

Conception of Polygamy: A Comparative Study of Muhammad 'Abduh and Faqihuddin Abdul Kodir

Mutiara Balqis Nabelah Rahmi^{a,1*}, Jamilah^{a,2}

Email: ¹mutiarabalqis1703@gmail.com, ²jamilah@syariah.uin-malang.ac.id

^aUniversitas Islam Negeri Maulana Malik Ibrahim Malang, Indonesia

*Correspondent

ABSTRACT

The discourse on polygamy in Islamic law encompasses diverse perspectives. Muhammad 'Abduh and Faqihuddin Abdul Kodir are two figures known for their gender-friendly paradigm for understanding fiqh munākahāt, especially polygamy. Both are contemporary scholars with different backgrounds. This study aims to analyze the thoughts of Muhammad 'Abduh and Faqihuddin Abdul Kodir as well as the similarities and differences in their views on polygamy. The research method used is descriptive-analytic which explains the ijtihād background of each figure with a comparative approach. The results show the similarities between 'Abduh and Faqihuddin in three categories: the style of interpretation is tafsīr bi al-ra'y, the dominant method of interpretation is munāsabah al-āyah with verses 2 and 129 al-Nisā' and includes women's experiences, and both prohibit polygamy that leads to harm. The differences are also divided into three categories; 'Abduh's paradigm is al-aḍabī wa al-ijtimā'ī while Faqihuddin mafhūm mubādalah, 'Abduh correlates verse 3 of al-Nisā' with verses 2 and 129 while Faqihuddin with verses 2, 128, 129, and 130, and differences in the characteristics of writing 'Abduh who tends to interpret words and Faqihuddin tends to interpret the wording of the verse as a whole.

This is an open access article under the CC-BY-SA license.



OPEN ACCESS

Article history

Received 2024-03-31

Revised 2024-08-23

Accepted 2024-10-01

Keywords

Polygamy,
Thoughts,
Muhammad 'Abduh,
Faqihuddin Abdul Kodir,

Introduction

Polygamy has always been a topic of contemporary Islamic discourse, where its practice is intensely debated. The basis for polygamy is always considered final because it is so clearly stated in the Qur'an - Q.S. al-Nisa' (3): 3 —as well as several hadiths which show the historical fact that the Prophet Muḥammad ṣallallāhu 'alaihi wasallama practiced polygamy makes it a permissible sunnah - some people even say it is recommended to follow it. There is a crucial requirement that polygamists often ignore: acting fairly, which is considered too difficult to achieve due to its abstract meaning. This has led to many cases of divorce, in reality, due to polygamy. Of course, those who feel most disadvantaged by this practice are women.

The 2022 Central Bureau Statistics (BPS) report stated that 447.743 divorce cases were recorded in 2021. This figure increased compared to the previous year, which amounted to 291.677 cases. The Religious Court looked at the data and stated that one of the factors for divorce in Indonesia is polygamy (Layyinah, 2023). One of the main factors causing divorce, according to research data from the Lubuklinggau Religious Court (2013–2015), was unhealthy polygamy, with 88 cases (0.6%). Polygamy also contributed to 3 divorce cases in Mungkid Magelang Religious Court in 2023 (Logo Igo Karmed, 2024).

These facts of divorce due to polygamy are indicators of unsuccessful polygamy due to unfair treatment between wives and neglect. Some research suggests that polygamy can lead to violence and injustice against wives. This injustice generally takes the form of unequal nightly allotments. The Indonesian Survey Institute (LSI) stated that in 2011, 52.9% rejected polygamy, 32.9% strongly opposed polygamy, 14.2% agreed to polygamy, and the rest abstained (Setyo Nugroho, 2024).

The differences between scholars regarding the legal status of polygamy and its requirements and practices have given rise to many conceptions regarding polygamy itself over the centuries, both salaf (classical) and khalaf (contemporary) scholars. From these many opinions, there are also new concepts that can be used to legitimize and support polygamy law, all of which have a frame of mind and background that influences the results of their respective *ijtihad*. Among these contemporary Muslim figures are Muḥammad ‘Abduh and Faqihuddin Abdul Kodir. In general, both of them are Muslim figures who actively fight for women from Islamic discourses.

Muḥammad ‘Abduh was born on 1849 in Mahallat Nashr, al-Buhairah, Egypt. He is one of the modern Islamic thinkers. Muḥammad ‘Abduh grew up in the care of his parents and was educated to memorize the Qur'an. He completed memorizing up to 30 juz when he was 12 years old. In addition, he was also educated in religious knowledge by a teacher at the Thantha Mosque to Sheikh Ahmad in 1862 (Muhsin & Afendi, 2022). Moreover, continued his education at al-Azhar, here he gained much insight into Islam and modernity. ‘Abduh once served as the rector of al-Azhar University and was a revolutionary because he included a philosophy curriculum that was previously prohibited from being studied. According to M. Quraish Shihab, Muḥammad had two main ideas: freeing the mind from the grip of blind imitation which caused the stagnation of Muslim thinking, and improving the use of Arabic as a formal language in government offices and the mass media (Prasetyo et al., 2023).

Meanwhile, Faqihuddin Abdul Kodir was born in Cirebon on December 31, 1971. He is a writer and lecturer at IAIN Syekh Nurjati Cirebon, the Fahmina Institute of Islamic Studies (ISIF), and Deputy Director of Ma'had Aly Kebon Jambu Cirebon. His educational history is dominated by religious studies, such as Dar al-Tauhid Arjawinangun Cirebon Islamic Boarding School in 1983-

1989. His undergraduate degree at Damascus University, Syria, simultaneously took the Abu Nur Da'wah Faculty and the Sharia Faculty. He continued his Masters at the International Islamic University Malaysia, specifically the Faculty of Islamic Knowledge and Human Sciences. After his formal education, Faqihuddin focused on community service and joined various organizations that uphold gender-friendly Islam. Muḥammad 'Abduh and Faqihuddin Abdul Kodir are progressive Muslims who defend women, so the researcher is interested in finding the starting point for each figure's paradigm, background, similarities, and differences.

The research questions to be answered by this study are what are the thoughts of Muhammad 'Abduh and Faqihuddin Abdul Kodir about polygamy and what are the differences and similarities between Muhammad 'Abduh and Faqihuddin Abdul Kodir's thoughts about polygamy. Several previous studies which have a similar focus to this research include the journal article "Rasionalitas Perintah Ayat Poligami: Kajian Pemikiran Tafsir Muḥammad 'Abduh" by Supiatul Aini and Abdurrahman in 2021, the thesis "Konsep Poligami dalam Pemikiran Faqihuddin Abdul Kodir Perspektif Mubadalah" by Dewi Sundari UIN Prof. K.H. Saifuddin Zuhri in 2022, and the journal article "Interpretasi Poligami dalam Qs. Al-Nisa' Ayat 3 dan 129: Studi Perbandingan antara Penafsiran Muḥammad Syahrur dan Muḥammad 'Abduh" by Fauzi Fathur Rosi and Daafiqin Syaqq Maulana in 2023.

This research is library research with descriptive-analytic method because it explains in detail Muḥammad 'Abduh and Faqihuddin Abdul Kodir's thoughts on polygamy as a whole and their ijtihād regarding polygamy law in Islam and is using a comparative approach. A comparative approach is usually used to analyze points of similarity and difference in a concept being studied, in this case, Muḥammad 'Abduh's and Faqihuddin Abdul Kodir's thinking.

The primary legal materials used in this research are the Qur'an, Hadiths, the works of Muḥammad 'Abduh including: *Tafsīr al-Qur'ān al-Hakīm (Tafsīr al-Manār)*, *Risālah al-Tauḥīd*, and other writings of his that are relevant to the topic of polygamy and Faqihuddin Abdul Kodir's works which touch on polygamy include: *Sunnah Monogami: Mengaji al-Qur'an dan Hadis*, *Qira'ah Mubādalāh: Tafsir Progresif Keadilan Gender dalam Islam*, and his other writings. The secondary legal material for this research is scientific journal articles and relevant books such as fiqh books that support the discussion which is the theme that discusses polygamy. Tertiary legal materials are complementary and explanatory of previous legal materials. These legal materials include legal dictionaries and news on the web or other online references such as Badan Peradilan Agama (Badilag) Mahkamah Agung site for gaining data and statistics.

These previous studies have some relevant themes to current research. The Author uses these studies as sources for data and analysis for consideration and comparison with current research. The difference with the Researcher's research is that this research is more focused on comparing

the thoughts of Muḥammad ‘Abduh and Faqihuddin Abdul Kodir regarding the concept of polygamy and then analyzing the similarities and differences. So far, no research has been carried out to compare the thoughts of these two figures in the polygamy discourse, so it is novel.

Discussion

Muhammad ‘Abduh’s Biography and Thinking Epistemology

Muḥammad ‘Abduh was born on 1849 in Mahallat Nashr, al-Buhairah, Egypt. He is one of the modern Islamic thinkers. Muḥammad ‘Abduh grew up in the care of his parents and was educated to memorize the Qur'an. He completed memorizing up to 30 juz when he was 12 years old. He continued his education at al-Azhar University, here he gained much insight into Islam and modernity and met Sheikh Hasan at-Tawil and Muḥammad al-Basyuni who gave him insight into the basics of liberal, rational, linguistic and literary thought (Afifi & Syauqani, 2024). In 1895, ‘Abduh was appointed to the Administrative Council of Al-Azhar, which he used to incorporate radical reform ideas in Al-Azhar's educational curriculum. After that, ‘Abduh served as mufti of Egypt in 1899, which became one of the “containers” for his ideas on polygamy, inheritance, usury (riba), marriage with ahl al-kitab, and other legal issues. He held this mufti position until his death on July 11, 1905 (Rasam, 2021).

One of ‘Abduh's most popular teachers and one who influenced the basis of ‘Abduh's thought was Jamal al-Din al-Afghani. Al-Afghani met ‘Abduh when he was a student at al-Azhar University, they discussed a lot about sufism, tafsir, as well as modern knowledge such as philosophy, law, history, constitutional science, and others (Abduh, 1996). Jamal al-Din al-Afghani’s spirit of *tajdīd* (renewal) immediately influenced ‘Abduh in his view of Islamic law. Muḥammad ‘Abduh read so many books of philosophy and rationalist Mu'tazilah thought that he was once accused by al-Azhar lecturers of having left the Ash'ari school. Because of the accusation, ‘Abduh responded: “Clearly I have abandoned *taqlīd* to the Ash'ari, so why should I also *taqlīd* to the Mu'tazilah? I will abandon *taqlīd* to anyone, and only adhere to the arguments that are presented” (Abduh, 1996). This statement shows ‘Abduh's firmness against blind *taqlīd*.

Muḥammad ‘Abduh had a student and friend, Muḥammad Rashid Riḍha. Their relationship began with Rashid Riḍha's admiration after reading the writings of Jamal al-Din al-Afghani and Muḥammad ‘Abduh in al-‘Urwah al-Wuthqā, so he decided to study with him. Tafsir al-Qur'an al-Hakim or known as Tafsir al-Manar, is the magnum opus of ‘Abduh and Rashid Riḍha's collaboration (Afifi & Syauqani, 2024).

‘Abduh's thinking, epistemologically, opened up the breadth of thinking in Islamic law since its decline because the door to *ijtihād* was closed with a rationalist approach (Asmawi, 2021). Revelation (*waḥy*) shows the mind how to worship and thank God, determines the good and bad

of God's decrees through commands and prohibitions, and empowers the mind to force people to obey the law (Rasam, 2021).

According to Al-Dhahabi, Muḥammad 'Abduh is a pioneer of the style of interpretation al-adab al-ijtima'i (social culture) in Tafsir al-Manar. The al-adab al-ijtima'i style was heavily influenced by Jamal al-Din al-Afghani who sensitized Muḥammad 'Abduh who was not satisfied with the memorization method as the only way to understand religion, neglecting critical thinking (Fattah et al., 2023). This style has nine main principles (Shihab, 2006):

- a) Surah/verse of Qur'an is a harmonious unity;
- b) The verses in Qur'an are global and universal;
- c) The Qur'an is the main reference for 'aqidah and shari'a;
- d) Understanding Qur'an verses using rationality;
- e) Rejecting taqlid;
- f) The issue of mubham (unclear) is not detailed;
- g) Being critical in reading the hadiths of the Prophet ṣallallahu 'alaihi wa sallama;
- h) Being critical of sahabah opinions and rejecting isra'iliyat;
- i) Connecting the interpretation with social life.

Therefore, Tafsir al-Manar contains many social dynamics that actually occur in society, such as people oppression, khurafat, blind taqlid, and the call for ijihad (Fattah et al., 2023). These whole themes once again shows the existence of a Muslim thinking dullness so that al-adab al-ijtima'i style is needed to answer these problems.

Muhammad 'Abduh's Perspective on Polygamy

'Abduh began his discussion of polygamy by reviewing the meaning of al-Nisa' verse 2. This verse is a warning to be kind to orphans: "Hence, render unto the orphans their possessions, and do not substitute bad things [of your own] for the good things [that belong to them], and do not consume their possessions together with your own: this, verily, is a great crime."

The word "orphan" means "one who loses his father before reaching an age when he can no longer provide for him" or "an animal that loses its mother when it is young, because the female of the animal is the mother of its young" (Abduh & Rashid Ridha, 1945). Orphans are a vulnerable group in society. Children who have not been able to take care of their own property are managed by guardians (wali) to take care of it properly, so that their property cannot be used carelessly before they mature (baligh).

The meaning of "do not substitute bad things [of your own] for the good things [that belong to them], and do not consume their possessions together with your own" according to Sa'id ibn Jubayr is that it is not permissible to exchange haraam wealth for halal. Mujahid, Sa'id ibn Jubayr, Ibn Sirin, Muqatil ibn Hayyan, As-Saddi, and Sufyan ibn Husain interpreted the prohibition of

mixing your wealth with the wealth of orphans as “separating our wealth from the wealth of orphans” (Ristianti & Risqy Kurniawan, 2022). In the wording of this verse it says exchanging something for something, because they are always used as a substitute for the orphan's property (good) for bad property (the guardian who mixes his property with the orphan's), so al-Raghib compares it to “rusty iron” (Abduh & Rashid Ridha, 1945). The discussion about the maintenance of orphan will have coherences (*munasābah al-āyah*) with the next verse about polygamy.

‘Abduh continued on the next verse as well as the discussion core, al-Nisa’ verse 3: “And if you have reason to fear that you might not act equitably towards orphans, then marry from among [other] women such as are lawful to you – [even] two, or three, or four: but if you have reason to fear that you might not be able to treat them with equal fairness, then [only] one – or [from among] those whom you rightfully possess. This will make it more likely that you will not deviate from the right course.”

He quoted Imam al-Zamakhshari: “When it is said ‘divide this thousand dirhams. If you say two dirhams two dirhams then each person gets two dirhams and not four dirhams. If you had said ‘divide this wealth by two dirhams, or three dirhams, or four dirhams,’ then you would have known that it is not permissible to divide it except by one of these types of division, and they should not combine it by making it double, triple, and quadruple, and the permissibility of combining the types of division implied by the letter ‘waw’ in the wording” (Abduh & Rashid Ridha, 1945).

In fact, Imam al-Zamakhshari considers polygamy to be a *rukḥṣah* like *jama’ qaṣar* or breaking the fast due to *musāfir* when in a state of emergency (Dzurriyyatus Sa’adah & Sar’an, 2024). The emergency in question is when a man has a higher sexual desire and there is a fear of committing adultery if he does not marry a wife who is equally reciprocal. The argument that it is permissible to marry nine or more people because of following the Prophet Muḥammad is refuted by scholarly *ijmā’* (consensus) because it is the Prophet’s *khuṣūṣiyyah* and therefore does not apply to other Muslims (Abduh & Rashid Ridha, 1945).

‘Urwah said, Sayyidah ‘Aisha said, “Then, after this verse, people asked Rasulullah shallallahu alaihi wassallam- about them (orphan girls), then Allah revealed Q.S. al-Baqarah verse 127 Sayyidah ‘Aisha said, “What Allah mentioned that was recited to you in the Kitabullah is the first verse, which says, “And if you fear that you will not be just to the rights of orphaned women (when you marry them), then marry (other) women of your liking.” Sayyida ‘Aisha said, “And Allah says in another verse, ‘and you want to marry them,’ meaning that one of you wants an orphan girl who is under his guardianship, but she has little wealth and beauty, so those who want her wealth and beauty are prohibited from marrying her, except in a fair manner.”

That is, if you fear that you will not be fair to the orphaned women, treating them as you treat other women in terms of dowry and so on, or better, then do not marry them, and marry women

whom you like and who you think are better than other women. After quoting Sayyida 'Aisha's statement, 'Abduh said: It is as if she is saying that if you want to marry an orphan and fear that the marriage will make it easier for you to eat her wealth, then leave her and marry a clever woman (rashidah) you like (Abduh & Rashid Ridha, 1945). Rashidah is a fiqh term for women who are mukallaf, hurrah (liberated), and tamyiz (capable of financial spending) (Daud & Syarif, 2021).

Justice is the main requirement for the permissibility of polygamy. If one is unable to be just (zalim) then it becomes impermissible and therefore 'Abduh makes "just" the 'illah of the law as well as emphasizing the obligation to be just, meanwhile al-Nisa' verse 129 implies that polygamists will not actually be able to be just. The verse can be understood as the inclination of the heart, and this is still forgiven by Allah for the inability of His servant just as the Prophet Muhammad shallallahu alaihi wassallam was more inclined to Sayyida "Aisha than his other wives, but he did not give her special treatment (Abduh & Rashid Ridha, 1945).

In the early days of Islam, polygamy had many benefits, the most important of which were the bonding of kinship and the multiplication of the ummah. At that time, religious values were still strongly held in the hearts of both men and women, so there was little injustice caused by polygamy. As for today, the corruption is "transmitted" to every member of the family and causes incitement to hostility and hatred. 'Abduh even detailed the types of evils that polygamy causes in the long run, such as theft, adultery, lying, betrayal, falsification of lineage, and even murder between family members. Each of these events is a fact in court (Abduh & Rashid Ridha, 1945).

There is no other way to educate the ummah about the prevalence of polygamy except by obliging scholars to study this issue as their responsibility, because it is not denied that religion was revealed for the benefit and good of mankind, as one of the principles of religion is "rejecting harm and causing harm" (لا ضرر ولا ضرار). If there is a harm that has never existed before, then the law must be changed and applied to current conditions: using the rule "preventing harm must take precedence over bringing benefits". (درء المفاسد مقدم على جلب المصالح). Thus, 'Abduh emphasized that polygamy is absolutely forbidden when there is a fear of injustice (Abduh & Rashid Ridha, 1945).

Faqihuddin Abdul Kodir's Biography and Thinking Epistemology

Faqihuddin Abdul Kodir was born in Cirebon on December 31, 1971. His education began at Kedongdong Elementary School (SD) and Diniyah-Ibtida'iyah Gintung Lor in 1977-1983. Madrasah Tsanawiyah Arjawinangun year 1983-1986, then Madrasah Aliyah Nusantara Arjawinangun year 1986-1989. These last two levels he did while studying religious knowledge at the Dar al-Tauhid Arjawinangun Islamic boarding school under K. H. Ibnu Ubaidillah Syathori and K. H. Husein Muhammad.

Faqihuddin continued his undergraduate higher education at the University of Damascus, Syria, by taking a double degree program for the Faculty of Da'wah Abu Nur (1989-1995) and the

Faculty of Sharia (1990-1996). In this country, Faqihuddin met Sheikh Ramaḍan al-Buṭi, Sheikh Wahbah Zuhaili, and Muḥammad Zuhaili, and practiced the Naqsyabandiyah tariqah under the guidance of Sheikh Ahmad Kaftaro. He continued his Masters at the International Islamic University Malaysia (IIUM). Here he studied fiqh in the field of developing the fiqh of zakat (1996-1999). Faqihuddin was again active in organizations in Malaysia through his position as Secretary of the Special Branch of Nahdlatul Ulama/Pengurus Cabang Istimewa Nahdlatul Ulama (PCI NU).

Like most men born in a patriarchal world, Faqihuddin did not immediately take a gender-friendly perspective. His curiosity about justice for women has been nurtured deeply since he was in junior high school. Faqihuddin often witnessed how his female friends had difficulty with the rules of purification during menstruation in the fiqh books (Floretta, 2022). His reflections on women's issues, which he considered often burdensome, increased over time. At the Second Indonesian Women Ulama Conference/Konferensi Ulama Perempuan Indonesia (KUPI) II at the Hasyim Asy'ari Islamic Boarding School, Faqihuddin began to express her interest in women's issues. His teacher, K. H. Husein Muḥammad gave a big contribution to the basis of his thinking related to gender equality. He often advised Faqihuddin to think critically, broadly, and not be rigid about the texts in the Qur'an, hadith, books, or books to be studied (Rake Ramadhani, 2023).

Faqihuddin's magnum opus, *Qira'ah Mubaḍalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*, is a work that discusses the interpretation of the main sources of Islam, especially the Qur'an and hadith, with an egalitarian and reciprocal perspective that upholds the spirit of interdependence and reciprocity (mubadalah) (Zakiyah, 2020). Faqihuddin applies the principle of tawhid firmly in the formulation of his mafhūm mubaḍalah. There are 3 crucial things Faqihuddin conveyed regarding the reading of the text equally in the opening of *Qira'ah Mubaḍalah*: First, the main texts (naṣ) of Islam are in Arabic, whose grammar is based on gender (mudhakkār-mu'annath), which necessitates an understanding of gender bias in its grammar. Second, the textual reading of the text as a precaution. This aspect needs to be carefully scrutinized because it can ignore the context even when this model of understanding is more reflective of women's humanity. Third, the patriarchal culture that is still very strong in Saudi Arabia not only in the past, but until now. Textual reading reflects the patriarchal perspective of Arab society during the early days of Islam because it is more likely to be applied according to local culture (Abdul Kodir, 2019).

The significance of mafhūm mubaḍalah is manifested in the categorization of texts into three: mabadi', qawa'id, and juz'i. Mabaḍi' is a text that contains the basic principles of Islam that animates all religious teachings in any branch. Examples: creed, tawhid, maslahat maqasid al-shariah, equality, and so on. Qawa'id is a text that contains basic Islamic values in certain branches of life. For example, in trade there are texts about the necessity of mutual willingness (taradin),

honesty, mutual benefit, and so on. In marriage there are principles of *sakinah*, *mawaddah*, *rahmah*, solid promises (*mithaqan ghalizan*), treating your partner well (*mua'asharah bi alma'ruf*), and so on. *Juz'I* is a text that discusses certain more specific behaviors, such as texts about giving alimony, fulfilling a partner's sexual needs, and so on (Abdul Kodir, 2019).

Faqihuddin Abdul Kodir's Perspective on Polygamy

Surah Al-Nisa' Verse 3 has four fragments that contain avoiding doing wrong to orphans by not marrying them, but can marry up to four other women, even with the condition of being fair, because if you cannot be fair, then just one wife is enough, one wife is safer from doing wrong. The four fragments are in the spirit of one verse as the basis for the permissibility of polygamy. Whereas the permissibility is anticipated by three fragments, namely, avoiding wrongdoing, danger, and injustice.

Faqihuddin in his book *Qira'ah Muba'dalah* brings together the discussion of polygamy and divorce in one special theme entitled "Crucial Problems of Marital Relations: Polygamy and Divorce". Unlike Muhammad 'Abduh who only links verse 3 of al-Nisa' with verse 129, Faqihuddin correlated verse 3 with verses 128 (*nushuz*) and 130 (divorce). By placing polygamy as an "alarming" issue like *nushuz* and divorce, the Qur'an is understood to give a strict warning to do justice and if you cannot do justice, then marry only one wife (Abdul Kodir, 2019).

Faqihuddin explains the meaning of polygamy and its *istinbat* in more detail in *Sunnah Monogami*. It is repeatedly explained in the book to always understand religious issues from a woman's perspective. Especially in matters of marriage where women are often only the object and men are the subject, as a result women are required to accept men's decision to be polygamous with the legitimacy of the Qur'an and hadith uncritically. By paying attention to reality, the interpretation will be more actual and in accordance with the needs of the community.

Not everything mentioned in the Qur'an is interpreted literally, for example, such as the command to fight the polytheists in Q. S. al-Taubah verse 36 and the command to kill unbelievers in Q. S. al-Baqarah verse 191. Both verses have to be interpreted with the Prophet's hadith. In fact, none of the mufassirs have taken the verse as an absolute legitimization of killing disbelievers without cause (Abdul Kodir, 2017). Similarly, the verse on polygamy must be read in its entirety and its *munasabah al-ayah*. The verse must also be understood in terms of language and the time and space in which it was revealed. In addition, it must put women and men in an egalitarian position as the main reference for interpretation (Abdul Kodir, 2017).

Formulating fiqh law must be done with a complete reading of the Qur'an, including in the context of polygamy. The four opening verses of surah al-Nisa' above are the call to piety, good relations with the family, the care of orphans, and the value of justice in marriage and the woman's willingness when giving her dowry to be put to good use by her husband. Therefore, one cannot

quickly conclude that polygamy is the sole focus of the surah. The morality of justice and humanity is the main compass that the polygamy verse is aiming for.

Historical evidence also shows that Arab society since before the advent of Islam has practiced polygamy with an unlimited number of wives. Based on research, the purpose of polygamy was to multiply offspring as a symbol of tribal power, expand political power, and enslave women. It was very common at that time for women to be inherited and traded (Shiddiq, 2023). This habit was so deep-rooted that the companions of the Prophet also practiced it before the restrictions imposed by Islam came down. Examples include Sayyidina ‘Umar bin Khaṭṭāb r.a. who once had 5 wives plus 3 slave girls, Sayyid Hasan bin ‘Alī bin Abī Talib who was famous for marrying more than 90 women, and Ghīlān bin Salamah al-Thaqafī with 10 wives whose story is found in the Prophetic tradition who was later ordered to divorce 4 people (Abdul Kodir, 2017).

Faqihuddin offers a revolutionary interpretation of the phrase *fankiḥu mā ṭāba lakum min al-nisā’ mathnā wa thulātha wa rubā’*. While the popular translation is “marry any woman you like” which implies that women are free to marry or not marry whenever the man wishes, Faqihuddin interprets it as “marry any woman you like (for polygamy), two, three, or four” (Abdul Kodir, 2017). The argument is how Imām al-Qurṭubī presents several choices of meaning in the wording with: First, “marry women who are lawful for you, two, three, or four” and “marry those women with a good contract (method), two, three, or four”. In this second option, the diction “halal” used by Imām al-Qurṭubī means women as subjects, as well as the first option, namely the contract cannot be carried out by force but voluntarily (Abdul Kodir, 2017).

Similarities and Difference between Muḥammad ‘Abduh and Faqihuddin Abdul Kodir’s Perspective on Polygamy

People who read textually only tend to affirm the unconditional permissibility of polygamy because of the wording “*fankiḥu mā ṭāba lakum min al-nisā’ mathnā wa thulātha wa rubā’*” without understanding the context, *munaṣabah al-āyah*, and reality in society. Monogamy is the safest way of marriage according to ‘Abduh and Faqihuddin. For them, the third verse of surah al-Nisā’ is not a statement of recommendation for polygamy, but rather an alternative for the Arabs at that time to marry other free women rather than oppressing orphaned girls who were married to eat their wealth.

‘Abduh and Faqihuddin used the style of *tafsīr bi al-ra’y* which gives a large portion to reason (rationality) to interpret the verse. *Tafsīr bi al-ra’y* is a tafsir that results from the use of reason as the basis of *ijtihād* in tafsir (Algifari, 2024). Both figures agree that the polygamy verse (al-Nisā’ verse 3) should not be read in isolation; it must be considered alongside related verses (*munaṣabah al-āyah*). This correlation can be a logical correlation (‘*aqlī*’) or a logical consequence in the form of cause and effect. It can be verse to verse or surah to surah (Mutiah et al., 2022).

Both figures give full attention to al-Nisa' verse 129 as an explicit statement that a man will not be able to do justice to each of his wives, and therefore polygamy obviously causes more harm than good. This led 'Abduh to rule polygamy forbidden because of the realities in the courts that show the long-term effects of polygamy are family disharmony-just like how Faqihuddin began his interpretation of polygamy in his book by including true stories of women who have been hurt and declaring polygamy forbidden for this reason.

Gender equality and egalitarianism are the main keys to 'Abduh and Faqihuddin's interpretations. Although they seem similar, they each have their own distinctive paradigm in carrying out their analysis. Muḥammad 'Abduh's *Tafsīr al-Manā'ir is al-a'dābī wa al-ijtima'ī* which takes the culture of the local community into consideration. This style was born out of Muḥammad 'Abduh and Muḥammad Rashid Riḍa's concern over the stagnation of Muslim thinking. This stagnation of thinking is due to the method of continuous memorization in the education space that kills critical thinking (Fattah et al., 2023). Meanwhile, Faqihuddin offers the concept of *mafhūm muba'dalah*, which seeks to highlight partial texts on gender relations so that they do not contradict the main universal texts (Nailul Muna, 2023).

Another difference that can be found between the two figures is that Faqihuddin adds verses 128 and 130 of surah al-Nisa' as *muna'sabah al-āyah* of polygamy in addition to verses 2 and 129, while 'Abduh only relates to verses 2 and 129. Verse 129 is enclosed by verse 128 which contains *nushūz*, and verse 130 about divorce. The juxtaposition of these three topics shows how polygamy is a serious problem and thus becomes an additional affirmation of how the Qur'an does not favor polygamous marriages over monogamy. Faqihuddin's expansion into one theme (*mauḍu'*) is revolutionary because it touches on the reality of cases of wives suing their husbands for divorce in religious courts and justified separating the two couples because of the husband's injustice in polygamy.

Tafsīr al-Manā'ir as a result of the collaboration between Muḥammad 'Abduh and Muḥammad Rashid Riḍa is characterized by an interpretation that discusses the meaning of vocabulary, a method dominated by Riḍa who was influenced by 'Abduh as his own teacher (Afifi & Syauqani, 2024). This is indeed commonly found in the book of tafsir because *mufassir* usually starts the topic of a verse by placing the diction which is the keyword of the verse. Unlike Faqihuddin who tends to use the meaning approach rather than linguistic and other approaches. Faqihuddin takes gender-friendly interpretation inspiration from the meanings of verses that can respond to the issue of gender inequality, the meanings of verses that involve the roles of men and women, even the way the Qur'an mentions male and female subjects is also taken into consideration (Nailul Muna, 2023).

The following is a table of similarities and differences in the views of polygamy according to

Muhammad 'Abduh and Faqihuddin Abdul Kodir to summarize:

Table 1. Similarities between Muhammad 'Abduh and Faqihuddin Abdul Kodir's Perspective on Polygamy

| No. | Category | Muhammad 'Abduh | Faqihuddin Abdul Kodir |
|-----|--------------------------------|--|--|
| 1. | Interpretation style | <i>Tafsīr bi al-ra'y</i> | <i>Tafsīr bi al-ra'y</i> |
| 2. | Dominant interpretation method | <i>Munāsabah al-āyah</i> with Q. S. al-Nisā' verse 2 and 129 and include stories of women's experiences. | <i>Munāsabah al-āyah</i> with Q. S. al-Nisā' verse 2 and 129 and include stories of women's experiences. |
| 3. | Law establishment | Has big potential to become haram. | Has big potential to become haram. |

Table 2. Differences between Muhammad 'Abduh and Faqihuddin Abdul Kodir's Perspective on Polygamy

| No. | Category | Muhammad 'Abduh | Faqihuddin Abdul Kodir |
|-----|-------------------------|---|---|
| 1. | Paradigm | <i>Al-ādābī wa al-ijtimā'ī</i> | <i>Mafhūm mubādalah</i> |
| 2. | <i>Munasabah</i> verses | Only associating with Q. S. al-Nisā' verse 2 and 129. | Associating with Q. S. al-Nisā' verse 2, 128, 129, and 130. |
| 3. | Writing characteristic | Tend to interpret word by word. | Tend to interpret verses globally. |

Based on the two tables above, the similarities between Muhammad 'Abduh and Faqihuddin Abdul Kodir interpret the verse of polygamy with the style of tafsir bi al-ra'y. Both of them read verse 3 of surah al-Nisā' completely including explaining the munaṣabah al-āyah found in al-Nisā' verse 2 about being kind to orphans and 129 about the impossibility of a person being fair to his wives. 'Abduh and Faqihuddin also read the verse contextually by including real-life stories of women victims of polygamy and jahiliyyah Arab society that made polygamy a culture. The conclusion of 'Abduh and Faqihuddin's ruling is that polygamy can become haram if it causes real harm.

The difference that characterizes the uniqueness of each of these figures is that Muhammad 'Abduh uses the style of al-ādābī wa al-ijtimā'ī i.e. interpreting the text by following a more general social context, while Faqihuddin with his mafhūm mubādalah strongly suggests the invitation to see women and men equally because of his personal background as a Muslim feminist. Faqihuddin associates polygamy with nushūz found in Q. S. al-Nisā' verse 128 and divorce in verse 130-in addition to verse 2 on the safeguarding of orphans' property, while 'Abduh relates the polygamy verse to al-Nisā' verse 2 and 129 only. 'Abduh tends to explain the verse word by word in his tafseer, while Faqihuddin directly interprets the verse in general.

Conclusion

Muḥammad ‘Abduh viewed polygamy as not the primary normative rule affirmed in Q. S. Al-Nisā’ verse 3, but rather the obligation to protect orphans whose property is managed by the guardian. With his personal background as a judge and mufti, ‘Abduh witnessed first-hand how polygamy damaged the family order and the identity of Egyptian women. The crimes that resulted from the practice of polygamy in the long run are described in Tafsīr al-Manār; theft, adultery, lies, betrayal, falsification of lineage, and even murder between family members. All these realities cannot be ignored as if they never happened. ‘Abduh mandated the obligation for every scholar to study this matter for the benefit of the people, and forbade the practice of polygamy if it actually caused harm. Faqihuddin Abul Kodir shares ‘Abduh's view. A woman is a subject who has the right to determine her fate if she is polygamous. She has the right to file for divorce because a husband who turns away is considered *nushūz*. Al-Nisā’ verse 3 is present precisely to limit men from multiplying their wives as the chances of doing wrong are higher, and not to be interpreted as religious legitimization for men to indulge in every sexual libido.

The similarity between Muḥammad ‘Abduh and Faqihuddin Abdul Kodir is their shared view on polygamy: that it is disadvantageous, causes harm to households, and can therefore be forbidden. They both read verse 3 of surah al-Nisā’ with *tafsīr bi al-ra’y* style and in full including explaining the *munāsabah al-āyah* found in al-Nisā’ verse 2 about being kind to orphans and 129 about the impossibility of a man being fair to his wives. ‘Abduh and Faqihuddin also read the verse contextually by including true stories of women victims of polygamy and the jahiliyyah Arab society that made polygamy a culture. The difference that characterizes the uniqueness of each of these figures is that Muḥammad ‘Abduh uses the *al-ādābī wa al-ijtimā’ī* style of interpreting the text by following a more general social context, while Faqihuddin with his *mafḥūm mubādalah* strongly suggests the invitation to see women and men equally because of her personal background as a Muslim feminist. Faqihuddin associates polygamy with *nushūz* found in Q. S. al-Nisā’ verse 128 and divorce in verse 130-in addition to verse 2 on the safeguarding of orphans' property, whereas ‘Abduh only associates the polygamy verse with al-Nisā’ verse 2 and 129. ‘Abduh tends to provide a word-by-word explanation in his interpretation, while Faqihuddin adopts a holistic and concise approach.

References

- Abduh, M. (1996). Risalah Tauhid translation by Firdaus A. N. PT. Bulan Bintang.
- Abduh, M., & Rashid Ridha, M. (1945). Tafsir al-Qur’an al-Hakim al-Syahir bi Tafsir al-Manar: Vol. IV. Dar al-Manar.
- Abdul Kodir, F. (2017). Sunnah Monogami: Mengaji Alquran dan Hadis. Umah Sinau Mubadalah.

- Abdul Kodir, F. (2019). Qira'ah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam. IRCiSoD.
- Afifi, M., & Syauqani, S. (2024). Menelisik Dimensi Kontemporer dari Tafsir al-Manar Karya Muhammad Abduh dan Muhammad Rasyid Ridha. *Al-Tadabbur: Jurnal Ilmu Al-Qur'an Dan Tafsir*, 9(1).
- Algifari, M. S. (2024). Selayang Pandang Tafsir Bi Al-Ra'yi. *Jurnal Iman Dan Spiritualitas*, 3(4), 633–638. <https://doi.org/10.15575/jis.v3i4.31042>
- Asmawi, A. (2021). Epistemologi Hukum Islam: Perspektif Historis, Sosiologis dalam Pengembangan Dalil. *Tribakti: Jurnal Pemikiran Keislaman*, 32(1), 57–76. <https://doi.org/10.33367/tribakti.v32i1.1393>
- Daud, F. K., & Syarif, N. (2021). Hak Cerai Perempuan dalam Hukum Keluarga Islam Maroko. *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 14(2), 159–172. <https://doi.org/10.14421/ahwal.2021.14204>
- Dzurriyyatus Sa'adah, I., & Sar'an, M. (2024). Implementasi Praktik Poligami dalam Hukum Keluarga Islam. *Al-Mawarid Jurnal Syariah Dan Hukum*, 6(1).
- Fattah, M., Mahfud, A., Sugiarto, F., & Jannah, S. (2023). Corak Penafsiran Muhammad Abduh dan Muhammad Rasyid Ridha dalam Tafsir Al-Manar. *Relawan Jurnal Indonesia*, 18(1).
- Floretta, J. (2022). Faqihuddin Abdul Kodir, Ulama Lelaki, Pejuang Keadilan Gender. *Magdalene: Supporting Diversity, Empowering Minds*. <https://magdalene.co/story/profil-kiai-faqihuddin-abdul-kodir/>
- Layyinah, L. (2023). Poligami Dalam Perspektif Hadis: (Telaah Hadis Tematik). *El Nubuwwah: Jurnal Studi Hadis*, 1(1), 1–29. <https://doi.org/10.19105/elnuwwah.v1i1.8412>
- Logo Igo Karmed. (2024). Meninjau Alasan Penyebab Cerai di Kabupaten Magelang. *RISOMA: Jurnal Riset Sosial Humaniora Dan Pendidikan*, 2(4), 10–22. <https://doi.org/10.62383/risoma.v2i4.111>
- Muhsin, M., & Afendi, A. R. (2022). Upaya-upaya Pembaharuan dan Modernisasi Islam Muhammad Abduh. *Jurnal Pendidikan Islam Al-Ilmi*, 5(2), 105. <https://doi.org/10.32529/al-ilm.v5i2.1993>
- Mutiah, M., Noviani, D., & Pebriyanti, P. (2022). Munasabah Al-Ayah fi Al-Quran. *Raudhah: Jurnal Tarbiyah Islamiyah*, 7(2).
- Nailul Muna, Moh. (2023). Tafsir Feminis Nusantara: Telaah Kritis Qira'ah Mubadalah Karya Faqihuddin Abdul Kodir. Lembaga Kajian Dialektika.
- Prasetyo, R., Matondang, A. R., Trikusuma, S., & Sani, A. (2023). Kebangkitan Ijtihad di Zaman Modern: Analisis Kontribusi Muhammad Abduh dalam Pembaharuan Hukum Islam. *Hikmah*, 20(1), 147–160. <https://doi.org/10.53802/hikmah.v20i1.229>
- Rake Ramadhani, M. (2023). Konsep Kepemimpinan Perempuan dalam Keluarga Perspektif Kompilasi Hukum Islam: Studi Menurut Teori Mubadalah Faqihuddin Abdul Kodir [Undergraduate Thesis]. Universitas Islam Negeri Raden Intan Lampung.
- Rasam, R. (2021). Muhammad Abduh dan Pemikiran-pemikirannya. *Jurnal ANSIRU PAI*, 5(1).

-
- Risianti, D., & Risqy Kurniawan, R. (2022). Pemeliharaan Harta Anak Yatim oleh Wali dalam Q. S. al-Nisa Ayat 2. *Ulumul Qur'an: Jurnal Ilmu Al-Qur'an Dan Tafsir*. file:///C:/Users/HP/Downloads/Tafsir%20Ekonomi%20(dinni_23).pdf
- Setyo Nugroho, R. (2024). Praktik Poligami dan Tujuan Pernikahan dalam Rumah Tangga. *International Conference on Humanity Education and Society (ICHES)*, 3.
- Shiddiq, M. J. (2023). Sejarah Tradisi Budaya Poligami di Dunia Arab Pra Islam (Perspektif Tradisi Coomans Mikhail). *Titian: Jurnal Ilmu Humaniora*, 7(1), 1–10. <https://doi.org/10.22437/titian.v7i1.23588>
- Shihab, M. Q. (2006). *Rasionalitas al-Qur'an: Studi Kritis atas Tafsir Al-Manar*. Lentera Hati.
- Zakiah, U. (2020). Posisi Pemikiran Feminis Faqihuddin Dalam Peta Studi Islam Kontemporer. *The International Journal of Pegon: Islam Nusantara Civilization*, 4(02), 115–138. <https://doi.org/10.51925/inc.v4i02.33>