

THE CONTEXTUAL INTERPRETATION OF POLYGAMY VERSES IN THE QUR'AN

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Abstract

This study concluded that polygamy practiced by some Muslims did not have adequate syar'i arguments and were not in accordance with the principles of social justice outlined in the Qur'an. The arguments that have been used by classical scholars only constitute the justification of the verses of the Qur'an to synchronize classical culture with gender bias. The verses of polygamy in essence contain the rules of justice in treating orphans and not for the legality of polygamy in Islam.

Keywords: Qur'anic Exegesis; Polygamy; Gender

Introduction

The Interpretation of the Qur'an relating to the polygamy themes is always current and interesting to be discussed. In addition to the controversial, the practice of polygamy by some Muslims is considered contrary to human values embraced by modern society. In fact, Islam as a religion must uphold human values and rejects any behavior that leads to injustice. Thus, the order of polygamy in the Qur'an must be reinterpreted without ignoring the norms prevailing in society at large.

In Islamic thinkers, there are various views on the legal status of polygamy. Traditional textual scholars tend to argue that the polygamy practice is permissible according to Islamic law based on the bright and clear Quran text allowing the men to marry four wives.¹ But, the opinion above is denied by the contextualist-feminist groups who argued that the primary purpose of polygamy command in the text of the Qur'an is the ban on the practice of polygamy itself. The understanding above is not mean to ignore the text of the Qur'an, but they try to explore the essence of the text through studying historical texts of the Qur'an to be transformed in a contemporary context.²

¹ (Zuhaili 1991; Kathīr 2001)

² (Muhsin 1994; The feminist group tends to make justice to be the main requirement to do the polygamy, but it is impossible. They said too that the polygamy is only temporary solution in specific time according Rahman 1980)

The difference above is due to the diversity of methods and mindsets. If the textual scholar holds on linguistic analysis and transmission of Ḥadīth, the contextual scholar emphasizes historical aspect of the Qur'an. Nevertheless, the contextualist attempts to integrate the value of ethic-legal texts of the Qur'an with modern reality. Thus, disagreement above is a logical consequence of the various methods.³

This paper seeks to explore the polygamy concept in the perspective of contextual interpretation. *First*, the author describes the steps of the contextual interpretation and the figures or the commentators who can be classified in this group. The segregation is used as a theoretical foundation to examine the concept of polygamy in the paradigm of contextual interpretation. This classification is important because there has been no definite picture of the group and the figure of the contextual interpretation.

In the main study, the author does not only discussing the polygamy concept in the contextual interpretation perspective, but also studies polygamy discourse by using contextual interpretation methods. Furthermore, this paper is also criticism to the textual group that has always adhered to the textual analysis in interpreting the Qur'an. Through contextual methods, the author would like to open the mind of the textual group to consider the developing interpretation method in the contemporary era. Therefore, contemporary methods should be understood as an effort to combine text and society (context). In this way, we hope that social principles and norms can be unified and coherent with Islamic teachings without leaving the text of the Qur'an.

One of the Muslim weaknesses today is dichotomy between the social sciences and religious studies. The scholar often isolates the text, so that it makes the text apart from the context of the surrounding community. It is very dangerous, in addition to causing intolerant interpretation products, also obscuring the main function of religion as a guide to mankind in every situation and condition. Based on the explanation above, the author will examine the polygamy concept of social, political, gender, and hermeneutical perspective.

The contextual figure that speaks more about polygamy discourse is Fazlur Rahman and Amina Wadud.⁴ Both of them have obtained controversy in the world of Islamic thought, it is not only contrary to the majority of scholar opinion, but they are also considered to deviate from the right Islamic teaching as well because they ignore the views of classical scholars and idolize the reason. Once again, the difference of the two figures above with the majority of scholars is the normal thing. Moreover, they use hermeneutical theory which is different from the classical scholars in general.⁵ Therefore, it is very

³ (Saaed 2006; Companini 2011)

⁴ (Saleh 2007)

⁵ (Esack 1997)

interesting to explore how two figures use hermeneutical method to interpreting the Qur'an.

Contextual Interpretation Method

a. The History of Contextual Interpretation: Reflection on The Classical Interpretation

Contextual interpretation is relatively new in Islamic discourse. The emergence of this method is caused by unsatisfied Muslim group to the classical method which is considered inadequate to solve the contemporary society problem. In many ways, the textual interpretation often ignores social issues in developing contemporary period. The principle of gender equality and tolerance are often overlooked because the text is assessed as having the highest authority in determining the true and false one. However, the literal interpretation of the text is very risk because the interpretation can be contrary to the universal principle of Islamic teaching.⁶

According to the author, the classical interpretation products are not denied by contextual people at all. They only criticize the interpretation which is no longer appropriate and relevant to contemporary era. Religious tolerance and gender equality are major concern among feminist and progressive Muslim. In the history of the classical interpretation, the women were underestimated because they were considered inappropriate to involve in the public domain. So that, it is not surprisingly one, many Muslim countries forbid women to be a leader.⁷ Furthermore, the interpretation of the classical scholars to the tolerance verses can lead sectarian conflict because Islam is only considered as the absolute religion and the others are deviate from the basic Islamic teachings. Based on the argument above, contemporary interpreter appears to connect the lacuna between text and reality of the contemporary society. They try to combine the essence of the Islamic teaching with the reality of contemporary society. In this way, human beings are expected to live peacefully in the various nationalities, ethnicities and religions.⁸

b. Contextual Interpretation Epistemology: An Alternative Interpretation

Contextual methods in the interpretation of the Qur'an by exploring the historical and social context are not a new form. The classical commentators — Ṭabari (838-923), Ibn Kathīr (1301- 1373), al-Qurṭūbī, Ibn Hazm, and Ibn 'Arabi — have been using *asbāb al-nuzūl*, historical context, social analysis, and *tafsīr bi al-rivāyah* to interpret the Qur'an. Then,

⁶ (Duderija 2011)

⁷ (Ali 2010)

⁸ (Syafudin 2009)

verses of the Qur'an are also interpreted by considering historical context, Ḥadīth literature and Prophet Muhammad history.⁹

The problem is that whether the cause (background) of the specific Qur'anic verses can be applied universally or not. The fact shows that the scholars tend to use more general *lafaz* than specific background (*asbāb al-nuzūl*) in interpreting the Qur'an.¹⁰ Then, contemporary Muslim interpreters Maudūdī, Fazlur Rahman, Muḥammad 'Abduh (1849-1905), Rashīd Riḍā, Sayyid Quṭb (1906-1966), Fatima Mernissi (1940), and Amina Wadud (1952) also tend to use the contextual interpretation method in understanding the Qur'an.¹¹

The objective of the contextual interpretation method is not to change the original meaning but to explore the main content (legal-ethic) by exploring the historical context to get the true purpose of the verse. Then, the using of the *asbāb al-nuzūl*, history, and *tafsīr bi al-rivāyah* is relevant and valid method in the context of modern era.¹²

According to Fazlur Rahman, Muslims have failed to capture the ideal-moral message or Weltanschauung of the Qur'anic verses because they perceive that language and narration method are the most effective way to interpret the Qur'an. In fact, the Qur'an is not a collection of law but it contains the basic principles based on the situation and condition. Therefore, he proposed a method called double movement. The method is began by studying basic principles and goals of the Qur'anic teachings, and connecting to socio-moral situation today.¹³

In addition to the above figures, Nasr Hamid Abu Zayd also proposes a model of interpretation called the hermeneutic significance. The method involves two steps, namely internal and external analysis of the text. The first method is pursued by reviewing historical aspects of the language or the circumstances behind the overall decline in the verse. In the second step, the meaning is adapted to the context of contemporary era.¹⁴

Polygamy Discourse in Interpreting the Qur'an

a. Polygamy in Political Perspective

Concerning the legal status of polygamy, the Islamic scholars are divided into three major groups. The majority of commentators dominated by classical scholars are allowing

⁹ (Faiz 2002)

¹⁰ (al-Zarqānī, n.d.)

¹¹ (Ali 2010)

¹² (F. Rahman 1980)

¹³ (Ozdemir 1992; Saleh 2007)

¹⁴ (Y. Rahman 2001)

the polygamy practice. Meanwhile, the enough tolerant notions allow polygamy with strict conditions. In contrast to the previous opinion, the feminists strictly prohibit the practice of polygamy today.

The Old Testament mentioned that Prophet Solomon had seven hundred wives and three hundred concubines. The kind of practice seems to have been rooted in the traditions of all Arab descents. It is not only no prohibition in the earlier religious teaching, but also polygamy is considered to be able to safe the women of the violence by the ruling tribe. When the women married to the stronger tribe, they get protection automatically. So that, many women married at an early age as 'Āishah is married by the Prophet of Muhammad at six ages.¹⁵

b. Polygamy in Historical Perspective

The law of polygamy in Islam is often misunderstood. Islam is considered freely permitting the practice of polygamy. This error begins from the failure to grasp the message of the Qur'an as a whole. The command of polygamy in the Qur'an is inadequate with the analysis of vocabulary alone. The verse should be positioned in its context. That is why, the scholars argued that a Muslim may not be able to understand the verses of the Qur'an (especially the law verse), if they do not know the background of the verse. In the science of the Qur'an, the term is called as *asba b al-nuṣṣu* 1.¹⁶

Before discussing the legal status of polygamy, it is necessary to analyze the practice of polygamy based on the Prophet history and practice. The Prophet decision to do polygamy is often misunderstood and tends to be spoofed especially by groups that want to attack Islam. The practice of polygamy is also often used as a reason to say that the Prophet is hyper sex. If we understand the polygamy objectively based on historical evidence, there can be no accusation that the Prophet is a free sex and so on.¹⁷

The historical fact shows that the Prophet Muhammad married when he was about 25 years old with Siti Khadijah. During that time, he did a monogamous marriage, shorter than the period of polygamy which is about eight years. In addition, the wife of a polygamous apart Aisha is a woman who has the old age, widows precisely the age of 45 years. Moreover, The prophet married them in order to succeed in the Islamic mission to preach Qur'anic teachings.¹⁸

¹⁵ (Quraish Shihab 2005)

¹⁶ (al-Zarqānī, n.d.; al-Ṣābūnī 2003)

¹⁷ (Muhammad ibn 'Alawi al-Mālikī, n.d.)

¹⁸ (al-Raḥmān 2009)

Basically, the Prophet Muhammad is a figure of the supporting monogamous marriage. It is reflected when he did not allow Ali to marry his daughter, Zaenab. In fact, the Prophet in the one of his prayers asks to the God to forgive him because he could not be fair to his wives.¹⁹

c. Polygamy In Hermeneutical (*Interpretation*) Perspective: Reviewing the Interpretation Fluctuation

In interpretation the Qur'an, Muslims disagree on the legal status of polygamy in understanding QS an-Nisā [4]: 3 and 129. The scholars who allow the polygamy practice based on the textual interpretation regardless the socio-historical verse.²⁰ Furthermore, the group that opposite the polygamy practice tries to explore the essence and the main purpose of the verse. They analyze the revelation context of the verse. In other sides, the contrary group to the polygamy practice considered that the polygamy is contrast to the women nature. Moreover, in daily life, they are always to be the second man. The polygamy can make chaos among the wives.²¹

Quraish Shihab is one of the interpreters who allow the practice of polygamy with strict conditions.²² He interprets the word *tuqsitu* as a fair treatment between two or more people, and the justice makes them happy. Meanwhile, word *ta'dilu* is true both for others and his self, but the justice may not please the other.²³ Furthermore, the conjunction (j) means "and" because if the word is translated "or", it is contrary to the Prophet command to Ghilan ibn Umayya ats-Thaqafi to mary till four wives.²⁴ Quraish said that polygamy may be implemented in emergency and urgent condition such as barren disease, inability wives "to serve" her husband, and others. In *Tafsir al-Misbab*, he asserts that the main purpose of this verse is to regulate the welfare among men and women in a family —descent, health, honor, and biological needs.²⁵

Ibn Kathīr in *Tafsīr al-Qur'ān al-'Azīm* mentions a number of interpretations of the QS al-Nisā' [4]: 3. The scholars agree to allow the practice of polygamy, but the commentators differ on the number of wives allowed to be married. Imām Shāfi'ī strictly

¹⁹ (Quraish Shihab 2005; Kathīr 2001)

²⁰ (Saaed 2006)

²¹ (Columbia 2011)

²² (Quraish Shihab 2011, 2005)

²³ (Quraish Shihab 2005)

²⁴ (Quraish Shihab 2005)

²⁵ (Q. Shihab 2005 Vol 11)

prohibits marrying more than four wives, but among the Shiites allow polygamy to nine people as done by the Prophet Muhammad. Nevertheless, most Shiites does not limit the number of wives allowed to be married.²⁶

In contrast to the opinion above, Ibn Kathīr said that polygamy is only allowed up to four wives based on a history of Ḥadīth from Imām Aḥmad who said that the Prophet ordered Ghaylan Salmah ibn al-Thaqāfi when he converted to Islam to choose four of his ten wives (*ikhtar minbunna arba'ari*). If the verse is related to QS. al-Nisā' [4]: 129, Imām Ibn Kathīr understands *ta'dilu* as equality in the terms of love (*mahabbah*), lust (*shahwat*) and relationships (*jima'*). In other words, it is impossible for the husband to be fair in terms of feelings.²⁷

The other classical interpreters are al-Ṭabari in his commentary *Jāmi 'al-Bayān fī Ta'wīl al-Qur'an*, he mentions that a man should do justice to the orphans who will be married. If he could not do justice, you must marry other women two, three, or four. But, if you could not do it, it is enough to have your own slave.²⁸ Nasharudin Umar with thematic interpretation method asserts that polygamy verse (Surah al-Nisā' [4]: 3) reveals in the context of the aftermath of the Uhud battle. At that time, the number of men was less than women. Montgomery Watt said that there are only one-fifth of men who can fight among 500 people, and the others are women and children. Thus, polygamy at the time was considered as an appropriate solution to increase the Muslim population. If we observe (Surah al-Nisā' [4]: 129), the verse actually rejects polygamy, or at least limits the implementation of polygamy.²⁹

In addition to the opinion above, it should be noted the Muhammad Shahrur opinion. His thought is quite interesting and unique because he divides the polygamy practice in terms of quantity and quality. In his limit theory, Shahrur mentions that women who can be married is one in terms of the minimum Quantity and the maximum is four women. In terms of quality, the woman that can be married is a widow who has the orphan.³⁰ His opinion is based on the context analysis of the background revelation.³¹

²⁶ (Kathīr 2001)

²⁷ (Kathīr 2001)

²⁸ (al-Ṭabari 1978)

²⁹ (Umar 2001)

³⁰ (Shahrūr 1990)

³¹ (Shahrūr 1990; Adnan 2004)

The Concept of Polygamy in the Contextual Interpretation Perspective

a. The Polygamy Verses in the Qur'an

The permissibility of polygamy in Islam is based on the QS. an-Nisā' [4]: 3 and 129. The verse has been disputed by the commentators. However, the verse was related to another verse because every Qur'an terms are related to each other.³² However, the two verses above are the main problem in interpreting the polygamy theme.

b. The Scholar Difference in Understanding Polygamy Verses

Although the verses interpreted are the same thing, the scholar interprets the verses in different ways. The difference is due to an ideology or pre-understanding of the interpreter. Someone who has a literary background (language), thinker, *uṣūliyyūn* and so on has the various understandings in interpreting the same verse. Therefore, we know that Islam is divided in many sects and streams such as Khawarij, Mu'tazilites, As'ariyah, Jabariyah, Shiites and so on.³³ Some groups assume that the reason has the high position to interpreting the Qur'an and the others tend to be textualist. It makes the interpretation to be varied. Furthermore, every one (*mufasir*) could not be separated from his experience, and the various opinion in Islam are the reality of life.³⁴

The differences have existed in the Prophet Muhammad period when he ordered his companions to pray in Bani Quraizah. Responding the command, some companions pray in the Banī Quraizah and the others interpreting the Prophet command contextually they pray before arriving there. It shows that the differences could not be hindered. We find too the different opinion in *Khulafā' Rāshidūn* period, four school imams (*mazhab al-arba'ah*). Today, the Muslim is divided into two big sects: Sunni and Shi'ah.

Difference does not mean conflicts, but it can be interpreted as a unit. It may be, a meaning escapes the observation of a cleric, and is enhanced by other scholars. Therefore, differences should be able to be united and correlated between one statement and another. Therefore, differences must be addressed wisely, so that these differences do not trigger conflict, which is actually criticized by religion, including Islam. The Prophet is an ideal example to emulate. During his life, he received many challenges from various parties who did not approve of the teachings of Islam, but he as a messenger of God was always wise and polite to face every verbal abuse addressed to him. Let alone to reply in a persistent manner, he always prays for those who hurt him to obtain guidance from Allah.

³² (al-Tayyār 1999)

³³ (Ghazali 2009)

³⁴ (Zaid 2000)

c. Gender and Hermeneutical Interpretation of Polygamy Verses

1) Aminah Wadud (Analyzing Gender and Hermeneutical Interpretation)

Aminah Wadud is an African feminist Muslim figure who was born in Maryland, 1952. Aminah obtained her Ph. D from the University of Michigan. She is regarded as a controversial figure, because she leads prayer (*ṣalla*) by combining men and women as makmum in the Synod House of the Cathedral of Saint John Divine in New York, 2005. Then, she also gave the Friday Sermon it shall be given by men in Islamic jurisprudence (*fiqh*)— in a mosque, South Africa at the invitation of Ebrahim Moosa. Some extremist African Muslims and world Muslim communities condemn the events.³⁵

Aminah Wadud focuses on two methods, namely thematic interpretation and hermeneutics. The first one includes gender relations. The second one is hermeneutics that focuses on reading the Qur'an text, especially the relation among the texts to find the women concept in the Qur'an.³⁶ In interpreting the polygamy verses, Aminah Wadud analyzes the society condition of the revelation background and examines the relationship among the text. She begins his commentary by an-Nisā [4]: 2-3 and correlates with the other verses. In analyzing the verse, she studies revelation background of the verse, text, and contemporary context.

In the *Qur'an and Women*, Aminah Wadud criticizes traditional interpretation in understanding polygamy verse. According to him, the permit to do polygamy is to keep the widows and their children. To understand al-Nisā' [4]: 3, she explores the revelation contexts of polygamy verse. According to him, the previous verse talks about the treatment to the orphans because they could not do justice to them. As a solution, the Qur'an talks to them (guardian) to marry the orphans.³⁷

The Muslim feminists criticize the standard used by the polygamy proponent. They said that justice criterion is only material. The opinion is not completely true because the justice basically is social justice as part of the fair treatment to his wife. It is based on the al-Nisā' [4]: 129. The verse said that the justice is managing funds in a balanced, fair on the orphans, and his wives. Moreover, it is impossible to realize the love between husband and many wives as mentioned in the Qur'an al-Baqarah: 187, the husband should share his love with other women.³⁸

³⁵ (Moosa 2004)

³⁶ (Mernissi 1995)

³⁷ (Muhsin 1994)

³⁸ (Muhsin 1994)

Then, Amina Wadud refutes three arguments often used by the polygamy proponents. *First*, the financial burden: one of the polygamy proponent ambiguities is recommendation to the man who has the material ability to marry more than one wives as the financial support to the women. According to Wadud, the argument is gender bias because women is assumed as the weak women and could not support their lives. In fact, the women today have the same opportunities as men to involve in the social community. Then, they are not only consumer but also production as well. In many places, the women also support the man. So, the argument should be rejected because it is not unreasonable to legalize polygamy.³⁹

The second, infertility, this reason does not match with the text or context of the verses. We do not find in the Qur'an that infertility can be a reason for the polygamy practice. If the couple wants the children, they can adopt the orphans. This solution is more realistic than doing polygamy. The main purpose of the marriage is achieving love and affection. With the polygamy, it is impossible to be realized. This second reason could not be accepted because it is very gender bias. *The third*, the polygamy practice seems to support the implementation of impingement lust of men. If one wife is not enough for the man, they could have two wives, three or four. Then, the context of polygamy verse is to maintain the orphans and widows because of the uncertainty in the Arab society.⁴⁰ Wadud idea is based on the thematic interpretation method by analyzing the verses comprehensively. In addition, Wadud also interprets the Qur'an by the women's experiences. By this way, the various interpretations of gender bias can be eliminated.⁴¹

2) Fazlur Rahman (Analyzing Gender and Hermeneutical Interpretation)

Fazlur Rahman is the first figure who initiates the contextual interpretation method. He is a critical Muslim in studying classical Islamic studies. In one of his papers, he mentions that the Muslim world should review the Western world critically and objectively. If the Muslim community does not practice it, the Muslim community will fail to face the modern world. Therefore, the main task of Muslim is to develop an appropriate and logic methodology to study the Qur'an in order to get the guidance for our futures.⁴²

Rahman states that the Qur'an legally recognizes the polygamy system, but the Qur'an also limits the number of wives to be married. Then, justice is the main requirement for the man who wants to do polygamy.⁴³ According to him, polygamy verses are *ad hoc*

³⁹ (Muhsin 1994)

⁴⁰ (Muhsin 1994)

⁴¹ (Scott 2009)

⁴² (F. Rahman 1979)

⁴³ (F. Rahman 1980)

response to the social problem that occurs at that time. Therefore, the verse could be categorized as a contextual verse, depend on the social problems faced.⁴⁴

In addition, Rahman also stated that the Qur'an is not a legal document but a book that contains principles and moral appeals, even though it contains legal statements issued in the development society. The legal provision and general reform of the Qur'an are the women and the slavery legal status including the issue of polygamy, in which the Qur'an limits the husband to marry until four wives. The Qur'an also states that the husband and wife are expressed as *Libas* (clothes) for each other. The women are given the same rights over the men as men's rights over the women, with the exception that men, as a party to make a living, has position higher than women.⁴⁵

Conclusion

The contextual method is the methodology using text analysis to know the meaning of the text to be transferred to situation today. In contemporary scholars, it is known as hermeneutical method. It is begin from word analysis, context of the text in seventh Arab Jazirah, then the situation today.

After reading explanation of the two contextual figures above, the writer can conclude that the polygamy practice in the view of them actually is not the main purpose of the Qur'an but it is a solution to the conflict at the time. The solution given by the God in the certain time does not mean that it can be applied in another situation. Moreover, Rahman said that al-Qur'an is not a legal document but it is a collection of moral ideas. Then, the main purpose of the commentators is how to transfer the principal teachings of the Qur'an (ideal-moral) to the current situation. As contextual interpreter, Rahman still allows polygamy with very strict conditions as described above. Furthermore, Amina Wadud is one of the feminists who condemn polygamy behavior today. With her hermeneutical method, she insists that there are no reasons for the man to do polygamy. She analyzes that polygamy has more political aspect than obeys the text of the Qur'an. It is domination of man over the women. Therefore, Aminah strictly prohibits the polygamy practice.

The author argues that the two figures above with the contextual hermeneutical method tend to separate between the Qur'an and Ḥadīth narrations, especially Amina Wadud. In fact, in her work, Wadud said that if the hermeneutical analysis of the Qur'an contrasts the Ḥadīth narration, she chooses the Qur'an analysis products. Amina Wadud separates between the Qur'an as the main resources and Ḥadīth as explanation of the

⁴⁴ (Nasution 2002)

⁴⁵ (F. Rahman 1968)

Qur'an. If there is ambiguity in the text of the Qur'an, an interpreter should refer to the second source of the valid narration (Ḥadīth). The author argues that the two figures above with the contextual hermeneutical method tend to separate between the Qur'an and Ḥadīth narrations, especially Amina Wadud. In fact, in her work, Wadud said that if the hermeneutical analysis of the Qur'an contrasts the Ḥadīth narration, she chooses the Koran analysis products. Amina Wadud separates between the Qur'an as the main resources and Ḥadīth as explanation of the Qur'an. If there is ambiguity in the text of the Qur'an, an interpreter should refer to the second source of the valid narration (Ḥadīth).

In fact, if Wadud studies Ḥadīth, it will be found that the Prophet ever prays to God that he could not be fair in love (heart) because he is very fond of his first wife, Siti Khadijah. Through the studying above, it is clear that Wadud translation of the word "justice" is fairness in everything contradicted in the Ḥadīth transmission. Thus, the word is appropriate to be understood as material (inmateri) as mentioned by Quraish Shihab, Muḥammad Shahrūr, Mutawalli Sha'rawi, Wahbah Zuhaili, and other commentators.

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