



## STUDY OF THE THINKING OF MUHAMMAD SYAHRUR AND M. QURAIISH SHIHAB ABOUT THE CONCEPT OF POLYGAMY

(Study of Interpretation of Qs. An-nisa/4:3)

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### Abstract:

Polygamy is one issue that is always hot to study because it creates contradictions in understanding it. Some allow it absolutely, and some forbid it regardless of whether or not there are conditions that must be met for those who want to become polygamous. This research method is literature, which is carried out using literature related to the thoughts of Syahrur and M. Quraish Shihab. The data sources are primary data and secondary data. Syahrur requires that the second, third, and fourth wives be polygamous widows who already have orphans, and there must be a fear of being unable to do justice to the orphans. Syahrur adheres to the kitab ayat approach. Society (the government) determines whether polygamy is enforced or prohibited by looking at whether or not polygamy is required. Meanwhile, M. Quraish Shihab views polygamy as focused on the redaction of verses and involving the context and history of the verse's revelation. The polygamy verse does not indicate an order requiring the practice of polygamy but rather an alternative solution to individual problems.

**Keywords:** Muhammad Shahrur, M. Quraish Shihab, polygamy, thought

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## INTRODUCTION

The concept of polygamy (Ta'addud al-Zawjat) in jurisprudence is commonly understood as gathering two to four wives simultaneously<sup>1</sup>. Studies on polygamy are always hot topics for discussion because it is a complex problem in society and contains controversial views, some people reject the practice of polygamy with various arguments, both normative and psychological, and because it is an injustice to women.<sup>2</sup>

The discussion of polygamy is one of the contemporary issues among the many religious phenomena that continue to be hotly discussed by various religious groups. Some of them (religious scholars) claim that polygamy is a Shari'ah order in Islamic teachings that is absolute. Still, some see polygamy as a classical tradition that is normalized through strict requirements set out in Islamic teachings. One of the conditions stipulated in the holy book based on the text of the sacred book (al-Qur'an) is absolute justice for polygamists. In discussing the interpretation and interpretation of religious texts, a fair attitude still has an interpretive bias or multiple variations. Some

<sup>1</sup> Ahmad Mustafa al-Maragi, *Tafsir Al-Maragi* (Bairut: Darud Fikr, 2001).

<sup>2</sup> Siti Musdah Mulia, *Islam Menggugat Poligami*, Cet.1. (Jakarta: PT. Gramedia Pustaka Utama, 2007).

mufassir understand fairness in terms of material abilities, and others understand it in terms of mental abilities (love and affection), so it is impossible for men to act fairly<sup>3</sup>.

Responding to this problem, M. Quraish Shihab looked differently and gave another perspective on polygamy from the interpretation of QS. An-Nisa verse 3, namely that according to him, the verse is not a requirement in legalizing the practice of polygamy because the practice of polygamy has been known and carried out in the tradition of classical Arab society before the revelation of the Qur'an. However, the verse only emphasizes the legality or permissibility of practicing polygamy in emergencies<sup>4</sup>.

This view of M. Quraish Shihab has attracted much attention from researchers. However, these studies are still limited to the concept of polygamy in general; both are single-minded and comparative studies with other figures. Research that examines the thoughts of M. Quraish Shihab singly was carried out by Achmad Dhafir (2018)<sup>5</sup>, Hijrah (2017)<sup>6</sup>, Sitti Asiyah (2019)<sup>7</sup>, Ahmad Khotim (2019)<sup>8</sup>, and Rusli Halil Nasution (2018)<sup>9</sup>. Meanwhile, those who made comparisons were carried out by Moch Cholik Chamid Muttakin (2018)<sup>10</sup> and Ali Yasmanto (2015)<sup>11</sup>.

Furthermore, according to Muhammad Syahrur, polygamy is one of the important themes that received special attention from Allah SWT. This can be seen in the third verse of Surah An-Nisa. However, mufassir and fiqhi experts have neglected and paid no attention to the general editorialization of the verses and the close link that exists between the problem of polygamy and widows who have orphans.<sup>12</sup> One of the liberal thinkers from Syria, Muhammad Syahrur, limits the quantity of polygamy to a minimum of one married wife and a maximum of four people. And the quality limit is a widow who has children (orphans). Islamic scholars differ in their view of polygamy. First, those who think polygamy is one of the Sunnahs of the Prophet. Second, the ulema believes polygamy is permissible within a maximum limit of four women. Third, the ulemas prohibit the practice of polygamy.<sup>13</sup>

<sup>3</sup> Nawir HK et al., "Keadilan Berpoligami: Tinjauan Kritis Penafsiran M. Quraish Shihab Terhadap QS. Al-Nisā/4: 3," *Al-Izzah: Jurnal Hasil-Hasil Penelitian* (November 27, 2020): 15; Muhammad Mukhtar, "Harakah Dan Kemandirian Perempuan," *Al-Maiyyah : Media Transformasi Gender dalam Paradigma Sosial Keagamaan* 12, no. 1 (July 27, 2019): 71-90, <http://almayyah.iainpare.ac.id/index.php/almayyah/article/view/684>.

<sup>4</sup> M. Quraish Shihab, *Wawasan Al-Qur'an: Tafsir Tematik Atas Pelbagai Persolan Umat* (Bandung: Mizan, 1996).

<sup>5</sup> Achmad Dhafir, "Asas-Asas Berpoligami Dalam Al-Qur'an: Studi Dalam Tafsir Al-Misbah Karya M. Quraish Shihab" (UIN Sunan Ampel, Surabaya, 2018).

<sup>6</sup> Hijrah, "Pemikiran Quraish Shihab Tentang Poligami Dan Relevansinya Terhadap Kompilasi Hukum Islam Dan UU No. 1 Tahun 1974 Tentang Perkawinan Di Indonesia: Studi Atas Karya-Karya Quraish Shihab" (Universitas Islam Negeri Mataram, 2017).

<sup>7</sup> Siti Asiyah, "Konsep Poligami Dalam Alquran: Studi Tafsir Al-Misbah Karya M. Quraish Shihab," *Fikri: Jurnal Kajian Agama, Sosial dan Budaya* 4, no. 1 (2019): 85-100, <https://doi.org/10.25217/jf.v4i1.443>.

<sup>8</sup> Ahmad Khotim dan Gempur Malessantoro, "Adil Dalam Poligami Menurut Kyai Di Jombang Perspektif M. Quraish Shihab," *At-Taahdzib: Jurnal Studi Islam dan Muamalah* 7, no. 2 (2019): 80-99.

<sup>9</sup> Rusli Halil Nasution, "Adil Menurut Quraish Shihab Dalam Al-Qur'an Terhadap Praktek Poligami," *Jurnal Hukum Responsif* 6, no. 6 (2019): 21-31.

<sup>10</sup> Moch Cholik Chamid Muttakin, "Konsep Poligami Perspektif Al-Qur'an (Studi Komparasi Pemikiran Ar-Razi Dan M. Quraish Shihab)" (IAIN Tulungagung, 2018).

<sup>11</sup> Ali Yasmanto, "Konsep Adil Dalam Poligami: Studi Komparasi Antara Pemikiran Fazlur Rahman Dan M. Quraish Shihab" (Universitas Islam Negeri Maulana Malik Ibrahim, 2015).

<sup>12</sup> Muhammad Syahrur, *Nahwa Ushul Jadidah Li Al-Fiqh Al-Islami: Fiqh Al-Mar'ah* (Damaskus: al-Ahali li ath-Thiba'ah wa an-Nasyr wa at-Tauzi, 2000).

<sup>13</sup> Mushlihin Mushlihin, "Poligami dalam Pandangan Muhammad Syahrur," *Al-Bayyinah* 2, no. 1 (2018).

Furthermore, according to Muhammad Syahrur, the concept of polygamy applies the theory of limits (Nadhariyah Hududiyah) to understanding several verses of the Koran, including poems about polygamy. Syahrur admits polygamy is part of Islamic law, but its application in practice must consider several requirements. An essential requirement in the preparation of polygamy is the involvement of widows who have children as second, third, and fourth wives. Second, there must be justice between the children of the first wife and the orphans of the widows who marry next. Therefore, it is necessary to discuss polygamy in at-Tanzil al-Hakim and look at the causal relationship between the problem of polygamy and orphans within the framework of the editorial verses and the verses that preceded them.

Taking into account Muhammad Syahrur's opinion above, many academics have been invited to study Muhammad Syahrur's thoughts related to the concept of polygamy, both as a single thought study, such as research that has been conducted by Y. A Rosyada (2019)<sup>14</sup>, Mushlihin (2018)<sup>15</sup>, Abdul Jalil (2018)<sup>16</sup>, Toni Pransiska (2016)<sup>17</sup>, Nurul Aini (2017)<sup>18</sup>, M. Wahid Syafi (2020)<sup>19</sup>, E. Bukhori (2021)<sup>20</sup>, L. Gitleman (2014)<sup>21</sup>, and A. Mustaqim (2011)<sup>22</sup>. In addition, research was carried out jointly by two Islamic religious figures, Muhammad Syahrur, and Wahbah Zuhaili, by R. Hidayat (2020)<sup>23</sup>.

The two contemporary thinkers above, M. Quraish Shihab and Muhammad Syahrur differ in their interpretation of the holy verses of the Qur'an regarding the issue of polygamy. M. Quraish Shihab views polygamy only as a solution to meet the needs of emergency household relationships, not as an excuse to fulfill mere sexual desires. One indication of this is the focus placed on the most accurate articulation of the material requirements that a man must meet to be polygamous. M. Quraish Shihab's view is classified as moderate because it does not side with activists and opponents of the practice of polygamy, which is only based on textual or contextual understanding but seeks to combine the two as a unified analysis to reveal the message of the significance of the concept of polygamy contained in QS. Al-Nisa/4:3<sup>24</sup>.

Meanwhile, Muhammad Syahrur views the issue of polygamy by applying the theory of boundaries (Nadhariyah Hududiyah) to understanding several verses of the

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<sup>14</sup> Y A Rosyada, "Poligami Dan Keadilan Dalam Pandangan Muhammad Syahrur: Studi Rekonstruksi Pemikiran," *Profetika: Jurnal Studi Islam* (2019).

<sup>15</sup> Mushlihin, "Poligami dalam Pandangan Muhammad Syahrur."

<sup>16</sup> Abdul Jalil, "Wanita dalam Poligami (Studi Pemikiran Muhammad Syahrur)," *Cendekia : Jurnal Studi Keislaman* 2, no. 1 (2018).

<sup>17</sup> Toni Pransiska, "Rekonstruksi Konsep Poligami Ala Muhammad Syahrur: Sebuah Tafsir Kontemporer," *HIKMAH Journal of Islamic Studies* XII, no. 2 (2016).

<sup>18</sup> Nurul Aini, "Perlindungan Hak Anak Dalam Perkawinan Poligami Di Indonesia," *Journal de Jure* 9, no. 2 (2017).

<sup>19</sup> M Wahid Syafi, "Sunnah Dalam Pandangan Muhammad Syahrur Dan Fungsinya Dalam Menafsirkan Al-Qur'an: Studi Analisis Tentang Poligami," *Jurnal Manthiq* 5, no. 2 (2020).

<sup>20</sup> Evi Muzaiyidah Bukhori, "Poligami dalam Metode Tafsir Al-Qur'an Muhammad Shahrour," *An-Nisa': Jurnal Kajian Perempuan dan Keislaman* 14, no. 1 (2021).

<sup>21</sup> Lisa. Gitleman, "Poligami dalam Hukum Islam: Telaah Atas Pemikiran Muhammad Syahrur," *Paper Knowledge . Toward a Media History of Documents* 1 (2014).

<sup>22</sup> Abdul Mustaqim, "Pemikiran Fikih Kontemporer Muhammad Syahrur Tentang Poligami Dan Jilbab," *Al Manahij* 5, no. 1 (2011).

<sup>23</sup> Riyan Erwin Hidayat, "Poligami Menurut Wahbah Az-Zuhaili Dan Muhammad Syahrur," *Jurnal Tana Mana* 1, no. 2 (2020).

<sup>24</sup> HK et al., "Keadilan Berpoligami: Tinjauan Kritis Penafsiran M. Quraish Shihab Terhadap QS. Al-Nisā/4: 3."

Koran, including poems about polygamy. Syahrur admits polygamy is part of Islamic law, but its application in practice must consider several requirements. An essential requirement in the preparation of polygamy is the involvement of widows who have children as second, third, and fourth wives. Second, there must be justice between the children of the first wife and the orphans of the widows who marry next<sup>25</sup>. Although researchers have widely studied studies on polygamy, special studies on the thoughts of the two figures above have not been carried out, so it is interesting to explore their ideas; M. Syahrur is known as a liberal thinker, while M. Quraish Shihab is known to have moderate-tolerant thoughts, which can be compared with some of the opinions of other religious leaders.

## RESEARCH METHODS

This type of research is called library research (*library research*).<sup>26</sup> The research was carried out using literature related to Muhammad Syahrur's and M. Quraish Shihab's thoughts about polygamy. The approach used in this study is normative, which uses the science of interpretation and the science of ushul fiqh. The primary data sources used in this research are the original writings of Muhammad Syahrur relating to the concept of justice in polygamy and Tafsir al-Misbah written by M. Quraish Shihab. The primary data sources are the books *Nahwa Ushul Jadidah li al Fiqh al Islami* and *Tafsir al-Misbah*. Meanwhile, to support other data, researchers use secondary data in the form of relevant reading books, articles, or magazines related to the problem under study.

## RESULTS AND DISCUSSION

In Syahrur's view, polygamy is a man who is married to a woman and then marries a widowed woman who has orphans at the same time<sup>27</sup>. According to Syahrur *Kitab (orders)* in QS. An-Nisa verse 3 is addressed to people who are married to a woman and have children because, according to Syahrur, it is not polygamy for single men who marry widows who have orphans, on the basis that the verse begins with two and ends with four (two, three, or four).<sup>28</sup>

According to Syahrur, Allah SWT. not only allows polygamy, but He strongly recommends it, with two conditions that must be fulfilled, first, that the second, third, and fourth wives are widows who have orphans; secondly, there must be a sense of fear of not being able to do justice to orphans. Thus, the polygamy order will be invalidated when there are no. Two conditions above.<sup>29</sup> Based on the linguistic laws in His words, this is said: "And if you are afraid that you will not treat orphans fairly, then marry the women you like two, three, or four (QS. an-Nisa/4: 3).

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<sup>25</sup> Mushlihin, "Poligami dalam Pandangan Muhammad Syahrur."

<sup>26</sup> Sutrisno Hadi, *Metodologi Research* (Yogyakarta: Andi Offset, 1990).

<sup>27</sup> Muhammad Syahrur, *Metodologi Fiqih Islam Kontemporer*, VI. (Yogyakarta: eLSAQ Press, 2010).

<sup>28</sup> Muhammad Syahrur, *Nahw Usul Jadidah Li Al-Fiqih Al-Islami. Terj. Sahiron Syamsuddin Dan Burhanuddin*, Cet. 1. (Yogyakarta: Kalimedia, 2015).

<sup>29</sup> Ibid.

In Muhammad Syahrur's view, Allah allows polygamy and strongly recommends it with predetermined conditions, as mentioned above.<sup>30</sup> According to him, polygamy has a human and social side that will be resolved; namely, when justice is found for orphans, it cannot be carried out correctly and will be carried out by marrying their widowed mothers.<sup>31</sup> With these provisions, Muhammad Syahrur believes that a wife who can be polygamous with a husband must be a widow with orphans.<sup>32</sup>

### **Muhammad Syahrur's interpretation of QS. an-Nisa: 4/: 3**

Muhammad Syahrur, in understanding the verse about polygamy (QS. an-Nisa: 4/3), relates it to the previous verse, namely surah an-Nisa verses 1-2. If you pay attention, Allah SWT. Begins the letter an-Nisa with an appeal to humans to fear God, which is also the concluding theme of the previous Ali Imran letter, as well as a request to them to continue friendship ties by departing from a universal human view, not a group view or narrow ethnicity, as a sign that human creation comes from the same nafs (soul) (Nafs Wahidah).<sup>33</sup>

Then Allah SWT., Turns to talk about orphans. In this context, He ordered humans to give orphans property and not eat it (QS. an-Nisa verse 2). Furthermore, Allah SWT., followed up the discussion about orphans with an order for humans to marry women they liked, two, three, or four of which were limited to only one condition, namely fear of not being able to do justice to orphans (QS. an-Nisa verse 3)<sup>34</sup>. Then in the fourth verse, Allah SWT. Continues the discussion about dowry and dowry for women and in the fifth verse about the prohibition for humans to hand over their property to people who are not yet perfect in their minds, and then in the sixth verse, once again Allah SWT., talks about orphans (QS. an-Nisa verse 6).<sup>35</sup>

In discussing the issue of polygamy, it is obligatory for researchers who are wise in studying this issue (polygamy) in At-Tanzil al-hakim to pay close attention to the verses above and see the causal relationship between the problem of polygamy and their children. Orphans, as mentioned by Allah in the editorial framework of the poetry and the verses that preceded them.<sup>36</sup> According to Syahrur, the word orphan in Arabic and at-Tanzil al-Hakim means a child who has not reached the age of maturity and has lost his father while his mother is still alive.<sup>37</sup> The definition of Al-Yatim like this is in the word of Allah SWT in QS. An-Nisa verse 6 "And test (educate) the orphans until they are old enough to marry." Meanwhile, the word Al-Yatim which means "a child who has lost his father," is also clearly stated in His word in the letter Al-Kahf: 18/82 "As for the wall of the house, it belongs to two orphans in that city, and under it is a treasure for both of them, while his father was a pious man. Because when a father is still legally alive, he is a

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<sup>30</sup> Syahrur, *Nahwa Ushul Jadidah Li Al-Fiqh Al-Islami: Fiqh Al-Mar'ah*.

<sup>31</sup> Ibid.

<sup>32</sup> Firman Nurdiansyah, "Pendapat Muhammad Syahrur Tentang Poligami Serta Relevansinya Bagi Rencana Perubahan KHI," *AL-Hukama'* 8, no. 2 (2018).

<sup>33</sup> Syahrur, *Nahw Usul Jadidah Li Al-Fiqh Al-Islami. Terj. Sahiron Syamsuddin Dan Burhanuddin*.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

guardian for his child's affairs, so there is nothing that can justify God's call to order humans to do justice to him.<sup>38</sup>

All of this reinforces that the verses above revolve around orphans who have lost their fathers. At the same time, their mothers are still widows, so if both parents die, abort the polygamy problem and the end of a mother. At the same time, the husband is still alive; if the husband remarries another woman, then the second wife is not included in the category of polygamy, as explained in the verses above.

Some think God's word, "If you fear that you will not do justice," means not doing justice between wives in the husband-wife relationship (intercourse). According to Syahrur, this opinion is not correct because the context of the verse talks about polygamy concerning social understanding, not a biological concept (intercourse), but revolves around the problem of orphans and being kind to them and treating them fairly. Because Allah SWT., in His word, for a person to be self-sufficient with just one wife because it starts with clear considerations, namely "that is more effective in anticipating not to be persecuted, meaning that by being self-sufficient a wife can keep you from the shackles of trouble and injustice."<sup>39</sup>

Furthermore, according to Syahrur, the problem of polygamy, as God's commandment, is stipulated with the conditions mentioned above as a solution for social issues that may or may not occur, based on His word: wa in lifted (and if you worry. Syahrur believes polygamy can be carried out when there are problems and should be abandoned when there are no problems. This problem is closely related to the historical development of society and the local community's culture. Polygamy is a common phenomenon that many ethnic groups accept without limits or requirements<sup>40</sup>. So, at-Tanzil al-Hakim came to limit it to four, determined the criteria as mentioned in the letter an-Nisa verse 3, and made it a solution to problems experienced by a society that was not related to halal-haram issues, as if at- Tanzil al-Hakim left it up to the community when to implement it and when to abandon it.

Syahrur believes that society determines the implementation of polygamy or forbids it because in enactment, it must pay attention to whether or not the conditions for polygamy are present, as mentioned in the verse (QS. an-Nisa verse 3). However, in both situations, society must rely on statistics and expert opinions and then ask for their considerations on whether to determine polygamy. In that case, some decisions and some leave, both of which are not eternally valid regulations<sup>41</sup>.

The conclusion on the issue of polygamy, according to Syahrur, is that if it is assumed that a country has decided not to treat it, then someone opposes it. The law can fine them for violating statutory provisions and joint decisions. However, it cannot be considered as having committed adultery and committing an abomination because the problem, as explained earlier, is not related to lawful and unlawful things which are unavoidable, eternal, and absolute. Because it should not be said that matters that have been permitted (permitted) by Allah SWT. are forbidden, whereas only Allah alone has the right to ban abominable acts. This confusion is caused by the fact that there is no difference between what is forbidden (al-haram) and what is prohibited (al-mamnu'; it does not include sin if it is violated). Something unlawful cannot be made lawful, but

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<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

something legal may be banned (al-mamnu'), and its prohibition is not eternal and general. If the ban is unlimited and widespread, then something that is prohibited means something unlawful, and that is the exclusive right of Allah alone; even the Prophets and Messengers did not have the right to make something illegal, but they have the right to issue orders and prohibitions in the halal area <sup>42</sup>.

### **M. Quraish Shihab's interpretation of polygamy (QS. an-Nisa: 4/3)**

This sub-discussion reviews M. Quraish Shihab's thoughts on the interpretation of QS. An-Nisa verse 3 regarding the practice of polygamy, namely, "If you are worried that you will not be able to do justice to (the rights of) orphaned women (if you marry them), marry (other) women you like: two, three, or four. However, if you are worried that you will not be able to act fairly, (marry) only one or the enslaved women you have, that is closer to not doing injustice" <sup>43</sup>.

In this context, M. Quraish Shihab interprets the verse by looking at the textual and contextual-historical sides. He explained that Allah forbids mistreating orphans and consuming their wealth through this verse. After that, God forbade to apply maltreatment of the orphans personally. Furthermore, M. Quraish Shihab also explained the various terms used in QS. An-Nisa verse 3, such as "Tuqsitu" and "Tu'dilu". Both of these words are translated in Indonesian as "fair". Even so, the scholars differed in the interpretation of the two terms. Some scholars consider that the two terms have the same meaning, and some other scholars distinguish between the two.

Scholars who differentiate consider that the term "Tuqsitu" is being fair to two or more people who make both parties feel happy or satisfied. Meanwhile, "Ta'dilu" is being fair to two or more people, but it doesn't have to make them happy or satisfied. In addition, this verse also contains a discussion about slavery in the editorial "ma malakat aimanukum". This verse fragment is usually translated as "the slave girl you have". However, Islam does not burden the practice of slavery even though when the Qur'an was revealed, the abolition of the slavery system was not carried out directly and all at once. The Qur'an and Sunnah negate all avenues that could potentially lead to the development of the practice of slavery. The road that is not closed is only the captives that occur due to the war to defend the soul and religion. Although Islam allows prisoners of war to be enslaved, the treatment is very humane, and even Muslim rulers are authorized to release these prisoners with or without ransom <sup>44</sup>.

History from Aisha explains that when this verse was revealed, the companions asked the Prophet again about women. Aisyah continued that God's word reads, "While you are reluctant to marry them, that it is the reluctance of the guardians to marry orphans who have little wealth and beauty. Thus, on the contrary, in QS. An-Nisa verse 3 prohibits them from marrying orphans they want because of their wealth and beauty but is reluctant to be fair to them" <sup>45</sup>. Editors two, three, or four in this verse are actually to be a guide to do justice to orphans. The editorial is commensurate with the words of someone who forbids other people to eat a food. To strengthen the prohibition, he said

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<sup>42</sup> Ibid.

<sup>43</sup> *Lajnah Pentashihah Mushab Al-Qur'an Badan Litbang Dan Diklat Kementerian Agama RI, Al-Qur'an Dan Terjemahnya; Edisi Penyempurnaan* (Jakarta, 2019).

<sup>44</sup> M. Quraish Shihab, *Tafsir Al-Misbah: Pesan, Kesan, Dan Keserasian Al-Qur'an, Vol. 10* (Jakarta: Lentera Hati, 2017); Muhammad Mukhtar S. and Mardia Mardia, "Aurat Dan Pakaian Perempuan," *Al-Maiyyah: Media Transformasi Gender dalam Paradigma Sosial Keagamaan* 12, no. 2 (2020).

<sup>45</sup> Ibid.

"If you are worried that you will get sick if you eat this food, then just finish the food other than what is in front of you". This order emphasizes the need to heed the prohibition against eating certain foods. M. Quraish Shihab underlined that the purpose of this verse is not to make regulations regarding polygamy because polygamy had been known and implemented by adherents of various religious laws and social customs before the revelation of the Qur'an<sup>46</sup>. Apart from that, this verse does not oblige polygamy or encourage it; it only talks about the permissibility of polygamy, and that, too, is a small door that can only be passed by those who need it and with conditions that are not light.<sup>47</sup>

M. Quraish Shihab emphasized that there is no indication indicating the obligation to command polygamy in this verse. Still, it only contains the permissibility of polygamy with conditions that are not light. This verse ends with a suggestion for monogamy in the editorial "That way is closer to not committing persecution." M. Quraish Shihab added that there are several essential things to underline from this verse, namely, first, the target of this verse is the guardians of orphans who want to marry their orphans without being fair. Thus textually, it can be said that the permissibility of polygamy is only for the guardians of orphans, not all men. Second, "Khiftum" is sometimes translated as 'fear' or 'know.' That is, this second translation shows that those who are not allowed to have polygamy are anyone who believes or suspects that they cannot treat their wives fairly or not. Third, the letter waw in this verse means or, not and<sup>48</sup>.

M. Quraish Shihab also emphasizes justice as a decisive factor in polygamy based on the interpretation of QS. An-Nisa verse 3. Because for him, justice is a fundamental and absolute factor that must be fulfilled for someone who wants to be polygamous. The justice referred to by this verse contains many aspects because QS. an-Nisa verse 3 is closely related to the previous verse, which aims to remind guardians to reasonably manage the assets of orphans<sup>49</sup>. M. Quraish Shihab answered the understanding of justice that converges in the context of the husband's attitude towards his wife by stating that justice in this verse relates to orphans. This understanding of M. Quraish Shihab was born from his interpretation which looked at the Musabab of verses and saw the background of the revelation of the verse in the form of the reality of the large number of widows and orphans after the Uhud war<sup>50</sup>.

According to M. Quraish Shihab, the justice referred to by QS. an-Nisa verse 3 regarding polygamy is material justice, not immaterial (love and compassion). It is based on the interpretation of QS. An-Nisa verse 129<sup>51</sup>. This verse implies that justice as a whole or in an immaterial order is impossible for humans to achieve. That is why M. Quraish Shihab concluded that justice in polygamy is only in material aspects<sup>52</sup>. Even though absolute justice is impossible to achieve, this does not mean that this is a reason

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<sup>46</sup> Ibid.

<sup>47</sup> M. Quraish Shihab, *Tafsir Al-Misbah Vol. 2 Pesan, Kesan Dan Keserasian Al-Qur'an* (Tangerang: Lentera Hati, 2017); Mukhtar S. and Mardia, "Aurat Dan Pakaian Perempuan."

<sup>48</sup> M. Quraish Shihab, *Perempuan* (Tangerang: Lentera Hati, 2014).

<sup>49</sup> Shihab, "Tafsir Al-Misbah: Pesan, Kesan Dan Keserasian Al-Qur'an."

<sup>50</sup> HK et al., "Keadilan Berpoligami: Tinjauan Kritis Penafsiran M. Quraish Shihab Terhadap QS. Al-Nisā/4: 3."

<sup>51</sup> Shihab, *Wawasan Al-Qur'an: Tafsir Tematik Atas Pelbagai Persolan Umat*.

<sup>52</sup> Shihab, "Tafsir Al-Misbah: Pesan, Kesan Dan Keserasian Al-Qur'an."



to cancel the law on the permissibility of polygamy. So that the assumption that makes Qs. An-Nisa verse 129 as legitimacy to prohibit polygamy is unacceptable<sup>53</sup>.

## **CONCLUSIONS AND RECOMMENDATIONS**

Based on the description above, it can be concluded that Muhammad Syahrur views the concept of polygamy as requiring the permissibility of polygamy only for widows who have orphans whose husbands have died. Syahrur adheres to a linguistic approach using historical-scientific methods, but he rejects the existence of synonyms in the language of the Koran and Asbabun Nuzul. The foundation for this is the connection between verse 3 of Chapter An-Nisa of the Koran and the verses before it. (verses 1, 2, 127, and 129) that tells about orphans. The poem describes the relationship between orphans, widows who are left to die, and being unable to do justice to one's wives. Syahrur believes that it is the community (government) that determines whether polygamy is enforced or prohibited because, in enactment, it must pay attention to whether or not the conditions for polygamy are present or not as mentioned in verse (QS. an-Nisa verse 3).

Meanwhile, according to the thoughts of M. Quraish Shihab, looking at the issue of polygamy contained in QS. An-Nisa verse 3 does not only focus on the meaning of the text from the text of the verse, as done by M. Syahrur, who must require widows who have orphans to be allowed polygamy but also involves the context in which the verse was revealed, and the historical context in which the verse was revealed. Based on the interpretation of the verse (QS. an-Nisa verse 3), according to M. Quraish Shihab, there is no indication of an injunction requiring the practice of polygamy. Polygamy is not included in the principle of desire but is one of the solutions given to those who need it and fulfill the conditions. Polygamy is only a solution and a way of meeting the needs of emergency household relationships, not an excuse to fulfill mere sexual desires. Things like this can be seen in the emphasis on the fair-term articulation of the material area that must be fulfilled by a man when he wants to be polygamous.

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<sup>53</sup> M. Quraish Shihab, *Al-Lubab: Makna, Tujuan Dan Pelajaran Dari Surah-Surah Al-Qur'an* (Tangerang: Lentera Hati, 2012).

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