjustifiable interference with Ms. Lovelace's Aboriginal culture, without directly addressing the gender-discriminatory aspect of the law. The HRC has expanded Article 27's scope to include positive obligations on States parties, requiring them to protect this right from denial or violation, not only by the state but also by others within the state (U.N. Doc. CCPR/C/21/Rev.1/Add.5 (1994)). Thus, when practices like polygyny hinder women's freedom to associate, access cultural information, or define cultural practices, States have a duty to take protective measures.

The Economic Covenant establishes a standalone individual right to culture, irrespective of minority or majority status. Article 15 grants everyone the right "to take part in cultural life". Educational opportunities play a crucial role in realizing this right, as noted in the CESCR's General Comment on primary education (U.N. Doc. E/C.12/1999/4 (1999)). Polygyny's reinforcement through biased education denies women and girls their right to education and limits their participation in cultural life. Polygyny undermines women's ability to exercise cultural rights, as emphasized in the CESCR's Concluding Observations on Benin, which deplored practices like polygamy and early forced marriages for hindering women's rights (U.N. Doc. E/C.12/1/Add.78 (2002)). Just as patriarchal religious interpretations can affect the exercise of religious rights, polygyny can similarly impact women's ability to enjoy and define their culture. Financial strain and unequal child-care responsibilities within polygynous unions hinder women's freedom to associate with others, thereby compromising the dissemination and enjoyment of their culture.

Section 3: Customary International Law: State practice and opinio juris

Customary international law consists of two key components: widespread state practice and the acceptance of that practice as legal by the international community (*opinio juris*) (Hugh Kindred, 2000). This report delves into actual state practice, exploring various sources that reveal *opinio juris*, such as diplomatic correspondence, advisory opinions, judicial decisions, and more. This section primarily highlights decisions by national courts and statutory laws reflecting states' obligations to restrict or prohibit polygyny within customary international law.

1. Diverse National Legal Perspectives on Polygyny

Polygamy's legal status varies globally, ranging from outright prohibition to acceptance and encouragement. Polygyny, where one man has multiple wives, is prevalent where allowed. In monogamous-only countries, *de facto* polygamy may be tolerated, avoiding legal recognition if not constituting adultery. While technically outlawed in some regions, additional spouses may lack legal recognition, existing informally.

North and South America universally criminalize polygamy, though Utah downgraded consensual polygamy to a minor offense in 2020. Europe and Oceania, except the Solomon Islands, do not recognize polygamous marriages. In Asia, India, Malaysia, the Philippines, and Singapore acknowledge polygamy for Muslims only. Australia prohibits polygamous marriage but witnesses informal polygamous relationships among indigenous communities. Indonesia allows polygamy in certain regions, with protests against a ban in 2008 yielding no legislative changes.

African countries often prohibit polygamy under civil law but allow it under customary law. Liberia, Malawi, and Sierra Leone tolerate polygamous marriages without official recognition. In Muslim-majority nations, consent from the first wife is crucial for recognizing additional marriages. Some



countries, like Sweden, recognize foreign polygamous marriages, while Switzerland handles them case by case. Australia acknowledges such marriages formed abroad under specific circumstances.³

2. Legal Approaches to Restricting Polygyny

Polygyny has faced evolving legal regulations across different regions. While some areas continue to embrace minimal restrictions, global trends are shifting towards tighter controls. Even nations that traditionally allowed such marriages have introduced stricter conditions, including notice and permission requirements, as well as the complexities of parallel judicial systems.

Certain regions, like Jordan and Morocco, regulate polygyny through spousal notification in marriage contracts. Similar practices are observed in Sri Lanka and Egypt. In these systems, wives must be informed of their husband's intent to marry again. Failure to provide such notice may grant wives the right to seek divorce (Jamal J., 2002). In countries like Indonesia, Pakistan, Bangladesh, Malaysia, and Singapore, new laws demand husbands to gain approval from authorities for polygynous marriages. Financial capability, equitable treatment, and valid reasons are often prerequisites. Distinct nations emphasize different aspects: India allows wives to negotiate divorce rights, while others focus on the husband's financial capacity.

Some countries have parallel legal systems, allowing polygyny under religious or customary laws while regulating it under civil law. This approach is criticized for enabling discrimination against women. Manipulation of these systems is possible, and wives may lack crucial civil law protections. Kenyan and Ethiopian examples highlight the vulnerabilities and negative impacts on women's rights.

Section 4: Psychological Aspects of Polygamy: Impacts and Implications

1. The Psychological Consequences of Polygyny

In this section, we delve into the intricate web of psychological repercussions that emerge within the context of polygynous relationships. Beyond the legal and human rights dimensions, we explore the profound and often complex emotional and mental landscape experienced by individuals involved in polygynous unions. From the strain of jealousy and competition to the dynamics of power and self-esteem, we endeavor to shed light on the profound psychological impacts that polygyny can have on the individuals and communities it touches. By unraveling these intricate threads, we aim to offer a comprehensive understanding of the multifaceted nature of polygamy and its far-reaching implications on the human psyche.

1.1. Psychological Impact on women

Polygamous women are seriously at risk of suffering from emotional and psychological distress (Shaiful Bahari and et al, 2021). Polygamous families have distinct household issues, often stemming from wife's jealousy for her husband's resources and affection (Adams and et al, 1994). The prevalence of issues including: emotional distress (86.8%), feeling of fear (17%), low self-esteem (58.4%), and loneliness (64.1%) have been found higher among women in polygamous marriages compared to monogamous relationships with the prevalence of 17.9, 7.7, 7.7, and 12.8%, respectively in Bedouin-Arabs of the Negev region in Israel (Al-Krenawi and Graham, 2006). Discriminatory behavior by husbands and unequal treatment of their wives causes a number of mental health problems in polygamous families (Naseer and et al, 2021). These problems include jealousy, marital dissatisfaction, lack of trust, unhealthy competition, and many other mental health issues (Thobejane and Flora, 2014). One research found that women in polygamous marriages are at a higher risk of depression and low self-esteem compared to women in monogamous relationships and experience less marital satisfaction and more problematic mother-child relationships (Brooks, 2009). There was a higher rating of somatization, depression, hostility, anxiety, psychoticism, paranoid ideation, general symptom severity, positive symptoms total, and psychiatric disorder, as well as lower prevalence of



life and marital satisfaction, self-esteem, and family functioning among polygamous wives (Shepard, 2013). Wives often view inequality in the allocation of their husband's time, money, and affection as psychological abuse and a source of considerable distress (Zeitzen, 2020; Al-Krenawi and et al, 2006). A study found that many of the mental health symptoms particularly noteworthy were somatization, obsessive compulsive, interpersonal sensitivity, depression, hostility psychoticism and the GSI were more common for polygamous women (Al-Krenawi, 2013). In some polygamous communities, women's self-esteem is linked to the number of children they have and therefore spending time with their husband is also essential to enhance their status in the family and community (Al-Krenawi, 1998). Families living together in cramped, overcrowded conditions can create an environment that increases tension and conflict among co-workers (Bissuel, 2002).

Polygyny often results in competitive dynamics among co-wives, leading to tension and strain within the family. A senior wife is defined as woman who is married and followed by another wife in the marriage and a “junior wife” is the wife most recently joined the marriage (Chaleby, 1985). The unique family structure of polygamous families requires the wife to cooperate in household and farm work (in rural areas), and also, they constantly compete for husband's authority, love, attention and financial resources (Al-Krewani, 2012; Al-Krewani and et al, 2011). Al-Sherbiny suggested the proposal of an Arab Culture specific condition in women described as ‘first wife syndrome’ in 2005 (Al-Sherbiny, 2005) and the results of this study showed that the first wives in polygynous marriage tend to have certain demographic characteristics such as being relatively older age than controls, lower education level, higher number of children and mainly housewives (Al-Sherbiny, 2005) and also this study revealed that the initial reactions of the senior wives to their husband’s remarriage took place in the form of severe symptoms and sharp actions and their acceptance and adaptation to the new situation gradually takes place after 6 months in the average and the consequences continue to manifest for long time in polygynously married first wives (Al-Sherbiny, 2005). A Turkish study found that participants from polygamous families, especially senior wives, reported feeling more psychological distress (Ozkan and et al, 2006). Al-Sherbiny found that the first wives of polygamous families are going through a major psychological crisis (Al-Sherbiny, 2005). A study conducted in rural areas of Cameroon revealed that junior wives are more satisfied with their marriage’s senior wives (Gwanfogbe and et al, 1997). Chaleby showed that in the field of psychiatry Service in Kuwait, there are more senior wives than junior wives under psychiatric treatment (Chaleby, 1987). And also, it has shown that senior wives relate their psychiatric symptoms to their husbands’ subsequent marriages (Chaleby, 1985).

1.2. Psychological Impact on Children

In addition to research papers documenting polygamy’s negative impacts on wives’ health, researchers have identified polygamy as a risk factor for adverse child health outcomes (Hassouneh-Phillips, 2001). A systematic review had shown that children from polygamous families experienced emotional and physical abuse related to parental neglect and abuse (Rose Chen Siew and Siti Aishah, 2020). These abuses can be related to more mental health problems, lower academic achievement, and social problems in children from polygamous marriage versus monogamous marriage (Al-Sharifi and et al, 2016). Financial problems, marital conflict and abuse and wife's poor mental health observed in polygamous families can create an environment where frequent parenting and family stressors are associated with mental health problems in children or teenagers who live there (Allen and et al, 2018; Giallo and et al, 2021; Westrupo and et al, 2018). In some cases, polygamous families do not qualify for each wife and her children to live separately, thus, creating an overcrowded environment that can be harmful to learning and growing healthy (Arthi and Fenske, 2018; Starr and



Brilmayer, 2003). However, even when each family unit lives separately, most of the studies report that polygamy is associated with jealousy and low levels of marital satisfaction between wives and half-siblings because of the husband's favoritism toward one or more of the wives (Rediy and Tefera, 2020; Shepard, 2013). Children of junior and senior wives both expressed dissatisfaction with their relationship with their father, stepmother, and half-siblings (Rediy and Tefera, 2020; Elbedour and et al, 2002). Several studies have established a link between polygamous marital structures and poor psychological well-being of children and adolescents, including depressive symptoms, paranoid ideations, aggressive behavior, social problems, self-esteem problems, and general Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) disorder diagnosis (Al-Krenawi and et al, 2002; Al-Krenawi and Slonim-Nevo, 2008; Eapen and et al, 1998; Elbedour and et al, 2007). Father's involvement refers to the time a father spends with his children and the warmth, care, and emotional attachment he gives to his children (Wilson and Prior, 2011). one study found that children from polygamous families reported having worse relationships with their fathers but not with their mothers (Al-Krenawi and Slonim-Nevo, 2008) and also another research found that children from polygamous families that with an absent father were more at risk for experiencing feelings of grief and abandonment (Elbedour and et al, 2002). A study found significant effects of polygamous marriages on children's lower educational attainment and men's psychological problems (Al-Krenawi and Slonim-Nevo, 2008) and also, polygamy is linked with poorer family processes such as general family functioning (Al-Krenawi and et al, 2002), child–father interaction (Al-Krenawi and Slonim-Nevo, 2008), and family cohesion (Elbedour and et al, 2007).

1.3. Psychological Impact on Men

Polygamy, in both high- and low-income households, has negative consequences for all family members (İbiloğlu, 2018). Men in polygamous families are reported to have more psychiatric problems than their peers in monogamous marriages (MM) (İbiloğlu, 2018). A study found that polygamous men's satisfaction with their marriage is low and they more problematic relationship with their children (Al-Krenawi and et al, 2006). Another study has shown that polygamous men were more likely to suffer from alcoholism, which was attributed to psychological problems (Olliey, 2004). And also, men in a polygynous marriage were 2.6 times more likely to be HIV positive than monogamous men (. Reniers and Tfamily, 2008) and 2.9 times more likely to be infected with Herpes Simplex Virus (HSV)-2 (Halton and et al, 2003). Al-Krenawi et al. reported that polygamous men have significantly lower educational level than that monogamous men (Al-Krenawi and Lightman, 2000). Husbands in polygamy marriages have difficulty meeting needs of all their wives with children, and the result is unhappy and economically strapped family structure (İbiloğlu, 2018). Although the men's reports on their economic status did not differ among polygamous monogamous men, there were significantly more unemployed and more retired polygynous men than monogamous (Al-Krenawi and et al, 2006). Surprisingly, polygynous men did not report lower level of self- esteem comparing to monogamous ones (Al-Krenawi and et al, 2006).

Polygyny's implications extend to sexual and reproductive health risks, particularly concerning the spread of diseases like HIV/AIDS. Husbands with multiple partners increase their and their wives' vulnerability to infection (Jegade and et al, 2003). Lack of condom use and inability to verify partners' health statuses further exacerbate the risk. Legislative efforts, like limiting polygyny, aim to address these concerns, but resistance on religious grounds persists. (UN Doc. A/54/38/Rev.1)

2. Implications and Recommendations

It is very important to support polygamous families and children due to negative impacts of polygamy. Practitioners and policy makers should be aware of the psychological, familial and economic



consequences of polygamy on women and their children and higher marital distress in a polygamous family can in turn exacerbate the negative role modelling and impede children's development and achievements (Al-Krenawi, 2013) and polygamy must be considered a special risk factor in the development of social problems in children; so, it is necessary to avoid the negative impact of polygamy by educating families and paying more attention to children's emotional and social needs (Shaiful Bahari and et al, 2021). Women should be empowered with education and positive affirmation of self-worth and also, they should receive high priority, particularly in developing countries where resources are limited, because the psychological health of women is necessary to raising a sound, healthy family (Naseer and et al, 2021).

Conclusion

In conclusion, this comprehensive exploration of polygamy has delved into the intersecting realms of international human rights, cultural practices, and psychological impacts, painting a nuanced picture of this complex phenomenon. We have navigated the intricate terrain of polygyny, dissecting its prevalence, religious interpretations, and the legal and psychological implications it carries.

From a human rights perspective, our analysis has illuminated the multifaceted violations that often accompany polygyny. The restrictions imposed on women's rights within these unions, stemming from religious or customary legal norms, highlight the ongoing challenge of reconciling polygamy with evolving principles of gender equality. This exploration reinforces the urgency of harmonizing cultural practices with human rights standards to protect the dignity and equality of all individuals. Turning our focus to the psychological consequences, we have uncovered a rich tapestry of emotions and dynamics woven into polygamous relationships. Jealousy, competition, power struggles, and self-esteem issues have been examined in depth, providing insight into the intricate psychology at play within these unions. The human psyche bears the imprint of polygamy's complexities, shedding light on the intricacies of human relationships within this context.

Moreover, we have recognized that polygamy's acceptance and impact vary significantly across religious traditions, emphasizing the importance of considering religious and cultural nuances when addressing the topic. Our exploration has embraced diverse perspectives within Christianity, Buddhism, Judaism, Islam, and Hinduism, reflecting the complex tapestry of beliefs and practices that intersect with polygamy.

In concluding this multifaceted journey, we must acknowledge that the discourse on polygamy challenges us to grapple with fundamental principles of human rights, power dynamics, and the profound intricacies of human emotions. It urges us to bridge the gap between tradition and modernity, striving for a future where the rights and dignity of all individuals are upheld, irrespective of the relationship structures they choose. As we continue to navigate the complexities of polygamy, we advance our understanding of its impacts and implications, moving closer to a world where human rights are universally respected, and individuals can live free from discrimination and inequality. This exploration serves as a testament to the importance of ongoing dialogue, research, and action to address the multifaceted challenges posed by polygamy and to foster a more equitable and inclusive future for all.



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1- Emphasis added: The results of this article do not contradict the Qur'anic view on polygamy. As it is explained in the second part of section 1, Polygyny is permitted in the Quran with strict requirements.

2- Emphasis added: Most academic papers use the words polygamy and polygyny interchangeably. In this paper, the term polygamy is used to denote polygyny, which specifically involves a man having multiple wives.

3- Afghanistan, Algeria, Bahrain, Bangladesh, Bhutan, Brunei, Cameroon, the Central African Republic, Chad, Djibouti, Egypt, Eswatini, Gabon, Gambia, Guinea, Indonesia, Iraq, Iran, Jordan, Kenya, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Morocco, Nigeria, Oman, Pakistan, the Philippines, Qatar, Sao Tome and Principe, Senegal, Saudi Arabia, Singapore, the Solomon Islands, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Tanzania, Togo, Uganda, the United Arab Emirates, and Yemen all have legal polygamy.