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On The Third Verse of Sūrat al-Nisā' (The Chapter of The Women)

Nisâ Sūresi'nin Üçüncü Âyetine Dair

Ayşe AYTEKİN

Araştırma Görevlisi, Gümüşhane Üniversitesi, İlahiyat Fakültesi, Temel İslâm Bilimleri Ana Bilim Dalı, Tefsir Bilim Dalı, Gümüşhane/Türkiye
Research Assistant, Gumushane University, Faculty of Theology, Department of Basic Islāmīc Sciences, Discipline of Tafsīr, Gumushane/Türkiye
ORCID ID: 0000-0002-5952-762X
ayseaytekin_03@hotmail.com

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Etik Beyan / Ethical Statement

Bu çalışmanın hazırlanma sürecinde bilimsel ve etik ilkelere uyulduğu ve yararlanılan tüm çalışmaların kaynakçada belirtildiği beyan olunur. / It is declared that scientific and ethical principles have been followed while carrying out and writing this study and that all the sources used have been properly cited.

Öz

Kur'ân-ı Kerîm, dünyada tüm insanlar için en önemli kaynak ve rehberdir. O, hayata dair her konuda ve alanda insanoğluna doğru yolu göstermektedir. Bu konulardan biri de evliliktir. Evlilik hususunda tarih boyunca farklı tercihler, uygulamalar, kabuller, normlar, özellikler, çeşitler ve önyargılar olmuştur. Çalışmamızın ana konusu ise bir evlilik türü olan çok eşlilik. Çok eşlilik, bazı toplumlar ve kültürler tarafından kabul edilmiş ve uygulanmıştır. Kur'ân-ı Kerîm'de ve İslâm kültüründe bununla ilgili bazı şartlar ve kuralları vardır. Bu meseleleri kavrayabilmek için "Yetimlerin hakkına riayet edemeyeceğinizden korkarsanız, beğendiğiniz kadınlardan ikişer, üçer, dörder nikâhlayın. Haksızlık etmekten korkarsanız tek kadın veya mülkiyetinizde bulunan câriye ile yetinin; bu, adaletten ayrılmamanız için en uygun olanıdır." dersini veren Nisâ Sûresi'nin üçüncü âyetine klasik dönem ve modern dönemdeki bazı ilim adamlarının yorumları aracılığıyla odaklanmaya çalıştık. Çalışmamızdaki amacımız, geçmişin ve bugünün hakiki durumlarını objektif bir şekilde okuma çabası içinde olmak; aile, evlilik, kadın ve eş hakları ile ilgili güncel sorunlar adına en kesin&gerçekçi çözümlere ve en iyi anlayışa ulaşmayı denemektir. Araştırmamızdaki yöntemimiz, farklı birikim, eğitim, kültür ve algıya sahip başka dönemlerde yaşayan, bu dönemlerdeki çeşitli bakış açılarını yansıtan, en mühimi söz konusu mesaja dair öz anlam yönünde gayreti olan Ebû Ca'fer Muhammed b. Cerîr b. Yazîd el-Âmulî et-Taberî el-Bağdâdî, Ebû'l-Fidâ' İmâdüddîn İsmâîl b. Şihâbiddîn Ömer b. Kesîr b. Dav' b. Kesîr el-Kaysî el-Kureşî el-Busrâvî ed-Dımaşkî eş-Şâfiî, Ebû Abdillâh (Ebû'l-Fazl) Fahrüddîn Muhammed b. Ömer b. Hüseyin er-Râzî et-Taberistânî, Elmalılı Hamdi Yazır, Ömer Nasuhi Bilmen, Seyyid Kutub, Ebû'l-A'lâ el-Mevdûdî, Celal Yıldırım gibi ilim ehlinin izdüşümlerini takip etmektir. Ulaştığımız dönemsel ve tarihsel sonuç ise ana temamızdaki birlikteliğe dair ciddi şartları, nedenleri, gerçekleri ve gerekçeleri içeren minvaldedir.

Anahtar Kelimeler: Tefsir, Çok Eşlilik, Nisâ Sûresi 3. Âyet.

Abstract

The Qur'ân is the most important source and guide for all human beings in the world. It has showed the true way to the human beings in every topic and field about life. One of the topics is marriage. There are some different choices, applications, acceptances, norms, features, varieties and prejudgments about marriage throughout history. The main subject in our work is polygamy which is the kind of marriage. Polygamy has been accepted and applied by some societies and cultures. There are some conditions and rules about it in the Qur'ân and Islâmic culture. In order to comprehend these issues, we tried to focus on the third verse of Sûrat al-Nisâ' giving the lesson is "And if you fear that you will not be able to respect the rights of the orphans, then marry two, three, four of the women whom you like. And if you fear injustice, then limit yourselves to one woman or a slave that is in your possession; that is best for you, so that you may not depart from justice." via some scholars' interpretations in the classical period and the modern period. Our aim is having an effort to read the real situations of the past and the present in an objective way, to try to reach the best understanding and the most accurate&realistic solutions for the current problems about family, marriage, and the rights of women and wives in our study. Our methodology in our research is based on the following of the projection of the authors such as Abû Ja'far Muḥammad b. Jarîr b. Yazîd el-Âmulî al-Ṭabarî al-Bağhdâdî, Abû al-Fidâ' İmâd al-Dîn İsmâ'îl b. Shihâb al-Dîn 'Umar b. Kathîr b. Daw' b. Kathîr al-Qaysî al-Qurashî al-Buṣrâwî al-Dımashqî al-Shâfi'î, Abû 'Abdillâh (Abû al-Faḍl) Fakhr al-Dîn Muḥammad b. 'Umar b. Ḥusayn al-Râzî at-Ṭabaristânî, Almalılı Hamdi Yazır, 'Umar Nasuhi Bilman, Sayyid Qutb, Abû l-A'lâ Mawdûdî, Jalal Yıldırım who lived in different periods with various backgrounds, education, culture and perception, reflected assorted perspectives in these periods, and most importantly, endeavoured to understand the core meaning in the message in question. The periodical and historical result we have reached is in the manner that includes serious conditions, reasons, facts and justifications for the association in our main theme.

Keywords: Tafsîr, Polygamy, The Third Verse of Sûrat al-Nisâ'.

Introduction¹

"More than any other canon of scripture the Qur'ān is self-aware. It has observed and discussed the process of its own revelation. It has asserted its own authority and claimed its place within the history of revelation." ² Almighty Allāh has stated and emphasized this reality and authority in the Qur'ān:

"Tā-Sīn. These are the verses of the Qur'ān, the Book that explains the truth."³

There is an extraordinary fluidity, uniqueness, beauty, harmony to the notion of writing evidenced in the Qur'ān with this truth. There are many verses which show that the Qur'ān and its verses of the writing and of a recitation which makes things clear in human life.⁴

The Qur'ān is the main guide for all people to choose the best way and to be a good Muslim and a trusty person. For the aim, God has mentioned the necessity of understanding and thinking His messages by saying that:

"This is a blessed Book which We have sent down to you so that people may ponder over its verses and that those who have understanding may take from it lessons and admonitions."⁵

The Qur'ān is the most important source for all human beings in the world. It has showed the true way to the human being in every topic and field, given the meaning of life and light for ways of them, taught the holy commands of the God and the supreme aim of creation.⁶ So, one of the topics about life which has a big place and value is marriage. Polygamy is a kind of marriage that has been accepted and applied by some societies and cultures because of some reasons throughout history. This kind of marriage has some several circumstances and causes which change according to the society and practical life of the human beings. Some of these reasons are age of women, capacity and situation of having children, some diseases that cause special relationships of partners, and wars which affect life of women in negative circumstances and death of men during the battles.⁷ We can see that this kind of togetherness has taken a place in the most periods of humankind. In the law systems of periods before Islām, there was no certain rule and border about number of women who can get married to a man or vice versa. In most

¹ This article had been prepared under the supervision of Professor Doctor Halis ALBAYRAK entitled "The Third Verse of the Chapter of the Women in Exegesis Literature" which we had completed as a bachelor's degree thesis in 2016. (Ayşe Aytekin, *The Third Verse of the Chapter of the Women in Exegesis Literature* (Ankara: Ankara University, Theology Faculty, Undergraduate's Thesis, 2016))

² Daniel Madigan, *The Qur'ān's Self-Image: Writing and Authority in Islam's Scripture* (Oxford: Princeton University Press, 2001), 3.

In addition, English terms and wording in the statements of the verses are our modest expressions, translations, judgments and preferences in this study. We would like to respectfully point this out to our readers.

³ *Kur'ān-ı Kerîm Meâli*. trans. Halil Altuntaş-Muzaffer Şahin (Ankara: Diyanet İşleri Başkanlığı Yayınları, 2009), Sūrat al-Naml 27/1.

⁴ Ali Özek, "Kur'ān'ın Eşsizliği", *İslam Medeniyeti* (15 December 1965): 25-28; Musa Bilgiz, "Kur'an-ı Kerim'in Bazı Özellikleri", *Tefsir Araştırmaları Dergisi* 1/2 (October 2017): 185-189.

⁵ Sūrat Şād 38/29.

⁶ Ahmet Nedim Serinsu, *Kur'an Nedir?* (İstanbul: Şule Yayınları, 2012), 17-30; Ayşe Aytekin, 'N-ş-e' Kökünün Kur'an'daki Yaratma ile İlgili Kavramlar Çerçevesinde Semantik Analizi (Ankara: Ankara University, Social Sciences Institution, Master's Thesis, 2019), 1-45; Ayşe Aytekin, "Vecdi Akyüz, Kur'an'da Siyasi Kavramlar, Kitabevi Yayınları, İstanbul 1998", *Bayburt Üniversitesi İlahiyat Fakültesi Dergisi* 15/1 (Summer 2022), 150-154.

⁷ Ayşe Aytekin, *The Third Verse of the Chapter of the Women in Exegesis Literature* (Ankara: Ankara University, Theology Faculty, Undergraduate's Thesis, 2016), 1-40.

applications of the sacred religions, the examples of polygamy had been seen as the facts, the events and the kind of togetherness as it had been mentioned in Ibrāhīm (Takwīn 16/1-4), Ya'qūb (Takwīn 29/20-30, 30/36), Sulaymān (1 Kings; 11/3), Dāwūd (2 Samuel, 5/13-16) and other prophets' time.⁸ So, the issue of polygamy is one of the biggest criticisms of Islām and social fact which is talked and argued too much recently.

Polygamy has the meaning of having more than one partner in the marriage life. So, this type of marriage is when a woman marries more than one man or a man marries more than one woman. There are two variants of this type of marriage. These are:

- a) Marriage with many men (Polyandry): Polyandry is when a woman marries more than one man. It is less common but locally and intensively practiced in some Eskimo tribes.⁹
- b) Marriage with many wives (Polygny/Polygamy): Polygny is when a man marries more than one woman. Throughout history, it has been common men's desire to have male children and women's desire to utilize their labor force. Polygny for various reasons such as desirability, increasing social prestige has continued to exist in societies.¹⁰

In Islāmīc jurisprudence, this term means that a man marries more than one woman. It is called as *Taaddūd al-Zawjāt*.¹¹ The subject of women in Islām and women rights have been deeply examined by scholars and especially orientalist with modern time related to marriage and place in the society. The main mistake and the starting point of their criticisms are the idea of Islām about wrong thoughts and applications which appeared in Islāmīc societies as advices or obligations of Islām according to them. They see that the reason of these applications is Islām -the religion- itself. However, there are some differentiations between societies' applications, practices and faith of religion in almost every religion, it has been tried to see and accept that it is only about Muslims and Islām. According to us, these criticisms are far from reality, science, humanity, religious basis and objectivity, it is just the part of their efforts on misleading and misunderstanding about Islām because of bad intention and blind point of view. We will not focus on the details about this part of the main topic because of our intention including protection of the limits of the study.

Islām has given a huge importance to women and their rights in every situations, especially marriage life even in the ignorance time (*Jāhiliyya* period), as it has been comprehend with its first appearance. It had approved suitable culture and values. For this aim, it had changed, ordered, cancelled or limited inappropriate events and meanings in its frame at that time. The subject of women, women's social situation, and applications about marriage are the topics which the most perfect religion and the sacred book had also dealt with. Firstly, this matter which was ordered by Islām in moral and social field had been misused by men. For prevention

⁸ İsmail Yalçın, "Günümüz İslam Aile Hukuku Kanunlarında Çok Eşlilik Üzerindeki Sınırlandırmalar", *İnsan ve Toplum Bilimleri Araştırmaları Dergisi* 6/3 (2017): 1707-1719.

⁹ Halil Cin, *İslam ve Osmanlı Hukukunda Evlenme* (Ankara: Ankara Üniversitesi Basımevi, 1974), 10.

¹⁰ Andreas Schwarz, *Aile Hukuku I*, trans. Bülent Davran (İstanbul: İstanbul Üniversitesi Yayınları, 1946), 30; Aygen Erdentuğ, "Çeşitli İnsan Topluluklarında Aile Tipleri", *Antropoloji Dergisi* 12 (1980), 208.

¹¹ Elmalılı M. Hamdi Yazır, *Alfabetik İslam Hukuku ve Fıkıh İstılâhları Kamusu*, ed. Sıtkı Güllü (İstanbul: Eser Neşriyat ve Dağıtım, 1997), 155.

misusing, Islām had cancelled the basis and kinds of togetherness like having relationship without witness, document, ceremony, marriage meal, oral and written *niqāḥ*, *niqāḥ* without limits, borders and time, *niqāḥ al-maqt* (marriage with stepmother), *niqāḥ al-istibdā'* (woman's togetherness with other man to have a noble generation and healthy baby with husband's permission), *niqāḥ al-mushtarak* (group marriage), *niqāḥ al-bigha* (flag marriage), and *niqāḥ al-hidn* (having a mistress), *niqāḥ al-badal* (changing the partners in the process of marriage relationship).¹² Furthermore, it had maintained some applications like *zihār*, *tafwizi*, *ṭalāq*, *'iddah* with some changes. Lastly, it has advised monogamy which includes one partner but not prohibit polygamy as a principle with conditions and high border that consists four women as a wife with justice and economic power to care about them. So, the main verse which we handle with this article had been revealed for the believers as the third verse of Sūrat al-Nisā' (the Chapter of the Women): "And if you fear that you will not be able to respect the rights of the orphans¹³, then marry two, three, four of the women whom you like. And if you fear injustice, then limit yourselves to one woman or a slave¹⁴ that is in your possession; that is best for you, so that you may not depart from justice."¹⁵

1. Sūrat al-Nisā' (The Chapter of the Women)

Sūrat al-Nisā' (The Chapter of the Women) is the fourth chapter of the Qur'ān according to official order and system of the Holy Qur'ān, and it is the ninety eighth chapter of the Qur'ān according to line of revelation. It has emphasized the safety of intelligence, life, religion, generation, and property. The main topics of this chapter are justice and jurisprudence. The basis of jurisprudence is the common point which is humanity and morality of responsibility. The audiences of this chapter are responsible toward God and humanity. It has mentioned about the rights of women and orphans, the laws about inheritance and marriage, the judgments and the rulings of marriage, the social rules which are necessary to follow, some wrong believes of the Jews and the Christians, the real faces and situations of the Christians and the hypocrites, the obligation of obedience to God and the Prophet Muḥammad (PBUH), the importance of good deeds, and the significance of *jihād*.

We can see the subject of the importance of family relationships, women and orphans, the sharing of inheritance after the death in 4/1-14 verses of the chapter, avoiding from adultery and women who are not allowed to marry in 4/15-25, the generosity, rights of women, and eating and using the property with unlawful way in 4/26-42, praying with ablution, ablution with using sand in places where there is no water, obedience, and wrong ways of the People of the

¹² Abdurrahman Kurt, "Polygamy in the Ottoman City of Bursa", *International Journal of Social Inquiry* 6/2 (2013), 140-151. Sümeyra Açık, *İslam Hukukunda Çok Eşlilik ve Uygulamaları* (Bursa: Bursa Uludağ University, Social Sciences Institution, Master's Thesis, 2019), 5-50; Şemsettin Kırış, "Hadis Edebiyatında Toplum Örfü Olarak Çok Evlilik", *Turkish Studies-Religion* 15 (3), 361-370; Adnan Demircan, "Câhiliyye ve Hz. Peygamber Döneminde Çok Kadınla Evlilik", *İstem* 1/2 (2003), 9-29; İbrahim Yılmaz, "İslâm Hukukunda Kamu Otoritesinin Çok Eşliliği Sınırladığı", *Cumhuriyet İlahiyat Dergisi-Cumhuriyet Theology Journal* 23/1 (June 2019): 5-23; Gizem Tan Eren, "Sosyo-Kültürel Özellikler Bakımından Çok Eşlilik: "Kuma" Filminin Değerlendirilmesi", *Toplum ve Kültür Araştırmaları Dergisi* 6 (2020), 81-91; İbrahim Yılmaz, "İslâm Hukukunda Çok Eşliliği Meşru Kılan Şartlar ve Buna Ruhsat Veren Özel Durumlar", *bilimname* 1 (2019), 559-581; Semra Ulaş, "İslâm'da Çok Kadınla Evlilik", *İslâmi Araştırmalar* 6/1 (1992), 52-60.

¹³ Orphan: *Yatım*.

¹⁴ Slave: *Jāriyah*.

¹⁵ Sūrat al-Nisā' 4/3.

Book (*Ahl al-Kitāb*) in 4/43-70, careless and lazy people in practices, their situation, and excuses in 4/71-78, truthfulness, being brave, and being careful about hypocrites in 4/79-91, holiness of life, paying ransom, migration from unbelievers' and enemies' of Islāmic fields, precautions during praying in 4/92-104, being far away from treachery and encouragement of believing in God and determined in 4/105-126, being fair toward women and orphans, sincerity and refreshing faith in 4/127-136, having fear of infidelity after faith in 4/137-152, the mistakes of the People of the Book in 4/153-175, inheritance of person who has no father and child in verse 4/176 in this chapter.

There are some messages in the chapter which are very valuable and important to follow by believers for gaining the will of God and peace in the life, especially community. Some of them are: It is necessary to fear from God; it is important to visit the relatives; it should be avoided from eating or using the property of orphans; it can be married with four women with some conditions but it is essential to get marry with one woman in accordance with justice; inheritance should be shared in fair system, people must be far away from adultery and punished who committed the sin of adultery; God forgives the repentances of people who ask forgiveness sincerely from God; people -especially men- should be kind and gentle toward women; people should be avoided from jealousy and hurting others' life, property, virginity and honor; they should behave kindly toward parents and other people; God punishes people who deny His verses and rewards the believers who have good deeds; there must be a justice among people; people should be brave to challenge in the way of God; God knows all works of people; people should be ready for all conditions and take precaution for enemies; they should be honest and true witness; the believers should believe all the prophets and no one has superiority in the side of God, there is only superiority in *taqwā*.¹⁶

2. The Third Verse of Sūrat al-Nisā' (The Chapter of the Women)

وَأِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مِمَّا مَلَكَتْ أَيْمَانُكُمْ ذَٰلِكُمْ أَزْوَاجٌ لَّكُمْ لَا تَحْلِفُوا
وَأِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَٰلِكُمْ أَزْوَاجٌ لَّكُمْ لَا تَحْلِفُوا (٣)

“And if you fear that you will not be able to respect the rights of the orphans, then marry two, three, four of the women whom you like. And if you fear injustice, then limit yourselves to one woman or a slave that is in your possession; that is best for you, so that you may not depart from justice.”

Our purpose is an examination of the verse and trying to understand and to investigate the issue which is about polygamy, its borders, licenses, conditions, and relations according to some scholars' and their interpretations. As it is known with reality, polygamy has been used and applied by many people, systems, applications and cultures. So, the investigation of the verses which are related to this issue, the narrations, its sources, opinions of the scholars are very important to comprehend the messages of God and to use them in the life in the framework of subject besides the interpretation of social facts and events. Thus, Muslims can take lessons

¹⁶ Sūrat al-Nisā' 4/1-176.

from the content of the verses and apply them in their own lives, besides their worldly advantages, they will have all these rewards in the Hereafter.¹⁷ For this aim, we will try to study some commentaries of the Qur'ān because of reaching the best explanation at the present time.

3. The Third Verse of Sūrat al-Nisā' (The Chapter of the Women) in the Classical Period Commentaries of the Qur'ān

3.1. Abū Ja'far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī (d.310)

Abū Ja'far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī's translation of the third verse: *"If you fear that you will not be able to respect the rights of the orphans, then marry two, three, four of the women whom you like and halāl. If you fear that you will not be able to be just among them, then marry one woman or be contented with slaves that are in your possession. This is the closest way for you not to commit injustice."*¹⁸

Commentators had interpreted this verse in different ways. According to some of commentators this verse's meaning is like that: *"O! You the parents or saints of orphans! If you are afraid of being unfair about dowry of the orphans and not giving enough dowry which is given to other representatives orphans in equivalent value to them, do not get marry them. You leave them and you can get marry another halāl women until one to four which God gives permission. If you are afraid of not behaving in fair too, you can marry just one of them or settle or marry jāriyah."* As a matter of fact, 'Ā'isha, who is the wife of the Prophet had stated these expressions on the reason of the verse: *"There was an orphan girl who was under the protection of someone. The man got married her. She had a persimmon grove. That man got married her persimmon grove, not because of love to her. So, this verse had been sent because of this event."*¹⁹

¹⁷ Before Islām, it was customary in Arabia among many people that they had taken the orphan girls to their houses under the name of defraying and guardianship and then they had married them and appropriated their property. They had assigned even their dowries lesser than what the ordinary amount was, since everything was in their own hand, and when they had felt the least inconvenience from them, they could easily leave them off. At that time, the third verse in question had been revealed and it had instructed the guardians of the orphans that they could marry the orphan girls if they had observed justice about them completely. In this verse, another right, out of the rights of the orphans, has been emphasized. It has stated that at the time of marrying the girl orphans, if you could fear that you could not observe the right and justice about the conditions of matrimony, as well as their property, relinquish marrying them and refer to other women. God has commanded people to protect the orphan girls' rights and properties and to behave in justice in every field of life, especially marriage subject. It has been showed in verses to not mix the property of these women with guardians, to measure and protect it in justice while selling or caring, to not change their property with guardians or bad ones. So, people should be more careful, fair and just on them and everything about them. Additionally, God has mentioned about polygamy with the way of explaining situations of orphans. So, it is not certain command of God to do it. People has used to do it in many circumstances even unfair positions for women. Thus, Islām changed, fixed and set some borders for it because of controlling social order and life, giving value to family and women. It has continued with some conditions and limitations for better way. It has been understood that Islām has separated two situations while giving order to this application as advice one wife to who did not marry before this, and to be just among wives when man was already married with more than one woman. It is stated in the verse 129 of this chapter as: *"No matter how hard you try, you will not be able to act justly between women, so do not be completely absorbed in one and leave the other hanging. If you make amends and avoid disobedience to Allāh, then know that Allāh is All-forgiving, All-merciful."*

¹⁸ Abū Ja'far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Jāmi'u'l-bayān fī tafsīri'l-Qur'ān*, Critical ed. Bashshār Awwād Ma'rūf-'Isām Fāris al-Harastānī (Beirut: Muassasatu al-Risāla, 1415/1994), 2/389; Abū Ja'far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Taberi Tefsiri* (Istanbul: Hisar Yayinevi, 1996) 2/438.

¹⁹ Abū Ja'far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Jāmi'u'l-bayān fī tafsīri'l-Qur'ān*, Critical ed. Bashshār Awwād Ma'rūf-'Isām Fāris al-Harastānī, 2/389-392; Abū Ja'far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Taberi Tefsiri*, 2/438.

The son of Ḥaḍrat Zubayr ‘Urwa had asked to ‘Ā’isha on the verse of “If you are afraid of being unfair about orphan girls” and ‘Ā’isha had answered his question: “O! You are the son of my sister! The aim of the term of yatīm is the orphan girl who is under the protection of her walī or parents and in company of property with her walī or parents. The walī who can be suitable for marriage with the orphan girl wants to get marry her without giving dowry as much as others can give dowry as a measurement to her because he loves her for her beauty and property. This verse had been sent and it had made a forbidden to get marry the orphans without giving dowry or what they had deserved as maximum. In this case, it had been commanded to get marry other woman instead of the orphan girl.”²⁰

According to ‘Ikrima and ‘Abdullāh b. ‘Abbās, this verse’s meaning is: “O! The walīs of the orphans, if you are afraid of increment of the cost and spending orphans’ money to your family, and to not being able to protect orphans’ property because of polygamy, you can get marry others until four, do not marry more than four.” In this point, ‘Ikrima had said: “Some people from Quraysh were married a lot of women. In their guardianship, there were orphans too. These people had used to spend the orphans’ money to their own family when they had no money to spend as enough. This verse had been sent and it had become a forbidden to spend the orphans’ money for crowded families in the result of polygamy.”²¹

The narration coming from Sa‘īd b. Jubayr, Suddī, Qatādah, ‘Abdullāh b. ‘Abbās, Ḍahḥāk, Rabī b. Anas is: “O people! Just as you are afraid of being unfair on the property of orphans, be afraid about the women to not be unfair. Get marry those women until four and do not exceed this number! If you are afraid of being unfair among those women, marry one woman or slaves whom you have.”²²

Suddī says: “Before this verse, people were careful about orphans but they did not care about women as much as they cared about orphans, they got married a lot of women and they did not treat fairly among them. Because of this reason, God sent this verse and commanded to men to behave carefully and fairly toward women with the condition of marriage until four. If they have fear to not behave fairly, they can marry one woman or slaves whom they have.”²³

According to Mujāhid, this verse means: “O people! Have a fear about women as you have a fear about orphans and behave carefully toward them, do not commit a sin and not have an adultery with them, get marry them in niqāh or marriage contract. Those women can be until four as number.”²⁴

In another sight which is narrated from ‘Ā’isha and Ḥasan al-Baṣrī, this verse’s meaning is: “O the walīs of orphans! If you hesitate to make orphans married others because of losing orphans’ property, you can marry these orphans and do not harm to them in this way.”²⁵

²⁰ Abū Ja‘far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Taberi Tefsiri*, 2/439.

²¹ Abū Ja‘far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Taberi Tefsiri*, 2/439.

²² Abū Ja‘far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Taberi Tefsiri*, 2/440.

²³ Abū Ja‘far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Taberi Tefsiri*, 2/440.

²⁴ Abū Ja‘far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Taberi Tefsiri*, 2/440.

²⁵ Abū Ja‘far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Taberi Tefsiri*, 2/440.

Al-Ṭabarī says: *"The preferred view among those views is this: 'O people! If you are afraid of being unfair on the property of orphans, it is required and necessary among you, be afraid about the rights of women too. Marry them in the condition of fair and number which does not make you as unfair. This number can be two, three or four. If you have still fear about being unfair, marry the one in this situation. If you are still afraid of being unfair, marry slaves.'"*²⁶

Al-Ṭabarī states that the reason of the view which is preferred is the expression of previous verse on the right of orphans and protection of it. In this verse, it is commanded to protect the rights of women besides rights of orphans too. *"It is known that the number of women which are suitable to marry is four. With this it is said that it is possible to marry women who you love and are halāl to you until two, three and four. The total number is nine. The answer to this, this verse says that you can marry women who are halāl or permissible and clear either two or three or four. As a matter of fact, the meaning of the verse shows our way of understanding with statement of "if you are afraid of being unfair, marry the one." This means that in the situation of suspicion on being unfair toward two women within marriage, it is more suitable to marry the one; in the situation of suspicion on being unfair toward one woman, marry slaves who you have. The commands of God are obligatory for people, if there is no evidence about warning, mandūb which is good while it is done, to not a sin to not do, and special judgment for it. It is necessary to look at the evidences whether it is an obligatory or not about command of marriage with women whom you love and permissible. As an answer, there is an evidence that it is not an obligatory which is the expression of "if you are afraid of being unfair among women, get marry the one or slaves whom you have." This expression shows that the commands of marriage with two, three, four are not an obligatory, it is the expression of forbidding for who cannot fulfill the necessary conditions. So, it is forbidden to get marry more than the one for man who cannot require the conditions about women who are married him."*²⁷

In the Arabic language, it is fact that some orders express forbidding and threatening. As an example: *"And say: The truth is from your Lord. So, let whoever wishes to believe and whoever wishes to disbelieve. And, We have prepared for the wrong-doers a Fire whose flames encircle them, and if they call for help (from thirst), they will be answered with water that scalds their faces like molten metal. What a terrible drink and what an evil shelter!"*²⁸ *"(They do so) to be ungrateful for what We have given them. So eat and drink, but you will soon understand!"*²⁹

The expressions seem as command but they are threat and forbidden here as it takes a place in third verse for marriage with more than one woman. As a result, it is forbidden to get marry more than one woman for man who is unfair toward those women. Suddī, Qatādah, Ḍaḥḥāk, Rabī b. Anas interpret the part of the verse which is *'marry one woman or slaves who*

²⁶ Abū Ja'far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Jāmi'u'l-bayān fī tafsīri'l-Qur'ān*, Critical ed. Bashshār Awwād Ma'rūf-'Isām Fāris al-Harastānī, 2/392; Abū Ja'far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Taberī Tefsiri*, 2/440.

²⁷ Abū Ja'far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Jāmi'u'l-bayān fī tafsīri'l-Qur'ān*, Critical ed. Bashshār Awwād Ma'rūf-'Isām Fāris al-Harastānī, 2/392; Abū Ja'far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Taberī Tefsiri*, 2/440-441.

²⁸ Sūrat al-Kahf 18/29.

²⁹ Sūrat al-Naḥl 16/55.

you have' in this way: "If you are afraid of being unfair when you get marry one woman too, so you can make do with slaves whom you have."³⁰

3.2. Abū al-Fidā' Imād al-Dīn Ismā'īl b. Shihāb al-Dīn 'Umar b. Kathīr b. Daw' b. Kathīr al-Qaysī al-Qurashī al-Buṣrāwī al-Dimashqī al-Shāfi'ī (d.774)

Abū al-Fidā' Imād al-Dīn Ismā'īl b. Shihāb al-Dīn 'Umar b. Kathīr b. Daw' b. Kathīr al-Qaysī al-Qurashī al-Buṣrāwī al-Dimashqī al-Shāfi'ī's translation of the third verse: "And if you fear that you shall not be able to deal justly with the orphan girls, then marry (other) women of your choice, two; Allāh commands, when one of you is the caretaker of a female orphan and he fears that he might not give her a dowry that is suitable for woman of her status, he should marry other women, who are plenty as Allāh has not restricted him."³¹

Al-Bukhārī recorded that 'Ā'isha said: "A man was taking care of a female orphan and he got married her, although he did not desire to marry her. That girl's money was mixed with his property, and he was keeping her portion from her own money. Afterwards, this verse was revealed about his case; (If you fear that you shall not be able to deal justly)" Al-Bukhārī recorded that Ḥadrat Zubayr 'Urwa said that he asked 'Ā'isha about the meaning of the statement of Allāh as (If you fear that you shall not be able to deal justly with the orphan girls.) She said: "O my nephew! This is about the orphan girl who lives with her guardian and shares his property. Her wealth and beauty may tempt him to marry her without giving her an adequate dowry which might have been given by another suitor. So, such guardians has been forbidden to marry such orphan girls unless they have treated them justly and to give them the most suitable dowry; otherwise it has been ordered them to marry woman besides them." Then, 'Ā'isha said: "After this verse, people again asked the Messenger of Allāh (about marriage with orphan girls), so Allāh revealed the āyat "They ask you for an explanation about women. Say: "Allāh and the verses which have been recited to you in the Book explain the judgment concerning them: concerning orphaned women to whom you have not given what is written for them, nor do you wish to marry them, and concerning helpless children, and concerning the fair treatment of orphans. Whatever you do in good deeds, surely Allāh is fully aware of it."³² refer to the guardian who does not desire to marry an orphan girl under his supervision because she is neither wealthy nor beautiful. The guardians have been forbidden to marry their orphan girls possessing property and beauty without being just to them, as they generally refrain from marrying them (when they are neither beautiful nor wealthy)." Allāh's statement, two or three, or four), means that marry many women as you like, other than the orphan girls as two, three or four.³³

³⁰ Abū Ja'far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Ṭabarī al-Baghdādī, *Taberi Tefsiri*, 2/441.

³¹ Abū al-Fidā' Imād al-Dīn Ismā'īl b. Shihāb al-Dīn 'Umar b. Kathīr b. Daw' b. Kathīr al-Qaysī al-Qurashī al-Buṣrāwī al-Dimashqī al-Shāfi'ī, *Tafsīr al-Qur'ān al-'Azīm*, Critical ed. Sāmī b. Muḥammad al-Salāma (Riyadh: Dār al-Tayba, 1420/1999), 2/208-213; Abū al-Fidā' Imād al-Dīn Ismā'īl b. Shihāb al-Dīn 'Umar b. Kathīr b. Daw' b. Kathīr al-Qaysī al-Qurashī al-Buṣrāwī al-Dimashqī al-Shāfi'ī, *Hadislerle Kur'an-ı Kerim Tefsiri*, trans. Bekir Karlığa, Bedrettin Çetiner (İstanbul: Çağrı Yayınları, 1988), 1544.

³² Sūrat al-Nisā' 4/127.

³³ Abū al-Fidā' Imād al-Dīn Ismā'īl b. Shihāb al-Dīn 'Umar b. Kathīr b. Daw' b. Kathīr al-Qaysī al-Qurashī al-Buṣrāwī al-Dimashqī al-Shāfi'ī, *Tafsīr al-Qur'ān al-'Azīm*, Critical ed. Sāmī b. Muḥammad al-Salāma, 2/209-212; Abū al-Fidā' Imād al-Dīn Ismā'īl b. Shihāb al-Dīn 'Umar b. Kathīr b. Daw' b. Kathīr al-Qaysī al-Qurashī al-Buṣrāwī al-Dimashqī al-Shāfi'ī, *Hadislerle Kur'an-ı Kerim Tefsiri*, trans. Bekir Karlığa, Bedrettin Çetiner, 1546.

We should mention about this situation with Allāh's statement in another *āyat*: *"Praise is due to Allāh Who created the heavens and the earth out of nothing, and made the angels messengers with two, three and four wings. He can create as much more as He wills. Surely, Allāh is All-powerful."*³⁴

The expression of *'the angels messengers with two, three and four wings'* does not mean that other angels do not have more than four wings, even there are proofs that some angels do have more wings. Yet, men are prohibited from marrying more than four wives by the *āyat* decrees, since the *āyat* specifies what men are allowed of wives, as Ibn 'Abbās and the majority of scholars stated. If it were allowed for them to have more than four wives, the verse would have mentioned it. Imām Aḥmad recorded that Salīm said that his father said that Kīlān bin Salamah Al-Thaqafī had ten wives when he became a Muslim, and the Prophet said to him: *"Choose any four of them (and divorce the rest)."* During the reign of 'Umar, Kīlān divorced his remaining wives and divided his money between his children. When 'Umar heard news of this, he said to Kīlān: *"I think that the devil has conveyed to your heart the news of your imminent death, from what the devil hears during his eavesdropping. It seems that you will not remain alive but for a little longer. By Allāh! You will take back your wives and your money or I will take possession of these all and will order that your grave will be stoned as it is the case with the grave of Abū Righāl (from Thamud, who was saved from their fate because he was in the Sacred Area. But, when he left this place, he was tormented like they were)."* Al-Shāfi'ī, al-Tirmidhī, Ibn Mājah, al-Dāraqṭnī, al-Bayhaqī collected this *ḥadīth* up to the Prophet's statement as *"Choose any four of them."* Only Aḥmad collected the full version of this *ḥadīth*. Therefore, it had been allowed for men to marry more than four women at the same time, the Prophet would have allowed Kīlān to keep more than four of his wives, since they all embraced Islām with him. When the Prophet commanded him to keep just four of them and to divorce the rest, this indicated that men are not allowed to keep more than four wives under any circumstances. If this is the case concerning those who already had more than four wives upon embracing Islām, then this ruling applies even more to marry more than four. *(But if you fear that you will not be able to deal justly (with them), then marry the only one or what your right hands possess.)* The *āyat* commands and says that *"If you fear that you will not be able to do with justice between your wives by marrying more than one, then marry only one wife, or satisfy yourself with only female captives, for this situation when it is not obligatory to treat them equally, rather it is recommended."* So if someone to do so, this is good, and if not, there is no harm on him. In another *āyat*, Allāh said: *"No matter how hard you try, you will not be able to act justly between women, so do not be completely absorbed in one and leave the other hanging. If you make amends and avoid disobedience to Allāh, then know that Allāh is All-forgiving, All-merciful."*³⁵ The expression of Allāh *"That is nearer to prevent you."* and the word *ta'ūlū* means to prevent from doing injustice. Ibn Abī Ḥātim, Ibn Mardūya, Abū Ḥātim Muḥammad Ibn Ḥibbān, in his *Ṣaḥīḥ*, recorded that 'Ā'isha said that the Prophet said that the *āyat*, *"That is nearer to prevent you from ta'ūlū."* means to protect from doing injustice. However, Ibn Abī Ḥātim said that his father said that this *ḥadīth* comes from the Prophet is a

³⁴ Sūrat Fāṭir 35/1.

³⁵ Abū al-Fidā' Imād al-Dīn Ismā'īl b. Shihāb al-Dīn 'Umar b. Kathīr b. Daw' b. Kathīr al-Qaysī al-Qurashī al-Buṣrāwī al-Dimashqī al-Shāfi'ī, *Tafsīr al-Qur'ān al-Azīm*, Critical ed. Sāmī b. Muḥammad al-Salāma, 2/210-213; Sūrat al-Nisā' 4/129.

mistake, it should be attributed to ‘Ā’isha, not the Prophet. Ibn Abī Ḥātim reported from Ibn ‘Abbās, ‘Ā’isha, Mujāhid, ‘Ikrima, al-Ḥasan, Abū Mālik, Abū Rāzī, al-Nakha’ī, al-Sha’bī, Ḍahḥāk, ‘Aṭā’ al-Khurāsāni, Qatādah, Suddī and Muqātil b. Ḥayyān that *ta’ūlū* means to deviate from justice.³⁶

3.3. Abū ‘Abdillāh (Abū al-Faḍl) Fakhr al-Dīn Muḥammad b. ‘Umar b. Ḥusayn al-Rāzī at-Ṭabaristānī (d.606)

Abū ‘Abdillāh (Abū al-Faḍl) Fakhr al-Dīn Muḥammad b. ‘Umar b. Ḥusayn al-Rāzī at-Ṭabaristānī’s translation of the third verse: *“And if you fear that you cannot act equitably toward orphans, then marry such women as seem good to you, two and three and four, but if you fear that you will not do justice (between them), then (marry) the only one or what your right hands possess; this is more proper, that you may not deviate from the right course.”*³⁷

With the expression of *“If you have a fear about being unfair toward orphans”*, know that God sent the judgment on marriage in this case as second genre. There are some judgments and issues in this chapter. First issue, al-Wāḥidī said that the term means to be fair and to behave according to fairness. It is said when someone is fair and God commands: *“If two groups of the believers quarrel with each other, set them right immediately; and if one of them has violated the right of the other, fight against the wrongdoers until they return to the command of Allāh; and if they return, settle the dispute between them with justice, and give to each his due. Verily, Allāh loves those who fulfill the truth.”*³⁸As we see in this verse, God states that He loves people who are just and fair. The term which is the origin means to be just and merciful. God also commands to be just carefully: *“O you who believe! Stand up for justice, even against yourselves or your parents or your relatives, and be witnesses for the sake of Allāh, and whether they are rich or poor, Allāh is nearer to them than to you. So do not follow your feelings and depart from justice. And if you deviate from justice or fail to do your duty, know that Allāh is well aware of everything you do.”*³⁹Al-Zajjāj said that the term and its origin both arise from the word which means portion and destiny. When Arabian people used the term in the meaning of *‘he became cruel and unjust’* they mean that he became unjust and cruel about the portion and destiny, right and *nasīb* of his friend. Do not you see that Arabs use this to be unjust about portion with main meaning of owning and winning? So, the term is started to be used in the meaning of becoming unjust, cruel, winner. The main purpose of Arabs to use the terms is to show that this man has justice, rightness, equity. Thus, it turned to mean as giving the right, being fair and merciful in promises, witnesses, professions, swears, oaths with the term.⁴⁰

³⁶ Abū al-Fidā’ Imād al-Dīn Ismā’īl b. Shihāb al-Dīn ‘Umar b. Kathīr b. Daw’ b. Kathīr al-Qaysī al-Qurashī al-Buṣrāwī al-Dimashqī al-Shāfi’ī, *Tafsīr al-Qur’ān al-‘Azīm*, Critical ed. Sāmī b. Muḥammad al-Salāma, 2/211-213; Abū al-Fidā’ Imād al-Dīn Ismā’īl b. Shihāb al-Dīn ‘Umar b. Kathīr b. Daw’ b. Kathīr al-Qaysī al-Qurashī al-Buṣrāwī al-Dimashqī al-Shāfi’ī, *Hadislerle Kur’an-ı Kerim Tefsiri*, trans. Bekir Karlığa, Bedrettin Çetiner, 1544-1568.

³⁷ Abū ‘Abdillāh (Abū al-Faḍl) Fakhr al-Dīn Muḥammad b. ‘Umar b. Ḥusayn al-Rāzī at-Ṭabaristānī, *Mafātīḥ al-Ghayb* (Beirut: Dār al-Fikr, 1401/1981), 9/177.

³⁸ Sūrat al-Ḥujurāt 49/9.

³⁹ Sūrat al-Nisā’ 4/135.

⁴⁰ Abū ‘Abdillāh (Abū al-Faḍl) Fakhr al-Dīn Muḥammad b. ‘Umar b. Ḥusayn al-Rāzī at-Ṭabaristānī, *Mafātīḥ al-Ghayb*, 9/177-185.

About the cause of the revelation, "Know that the condition is the command of God 'if you have a fear about being unjust'" and the statement of God 'Then, marry (other) women of your choice' is the punishment and the response of the condition and the obligation (*shart*). It is necessary to explain the content, the connection of the condition and the judgment in the verse. There are some different styles to have an approach among scholars and *mufasssirs* about this issue as follows:⁴¹

a.) According to 'Urwa's transmission, the question came to 'Ā'isha "What is the meaning of this verse?" 'Ā'isha said: "My nephew, it is the orphan girl who stays in the place of walī or saint. The protector or walī fell for her beauty and property and there was no another who could be partner for her. He wanted to get marry her on condition that the lowest dowry for her. He got married her and acted badly because he knew that there was no another to protect and defend her. So, God commanded this order as "If you fear that you shall not be able to deal justly with the orphan-girls, then marry (other) women of your choice." 'Ā'isha continued her sayings: "After, if people asked and looked for preaching about orphan girls. Here on, God: 'They ask your legal instruction concerning women, say: Allāh instructs you about them, and about what is recited unto you in the Book concerning the orphan girls whom you give not the prescribed portions (as regards mahr and inheritance) and yet whom you desire to marry, and (concerning) the children who are weak and oppressed, and that you stand firm for justice to orphans. And whatever good you do, Allāh is Ever All-Aware of it.'" In the expression of 'Allāh instructs you about them, and about what is recited unto you in the Book concerning the orphan girls' and its main purpose, it is showed in the statement of the verse which starts with 'if you have a fear to be unfair about the orphan girls'.

b.) When the verse is about orphans and it says that eating and taking their money and property are forbidden as it was revealed, the protectors of orphans became afraid of having a big sin because of their unfairness and rude behaviors toward orphan girls. So they did not want to owe to the orphans for their protection. There are some men who had ten or more than ten women and they could not be fair toward them and could not fulfill their rights. Because of this reason, it is said to them 'if you are afraid of being unfair about orphan girls, be afraid about all women as the same and decrease the number of your women.' It is stated that someone is like the man who does not care and not avoid from the sin, he will do similar of this sin in another place.

c.) They are afraid about the owning of orphan girls. Because of this reason, it is said to them: "If you are afraid about the orphans, so have a fear about adultery too. Well then, marry the ones who are *ḥalāl* or legal for you, do not walk around and not come close to the ones who are forbidden, *ḥarām* or illegal for you."

d.) According to 'Ikrima's narration, he said that there was a man who had his women and the orphan girls beside him. When he paid for all his property to his wives and he had no money at all, he started to spend the properties of the orphans. Because of this reason, God commanded that it is forbidden to get marry more than four women when there are more wives

⁴¹ Abū 'Abdillāh (Abū al-Faḍl) Fakhr al-Dīn Muḥammad b. 'Umar b. Ḥusayn al-Rāzī at-Ṭabaristānī, *Mafātīḥ al-Ghayb*, 9/178-185.

and you are afraid of being unfair about orphan girls' rights for destroying this fear. If you are still afraid of being unfair about these four women, it is the most suitable number is the one. God mentioned the much side is four and the less side is the one as number of the wife. So, He got people' attention especially on the numbers which are between one and four, likely He said that if you are afraid of four, it is suitable three; if you are afraid of three, it is suitable two; if you are afraid of two, it is suitable the one as enough for you. This view is the most suitable and beneficial for the people. Therefore, God wanted people to avoid from marriage with more women to spend a lot of money because of the possibility of spending the property of the orphans.

There are some issues about this verse like the judgment of marriage as obligation or *farz* and *mandūb*. Aṣḥāb al-Ẓāhir who believes the appearance of the verse say that marriage contract or *niqāh* is incumbent on a Muslim or *wājib* and they consider the verse as an origin. They think that the statement of 'marry' is a direction, an order, an imperative word. So, the appearance of the order means an incumbent. Al-Shāfi'ī saw as an evidence about marriage is not an incumbent to show this verse: *"And whoever among you cannot afford to marry a believing free woman, he may take from your believing slave girls who are under your hands. Allāh knows your faith better. You are descended from one another. So marry them with the permission of their parents and give them their mahr according to the custom, provided that they live chastely and do not commit adultery and do not keep secret friends. If they commit fornication after marriage, they shall be punished with half the punishment of free women. This is for those of you who fear sin, and patience is better for you. Allāh is All-forgiving and All-merciful."*⁴² Therefore, God commands to leave marriage is better than to do that. This situation shows that marriage is not an obligatory or incumbent.⁴³

The other issue about this verse is the command of God as 'the thing which is permissible, legal or *ḥalāl* to you 'not the one who is legal for you'. There are many reasons for it:

- First, God meant the species. For example, when you ask like 'What do you have beside you?', the response of your interlocutor answers like 'one man or one woman'. The meaning of this question is the thing which is with you or truth or fact.
- Second, with the word as infinitive it is like 'marry with who is legal for you'.
- Third, the terms can be used for their other places. As a matter of fact, God states: *"By the sky and the power that established it"*⁴⁴ and *"Say: "O disbelievers! I do not worship what you worship. Nor do you worship what I worship. I will not worship what you worship. Nor do you worship what I worship. Your religion is for you and my religion is for me."*⁴⁵ Abū 'Amr b. al-'Alā' said: "I acquit God who is showed as similar with *tashbīh* art with thunderclap." God stated: *"Allāh created every moving creature out of water. Some*

⁴² Sūrat al-Nisā' 4/25.

⁴³ Abū 'Abdillāh (Abū al-Faḍl) Fakhr al-Dīn Muḥammad b. 'Umar b. Ḥusayn al-Rāzī at-Ṭabaristānī, *Mafātiḥ al-Ghayb*, 9/177.

⁴⁴ Sūrat al-Shams 91/5.

⁴⁵ Sūrat al-Kāfirūn 109/1-6.

of them crawl on their bellies, some walk on two legs, and some travel on four legs. Allāh creates what He wills, Allāh is all-powerful."⁴⁶

- Forth, God mentioned the women as the class of *ghayr-ı āqil* or appellative name. As it takes a place in the sixth verse of the Chapter of the Believers: *"They will be content with their wives or with what is under their hands, and they will not be blamed for that."*⁴⁷

About another issue which is about this verse, al-Wāhidī and al-Kashshāf said that the statement in the verse which is 'things that are good for you' means 'the ones or women who are legal and permissible for you'. Because, there are some women who are not permissible to get marry them. They are mentioned in the Chapter of the Women with verse 23: *"Forbidden to you are your mothers, your daughters, your sisters, your aunts, your sisters' daughters, your brother's daughters, your sister's daughters, your mothers who suckled you, your wet-nurses, the mothers of your wives, and your stepdaughters from your wives with whom you were united and who are in your houses. If you are not united to them, there is no harm for you to take their daughters (when the marriage is no longer valid). And the wives of your sons from your offspring and the wives of two sisters are also forbidden to you, but the past is past, and Allāh is the Most Forgiving and the Most Merciful."*⁴⁸ This view is worth to be considered on it because we explained that the term of 'marry' has a suitability as an order. Accordingly, if the aim of the meaning is the women who are *ḥalāl* for you, the verse could be as *'I made legal a marriage with who are ḥalāl or legal for you'*. So, this might be out of the extrapolation form the verse. At the similar way, in our situation which represents their meaning, the verse becomes succinct because of the absence of the reasons about legality and illegality. But, if we take the meaning as *'women whom you like from your heart and soul and tend to them'*, the verse becomes general and can be devoted. In Islāmic law, according to the certain event, if there is a contradiction between compendium and devotion, it is better to remove succinct. Because, the general or common expression is clear argument even out of the meaning of the verse, but not the succinct expression.⁴⁹

The topic of the numerical adjective as *ghayr al-munsarif* which does not have *tanwīn*, *kathrat* as *ḥaraka* or vowel point. When we come to the subject of the adjectives as 'two by two, three by three, four by four', that means two two, three three, four four. These names do not have *tanwīn* and *kathrat* as *ghayr al-munsarif*. Its reasons can be showed as the attribution with the past tense (equipollent), to mention one word with meaning of another. As this case, saying of two by two means two two like the evidence of these verses: *"Praise is due to Allāh Who created the heavens and the earth out of nothing, and made the angels messengers with two, three and four wings. He can create as much more as He wills. Surely, Allāh is all-powerful. There is no one who can limit the mercy that Allāh has opened for mankind, nor can anyone open what He has closed. He is the All-Mighty and the All-Wise."*⁵⁰

⁴⁶ Sūrat al-Nūr 24/45.

⁴⁷ Abū 'Abdillāh (Abū al-Faḍl) Fakhr al-Dīn Muḥammad b. 'Umar b. Ḥusayn al-Rāzī at-Ṭabaristānī, *Mafātīḥ al-Ghayb*, 9/178-179; Sūrat al-Mu'minūn 23/6.

⁴⁸ Sūrat al-Nisā' 4/23.

⁴⁹ Abū 'Abdillāh (Abū al-Faḍl) Fakhr al-Dīn Muḥammad b. 'Umar b. Ḥusayn al-Rāzī at-Ṭabaristānī, *Mafātīḥ al-Ghayb*, 9/178-182.

⁵⁰ Sūrat Fāṭir 35/1-2.

Additionally, it is showed as *ghayr al-munsarif* in another explanation because there are two kinds of statement for changeable words like two by two or two two. For example, when you say *'two or three men came to me'*, your aim to say is just this number of men, but when you say *'the plurality came to me two by two'*, your aim to say is the style of coming as two by two. It is clear that there are two kinds of number. So, this should be *ghayr al-munsarif*. This word passes to two sides with this reason because one name has two causes together and look like a verb which shows that it is this kind of *ghayr al-munsarif*. God knows the best. In the subject of the slaves, some scholars claimed that the expression of *'marry the ones who you like and legal for you'* in the verse does not mean that belongs to slaves, because there is an addressing to someone who can get marry a woman whom he likes. The slave is not like that, because slave cannot get marry out of the permission of the owner. The Qur'ān and *ḥadīth* showed this situation and God said: *"Allāh gives you the example of the slave who is powerless and is the property of another, and the one whom We have provided from Us in a goodly way and from whom others benefit, secretly and openly: Are they equal? Praise is to Allāh, but most of them do not know."*⁵¹ In this verse, it is showed that the slave does not afford to anything and not be free about marriage. In the *ḥadīth*: *"If slave gets marry without permission of the owner or sir, slave fornicates?"* Therefore, it is clear that slaves are not the subject of this expression for marriage. Majority of scholars say that it is legal to get marry four women for free men, not for slaves. Imām Malik defends that it is legal to get marry four men for both slaves and free men because the appearance of the verse. Imām al-Shāfi'ī states that this verse is about free men, not the slaves, and gives some evidences for this view from the verse like the expression of *'And if you fear that you shall not be able to deal justly with the orphan-girls, then marry (other) women of your choice, two or three, or four but if you fear that you shall not be able to deal justly (with them), then, marry the only one or (the captives and the slaves) that your right hands possess'* can be possible for free men. Another evidence of him is forth verse of the chapter: *"Give women their mahr as you would pay a debt. And if they give you a part of it willingly, then eat it with pleasure."*⁵²

As it is known, the slave cannot eat the property or money of his wife, because this property belongs to sir or owner. Imām Mālik claims that it is not an obligation that separate and particular two expressions must be in connection and condition because of revelation order respectively. Imām al-Shāfi'ī answers this claim as these commands was revealed in order and some of them are related to free men. So, it is understood that all of the expressions are related to free men. Some other scholars say that the appearance of the verse includes the slaves beside free men, but they add the comparison and syllogism and state: *"As it is similar with the case of divorce and waiting the period or 'iddat after divorce or death of husband we agreed upon less rights of marriage contract for slaves in comparison frees. The subject of the number of the women for marriage is about the law of marriage. According to it, it should be the half number of women for slaves with regard to free men' rights. God knows the best."* Some people who are idle claimed that it is possible and legal to get marry women as men liked especially countless

⁵¹ Sūrat al-Naḥl 16/75.

⁵² Abū 'Abdillāh (Abū al-Faḍl) Fakhr al-Dīn Muḥammad b. 'Umar b. Ḥusayn al-Rāzī at-Ṭabaristānī, *Mafātīḥ al-Ghayb*, 9/179-184; Sūrat al-Nisā' 4/4.

or innumerable and they gave some evidences from the Qur'ān and *ḥadīth* with saying of God's expression of 'marry' does include all numbers, not limitation, even the term of two by two or three by three does not border this permission. Because, mentioning about some numbers shows removing the sin and forbidden. For example, the situation is like that someone said to his or her son 'you could go wherever you like as bazaar, city and garden.' It means that the son can go any place as he likes no border for it, and to mention about these places' names does not border freedom and permission. And also, it is the certain statement of removing forbidden and sin to go to places for son. It is like this verse's situation and God's permission are valid for all numbers for women. Additionally, there is an expression of collection or being together 'and' between the numbers, so the total number is nine also eighteen because the meaning of two by two is two two, is the same for three and four numbers. They found an evidence from the *ḥadīth* and it is certain that the Prophet had nine wives. God commands in Sūrat al-A'rāf: "Say: "O people! Verily, I am the messenger of Allāh, the Owner of the heavens and the earth, sent to you all. There is no god but Him. He gives life and He kills. So believe in Allāh and His Messenger, the Messenger who is the ummī -who believes in Allāh and His words- and follow him, that you may be guided.""⁵³

The lightest command means that it is permissible and allowable. In addition, *Sunnah* represents the way, course or trend. They claim that *Sunnah* which means the way of the Prophet is marriage with more than one woman according to it, it is possible to get marry more than one woman. In addition, the Prophet said that whoever does not follow his way and *Sunnah* he or she is not from him or *ummat*. The appearance of this *ḥadīth* requires to condemn people who marry less than four women or to say that it is licit and lawful. For the rejection of an aforementioned claim, scholars based on this situation. One of them is the narration and the second one is syllogism. First of it, there are some narrations about divorce women who are more than four women as command of the Prophet. According to the narration, the Prophet said to Kīlān who had ten women to separate and to divorce six one and to keep four women in his marriage contract. Additionally, the Prophet said to Nawfal b. Mu'āwiya who had five women when he became a Muslim to keep four women in his marriage and to divorce one of them. It should be known that it is weak because of two situations like it can be special condition about them as relativity and breastfeeding. So, it is not true and lawful to remove the command of God in the Qur'ān with these kinds of narrations or *khābar al-wāhid* (one narration). The second one is the agreement among scholars and syllogism as the lawful situation is not marry more than four women. Accordingly, there are some questions for these, syllogism does not remove or be removed, so how could remove syllogism the verse? As an answer, in the period of the Prophet, there was a judgment which is *mansūkh* or elevated about it. There are few disagreements among people and they say that it is lawful to get marry more than four women, so is it possible to remove and ignore the majority of agreement with few disagreement? As a response, the disagreement of *Ahl al-bid'at* is not trustful, it is dubious. Also, God used the expression of 'and or waw' because it is lawful to choose the conditions which are related to numbers like one, two, three, four, He did not use the term of 'or or aw' because it lets to choose just one situation for all people in hard way like 'some of them get marry two, some of them marry three, others

⁵³ Sūrat al-A'rāf 7/158.

marry four and it makes sinful to do that together.' It looks like to say to many people to share the money as two by two, three by three, four by four and it means that it is lawful that some of them take two two, some of them get three three and some of the take four four. The situation which is in the verse is like this example. God knows the best. In addition, God commands that *'if you could not supply justice among wives, marry the one.'* Some says that it is meant that there is a peaceful and easy way to be followed because men can already have women slaves who can be a lot of as number and have less responsibility in comparison to free women. It is understood one woman is equal to countless women slaves. There is no sin and responsibility for them as much as free women too. According to al-Shāfi'ī, it is better to be busy with worships and praying than marriage because God sent the choice one woman and owning women slaves. It shows the classification of choice equals to their values. It looks like the saying of the doctor as *'Eat apple or pomegranate because its benefit equals to each other.'* Reason and the verse point out this kind of idea, because the aim of marriage is peaceful life, happiness, living together and being supporter, protection and continuation of religious and social life. These kinds of values and actions can be supplied in both ways. So, having a free wife and women slaves are equal to each other, because if one slave becomes free by the wish of the owner, she turns to free woman, there is no difference here. As a matter of fact, according to equality of women as having slave and free wife in syllogism, it is better to be busy with prayers, worships, because the most superior is better from the all levels which are under from it or two equal things.⁵⁴

4. The Third Verse of Sūrat al-Nisā' (The Chapter of the Women) in the Modern Period Commentaries of the Qur'ān

4.1. Almalili Hamdi Yazir (d.1942)

Almalili Hamdi Yazir's translation of the third verse: *"And if you fear (you have fear and you should fear about orphans for sin) that you shall not be able to deal justly with the orphan-girls (about their rights, lives, properties, chastity), then marry (other) women of your choice (according to your situation and condition), two or three, or four, but if you fear that you shall not be able to deal justly (with them), then marry the only one or (the captives and the slaves) that your right hands possess. That is nearer to prevent you from doing injustice."*⁵⁵

He states that it is suitable to protect men from adultery, harm, unfairness, sin, and to protect women from being alone like without any relative, and to struggle with hardness of life toward other people and difficulties as alone. It should always remember to be fair and just to the wives, *'if you have more than one until four as number.'* Because of it, it is necessary to choose one wife, if there is a doubt for unfairness among women. In recitation of Ibn Ja'far with reading *otrat* or the Arabic vowel sign for o,u, it means that one woman is enough. You could have women slaves in other alternative. To get marry one woman is close and suitable to behave in good manner and justly, at the same time, it is easier to protect one woman's rights. This expression is thought for not being in difficulty and poorness. It is clear that there is a condition

⁵⁴ Abū 'Abdillāh (Abū al-Faḍl) Fakhr al-Dīn Muḥammad b. 'Umar b. Ḥusayn al-Rāzī at-Ṭabaristānī, *Mafātiḥ al-Ghayb*, 9/181-185.

⁵⁵ Almalili Hamdi Yazir, *Hak Dini Kur'ân Dili*, Simplifier. Lütfullah Cebeci, Sadık Kılıç, Orhan Atalay (Ankara: Akçağ Yayınları, 2015), 3/13.

for marriage with fairness toward orphan girls. So, it is sufficient to know different kinds of commentaries about narration and command of God to understand the way of coming this order.⁵⁶ In al-Bukhārī and Muslim, there is a narration which is said that 'Urwa b. Zubayr asked the meaning of the verse to 'Ā'isha. She responded:⁵⁷ *"O my nephew! This orphan who stays under the protection and ward of the walī or saint or sir. They are partner or associate about the property. The sir likes her because of beauty and property but he wants to get marry unless to not fulfill dowry. He does not give dowry as much as others can give. This verse forbids the marriage with this kind of sir who does not give the right with the orphan girls who are under protection of them and it is allowed them to marry the others whom they like."* She continued to say that after this verse, people asked to the Prophet and God sent the verse *"They ask you for an explanation about women. Say: "Allāh and the verses which have been recited to you in the Book explain the judgment concerning them: concerning orphaned women to whom you have not given what is written for them, nor do you wish to marry them, and concerning helpless children, and concerning the fair treatment of orphans. Whatever you do in good deeds, surely Allāh is fully aware of it."*⁵⁸

They are prohibited to get marry the orphan girls unless they give their rights as much as others in measurement. Another *ḥadīth* is coming from Ibn 'Abbās. He said that men are limited with four women because of the properties of the orphans. One man could get marry how much he likes with the property of orphans. God prohibited it. Close to it, Ḥasan al-Baṣrī said that sirs married orphans because of their property, not they liked them. Because of this reason, they had no good relation among them and husband did not behave in this way to orphan girls. Also, men were waiting their death to eat their property and they are prohibited for it. Some commentators say that there was a man who used to marry the orphan girl who was beautiful and had property when he saw her, he became jealous and did not want her to marry with other and he married with this kind of girl immediately. Because of this situation, a lot of girls were beside him even he could not fulfill their rights as enough. This verse was about them and it means: *"And if you fear that you shall not be able to deal justly with the orphan-girls, then marry (other) women of your choice."*⁵⁹

Qāḍī al-Bayḍāwī preferred this kind of commentary too. Mujāhid said it means: *"And if you fear that you shall not be able to deal justly with the orphan-girls, then you fear from adultery and marry (other) women of your choice, two or three, or four, do not be in danger of committing a sin or illegal act."* This view emphasizes to avoid from illegal things, to be far away from adultery and it is necessary to choose marriage and justice. Therefore, this verse cares about benefit of society and society itself from the perspective of the aim of revelation as judgment and truth. So, the subjects about marriage encompass the right of people, the right of society and the right of God at the same time. Because of this, marriage is a duty and right from each of the sides. So, it is a worship and treatment at the same time. God emphasizes and recommends respect, jus-

⁵⁶ Almalili Hamdi Yazir, *Hak Dini Kur'ân Dili*, Simplifier. Lütfullah Cebeci, Sadık Kılıç, Orhan Atalay, 3/17-19.

⁵⁷ Almalili Hamdi Yazir, *Hak Dini Kur'ân Dili*, Simplifier. Lütfullah Cebeci, Sadık Kılıç, Orhan Atalay, 3/23.

⁵⁸ Sūrat al-Nisā' 4/127; Almalili Hamdi Yazir, *Hak Dini Kur'ân Dili*, Simplifier. Lütfullah Cebeci, Sadık Kılıç, Orhan Atalay, 3/23-24.

⁵⁹ Almalili Hamdi Yazir, *Hak Dini Kur'ân Dili*, Simplifier. Lütfullah Cebeci, Sadık Kılıç, Orhan Atalay, 3/24.

tice, mercy toward women, relativeness, orphans for each of the parts of life clearly. He mentioned about the hardness of being just and fair toward all women as equal in marriage life, so alternatively one woman is enough for financial and spiritual reasons. Additionally, He prohibited adultery, unfairness, and badness. Then, He warned about the protection of women, their rights, property, lives, chastity, and honor in marriage contract for many times.⁶⁰

4.2. 'Umar Nasuhi Bilman (d.1971)

'Umar Nasuhi Bilman's translation of the third verse *"And if you fear that you shall not be able to deal justly with the orphan-girls, then marry (other) women who are legal to you, two or three, or four but if you fear that you shall not be able to deal justly (with them), then marry the only one or (the captives and the slaves) that your right hands possess. That is nearer to prevent you from doing injustice."*⁶¹

According to him, in detail it is said as: *"O saints, sirs! If you fear that you shall not be able to deal justly about giving dowry and administration with the orphan-girls who are under your protection, then stop to marry and use their property and marry (other) women who are legal to you, two or three, or four, but if you fear that you shall not be able to deal justly (with them). Then, marry the only one or the captives and the slaves that your right hands possess. That is nearer to prevent you from doing injustice. Do not be unjust and commit a sin because of marriage with a lot of women. If you fear that you could be unfair toward two, three or four wives, do not take more than one woman, be contented with one wife or women who your hands possesses (the slaves or the captives). That is better for you and nearer to prevent you from doing injustice. Also it is an encouraging."* According to some narrations, in the ignorance period, man could marry ten or more than ten women and used to marry the orphan girls who had property. This kind of man does not care about her, to not be careful about her rights and to not be kind toward her in reality. This verse was revealed because of these kinds of reason against mercy, justice, law to warn men and people to take care of their rights.⁶²

The marriage or *niqāh* is a contract among man and woman which includes social connection, legal rights and responsibilities. It gives the benefit of making use of each other. *Munāqahā* is the marriage contract of two person. This term's plural form is *munāqahāt*, and *zawj* means the husband who has *niqāh* or contract of a woman (plural form is *azwāj*), *zawja* means the wife who is under a marriage contract of a man (plural form is *zawjāt*, and to get marry means *tazawwuj* or *tanaqquh*. Woman and man have responsibilities to each other in marriage life like respect, love, understanding, sexual relation, communication. Additionally, in daily life, there is a fact that love and sexual desire are because of sensual excesses and not in the hand of man. So, man could love and want one wife more than other wives but he should not make others feel sorry because of this situation. He should not explain this feeling to the others in causeless place. The judgment of marriage changes to the people for someone who has the power to requirement as need and dowry for wife and wish to marry, he should marry

⁶⁰ Almalili Hamdi Yazir, *Hak Dini Kur'an Dili*, Simplifier. Lütfullah Cebeci, Sadık Kılıç, Orhan Atalay, 3/26-30.

⁶¹ 'Umar Nasuhi Bilman, *Kur'anı Kerim'in Türkçe Meâli Âlisi ve Tefsiri* (Istanbul: Nesa Basın Yayın Grubu, no date), 2/542-543.

⁶² 'Umar Nasuhi Bilman, *Kur'anı Kerim'in Türkçe Meâli Âlisi ve Tefsiri*, 2/543.

as an obligation or *farz*, if he leaves that he becomes a sinner; for someone who has enough situation for marriage life, but no extra or much wish to marry, marriage is *Sunnah* for him. According to another view, it is close to obligation. For someone who has no ability to follow the requirements of marriage life, marriage is *makrūh* or close to *ḥarām* or illegal for him like assumption to be rude and cruel toward wife. For someone who does not fulfill the rights of marriage as a certain, marriage is exactly illegal or *ḥarām* for him. As a matter of fact, there are many benefits in legal marriage as continuation of humanity in order, peace, and harmony. In addition, there are many harms in illegal relations like social and spiritual loss, feeling of revenge, even killing someone because of jealousy or any other bad reason, breaking healthy generation order, destroying civilized life, unhappy lives, absence of clear rights for both sides, several diseases and so on too. Accordingly, if there would be a permission for illegal relations, there would no special conditions for one woman to a man, there would be life like animals have. Whereas, it is against and opposite of honor of human being, good manner of people and valuable life of humanity. The reason and wisdom of limitation of marriage are about love, respect, and justice. Man could have four women but it is nearer to justice to marry the one. No one is obliged to marry four, the judgment about it should not be understood in misleading way. A Muslim can marry four, if he has enough conditions, he can have with one woman or might not marry, if he likes. It is known that there are many goodness and benefits in marriage like protection of chastity and having children in generation line, but someone to marry the one can prevent legal rights and these benefits. For example, woman can have an illness or she is old, this fact causes to not have a baby or one baby, no more, for continuation of generation it can be necessary other wife; or if wife could not fulfill the needs of husband, it can be necessary to marry another for man without divorcing first wife because to divorce this wife could be a cruelty for her, so in this case to get marry again is required.⁶³

There are some people, societies or cultures disagreed to marriage with more than wife. According to them, polygamy is against equality, order of family, happiness, peace, limitation and portion of heritage to more parts, and rights of women. They say that it causes to be enemy to each other. For this argument, it can be said that to cause to be enemy is not because of polygamy, it is because of lack of good manners in religious and social side as a response. It is certain that Islāmic law allowed this kind of marriage with some conditions like justice. In addition, some people who are against this, but they commit a sin like adultery, sexual relation outside of marriage and spending the heritage, money and rights of children to dishonorable women at the same time. People are required to be a good person and a good believer who has good manner toward other people and God. So, there is no enmity, cruelty, angst, and unhappiness in *halāl* way. We can see many families who are happy with understanding and respect in religious and social life with spiritual side. We can see many family who are not happy and have many troubles in their social, daily, religious and spiritual life because of lack of good manner and morality. Also, we cannot say that polygamy causes to divide heritage, because people are producer of heritage and money, if it increases, there is no problem to divide it to many parts. In addition, it should be added that there are many men who die because of war, disease, so the tradition of marriage with more than one women could be a solution and supplies these

⁶³ 'Umar Nasuhi Bilman, *Kur'anı Kerim'in Türkçe Meâli Âlisi ve Tefsiri*, 2/544-545.

women' happiness and life in peace. Some says that polygamy harms to rights of wife. As a response for it, it is not exactly valid in law. There are rights of wife as husband has rights, they have some duties to each other mutually.⁶⁴

According to Islāmic law, the rights of women are protected. In the Sūrat al-Baqara, it is said: *"Divorced women wait on their own (without marriage) for three menstrual periods. It is not lawful for them to conceal what Allāh has created in their wombs if they believe in Allāh and the Last Day. If they wish to reconcile, their husbands have more right than anyone else to return them to them. Women have rights equal to their duties in a reasonable and legitimate measure, and men have a rank above them. Allāh is the All-Mighty and All-Wise."*⁶⁵

Some says that it is also against equality because it gives more rights and enjoy to man. As a response, it is not against equality, because people as women and men have no the same rights, abilities and responsibilities. For example, it cannot be the same salary for worker and engineer in the same day. As it is in the case, women who have tender and sensitive features and men who have strong structure have different rights, abilities and responsibilities in the corporation of family. So, it is not against equality. Personal features, spiritual characteristics, events in life, abilities which are coming from creation are some of the criteria that differ in genders. Especially, men are very different from women like being strong and patient toward hard events, illness, obstacles, troubles in life in comparison to women who have weak structure, tender feature and most of time with pregnancy, having baby, period, the postpartum period. If women could have many husband, there would be some questions, obstacles and problems like how they take care of a lot of husbands even they have weak and sensitive structure, and how is the father of baby determined and so on. Additionally, there are some duties and responsibilities for Muslim man who has more than one wife like equality among wives on communication, enjoy, conversation, because women are equal by marriage contract (Badāi, Baḥri Raīq) even being ill to healthy, old to young, virgin to widow, Muslim to non-Muslim; man stays with women in certain days as once, twice or more days and nights in equal time between wives, it should not be long or longer time because of closeness among partners (Baḥri Raīq, Radd al-Mukhtār). It is not allowed to get money, dowry, to take property by man because of more time with one wife as a bribery, that causes to cancel other wife's right (Badāi, Mabsūṭī, Saraḥsī). Man cannot enter other wife's side, when he is with another and any other, wife cannot be close to him because of invasion, but for unexpected reason or illness it can be stayed beside ill wife, husband can wait her during the night (Baḥri Raīq). A husband cannot make two women sit in one room without their will and acceptance, because man cannot fulfill the rights toward wives in this case, but if women are close or relative, they can sit together in proper way at one place. If man does not follow these rules, he goes to court because of his wife's will and wish in judgment seat and he has to fulfill these responsibilities. In one *ḥadīth*, it is mentioned that if man has two wives and tend to other wife more, his one part of body will be resurrected as crooked, but if it is about love or spiritual works which cannot be controlled in equal way, he does not betray and show it to other wife, he does not become responsible for it (Mabsūṭī, al-Ikhtiyār).

⁶⁴ Umar Nasuhi Bilman, *Kur'anı Kerim'in Türkçe Meâli Âlisi ve Tefsiri*, 2/546-548.

⁶⁵ Sūrat al-Baqara 2/228.

Therefore, there are many conditions about marriage with more than one women and men are responsible for them. If they would not be able to do and fulfill these rights, they should get marry one woman not more.⁶⁶

4.3. Sayyid Qutb (d.1966)

Sayyid Qutb's translation of the third verse: *"If you fear that you may not deal fairly by the orphans, you may marry of other women whom they are agreeable to you, two or three or four. But, if you fear that you will not be able to maintain fairness between them, then marry the only one, or those whom your right hands possess. That makes it more likely that you will not do injustice."*⁶⁷

Ḥaḍrat Zubayr 'Urwa, a scholar from the generation following that of the Prophet's Companions, transmits that he once asked 'Ā'ishah, the Prophet's wife, about this verse which states: *"If you fear that you may not deal fairly by the orphans, you may marry of other women as may be agreeable to you, two or three or four. But if you fear that you will not be able to maintain fairness between them, then marry only one, or those whom your right hands possess. That makes it more likely that you will not do injustice."* She said: *"Nephew, this refers to an orphan girl being brought up by her guardian and she is his partner in his property. He is attracted to her because of her property and beauty, and he wishes to marry her without being fair to her in her dower and without giving her what someone else would have given. Therefore, people are not allowed, on the basis of this verse, to marry those orphans unless they treat them fairly and give them the maximum dower girls in their station would have had. They are further ordered to marry other women instead of them."* 'Urwa also relates to the authority of 'Ā'ishah that the Prophet's Companions sought his ruling on the whole question after this verse was revealed. By the way of answer and assistance, another verse of this sūrat was revealed: *"They ask you for an explanation about women. Say: "Allāh and the verses which have been recited to you in the Book explain the judgment concerning them: concerning orphaned women to whom you have not given what is written for them, nor do you wish to marry them, and concerning helpless children, and concerning the fair treatment of orphans. Whatever you do in good deeds, surely Allāh is fully aware of it."*⁶⁸

Furthermore, 'Ā'ishah says: *"God's statement in this other verse, 'and whom you are disinclined to marry', refers to their reluctance to marry the orphan girls when they are neither wealthy nor beautiful. Therefore, it is told that they must not marry those orphan girls, they are attracted because of their wealth and beauty unless they are fair to them. This is due to the fact that they do not consider marrying them when they lack wealth and beauty."* (Related by al-Bukhārī.)⁶⁹ This ḥadīth, as related by 'Ā'ishah, describes some of the practices and traditions of the ignorant culture, pre-Islāmic Arabia that continued to be practiced in the Muslim community until the Qur'ān ordered about them. The Qur'ān is banning such practices and removing them

⁶⁶ 'Umar Nasuhi Bilman, *Kur'anı Kerim'in Türkçe Meâli Âlisi ve Tefsiri*, 2/548-551.

⁶⁷ Sayyid Qutb, *Fizilâl-il Kur'an (Kur'an-ın Gölgesinde)*, trans. M. Emin Saraç, Bekir Karlığa, I. Hakkı Şengüler (Istanbul: Hikmet Yayınları, 1968), 3/51.

⁶⁸ Sūrat al-Nisā' 4/127.

⁶⁹ Sayyid Qutb, *Fizilâl-il Kur'an (Kur'an-ın Gölgesinde)*, trans. M. Emin Saraç, Bekir Karlığa, I. Hakkı Şengüler, 3/62-63.

from the Muslim community here, with such wise directives that place the onus for their appropriate observation on people's consciences.⁷⁰ The Qur'ānic verse starts with: *"If you fear that you may not deal fairly by the orphans."* in the third verse in question, then, a question of taking precautions and making sure to be on the safe side, fearing of God's punishment, when a guardian suspects that he is not extending fair treatment to an orphan girl in his care. The verse is general and does not speak of any particular area where fairness is essential. What it requires is that orphans must be treated fairly, in every sense of the words and in all situations, whether relating to dowry or to any other aspect. If a guardian seeks to marry an orphan girl for her money, then he is motivated by his desire to absorb her property, and not by any affection which he has for her or by any feeling that her personality makes her a suitable wife for him. Also, unfairness arises when a guardian marries an orphan girl, regardless of the wide differences in age between them. This makes a happily married life rather than untenable, and does not give due consideration to the girl's feelings in the matter. Indeed, she may be unable to express her feelings, because of shyness or she can be suspicious about this possibility, if she disobeys her guardian, he will squander her wealth. Many other situations and circumstances may make it difficult to maintain fairness. Therefore, the Qur'ān appoints one's conscience as well as fear of God as the watch guards. The opening verse of this *sūrat*, which sets the scene for all these legal provisions and directives, is concluded with the reminder: *"God is ever watching you."*⁷¹

Islām is a practical and positive system for human life, which is consistent with human nature and man's constitution, needs, requirements and changing circumstances in all areas and all generations. It is a system which deals with man as he is, and in the situation it finds him in, elevating him to heights that he can never otherwise achieve, without in any way denouncing his natural desires or suppressing his nature or overlooking his practical needs. Moreover, Islām approaches man gently. It does not resort to violent or arbitrary pushing to force him to move in the direction. Islām does not raise the spectre of hollow idealism or dreamy theorization that clashes with man's nature and the needs of his practical life. It is a system that cares about man's morality and purity of society. It does not allow a situation to exist, if this is likely to lead to the weakening of moral values and the corruption of society. It works for creation of a social order that promotes moral values and the purity of society with minimum effort on the parts of both individual and social. We have to keep all these essential qualities of Islāmic system in view, when we look at the question of polygamy.⁷²

Firstly, we see that there have always been many practical cases, in different societies, in the past and in the present, where the number of women as marriageable age exceeds the number of men who may get married. It has never been known in history that such an imbalance which can affect certain societies has ever exceeded the ratio of four to one. It is always within this limit.

We have to ask these questions:⁷³

⁷⁰ Sayyid Quṭb, *Fīzīl-il Kur'an (Kur'an-ın Gölgesinde)*, trans. M. Emin Saraç, Bekir Karlığa, I. Hakkı Şengüler, 3/53.

⁷¹ *Sūrat al-Nisā'* 4/1.

⁷² Sayyid Quṭb, *Fīzīl-il Kur'an (Kur'an-ın Gölgesinde)*, trans. M. Emin Saraç, Bekir Karlığa, I. Hakkı Şengüler, 3/53-60.

⁷³ Sayyid Quṭb, *Fīzīl-il Kur'an (Kur'an-ın Gölgesinde)*, trans. M. Emin Saraç, Bekir Karlığa, I. Hakkı Şengüler, 3/65.

- How do we deal with this imbalance which happens from time to time in different ratios and societies and which cannot be overlooked?
- Do we simply shrug our shoulders and do nothing?
- Do we leave it without treatment until it settles down according to whatever circumstances may come to prevail?

Shrugging our shoulders does not solve any problem. Leaving society to deal with such a situation at random is something no serious man who respects the human race would contemplate. Action must be taken and a system must be devised.

We find ourselves facing three alternatives, here:

1.) Each man who is fit to get marry one woman in marriageable age. Therefore, one woman or more, according to the ratio of imbalance, will inevitably remain outside marriage, going through her life without ever knowing a man.⁷⁴

2.) Every man who can marry one woman in a healthy, legitimate relationship. Then, he has an affair or a short-term relationship with the one or more of the women who do not have legitimate male partners. In this way, these women associate with men in an illegitimate and hypocritical way.⁷⁵

3.) Men who are able to marry, or some of them, actually marry more than one wife. In this way, the second woman associates with a man as an honorable wife, in broad daylight, not as a mistress or as an occasional partner in an illegitimate relationship practiced under the cover of darkness.⁷⁶

The first alternative clashes human nature and places a great burden on the woman who is made to go through life without ever having a man with whom argue when a woman works and earns her own living, she does not need a man. The need goes much deeper than such superficiality. Neither a job nor a high income can replace a woman's natural need to live normally with a man, to satisfy her physical urges as well as her emotional and spiritual needs, and to have a companion with man whom to share her life. A man works and earns his living, yet this too is not enough for him. Therefore, he seeks a partner and a companion. Men and women are alike in this regard, because they descend from a single soul.⁷⁷

The second alternative is in sharp conflict with Islām, the religion of purity, and with Islāmic society which is based on serious morality and with woman's dignity in mind. Those who do not care, when immorality spreads in society, are the people who boast that they know better than God and criticize God's law because there is no one to stop them impudently. Indeed, they find every encouragement and help from those who are keen to undermine Islāmic faith. It is the third alternative that Islām adopts as a qualified concession to a situation that cannot be dealt with by simply shrugging our shoulders or by espousing hollow idealism. Such a choice is in keeping with Islām's seriousness and practicality in dealing with man as he is, taking full account of his changing circumstances. It is this approach which fits perfectly with the importance

⁷⁴ Sayyid Quṭb, *Fizilâl-il Kur'an (Kur'an-ın Gölgesinde)*, trans. M. Emin Saraç, Bekir Karlığa, I. Hakkı Şengüler, 3/66.

⁷⁵ Sayyid Quṭb, *Fizilâl-il Kur'an (Kur'an-ın Gölgesinde)*, trans. M. Emin Saraç, Bekir Karlığa, I. Hakkı Şengüler, 3/67.

⁷⁶ Sayyid Quṭb, *Fizilâl-il Kur'an (Kur'an-ın Gölgesinde)*, trans. M. Emin Saraç, Bekir Karlığa, I. Hakkı Şengüler, 3/67.

⁷⁷ Sayyid Quṭb, *Fizilâl-il Kur'an (Kur'an-ın Gölgesinde)*, trans. M. Emin Saraç, Bekir Karlığa, I. Hakkı Şengüler, 3/67.

which Islām attaches to decency, purity and morality as it tries to elevate man to its great height and degree in easy, gentle and practical way.⁷⁸

The chaos of the *haram* and the transformation of married life into a home for carnal desires can be only flourish in a hostile society that has broken loose from the laws and constitution of Islām. If we want to reform the situation, we have only to call people to re-adopt Islām and implement its laws and constitution seriously. In this way, we return them to purity, cleanliness and moderation. If we want reform, let us make people return to the implementation of Islām, not only in this particular detail, but in all aspects of life. Islām is a complete system that yields its fruit only when it is implemented in full. The fairness that needs to be maintained is fairness in treatment, financial support and all practical aspects of married life. Love and feelings are not included in this condition of fairness simply, because these are not controlled by man's will. It is in relation to this aspect that God rules out the possibility of maintaining justice between one's wives by a later verse in the verse 129 of the *sūrat* in question which states: *"No matter how hard you try, you will not be able to act justly between women, so do not be completely absorbed in one and leave the other hanging. If you make amends and avoid disobedience to Allāh, then know that Allāh is All-forgiving, All-merciful."* Some people quote this verse in support of their argument that Islām does not permit polygamy. What we have to remember is that God's law does not permit something in one verse and then forbid it in another, like one who takes away with his right hand what he has given with his left. The fairness required in the earlier verse is that which relates to treatment, financial support and other practical aspects of married life. It is when one feels unable to maintain this type of fairness that one must not marry more than one wife. What this means is that nothing should be withheld from one wife when it is allowed to another. This is what the Prophet, the noblest and the fairest man ever to have walked on this earth, used to maintain at the time when everyone around him, including his own wives, were fully aware that he loved 'Ā'ishah as the most, and felt for her what he did not feel for any of his other wives. Hearts and emotions are not subject to our control. They are governed only by God's will. The Prophet, who knew his religion well and knew his heart well, used to say: *"My Lord, this is my fair allocation in what I control. Do not blame me for that which You control and I do not."*⁷⁹

In brief, Islām has not started polygamy and not restricted it. It does not order its followers to be polygamous, but it allows them a qualified concession to marry more than one wife to solve some problems in human life and to satisfy the needs of human nature. Here, we have mentioned some of these needs and problems that are currently recognizable. However, there may be other purposes which will become apparent over the course of time, as it happens with regard to every legislations or directives included in the Divine Constitution. People in any period of history may not fully appreciate wisdom and benefits. Nonetheless, wisdom and benefits are presumed to exist in every piece of the Divine Legislation, whether they are known or unknown by the human being.

⁷⁸ Sayyid Quṭb, *Fīzilâl-il Kur'an (Kur'an-ın Gölgesinde)*, trans. M. Emin Saraç, Bekir Karlığa, I. Hakkı Şengüler, 3/67-70.

⁷⁹ Sayyid Quṭb, *Fīzilâl-il Kur'an (Kur'an-ın Gölgesinde)*, trans. M. Emin Saraç, Bekir Karlığa, I. Hakkı Şengüler, 3/71-76.

4.4. Abū I-A'īlā Mawdūdī (d.1979)

Abū I-A'īlā Mawdūdī's translation of the third verse: *"And if you be apprehensive that you will not be able to do justice to the orphans, you may marry two or three or four women whom you choose. But if you apprehend that you might not be able to do justice to them, then marry only one wife, or marry those women who have fallen in your possession. This will be the better course to avoid injustice."*⁸⁰

He starts with these explanations and expressions about the Chapter of the Women and first four verses of it in his work:

1.) The introduction of the chapter beautifully suits the subsequent laws and regulations about human rights, especially about the smooth running of the family life. On the one hand, the people have been urged to fear Allāh and to escape His displeasure; on the other, they have been reminded that all human beings have sprung from one and the same parents. Thus, they are closely related to one to another with the expression of *"....He created you of a single soul"*. At first, one human being was created, and then from him the race spread over the earth. Therefore, they should strictly observe the ties and the obligations of kin-ship. We learn from another part of the Qur'ān that Ādam was that "single soul." He was the first man from whom the whole of mankind sprang up and spread over the earth. *"....And of the same created his mate"*: "We have no definite detailed knowledge of how his mate was created of him. The commentators generally say that Eve was created from the rib of Ādam and the Bible. Also, it contains the same story. The Talmud adds to it that she was created from the thirteenth rib of Ādam, but the Qur'ān is silent about it, and the tradition of the Holy Prophet that is cited in support of this has a different meaning from what has been understood. Therefore, the best thing is to leave it undefined as it has been left in the Qur'ān, and not to waste time in determining its details."⁸¹

2.) That is, as long "As the orphans are under age, spend their property only in their interest, and when they come of age, return their rightful property to them."⁸²

3.) This is a comprehensive sentence, which may mean, "Do not make your income unclean in any unlawful way." It may also mean, "Do not exchange your worthless things for the valuable things of the orphans."⁸³

4.) The commentators ascribe three meanings to this:

a.) 'Ā'isha says that this was revealed to remedy an evil that was prevalent in the days of "Ignorance". The guardians of the orphan girls used to marry them for their wealth and beauty with the intention of keeping them under their power because they had no one to defend their cause. Then, they treated them unjustly without any fear. Therefore, when they became Muslims, they had misgivings about marrying the orphan girls. Accordingly, the Qur'ān advised them to marry women of their choice other than the orphan girls in their charge, if they feared that

⁸⁰ Abū I-A'īlā Mawdūdī, *Tefhimu'l Kur'an (Kur'an'ın Anlamı ve Tefsiri)* (Istanbul: İnsan Yayınları, 1986), 1/266.

⁸¹ Abū I-A'īlā Mawdūdī, *Tefhimu'l Kur'an (Kur'an'ın Anlamı ve Tefsiri)*, 1/266-267.

⁸² Abū I-A'īlā Mawdūdī, *Tefhimu'l Kur'an (Kur'an'ın Anlamı ve Tefsiri)*, 1/267.

⁸³ Abū I-A'īlā Mawdūdī, *Tefhimu'l Kur'an (Kur'an'ın Anlamı ve Tefsiri)*, 1/267.

they would not be able to do justice to them. Verse 127 of this chapter supports this comment too.⁸⁴

b.) In commenting on this, Ibn ‘Abbās and his disciple ‘Ikrima assert that this Commandment was given to eradicate an injustice that was prevalent at that time. In pre-Islāmic days, there was no limit for the number of wives and some people would marry even a dozen of them but when they could not meet the increasing expenses, they were forced to grab the property of their orphan nephews and other helpless relatives. Therefore, Allāh restricted the maximum number of wives to four, and enjoined with this too. To recap, it was subject to the condition that one should do justice for all of them.⁸⁵

c.) Sa‘īd b. Jubayr, Qatādah and some other commentators declare that this command was given to safeguard the interests of wives. Even before the advent of Islām, they say that injustice to the orphans was looked upon with disfavor, but in regard to wives, it was different. They would marry as many as they liked and would treat them cruelly and unjustly without any fear of the society or the pangs of conscience. Therefore, Allāh warned them that they should refrain from doing injustice to their wives as they did in the case of the orphans. Therefore, they should not marry more than four wives, only if they would do justice to them. The words of the verse bear all the three meanings and probably all three are meant. Another meaning also can be: “If you cannot treat the orphans justly as they normally should be, you may marry the women who have orphan children.”⁸⁶

5.) The consensus of opinion of all the scholars in the Muslim law is that this verse limits the number of wives and prohibits keeping of more than four at once and the same time. Traditions support this too. It is related that at the time when Kīlān, the chief of Tā‘if, became a Muslim, he had nine wives. The Holy Prophet asked him to keep only four of them and to divorce all the others. There is another instance of Nawfal b. Mu‘āwiya, who was ordered by the Holy Prophet to divorce one of his five wives. It should also be noted that this verse restricts polygamy with the provision of justice toward all the wives. Therefore, whoever abuses this permission without fulfilling the condition of justice and marries more wives than one tries to deceive Allāh. So, the courts of Islāmic State empowered to enforce justice in order to rectify the wrong deed toward a wife or wives. At the same time, it is absolutely wrong to conclude from the provision of justice, and it attached to this commandment that this verse was really meant to abolish polygamy. This is not the view of the Qur‘ān, but of those Muslims who have been overawed by the Christians of the West. They say that the Qur‘ān is also against polygamy but it did not abolish it directly, because it did not consider it expedient at the time for the custom which had become very common. Instead of this, it allows that polygamy provided justice which should be done toward all the wives. This condition is the most difficult to fulfill on polygamy, the recommendation is monogamy. Obviously, this way of thinking is the result of mental slavery, because polygamy in itself is not an evil for in some cases, it becomes a real cultural and moral necessity. There are some people, who are born with different characteristics, even if they wished, they

⁸⁴ Abū I-A‘lā Mawdūdī, *Tefhimu’l Kur’an (Kur’an’ın Anlamı ve Tefsiri)*, 1/267.

⁸⁵ Abū I-A‘lā Mawdūdī, *Tefhimu’l Kur’an (Kur’an’ın Anlamı ve Tefsiri)*, 1/267.

⁸⁶ Abū I-A‘lā Mawdūdī, *Tefhimu’l Kur’an (Kur’an’ın Anlamı ve Tefsiri)*, 1/267.

cannot remain content with one wife. Polygamy comes to their rescue and saves them. The society can be protected from the harms of unlicensed sexual indulgences in general from. This is why the Qur'ān allows polygamy for such people with the explicit condition of doing justice toward all the wives. As regards to those who consider polygamy to be an evil, they are free to oppose the Qur'ān and to condemn polygamy, but they have no right to ascribe their own perverted views to the Qur'ān. We know that it makes this lawful -in very clear language- without employing any words that might be stretched in any way to imply that the Qur'ān means to abolish it.⁸⁷

6.) Those women: slave girls were captured in war and distributed among the people by the government. It means: *"If you cannot bear the expenses of a free woman, you may marry a slave girl as permitted in verse 25..."* or it may mean: *"If you need more wives than one, but you are afraid that you might not be able to do justice to your wives among the free people, you may turn to slave girls, because you will be burdened with less responsibilities in this case."*⁸⁸

7.) 'Umar and Qāqī Shurayḥ have ruled that if a wife remits the whole her dowry or a part of it, she demands it later on, the husband should be compelled to pay it because the clear fact that she demands it is a clear proof that she does not remit it of her own free will.⁸⁹

As a result, the common view of the scholars is limitation of the number of wife in marriage contract for the verse. This verse forbids to marry more than four women at the same time. The *ḥadīths* or narrations have supported this judgment as the example of Kīlān who had nine women when he became a Muslim and the Prophet commanded him to divorce five of them. It should be noticed that this verse's aim is to supply justice among wives and to limit polygamy in the condition of equality and justice. If someone who does not follow the judgment and marry more than four women, it means that he tries to deceive God. Because of this reason, the courts of Islāmic law protect the rights of women and take precaution toward illegal and unfair acts and situations. Additionally, if we consider the condition of justice, it is wrong to ignore the permission of polygamy in limitation of four women and essence of equality and justice. Some people think that to marry more than one is wrong in all situations, the Qur'ān also supports this but it does not directly forbid because of the conditions and common culture of that period. In fact, the Qur'ān allows marriage with four women in the condition of justice and equality. It is very hard for people to behave equal and just toward all four wives, so this might be the cause of permission and the advice of marriage with one woman.⁹⁰

4.5. Jalal Yildirim (d.1966)

Jalal Yildirim's translation of the third verse: *"And if you fear that you shall not be able to deal justly and to take care of their rights with the orphan girls, do not marry them and then marry (other) women of your choice, two or three, or four but if you fear that you shall not be*

⁸⁷ Abū I-A'lā Mawdūdī, *Tefhimu'l Kur'an (Kur'an'ın Anlamı ve Tefsiri)*, 1/267-268.

⁸⁸ Abū I-A'lā Mawdūdī, *Tefhimu'l Kur'an (Kur'an'ın Anlamı ve Tefsiri)*, 1/268.

⁸⁹ Abū I-A'lā Mawdūdī, *Tefhimu'l Kur'an (Kur'an'ın Anlamı ve Tefsiri)*, 1/268.

⁹⁰ Abū I-A'lā Mawdūdī, *Tefhimu'l Kur'an (Kur'an'ın Anlamı ve Tefsiri)*, 1/268.

able to deal justly (with them), then only one or (the captives and the slaves) that your right hands possess. That is nearer to prevent you from doing injustice.”⁹¹

It is the true way to look at the important subjects of Sūrat Āl ‘Imrān for understanding and comprehending Sūrat al-Nisā’. The title of the chapter as *nisā* term means ‘women’. Thus, it is necessary to consider the feature of women as fertility and pregnancy. Because of this reason, the first subject of the chapter is creation of human being. The Muslims which were defeated in the Battle of *Uḥud* left some subjects to Muslims who were in Madina like rights of orphans, rights of widow women in heritage. Thus, there are important progress and steps in this chapter about the topics of law of heritage and rights of women. To mention about divorce in the chapter connects with Sūrat al-Baqara. The chapter which mentions about the general principles of family law handles with broken relations with Jewish people because of the Battle of *Uḥud*. This chapter which examines murder by a believer intentionally or unintentionally enlightens the situation of the people who cannot have secrets which hide from the people toward God. For sure, they cannot hide something from God. The feeling of jealousy, justice, polytheism, and hypocrisy are examined in this chapter. It emphasizes that badness, except cruelty, should not be showed and increased. In addition, topics of the tortures of the People of the Book or *Ah/ al-Kitāb* to the Prophet and Moses, attempt of killing Jesus and exceeding the limits in their religion take a place in this sūrat too. In this context, this chapter is like explanation or addition of Sūrat al-Baqara and Sūrat Āl ‘Imrān. The chapter which is known by the topics of rights of women, orphans and family law was revealed in Madina. It includes 176 verses.⁹²

God expresses that ‘*if you are afraid of being unjust toward orphans*’ in third verse of the Chapter of the Women. In the Battle of *Uḥud*, there were seventy Muslim martyrs in defeat. The issues of the orphans of these martyrs were solved in Sūrat al-Nisā’. In the issue of orphans, the subjects are the property of the orphans, eating and using these properties by the sirs, marriage with them and being unjust toward them. Especially, we see that the topic of the orphans became more important subject in society while looking at the verse 127 of the chapter in question: “*They ask you for an explanation about women. Say: “Allāh and the verses which have been recited to you in the Book explain the judgment concerning them: concerning orphaned women to whom you have not given what is written for them, nor do you wish to marry them, and concerning helpless children, and concerning the fair treatment of orphans. Whatever you do in good deeds, surely Allāh is fully aware of it.”*⁹³

Al-Rāzī transmits the event which was narrated and described by ‘Urwa while he interprets the third verse of the chapter: “When people asked about the meaning of the verse; If you are afraid of being unjust toward orphans’ to ‘Ā’isha, she said that the term which points out the orphan girl, here. She stays in her sir’s house, he likes her because of her beauty and property and want to marry her while giving her as the lowest dowry. There is no any relativity with the orphan girl. Because of that, he behaves rudely and badly. So, God sent this verse to warn people as “*And if you fear that you shall not be able to deal justly with the orphan-girls, then marry*

⁹¹ Jalal Yıldırım, *İlmin Işığında Asrın Kur’an Tefsiri* (Izmir: Anadolu Yayınları, 1986), 3/1207.

⁹² Jalal Yıldırım, *İlmin Işığında Asrın Kur’an Tefsiri*, 3/1199.

⁹³ Jalal Yıldırım, *İlmin Işığında Asrın Kur’an Tefsiri*, 3/1200-1210.

(*other*) women of your choice.” When people and *aşhāb* wanted the explanation from the Prophet Muḥammad (PBUH) it is said: “This verse was revealed to prevent being unfair and behaving unjust toward the orphan girls after the Battle of *Uḥud*.” In the second verse of the chapter, it is commanded to not use the property of the orphans, then, in third verse, it is commanded to be just and fair toward them by judgment which contains the order of not behaving badly and not leaving them outside of the protection.⁹⁴

There is a remarkable point which is the expression of ‘*if you have fear or if you are afraid*’ in the third verse. So, it points out place of fear in law. Additionally, faith should prevent to behave rude toward them and warn people, especially who do not follow the true way and make them worried. To marry the orphan girl with no giving her rights, to use her and her property, to get benefit from her loneliness, to behave rude and to leave her outside, the protection in question should give people worry and fear. God wanted people to see this point as fear term in the case of the verse. The situation of warning people about the orphan girls, especially with the second verse, caused to not be protected by sirs and to avoid to marry them. After that, to remove the worries, it is explained in the third verse. Al-Rāzī mentioned about this situation in his interpretation. The expression of ‘*to have a fear about being just toward the orphan girls*’ emphasizes that fear take a place in the base of justice as the statement of collection of fear and justice. About the marriage with the orphan girls, justice comes first as a value. The fear of not following rule the verse causes to apply the judgment which is in continuation of the verse.⁹⁵

The marriage with more than one women was an old tradition. Abrāhām had two wives, the big son of Ishāq was married more than one and Jacob had more than one women too. The common tradition was polygamy or marriage with more than one wife in the place which the Qur’ān was sent, there was no any limit for it. The Qur’ān limited this tradition with four women and advised to get marry one while considering justice, emotional and psychological situation. We might have some questions about the condition of polygamy, because marrying more than one has some conditions as:⁹⁶

a.) The increment of women population and the war: According to Islāmic understanding, there was no place and harm for women and children in the war. Men fought in the field. This caused to decrease population of men. Increment of women can be a reason for moral disruption. In this case, it can be necessary for one man to marry more than one woman.

b.) Disease: Woman who has an illness which has no cure for treatment and it causes death. Thus, to fulfill the rights of husband like sexual relation is impossible. To divorce this kind of wife does not be a conscientious behavior. It could be better to keep her under his marriage contract and to marry the others at the same time.

c.) Infertility: It should be considered that when a man who could have a child get marry woman who cannot have a baby in this case. If a man who has right of producing new generation and continuation of his name wants to have a baby, how will he make it real? In recent time,

⁹⁴ Jalal Yildirim, *İlmin Işığında Asrın Kur’an Tefsiri*, 3/1209.

⁹⁵ Jalal Yildirim, *İlmin Işığında Asrın Kur’an Tefsiri*, 3/1212.

⁹⁶ Jalal Yildirim, *İlmin Işığında Asrın Kur’an Tefsiri*, 3/1212-1215.

there is a treatment for woman who is infertile in this situation as treatment of in vitro fertilization (IVF) is a process by which egg cells are fertilized by sperm outside the body, but it is limited in some condition.

d.) Justice: We are witness to be just toward the orphan girls in the third verse of the Chapter of the Women or to marry other women in the case of being unjust or unfair. This permission shows that the rights of the orphan girls and to apply them are very crucial point in the message and the advice of God.

The part of the verse which is *'And if you fear that you shall not be able to deal justly with the orphan girls, then marry (other) women of your choice, two or three, or four'* emphasizes the rights of the orphan girls and the importance of it, not only polygamy. It gives and explains the main condition for polygamy. The message of this verse for humanity is preventing the orphan girls who have no any relativeness with them for sexual purposes and unfair intentions, because especially God Himself cares about their rights and the subject of being fair or unfair toward them.

'Ā'isha explains the subject of justice with the situation of giving dowry while marrying or pointing out sir's case who has no ability to give enough dowry as ready and does not want to give dowry. The point is that the *walīs* or sirs should protect themselves from this kind of unfair behavior or marry other *ḥalāl* or legal women instead of the orphan girls. The truth of the explanation of 'Ā'isha is presented by the forth verse of the chapter as: *"And give to the women (whom you marry) their mahr (obligatory bridal money given by the husband to his wife at the time of marriage) with a good heart, but if they, of their own good pleasure, remit any part of it to you, take it, and enjoy it without fear of any harm (as Allāh has made it lawful)."*⁹⁷

This verse shows that to give a dowry is a condition for marriage. Additionally, it gives the right of donating or giving a part of dowry to women. The term which passes in the second part of the third verse of *'mā tāba'* means legal or *ḥalāl* for you. It also contains a meaning of to like or to be pleased, because the illegal women who are not allowed to marry are counted in the verse 23 of the chapter in question as: *"Forbidden to you (for marriage) are: your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brother's daughters, your sister's daughters, your foster mother who gave you suck, your foster milk suckling sisters, your wives' mothers, your step daughters under your guardianship, born of your wives to whom you have gone in -but there is no sin on you if you have not gone in them (to marry their daughters)- the wives of your sons who (spring) from your own loins, and two sisters in wedlock at the same time, except for what has already passed; verily, Allāh is All-Forgiving, Most Merciful."* God mentioned about fear and justice in this third verse of the chapter as second time: *"But if you fear that you shall not be able to deal justly (with them), then, marry the only one or (the captives and the slaves) that your right hands possess. That is nearer to prevent you from doing injustice."*⁹⁸

⁹⁷ Jalal Yildirim, *İlmin Işığında Asrın Kur'an Tefsiri*, 3/1214.

⁹⁸ Jalal Yildirim, *İlmin Işığında Asrın Kur'an Tefsiri*, 3/1213-1214.

In this second part of the verse, it emphasizes justice again as a condition for marriage with more than one woman. The term *qisṭ* which is justice of portion was used for the orphans and the word *ādil* which is justice of equality or behaving equally was used for normal women. To give the certain right for *qisṭ* and to behave in equal way for justice are the essences and the judgments. And also, God dealt with the impossible way of being equal about love among partners. He mentioned about this situation in the verse: *“No matter how hard you try, you will not be able to act justly between women, so do not be completely absorbed in one and leave the other hanging. If you make amends and avoid disobedience to Allāh, then know that Allāh is All-forgiving, All-merciful.”*⁹⁹

As we know, man has no two hearts to love many wives and to care about them in equal way is impossible for man. If this impossibility becomes about other subjects, injustice or inequality appears. So, man who wants to marry more than one should know first and ask to himself, before appearance of this case. If man has a worry or possibility to behave far from equality and justice, he should get marry the one as God ordered in the verse. If this kind of case appears after marriage, even man did not think of it beforehand, then, the judgment of verse 129 to behave equally and to not only tend to one wife is valid for this marriage. There is a connection between justice and fear in the part of the verse about it too. God built the judgment into conscience of the human being like the fear of being just toward the orphans and being equal toward wives. These fears cause the judgment and the advice of marrying with the one. Man should choose one of the judgments as polygamy or monogamy about marriage according to his spiritual, social, moral, cultural and psychological structure with worry and fear in heart too. God who emphasizes many times fear and worry about being just and equal points out the importance of women and women rights.

In the life of family, justice, love, equality, interest are very sufficient and remarkable values. Especially, men are responsible and guardians toward wives. In the expression of *‘if you fear that you shall not be able to deal justly (with them), then marry the only one or (the captives and the slaves) that your right hands possess. This is nearer to prevent you from doing injustice’*, the term *‘mā malakat aymānukum’* means *‘the captives and the slaves that your right hands possess’*. They are slaves who are taken in the war for the way of God. Someone who knows that he is not able to be just toward free women, he should marry those women. The verse 25 in the Chapter of the Women mentions about it: *“And whoever among you cannot afford to marry a believing free woman, he may take from your believing slave girls who are under your hands. Allāh knows your faith better. You are descended from one another. So, marry them with the permission of their parents and give them their mahr according to the custom, provided that they live chastely and do not commit adultery and do not keep secret friends. If they commit fornication after marriage, they shall be punished with half the punishment of free women. This is for those of you who fear sin, and patience is better for you. Allāh is forgiving and merciful.”*¹⁰⁰

God mentioned about fear in the third verse and faith in verse 25 because of protection of rights of women whether they are free, slaves or orphans. Faith and fear stay and live in heart

⁹⁹ Sūrat al-Nisā' 4/129.

¹⁰⁰ Sūrat al-Nisā' 4/25.

together in connective form for the human being as two important essences. As we see, to connect these judgments, orders and explanations to behave in just and equal way toward women and wives are related to faith in the side of God whether its reason is fear or faith. At the end of the verse God states: *“That is nearer to prevent you from doing injustice.”* God presents that to reach the most complete justice among wives is impossible with using the expression of *adnā* which means nearer, and to say nearer does not mean the most complete and the nearest. There is a fact that there is a will of the human being in the relation of the partners. Thus, it is hard to reach the main target and the aim in marriage life. Even it is the case and hard to be the most just with truth and reality, to try and to have an effort to reach the nearer, the most suitable, the most just, having a place in the nearer to the most complete could be the best way in any condition. This is the lesson and the education of the message in these verses.

Evaluation and Conclusion

The subject of polygamy is one of the biggest accusations and criticisms on Islām. It is tried to be showed polygamy as condition, obligatory and necessity of Islām by some scholars and people who are against Islām under the concept of modernity, but it does not take a place in Islāmic understanding which really cares about the rights and the values of women in fact. The result of it, women are presented as a class who fulfill the rights, needs of husbands and living expenses. Unfortunately, it is actually against Islām and its basic doctrines. Additionally, some people who prefer this kind of marriage still do this, because they want it, not it exists in Islām. As it is known, it is clear in historical process that Islām does not command polygamy as an obligatory. The Prophet Muḥammad (PBUH) and Muslims were not first people who applied this kind of tradition and marriage. The tradition which saw polygamy as the reason of praise was based on social and economic structure and cultural life of the society, but the Prophet Muḥammad (PBUH) solved this subject in rational way and transmitted some moral conditions for fulfilling the needs with essences of Islām, not the old tradition having only sexual aims and satisfactions, praises and meaningless competition among men. Islām did not forbid this tradition fully and completely, but it gave a new form with limitation and regulation.

Polygamy is not a necessary togetherness in all situations. It is allowed field with some conditions in marriage. Actually, Islām limited and ordered it with four women instead of previous application in society as having countless women for misused purposes. The main essence and the nearest to justice is having one wife according to Islām. It is certain to see the conditions for having four women like justice which no one can supply it completely, it advises monogamy which has the happiness of family. Marriage with four women is allowed to people who can supply the conditions and justice. Besides, it is not in the hand of man completely, because wife can apply to the court if husband does not provide the conditions and want to delete the marriage contract or she can stipulate him to not marry another at the same time, as it is in Mālikī sect.

Even the point of views about polygamy change according to time or period, applications of prophets and Islāmic law, the last lesson does not keep it in power or control of men completely and forbid it fully. Islām limited some illegal, countless applications and situations against

nature of the human being with the advice of monogamy or marriage with four women via conditions. The main reason of permission is social needs, not sexual desires or aims. Some people who do not know the subject, to not have full knowledge about it and to ignore the advice of monogamy suppose that marriage with four women as obligatory and order in Islām. In fact, permission of *Taaddūd al-Zawjāt* which means marriage with many women is like a social assurance which protects woman. Additionally, there is no so much common application, its portion does not pass ten percent in Islāmic communities. Even it becomes forbidden by some laws in many countries, it does not end the application and the choice. So, it causes disadvantageous conclusions.

The third verse which is *“And if you fear that you shall not be able to deal justly with the orphan-girls, then marry (other) women of your choice, two or three, or four but if you fear that you shall not be able to deal justly (with them), then only one or (the captives and the slaves) that your right hands possess. That is nearer to prevent you from doing injustice.”* seen as the evidence for permission of polygamy and interpreted by some scholars in different ways as we mentioned in this work, but they agree about marriage with four women utmost reality as a common way. In modern time, some laws forbade this kind of marriage with many women in some fields, but the reasons which are related to needs of it still continue. So, many people apply it without legal agreements and other methods far from a legal way. In some modern societies which has a tradition of monogamy, widows might have some troubles like acceptance by society, having another relation or marriage, marrying with old man, or having relation without legal contract. Some rich men who have problems with wife in legal family and sexual desire can use of these kinds of women, unfortunately. Also, some men having wives which are infertile can apply this kind of togetherness without legal marriage contract. It is known as religious contract which has debates on its validity and truth in Islāmic understanding and judgments. These situations increase day after day and many women and children have no protection and no chance to defend their rights in the side of the modern law. They have unjust treatment and victimization at the end.

As a result, the valid problems should be investigated about it. These kinds of applications and problems can be solved in the basis of law as a real solution. Women and children should not be aggrieved and they should not have unjust treatment in daily life. Legal grounds whether they are permissible or not in both cases and solutions must be produced and applied by the law makers. As God commands that people must follow justice in all situations for healthy, happy, peaceful, safe life and generation. We should remember God’s expressions in verse 58 of the Chapter of the Women in all the matters: *“Verily! Allāh commands that you should render back the trusts to those, to whom they are due; and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He (Allāh) gives you! Truly, Allāh is Ever All-Hearer, All-Seer.”*

Bibliography

- Açık, Sümeyra. *İslam Hukukunda Çok Eşlilik ve Uygulamaları*. Bursa: Bursa Uludağ University, Social Sciences Institution, Master's Thesis, 2019.
- Aytekin, Ayşe. 'N-ş-e' Kökünün Kur'an'daki Yaratma ile İlgili Kavramlar Çerçevesinde Semantik Analizi. Ankara: Ankara University, Social Sciences Institution, Master's Thesis, 2019.
- Aytekin, Ayşe. "Vecdi Akyüz, Kur'an'da Siyasi Kavramlar, Kitabevi Yayınları, İstanbul 1998". *Bayburt Üniversitesi İlahiyat Fakültesi Dergisi* 15/1 (Summer 2022), 149-155. <https://dergipark.org.tr/tr/download/article-file/2413779>
- Aytekin, Ayşe. *The Third Verse of the Chapter of the Women in Exegesis Literature*. Ankara: Ankara University, Theology Faculty, Undergraduate's Thesis, 2016.
- Bilgiz, Musa. "Kur'an-ı Kerim'in Bazı Özellikleri". *Tefsir Araştırmaları Dergisi* 1/2 (October 2017), 185-213. https://isamveri.org/pdfdrq/D04155/2017_2/2017_2_BILIZM.pdf
- Bilman, Umar Nasuhi. *Kur'anı Kerim'in Türkçe Meâli Âlisi ve Tefsiri*. 2nd Volume. İstanbul: Nesa Basın Yayın Grubu, no date.
- Cin, Halil. *İslam ve Osmanlı Hukukunda Evlenme*. Ankara: Ankara Üniversitesi Basımevi, 1974.
- Demircan, Adnan. "Câhiliyye ve Hz. Peygamber Döneminde Çok Kadınla Evlilik". *İstem* 1/2 (2003), 9-32. http://ktp.isam.org.tr/pdfdrq/D02535/2003_1_2/2003_1_2_DEMIR-CANA.pdf
- Erdentuğ, Aygen. "Çeşitli İnsan Topluluklarında Aile Tipleri", *Antropoloji Dergisi* 12 (1980), 165-212.
- Eren, Gizem Tan. "Sosyo-Kültürel Özellikler Bakımından Çok Eşlilik: "Kuma" Filminin Değerlendirilmesi". *Toplum ve Kültür Araştırmaları Dergisi* 6 (2020), 81-110. <https://dergipark.org.tr/tr/download/article-file/1363902>
- Ibn Kathîr, Abū al-Fidā' Imād al-Dīn Ismā'îl b. Shihāb al-Dīn 'Umar b. Kathîr b. Daw' al-Qaysî al-Qurashî al-Buṣrāwî al-Dīmashqî al-Shāfi'î. *Tafsîr al-Qur'ân al-'Azîm*. Critical ed. Sāmî b. Muḥammad al-Salāma. 8th Volume. Riyadh: Dār al-Tayba, 2nd Edition, 1420/1999.
- Ibn Kathîr, Abū al-Fidā' Imād al-Dīn Ismā'îl b. Shihāb al-Dīn 'Umar b. Kathîr b. Daw' al-Qaysî al-Qurashî al-Buṣrāwî al-Dīmashqî al-Shāfi'î. *Hadislerle Kur'an-ı Kerim Tefsiri*. trans. Bekir Karlığa, Bedrettin Çetiner. İstanbul: Çağrı Yayınları, 1988.
- Kırış, Şemsettin. "Hadis Edebiyatında Toplum Örfü Olarak Çok Evlilik". *Turkish Studies-Religion* 15 (3), 361-379. <https://dx.doi.org/10.47091/TurkishStudies.45129>
- Kur'ân-ı Kerîm Meâli*. trans. Halil Altuntaş-Muzaffer Şahin. Ankara: Diyanet İşleri Başkanlığı Yayınları, 3. Edition, 2009.
- Kurt, Abdurrahman. "Polygamy in the Ottoman City of Bursa". *International Journal of Social Inquiry* 6/2 (2013), 140-161. <https://dergipark.org.tr/tr/download/article-file/164086>
- Madigan, Daniel. *The Qur'ân's Self-Image: Writing and Authority in Islām's Scripture*. Oxford: Princeton University Press, 2001.
- Mawdūdî, Abū l-A'lā. *Tefhimu'l Kur'an (Kur'an'ın Anlamı ve Tefsiri)*. 1st Volume. İstanbul: İnsan Yayınları, 1986.

- Özek, Ali. "Kur'ân'ın Eşsizliği". *İslam Medeniyeti* (15 December 1965), 25-31. <https://dergipark.org.tr/tr/download/article-file/1774589>
- Quṭb, Sayyid. *Fîzilâl-il Kur'an (Kur'an-ın Gölgesinde)*. trans. M. Emin Saraç, Bekir Karlığa, I. Hakkı Şengüler. 3rd Volume. Istanbul: Hikmet Yayınları, 1968.
- Rāzī, Abū 'Abdillāh (Abū al-Faḍl) Fakhr al-Dīn Muḥammad b. 'Umar b. Ḥusayn at-Ṭabaristānī. *Mafātīḥ al-Ghayb*. 33rd Volume. Beirut: Dār al-Fikr, 1st Edition, 1401/1981.
- Schwarz, Andreas. *Aile Hukuku I*. trans. Bülent Davran. Istanbul: İstanbul Üniversitesi Yayınları, 2nd edition, 1946.
- Serinsu, Ahmet Nedim. *Kur'an Nedir?*. Istanbul: Şule Yayınları, 2012.
- Ṭabarī, Abū Ja'far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Baghdādī. *Jāmi'u'l-bayān fī tafsīri'l-Qur'ān*. Critical ed. Bashshār Awwād Ma'rūf-'Isām Fāris al-Harastānī. 2nd Volume. Beirut: Muassasatu al-Risāla, 8th Edition, 1415/1994.
- Ṭabarī, Abū Ja'far Muḥammad b. Jarīr b. Yazīd el-Āmulī al-Baghdādī. *Taberi Tefsiri*. 2nd Volume. Istanbul: Hisar Yayınevi, 1996.
- Ulaş, Semra. "İslâm'da Çok Kadınla Evlilik", *İslâmi Araştırmalar* 6/1 (1992), 52-63. https://isamveri.org/pdfdrgr/D00064/1992_1/1992_1_ULASS.pdf
- Yalçın, İsmail. "Günümüz İslam Aile Hukuku Kanunlarında Çok Eşlilik Üzerindeki Sınırlandırmalar". *İnsan ve Toplum Bilimleri Araştırmaları Dergisi* 6/3 (2017), 1707-1725. <https://dergipark.org.tr/tr/download/article-file/335543>
- Yazır, Elmalılı M. Hamdi. *Alfabetik İslam Hukuku ve Fıkıh İstılâhları Kamusu*. ed. Sıtkı Gülle. 5th volume. Istanbul: Eser Neşriyat ve Dağıtım, 1997.
- Yazır, Almalılı Hamdi. *Hak Dini Kur'ân Dili*. Simplifier. Lütfullah Cebeci, Sadık Kılıç, Orhan Atalay. 3rd Volume. Ankara: Akçağ Yayınları, 5th Publishing, 2015.
- Yılmaz, İbrahim. "İslâm Hukukunda Çok Eşliliği Meşru Kılan Şartlar ve Buna Ruhsat Veren Özel Durumlar". *bilimname* 1 (2019), 559-591. <https://dergipark.org.tr/tr/download/article-file/703566>
- Yılmaz, İbrahim. "İslâm Hukukunda Kamu Otoritesinin Çok Eşliliği Sınırlandırması", *Cumhuriyet İlahiyat Dergisi-Cumhuriyet Theology Journal* 23/1 (June 2019): 5-28. <http://cuid.cumhuriyet.edu.tr/tr/download/article-file/740860>
- Yıldırım, Jalal. *İlmin Işığında Asrın Kur'an Tefsiri*. 3rd Volume. Izmir: Anadolu Yayınları, 1986.