

# MUHAMMAD SHAHRUR'S THEORY OF LIMITS IN ISLAMIC LEGAL REASONING: AN EPISTEMOLOGY AND APLICATION IN ISLAMIC FAMILY LAW

*Ahmad Muhtar*

*Institut Agama Islam Negeri Ternate*

*Israwati Sibua*

*Institut Agama Islam Negeri Ternate*

*Amran Nani*

*Institut Agama Islam Negeri Ternate*

*Mujiburrahman Kautjil*

*Institut Agama Islam Negeri Ternate*

*Safri Nyong*

*Institut Agama Islam Negeri Ternate*

## **Abstrak**

Teori Batas (Nazhariyyah al-Hudud) dikembangkan oleh Muhammad Syahrur sebagai respons terhadap kekakuan fikih klasik yang dinilai kurang mampu menjawab perubahan sosial kontemporer. Penelitian ini bertujuan mengkaji Teori Batas Syahrur sebagai pendekatan kontemporer dalam istinbath hukum Islam dengan memfokuskan pada landasan epistemologis, enam pola geometris-tipologis, serta penerapannya dalam hukum keluarga Islam. Penelitian ini menggunakan metode kualitatif dengan pendekatan studi kepustakaan dan dianalisis secara deskriptif-analitis berdasarkan karya utama Syahrur, terutama al-Kitab wa al-Qur'an: Qira'ah Mu'ashirah, serta didukung oleh literatur ilmiah mutakhir yang relevan. Hasil penelitian menunjukkan bahwa Teori Batas mengklasifikasikan ketentuan hukum ke dalam enam model batas, termasuk batas minimal (al-hadd al-adna) dan batas maksimal (al-hadd al-a'la), yang masing-masing merepresentasikan kerangka penalaran hukum yang berbeda. Dalam ruang antara batas-batas tersebut, ijtihad dapat dilakukan untuk merespons dinamika sosial tanpa keluar dari prinsip-prinsip dasar Al-Qur'an. Teori ini menawarkan metode penafsiran hukum Islam yang lebih fleksibel, khususnya dalam persoalan kewarisan dan poligami, dengan berupaya menyeimbangkan otoritas teks dan tuntutan keadilan kontekstual. Pemikiran Syahrur memberikan kontribusi terhadap rekonstruksi metodologi hukum Islam agar lebih

adaptif terhadap tantangan zaman. Meskipun demikian, teori ini masih menuai perdebatan, terutama dari kalangan ulama yang mengkritik pendekatan kebahasaannya serta dianggap menyimpang dari prinsip-prinsip baku usul fikih klasik. Penelitian ini menyimpulkan bahwa Teori Batas perlu dipahami sebagai salah satu alternatif metodologi pembaruan hukum Islam yang layak dikaji secara kritis, bukan diterima secara mutlak.

**Kata Kunci:** Teori Limit, Istinbath Hukum, Fikih Kontemporer, Muhammad Syahrur, Ijtihad

### **Abstract**

The "Limit Theory" (Nazhariyyah al-Hudud) was developed by Muhammad Syahrur as a response to the rigidity of classical Islamic jurisprudence, which is considered less capable of addressing contemporary social changes. This study examines Syahrur's Limit Theory as a contemporary approach to Islamic legal reasoning (istinbath), focusing on its epistemological foundations, six geometric-typological patterns, and its application in Islamic family law. The research employs a qualitative library research method using a descriptive-analytical approach based on Syahrur's principal works, especially *al-Kitab wa al-Qur'an: Qira'ah Mu'ashirah*, supported by relevant recent literature. The findings show that the Limit Theory categorizes legal rulings into six boundary models, including the minimum limit (al-hadd al-adna) and the maximum limit (al-hadd al-a'la), each representing a distinct framework for legal interpretation. Within these boundaries, Muslims are encouraged to exercise *ijtihad* in responding to changing social realities while remaining faithful to the principles of the Qur'an. The theory offers a flexible method for interpreting Islamic law, particularly in issues of inheritance and polygamy, by balancing textual authority with contextual justice. Syahrur's approach contributes to the reconstruction of Islamic legal methodology, making it more responsive to contemporary challenges. However, it also remains controversial, especially among scholars who criticize its linguistic approach and its departure from established principles of classical Islamic jurisprudence. This study concludes that the Limit Theory should be understood as an alternative methodology for Islamic legal reform that deserves critical evaluation rather than unconditional acceptance.

**Keywords:** Limit Theory, Legal Istinbath, Contemporary Fiqh, Muhammad Syahrur, Ijtihad

### **A. Introduction**

The discourse on Islamic law has always been characterized by a dialectical tension between the static nature of revealed texts (*al-nushush al-mutanahiyah*) and the dynamic character of social realities (*al-waq'a'i' ghair al-mutanahiyah*). Within the

classical tradition of Islamic jurisprudence, the process of legal derivation (*istinbath*) has largely been dominated by analogical reasoning (*qiyas*) and scholarly consensus (*ijma'*), approaches that generally preserve the established interpretations of earlier jurists. However, with the emergence of modernity, increasing criticism has been directed at the inability of many classical legal doctrines to respond adequately to contemporary human concerns, including human rights, gender equality, and democratic governance.

To articulate this perspective, Shahrur developed what he called the Theory of Limits (*Nazhariyyat al-Hudud*). This theory is based on the premise that God establishes only the lower limit (*al-hadd al-adna*) and the upper limit (*al-hadd al-a'la*) of human conduct. Between these two boundaries lies a broad space in which Muslims are free to exercise *ijtihad* in accordance with changing social circumstances, provided that such interpretations remain within the limits prescribed by God.

A well-known example of this theory appears in Shahrur's interpretation of Islamic inheritance law. He argues that the Qur'anic inheritance ratio of two shares for men and one share for women should not be understood as a fixed mathematical rule applicable under all circumstances. Instead, he interprets it as representing the maximum limit for male beneficiaries and the minimum limit for female beneficiaries under particular social conditions, allowing adjustments in accordance with principles of social justice. This mathematical-geometric approach departs significantly from the traditional *furu' al-fiqh* framework, which generally treats the prescribed ratio as a definitive devotional ruling (*ta'abbudi*) that is not subject to reinterpretation.

Despite offering a highly flexible model of legal interpretation, the Theory of Limits remains controversial. Critics argue that Shahrur extends Qur'anic interpretation beyond acceptable hermeneutical boundaries by minimizing the significance of *asbab al-nuzul* (the occasions of revelation) and reducing the normative authority of Prophetic traditions (*hadith*) in legal reasoning. Consequently, examining how the Theory of Limits is applied in the process of *istinbath* is essential to determine

whether it can serve as a viable alternative framework for the renewal of Islamic law in Indonesia without compromising the fundamental principles of the Sharia.

Studies on Muhammad Shahrur's thought are by no means new within contemporary Islamic legal scholarship. Numerous researchers have examined his ideas from diverse perspectives, including Qur'anic hermeneutics, linguistic methodology, and their implications for Islamic social jurisprudence. M. Amin Abdullah, for instance, situates Shahrur within the broader movement for reforming the methodology of *usul al-fiqh*, arguing that his thought represents a shift from a predominantly deductive and normative paradigm toward a more inductive and contextual approach.

Based on these considerations, this study seeks to answer three principal research questions. First, what are the ontological and epistemological foundations underlying Muhammad Shahrur's Theory of Limits? Second, how can the typology and six boundary models proposed by Shahrur be understood in a comprehensive and systematic manner? Third, how is the Theory of Limits applied in the derivation of Islamic family law, and to what extent can it withstand the methodological criticisms advanced by its opponents? Among contemporary Muslim thinkers, Muhammad Shahrur stands out as one of the most influential figures in reinterpreting Islamic family law, particularly the issue of polygamy. His interpretation differs significantly from the dominant understanding found in classical Islamic jurisprudence. Rather than treating polygamy as a general permission for Muslim men, Shahrur argues that it is a conditional social responsibility intended primarily to protect widows who are raising orphaned children. In his view, the second, third, and fourth wives must be women who have lost their husbands and are responsible for orphans, since the Qur'anic discussion of polygamy is inseparable from its broader concern for safeguarding the rights and welfare of vulnerable children<sup>1</sup>. His interpretation also resonates with the broader objective of contemporary family law,

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<sup>1</sup> Muhammad Syahrur, *Nahwa Usulin Jadidah Li Al-Fiqhi Al-Islami: Fiqhu Al-Marrah, Al-Wasiyyah, Al-Irts, Al-Qawamah Al-Ta'addudiyah, Al-Libas*, Cet. I (Dimasyq: al-Ahali li al-Tiba'ah wa al-Nasyr wa al-Tauzi', 2000).

namely ensuring that legal regulations concerning marriage continue to prioritize the protection of women and children as the most vulnerable members of the family<sup>2</sup>.

This interpretation raises important questions when viewed from the perspective of Indonesia's legal and socio-cultural context. Can Shahrur's restrictive understanding of polygamy provide a meaningful framework for responding to contemporary family issues in Indonesia? Is it appropriate to consider his interpretation in future revisions of the Compilation of Islamic Law or even in the broader development of Indonesian family law? These questions become increasingly relevant because Shahrur understands Islamic law as a legal system that combines permanence and flexibility. According to him, Islamic teachings preserve immutable divine values (*istiqamah*) while simultaneously allowing contextual adaptation (*hanifiyyah*) within the limits established by God (*hudud Allah*). This balance enables Islamic law to remain relevant across changing social circumstances without abandoning its normative foundations.<sup>3</sup>

The urgency of this discussion is closely related to the continuing debate over legal regulation of polygamy in Indonesia. Excessively permissive regulations may weaken the primary objectives of marriage, particularly the protection of the civil rights and welfare of wives and children. Consequently, statutory regulations governing marriage are designed not merely to regulate marital practices but also to prevent discrimination, injustice, and the abuse of women and children<sup>4</sup>.

Other studies found do not specifically address the requirements for polygamy according to Muhammad Shahrur but rather focus on the interpretive methods used to understand polygamy verses. Examples include research by Nur Khasanah in 2020

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<sup>2</sup> Chairul Fahmi, Uswatun Hasanah, and Yusriaina Yusuf, "Marriage Law Reform: Efforts in Achieving Gender Equality," *Media Syari'ah: Wahana Kajian Hukum Islam Dan Pranata Sosial* 25, no. 1 (2023), <https://doi.org/10.22373/jms.v25i1.16514>.

<sup>3</sup> Evi Muzaiyidah Bukhori, "Poligami Dalam Metode Tafsir Al-Qur'an Muhammad Shahrour," *An-Nisa': Jurnal Kajian Perempuan Dan Keislaman* 14, no. 1 (2021): 43-57, <https://doi.org/10.35719/annisa.v14i1.53>.

<sup>4</sup> Abdurrahman Muqsith, Sudirman, and Fadil Sj, "Hukum Poligami: Analisis Komparatif Terhadap Pemikiran Musdah Mulia Dan Muhammad Syahrur," *Al-Manhaj: Journal of Indonesian Islamic Family Law* 4, no. 1 (2022): 52-65, <https://doi.org/10.19105/al-manhaj.v4i1.6153>.

<sup>5</sup> and by Kholid 2021 <sup>6</sup>. The difference with this study is that this study is more focused on the requirements for polygamy according to Shahrur and its relevance to social conditions in Indonesia.

This study uses a qualitative approach with a method that analyzes the suitability of the polygamy requirements proposed by Muhammad Shahrur with the conditions of Indonesian society. The research conducts an in-depth examination of the polygamy requirements from Shahrur's perspective through a comprehensive review of his works and other scholarly articles. The social conditions of Indonesian society are analyzed using secondary data from sociological studies, legal documents, and cultural reports. Data collection includes a review of relevant texts, laws, and cultural practices. The analysis is focused on comparing Shahrur's views with the current social dynamics in Indonesia to assess their relevance and implications. The findings are then contextualized within the broader discourse on polygamy in Islamic jurisprudence and Indonesian culture.

This study employs a qualitative approach using a library research design. This approach was selected because the object of the study is the thought of a prominent scholar as expressed through written texts. Accordingly, both primary and secondary data were obtained through a systematic review and critical analysis of relevant documentary sources.

The primary sources consist of Muhammad Shahrur's major works, particularly *Al-Kitab wa al-Qur'an: Qira'ah Mu'ashirah* (1990), *Nahwa Ushul Jadidah li al-Fiqh al-Islami* (2000), and several of his works that have been translated into Indonesian and English, including *Principles and Foundations of Contemporary Qur'anic Hermeneutics* and *The Qur'an, Morality and Critical Reason*. The secondary sources include scholarly books, peer-reviewed journal articles, and academic

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<sup>5</sup> Nur Khasanah, "Hermeneutics of The Qur'an: A Studi Of Muhammad Sharur's Thoughts on The Men and Women Equality," *NURANI*, 2020, 25-34, <https://doi.org/https://doi.org/10.19109/nurani.v20i1.5339>.

<sup>6</sup> Muhammad Kholid Kholid, "Epistemological-Methodological Criticism of Muhammad Syahrur In Islamic Studies (Case Study of Milk Al-Yamin Concept)," *Tasfiah: Jurnal Pemikiran Islam* 5, no. 2 (2021): 165, <https://doi.org/10.21111/tasfiah.v5i2.6431>.

publications that examine and critically engage with Shahrur's ideas in Indonesian, Arabic, and English. To ensure the relevance and currency of the analysis, priority was given to literature published within the last ten years.

Data were collected through document analysis by identifying, reviewing, and systematically recording relevant information from both primary and secondary sources. The collected data were then analyzed using a descriptive-analytical method. This involved systematically presenting Shahrur's Theory of Limits before critically examining it through comparison with the perspectives of classical Muslim jurists as well as contemporary Islamic scholars. In addition, the study employs a hermeneutical approach to explore the socio-intellectual context in which the Theory of Limits emerged, alongside a comparative approach to identify its similarities and differences with other contemporary approaches to Islamic legal reform, particularly the contemporary theory of maqasid al-shari'ah and Fazlur Rahman's Double Movement hermeneutics.

The analytical process was conducted in three stages. The first stage involved data reduction by selecting and focusing only on information relevant to the three research questions. The second stage consisted of data presentation, in which the selected materials were organized into three thematic categories: the philosophical foundations of the Theory of Limits, its typological models, and its application to Islamic family law. The final stage involved drawing conclusions through an inductive process while continuously verifying the findings against the primary sources to ensure the validity and consistency of the interpretations.

## **B. Muhammad Syahrur's Bibliography**

Muhammad Shahrur's real name is Muhammad Syarur al-Dayyub. His father's name is Daib and his mother's name is Shiddiqah. Muhammad Shahrur was born in Damascus on April 11, 1938 M. Muhammad Shahrur was blessed with three children. Namely Tarik, Lays, Rima, Basil, and Masun.

Muhammad Shahrur's formal education began with ibtdaiyyah, iddadiyah, and tsanawiyah at the 'Abdul Rahman al-Kawakib educational institution in the southern

city of Damascus in 1957 AD. He then continued his studies majoring in civil engineering in Moscow <sup>7</sup>. Therefore, it can be said that Muhammad Syarur has an exact education background.

Upon completing his secondary education, Shahrur secured a scholarship from the Syrian government to pursue studies in Moscow, Soviet Union, focusing on Civil Engineering (*al-Handasah al-Madaniyyah*). During his time in Russia, Shahrur was exposed to and learned about the principles of Marxism and Communism, which formed the ideological foundation of the government. It was in Moscow that he crossed paths with Ja'far Dak Albaab, whose influence, particularly in language studies, would later significantly impact Shahrur. He successfully graduated from Moscow Technical University in 1964). In 1965, Shahrur returned to his homeland and dedicated himself to academic pursuits at Damascus University in Syria <sup>8</sup>.

In 1982-1983, Shahrur was invited to become an expert by Al-Saud Consult, Kingdom of Saudi Arabia. Until 1995, he was an honorary participant and involved in debates on Islamic thought in Lebanon and Morocco. Even though he initially worked in the engineering field, Shahrur then became interested in Islamic studies. He studied the Koran seriously with approaches to linguistic theory, philosophy and even modern science. Shahrur's seriousness in studying Islamic knowledge and the Koran is reflected in his phenomenal works. Some of his important works include: "Al-Kitab wa al-Qur'an," "Qira'ah Mu'ashirah" (1990), "Al-Dirasah al-Islamiyah fi al-Daulah wa al-Mujtama'" (1994), "Al-Islam wa al-Iman; Manzumah al-Qiyamah" (1996), "Nahwa Ushul Jadidah li al-fiqh al-Mar'ah" (1999), and "Masyru' al-Mitsaq al-'Amal al-Islamic" (2000) <sup>9</sup>.

Syahrur is also an engineering consultant, in addition to his teaching position. This was confirmed when Syahrur was sent to Saudi Arabia by Damascus University with the aim of Syahrur becoming expert staff at al-Saud Consult in 1982-1983. He also founded an institution or so-called engineering consultancy bureau which was named

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<sup>7</sup> Bukhori, "Poligami Dalam Metode Tafsir Al-Qur'an Muhammad Shahrour."

<sup>8</sup> Nur Khasanah, "Hermeneutics of The Qur'an: A Studi Of Muhammad Sharur's Thoughts on The Men and Women Equality."

<sup>9</sup> Jendri Jendri, "Aplikasi Teori Batas Terhadap Poligami (Studi Hermeneutika Muhammad Syahrur)," *Nun: Jurnal Studi Alquran Dan Tafsir Di Nusantara* 6, no. 2 (2020): 145-62, <https://doi.org/10.32495/nun.v6i2.160>.

*dar al-istiklik al-handasiyah*/an engineering consultancy which was located in the city of Damascus <sup>10</sup>.

Despite Muhammad Shahrur having a fundamental vocational education, it is important to note that he is well-versed in Islamic discourse. Over time, he developed a keen interest in the thorough study of the Quran and hadith, approaching them with a philosophical understanding of language and aligning them with precise scientific theories. Shahrur has not only delved into academic publications within his specialized field but has also authored books and articles on Islamic thought. Alongside several works distributed in Damascus focusing on his academic expertise, such as the three-volume set on Foundation Engineering and Land Engineering <sup>11</sup>.

Muhammad Syahrur is one of the controversial contemporary Muslim scholars from the Middle East. In the view of Western orientalist, Syahrur is positioned on a par with Immanuel Kant<sup>1</sup> and Martin Luther. As a Muslim liberal, Syahrur is considered the most radical liberal thinker compared to other Muslim liberal thinkers <sup>12</sup>.

The interesting thing in the historical landscape of Syahrur's intellectual journey is his serious attention to Islamic studies. According to him, Muslims are now imprisoned in the cage of truth that is taken for granted, even though in fact it must be re-examined. Truths turned upside down, like a painting drawn from the reflection of a mirror. Everything seems right, even though it is actually wrong. Since the beginning of the twentieth century, there have actually been various thought efforts that have tried to right this wrong by presenting Islam as a creed and way of life.

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<sup>10</sup> John Supriyanto, "Pergeseran Paradigma Tafsir Ala Linguistik (Studi Atas Kitab 'Qira'ah Mu'ashirah' Karya Muhammad Syahrur)," *Jurnal Studi Agama* 2, no. 2 (2018): 71-86, <https://doi.org/10.19109/jsa.v2i2.3054>.

<sup>11</sup> Khairuddin Hasballah, "The Milk Al-Yamin Concept as a Validity of Sexual Relationship in a Modern Context: An Analysis of Muhammad Syahrur's Thoughts," *Samarah* 4, no. 2 (2020): 337-59, <https://doi.org/10.22373/sjhk.v4i2.7068>.

<sup>12</sup> Kholid, "Epistemological-Methodological Criticism of Muhammad Syahrur In Islamic Studies (Case Study of Milk Al-Yamin Concept)."

However, because these efforts did not touch the most basic issues in Islamic thought, in the end they were unable to unravel the dilemma that occurred<sup>13</sup>.

### **C. Muhammad Shahrur's Thought and His limit's Theory**

From an ontological perspective, Shahrur conceives the nature of Qur'anic law not as a collection of fixed legal rules that restrict human agency, but as a dynamic normative space bounded by divinely established limits. In his view, Islamic law consists of two complementary dimensions: a static dimension represented by the textual formulation of revelation and a dynamic dimension reflected in its practical application and interpretation.

The epistemological foundation of the Theory of Limits represents a methodological shift away from the deductive and analogical reasoning characteristic of classical Islamic jurisprudence toward a linguistic and mathematical approach to legal interpretation. Shahrur constructs this epistemology upon three principal methodological instruments.<sup>14</sup>

First, he adopts a philological or linguistic approach based on the assumption that the Qur'an contains no true synonyms (*taraduf*). Every Qur'anic term possesses a distinct semantic identity and therefore must be interpreted independently. This principle requires a fresh reading of key concepts such as *al-Kitab*, *al-Qur'an*, and *al-zina*, free from the interpretive constraints imposed by medieval juristic definitions.

Second, Shahrur develops a dialectical epistemology that distinguishes between absolute truth, which belongs exclusively to God, and relative truth, which arises from human interpretation. Within this framework, the Theory of Limits functions as an epistemological mechanism that enables human reasoning to remain within the boundaries of divine revelation while acknowledging the inherently provisional nature of legal interpretation.

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<sup>13</sup> Sefri Auliya and Hidayatul Azizah Gazali, "Meninjau Ulang Dekonstruksi Konsep Aurat Wanita Dalam Teori Batas Ala Muhammad Syahrur," *Mashdar: Jurnal Studi Al-Qur'an Dan Hadis* 2, no. 1 (2020): 37-60, <https://doi.org/10.15548/mashdar.v2i1.1359>.

<sup>14</sup> Kholid, "Epistemological-Methodological Criticism of Muhammad Syahrur In Islamic Studies (Case Study of Milk Al-Yamin Concept)."

Third, Shahrur introduces mathematical logic as an analytical model for understanding Islamic law. Whereas classical jurists generally conceptualized legal rulings through a binary framework of lawful (halal) and unlawful (haram), Shahrur proposes a graduated model based on upper and lower legal limits. He frequently employs coordinate graphs and geometric illustrations to demonstrate how legal norms operate within a bounded yet flexible continuum rather than as isolated legal absolutes.

Compared with Fazlur Rahman's epistemological framework, significant methodological differences become apparent. Rahman's Double Movement theory<sup>15</sup> emphasizes an interpretive movement from contemporary social realities back to the historical context of revelation and then forward again to present circumstances in order to derive the Qur'an's overarching moral vision. Shahrur, by contrast, places greater emphasis on the internal linguistic structure of the Qur'anic text itself, treating it as a coherent and logically consistent system. While Rahman begins with the Qur'an's general moral worldview, Shahrur starts from the literal linguistic structure of the text, which he considers to embody a precise and measurable internal logic capable of generating legal flexibility without departing from divine boundaries.<sup>16</sup>

Recent studies published in 2024 indicate that Shahrur's epistemological framework has increasingly been integrated with contemporary hermeneutical theories to address emerging challenges associated with the digital transformation of Islamic law. In particular, the flexibility inherent in the Theory of Limits has been viewed as a valuable methodological resource for responding to novel legal issues arising from digital Islamic finance and other technology-driven developments.

For example, in the principle of marriage, according to Muhammad Shahrur, the principle of marriage in Islam is monogamy. Allah SWT commands monogamy to avoid cruel actions by acting unfairly towards women. This was confirmed by Alla

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<sup>15</sup> Dr. Aan Najib, "Contextual Qur'an Interpretation: The Study on the Concept of 'Hierarchy of Values' Abdullah Saeed," *Journal of Islamic Studies and Culture* 4, no. 2 (2016): 5-8, <https://doi.org/10.15640/jisc.v4n2a9>.

<sup>16</sup> Khairul Hamim, "Comparison Between Double Movement Theory and Nazariyyat Al-Ḥudūd Theory on Polygamy Laws," *El-Mashlahah* 12, no. 2 (2022): 190-209, <https://doi.org/10.23971/el-mashlahah.v12i2.4903>.

Swi. in Qs. al-Nisa third verse: "that way (it is enough to marry just one woman if you are unable to act fairly) is closer to not committing abuse. This shows that according to Shahrur, monogamy is more likely to achieve harmony in the household than polygamy<sup>17</sup>.

Muhammad Shahrur sees that justice is an obligation in practicing polygamy. This means that if justice cannot be ensured, then polygamy is not permitted. Therefore, to be fair, he outlines several conditions that must be fulfilled. First, the maximum number of women one can marry is four. Second, there must be a genuine concern for the ability to treat orphaned children and second, third, and fourth wives justly. Third, the second, third, and fourth wives should be widows with one or more children. The justice referred to here is in terms of social and societal aspects, not biological considerations<sup>18</sup>.

The logical reason, according to Shahrur, Qs. al-Nisa's third verse speaks in the context of orphans. This verse talks about polygamy from a social aspect, not from a biological aspect. The second logical reason is Allah's command to be satisfied with just one wife. This means that being content with just one wife (monogamy) will keep you away from the shackles of hardship and being unkind towards orphans<sup>19</sup>.

Shahrur's hermeneutical framework is underpinned by three fundamental keys, serving as the cornerstone of his philosophical perspective on hermeneutics. These key elements are intricately connected and serve as the foundational elements in the exploration of various philosophical realms, encompassing discussions on Godliness (theology), nature (naturalistic), and humanity (anthropology)<sup>20</sup>.

Etymologically, the Arabic term al-hudud is the plural form of al-hadd, which literally means a boundary separating two entities so that they do not overlap, or the terminal point of something. However, within Muhammad Shahrur's intellectual framework, the concept of hudud undergoes a fundamental reinterpretation. Whereas

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<sup>17</sup> Muqsith, Sudirman, and Fadil Sj, "Hukum Poligami: Analisis Komparatif Terhadap Pemikiran Musdah Mulia Dan Muhammad Syahrur."

<sup>18</sup> Muqsith, Sudirman, and Fadil Sj.

<sup>19</sup> Nina Agus Hariati, "Regulasi Poligami Di Indonesia Perspektif M. Syahrur Dan Gender," *Asy-Syari'ah : Jurnal Hukum Islam* 7, no. 2 (2021): 187-208, <https://doi.org/10.55210/assyariah.v7i2.597>.

<sup>20</sup> Nawal Nur Arafah, "The Hermeunetic Concept of the Qur'an" 3, no. 2 (2023): 404-15, <https://doi.org/https://doi.org/10.59188/eduvest.v3i2.747>.

classical Islamic jurisprudence generally associates hudud with specific criminal punishments – such as amputation for theft or stoning for adultery – Shahrur expands its meaning to refer to the general legal boundaries established by God to regulate human conduct.

According to Shahrur, the Theory of Limits is a method of *ijtihad* that understands the Sharia as a system of minimum and maximum legal boundaries. As long as human actions remain within the normative space defined by these two limits, they are considered legally valid according to Islamic law. Shahrur refers to this dynamic understanding of legal validity as "Moving Truth" (*al-Haqq al-Mutaharrik*).

First, the Lower Limit (*al-Hadd al-Adna*). This represents the minimum threshold established by God. Falling below this minimum constitutes a violation of the Sharia because it fails to satisfy the minimum standard prescribed by divine law. Shahrur illustrates this principle with examples such as the minimum requirements for dowry (*mahr*) or the minimum standards of modest dress.

Second, the Upper Limit (*al-Hadd al-A'la*). This refers to the maximum permissible boundary or the most severe legal sanction that may be imposed. Exceeding this limit constitutes injustice because it goes beyond the limits authorized by God. Examples include the maximum punishment prescribed for theft and the maximum number of wives permitted in a polygamous marriage.

Shahrur further argues that his concept of hudud possesses several distinctive characteristics that differentiate it from both modern positive law and classical Islamic jurisprudence.

The first characteristic is legal elasticity. In Shahrur's view, divine law should not be understood as a single fixed legal point but rather as a normative field bounded by minimum and maximum limits. Consequently, Islamic law retains the flexibility necessary to respond to different historical, social, and cultural contexts without requiring any alteration to the Qur'anic text itself.

The second characteristic is the authority of *ijtihad*. While God establishes the legal boundaries, determining the specific legal position within those boundaries falls within the authority of human reason. Such determination may be achieved through

contemporary scholarly consensus, public deliberation, and state legislation that reflects the needs of society while remaining faithful to the divine framework.

The third characteristic is the principle of *hanifiyyah*, or natural flexibility. Shahrur understands the normative space between the two legal limits as an expression of the inherently flexible nature of Islamic law, which corresponds to the diverse conditions of human life across different geographical, economic, and cultural settings. This principle serves as the theological basis for recognizing legitimate variations in legal implementation among Muslim societies without compromising the unity of the Qur'anic textual foundation.

Recent scholarship published in 2024 suggests that Shahrur's Theory of Limits has become increasingly relevant in addressing contemporary legal issues, particularly in the regulation of digital Islamic finance. Within this context, the lower limit is understood as the obligation to uphold integrity and prevent corruption, whereas the upper limit is represented by the protection of consumers. Between these two normative boundaries, the technical mechanisms of digital financial transactions may continue to evolve in accordance with technological innovation and changing societal needs.

Through his theory of limits (*nadzariyyah al-hudud*), Shahrur expresses that polygamy has both minimum and maximum boundaries. The minimum limit is that a man is allowed to marry one woman. The maximum limit is that a man can marry up to four women. If there is a verse prohibiting polygamy, then the verse about polygamy can still be practiced by marrying only one woman. Conversely, if polygamy is allowed, a man can only marry up to four women, and this is still within the bounds set by Allah (*hudud Allah*)<sup>21</sup>.

Shahrur believes that the command for polygamy in Surah al-Nisa is an integral unit that cannot be understood separately. The verse addresses polygamy, widows, and orphans simultaneously<sup>22</sup>. This indicates that the noble purpose of polygamy is

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<sup>21</sup> Jendri, "Aplikasi Teori Batas Terhadap Poligami (Studi Hermeneutika Muhammad Syahrur)."

<sup>22</sup> Hamim, "Comparison Between Double Movement Theory and Nazariyyat Al-Ḥudūd Theory on Polygamy Laws."

essentially to provide protection for widows and orphans. This aligns with the practice of polygamy by Prophet Muhammad (peace be upon him), who married women in need of protection.

This thought is based on the hermeneutic approach he adopts with the theory of hudud. The theme of equality between men and women, often referred to as "gender," is one of the themes in Muhammad Shahrur's hudud thinking. The discourse on equality initially represented a new breakthrough in Islam to reform various forms of injustice against women during the pre-Islamic period (jahiliyyah) in Arabia. Practices of unlimited injustice, such as unrestricted polygamy, were replaced by Islam with regulated polygamy, not exceeding four wives<sup>23</sup>.

Muhammad Shahrur's opinion regarding the conditions for polygamy is in principle based on the principle of protection for widows and also the principle of justice for orphans. When viewed from a historical perspective, polygamy is prescribed, then Muhammad Shahrur's opinion is a very logical opinion, because polygamy is actually prescribed to provide protection and justice.

#### **D. The Six Typological Models of Muhammad Shahrur's Theory of Limits**

Muhammad Shahrur classifies the interaction between the lower limit (al-hadd al-adna) and the upper limit (al-hadd al-a'la) into six mathematical-geometrical models. These models determine how a mujtahid derives legal rulings (istinbath) within the framework of Islamic law. Collectively, they can be understood as a rigidity-flexibility spectrum. The first and second models provide broad interpretive flexibility, the third offers moderate flexibility, the fourth and fifth are highly restrictive, while the sixth represents a dynamic and qualitative model of legal reasoning.

The First Model: The Lower Limit Only (Al-Hadd al-Adna). This model establishes only a minimum legal threshold that may not be reduced, while leaving unlimited room above that minimum. An example is the prohibition of marriage with

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<sup>23</sup> Nur Khasanah, "Hermeneutics of The Qur'an: A Studi Of Muhammad Sharur's Thoughts on The Men and Women Equality."

women who fall within the category of mahram. The Qur'an specifies the list of prohibited relatives as the minimum boundary. Beyond this list, individuals are free to marry anyone who is legally permissible.<sup>24</sup>

The Second Model: The Upper Limit Only (Al-Hadd al-A'la). In this model, Islamic law establishes only the maximum permissible sanction or quantity, while allowing any measure below that maximum. Shahrur illustrates this model with the Qur'anic punishment for theft. He interprets amputation as the maximum legal sanction rather than the only permissible punishment. Accordingly, judges may impose lighter penalties, such as imprisonment or monetary fines, depending on the circumstances, but they may not exceed the prescribed maximum by imposing harsher punishments, such as the death penalty.

The Third Model: Separate Lower and Upper Limits. Under this model, God simultaneously establishes both minimum and maximum legal boundaries. Human conduct must remain within the normative corridor defined by these two limits. Shahrur applies this model to the Qur'anic inheritance ratio of two shares for males and one share for females. He argues that this ratio represents the maximum entitlement for men and the minimum entitlement for women rather than an immutable numerical formula. Consequently, the distribution may move toward equality (1:1) when changing social circumstances require a different conception of justice, provided that women do not receive less than their guaranteed minimum share.

The Fourth Model: Coinciding Lower and Upper Limits. This model is highly restrictive because the lower and upper limits converge at a single point, leaving no room for *ijtihad* or quantitative modification. Its primary examples are ritual acts of worship (*ibadat mahdah*), such as the prescribed number of prayer units (*rak'at*) or the required circuits of *tawaf*. In these cases, the minimum and maximum limits are identical ( $x = y$ ), making any addition or reduction impermissible.<sup>25</sup>

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<sup>24</sup> Kholid, "Epistemological-Methodological Criticism of Muhammad Syahrur In Islamic Studies (Case Study of Milk Al-Yamin Concept)."

<sup>25</sup> Bukhori, "Poligami Dalam Metode Tafsir Al-Qur'an Muhammad Shahrour."

The Fifth Model: Boundaries That Must Not Be Approached. This model represents legal boundaries that should not merely be avoided after crossing them but should not even be approached. The law therefore establishes a prohibited zone surrounding the boundary itself. A clear example is the Qur'anic prohibition against approaching adultery (zina). The boundary is explicit, and believers are instructed to remain well away from it in order to preserve moral integrity. Shahrur associates this model with Qur'anic verses employing the expression *la taqrabu* ("do not approach") rather than *la taf'alu* ("do not commit"). In his view, this linguistic distinction is not simply stylistic but signifies the existence of a buffer zone designed to prevent individuals from gradually falling into prohibited conduct through proximity to morally hazardous situations. This concept closely resembles what modern risk management refers to as the precautionary principle.

The Sixth Model: The Curvilinear Upper Limit. The sixth model generally applies to legal matters that are qualitative and constantly changing. Unlike the previous models, its legal boundary is represented not by a straight line but by a curve that adjusts to evolving social conditions. Recent studies (2025) have employed this model to analyze the legal status of cryptocurrency transactions and non-fungible tokens (NFTs). Within this framework, *gharar* (excessive uncertainty) is understood as a curvilinear legal boundary that shifts in accordance with the stability and maturity of blockchain technology.<sup>26</sup>

Among Shahrur's six models, this is the most sophisticated and the least explored in existing scholarship. It combines both lower and upper limits, each of which changes dynamically while interacting with the other to form a curve resembling a quadratic mathematical function. One of Shahrur's classical illustrations is the distinction between lawful commercial profit and *riba* (usury). According to him, the acceptable level of profit cannot be expressed as a single fixed numerical value but fluctuates according to market conditions, business risks, and prevailing inflation during a given period.

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<sup>26</sup> Muhammad Syahrur, *Nahwa Usulin Jadidah Li Al-Fiqhi Al-Islami: Fiqhu Al-Marah, Al-Wasiyyah, Al-Irts, Al-Qawamah Al-Ta'addudiyah, Al-Libas*.

### **E. The Application of the Theory of Limits in Contemporary Islamic Family Law**

In conventional Islamic jurisprudence, the rules governing inheritance are generally regarded as fixed and definitive (*fara'id*). Muhammad Shahrur, however, interprets the Qur'anic law of inheritance through his Theory of Limits (*Nazhariyyat al-Hudud*), viewing the inheritance verses as dynamic mathematical boundaries rather than immutable numerical prescriptions. According to Shahrur, the provisions contained in Qur'an 4:11-12 should not be understood as rigid allocations but as minimum and maximum limits whose practical application may vary according to the relationships and social circumstances of the heirs.<sup>27</sup>

Shahrur argues that the Qur'anic principle granting a male heir "a share equal to that of two females" represents the upper limit (*al-hadd al-a'la*) for men and the lower limit (*al-hadd al-adna*) for women. Consequently, the share allocated to women may increase—potentially reaching an equal distribution (1:1)—when economic contributions and changing social realities justify such an adjustment. In his view, injustice does not originate from the Qur'anic text itself but from human interpretations that transform these divinely established boundaries into permanently fixed legal rules.<sup>28</sup>

This interpretation of inheritance constitutes one of the most influential and controversial aspects of Shahrur's legal thought. Supporters argue that it successfully reconciles two objectives often regarded as incompatible: fidelity to the Qur'anic text and the pursuit of substantive gender justice in contemporary societies, where women increasingly serve as primary breadwinners, heads of households, and equal economic contributors. Critics, however, contend that such an interpretation undermines the certainty (*qat'iyyah*) of Islamic inheritance law, which has traditionally been considered one of the defining strengths of the Islamic legal system.

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<sup>27</sup> Nur Khasanah, "Hermeneutics of The Qur'an: A Studi Of Muhammad Sharur's Thoughts on The Men and Women Equality."

<sup>28</sup> Hamim, "Comparison Between Double Movement Theory and Nazariyyat Al-Ḥudūd Theory on Polygamy Laws."

Shahrur applies the Theory of Limits to polygamy by combining the Qur'anic regulation on the maximum number of wives (Qur'an 4:3) with the qualitative requirement of protecting orphans. He distinguishes between two complementary dimensions of the regulation.

The first is the quantitative limit. The maximum number of four wives represents the upper legal boundary (*al-hadd al-a'la*), which may not be exceeded under any circumstances.

The second is the qualitative limit. Shahrur maintains that polygamy is permissible only when the second, third, or fourth wife is a widow responsible for orphaned children. For him, the primary objective of polygamy is not the satisfaction of personal or biological desires but the fulfillment of a social responsibility to protect widows and orphans. If this qualitative condition is absent, the practice exceeds the divinely prescribed limits and therefore lacks legal legitimacy.

Shahrur's interpretation is grounded in a syntactic analysis of Qur'an 4:3. He argues that the grammatical structure of the verse directly links the permission for polygamy with the preceding discussion concerning the protection of orphans. Accordingly, he concludes that polygamy undertaken solely for sexual gratification, personal preference, or social prestige has no convincing textual basis and contradicts the ethical spirit of the Qur'anic passage.<sup>29</sup>

Beyond inheritance and polygamy, the Theory of Limits may also be applied to issues such as child support and child custody (*hadanah*) following divorce. Within this framework, the lower limit consists of the child's essential needs, which both parents are proportionally obliged to provide. The upper limit, however, remains flexible, adjusting to the parents' financial capacity and the child's actual needs, including educational and healthcare expenses that continue to evolve over time.

Similarly, contemporary scholars have begun applying the Theory of Limits to the determination of the minimum age of marriage. They interpret the Qur'anic concept of *rushd* (maturity) as establishing a flexible minimum threshold based on

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<sup>29</sup> Jendri, "Aplikasi Teori Batas Terhadap Poligami (Studi Hermeneutika Muhammad Syahrur)."

psychological and physical maturity, as assessed by modern medicine and developmental psychology, rather than relying exclusively on the onset of puberty, which has traditionally served as the benchmark in classical Islamic jurisprudence.

Through the Theory of Limits, Shahrur seeks to demonstrate that Islamic law possesses a broad capacity for adaptation. The normative space between the minimum and maximum boundaries constitutes the legitimate domain of human *ijtihad*, allowing Islamic family law to respond to changing social structures while remaining faithful to the Qur'anic text. Rather than abandoning revelation, Shahrur argues that legal reform should emerge through a more dynamic understanding of the divinely prescribed limits embedded within it.

## **F. Closing**

Muhammad Shahrur's Theory of Limits (*Nazhariyyat al-Hudud*) represents a significant attempt to reconstruct Islamic legal methodology by conceptualizing divine law as a system of minimum and maximum boundaries rather than fixed legal rulings. Built upon a linguistic, mathematical, and systematic epistemology, the theory provides a flexible framework for *ijtihad* through six typological models that accommodate varying degrees of legal rigidity and adaptability.

Its application to Islamic family law – particularly inheritance and polygamy – demonstrates Shahrur's effort to reconcile fidelity to the Qur'anic text with the demands of contemporary social justice. The theory also offers potential for addressing other family law issues, including child support, child custody, and the minimum age of marriage. Nevertheless, the Theory of Limits remains highly contested due to its reinterpretation of Qur'anic language, its limited reliance on Hadith, and its departure from the methodological foundations of classical *usul al-fiqh*.

This study concludes that Shahrur's Theory of Limits should be regarded as an alternative approach to Islamic legal reform rather than a replacement for classical legal methodology. While its flexibility offers valuable insights for responding to contemporary legal and social challenges, its application requires critical evaluation

to ensure that legal reinterpretation remains grounded in the linguistic, historical, and normative foundations of the Qur'an. Future research should further examine the practical applicability of this theory within the development of contemporary Islamic family law, particularly in the context of judicial practice in Indonesia.

## REFERENCES

- Arafah, Nawal Nur. "The Hermeneutic Concept of the Qur'an" 3, no. 2 (2023): 404-15. <https://doi.org/https://doi.org/10.59188/eduvest.v3i2.747>.
- Auliya, Sefri, and Hidayatul Azizah Gazali. "Meninjau Ulang Dekonstruksi Konsep Aurat Wanita Dalam Teori Batas Ala Muhammad Syahrur." *Mashdar: Jurnal Studi Al-Qur'an Dan Hadis* 2, no. 1 (2020): 37-60. <https://doi.org/10.15548/mashdar.v2i1.1359>.
- Bukhori, Evi Muzaiyidah. "Poligami Dalam Metode Tafsir Al-Qur'an Muhammad Shahrour." *An-Nisa' : Jurnal Kajian Perempuan Dan Keislaman* 14, no. 1 (2021): 43-57. <https://doi.org/10.35719/annisa.v14i1.53>.
- Fahmi, Chairul, Uswatun Hasanah, and Yusriaina Yusuf. "Marriage Law Reform: Efforts in Achieving Gender Equality." *Media Syari'ah : Wahana Kajian Hukum Islam Dan Pranata Sosial* 25, no. 1 (2023). <https://doi.org/10.22373/jms.v25i1.16514>.
- Hamim, Khairul. "Comparison Between Double Movement Theory and Nazariyyat Al-Ḥudūd Theory on Polygamy Laws." *El-Mashlahah* 12, no. 2 (2022): 190-209. <https://doi.org/10.23971/el-mashlahah.v12i2.4903>.
- Hasballah, Khairuddin. "The Milk Al-Yamin Concept as a Validity of Sexual Relationship in a Modern Context: An Analysis of Muhammad Syahrur's Thoughts." *Samarah* 4, no. 2 (2020): 337-59. <https://doi.org/10.22373/sjhk.v4i2.7068>.
- Jendri, Jendri. "Aplikasi Teori Batas Terhadap Poligami (Studi Hermeneutika Muhammad Syahrur)." *Nun: Jurnal Studi Alquran Dan Tafsir Di Nusantara* 6, no. 2 (2020): 145-62. <https://doi.org/10.32495/nun.v6i2.160>.
- Kholid, Muhammad Kholid. "Epistemological-Methodological Criticism of

- Muhammad Syahrur In Islamic Studies (Case Study of Milk Al-Yamin Concept).” *Tasfiah: Jurnal Pemikiran Islam* 5, no. 2 (2021): 165. <https://doi.org/10.21111/tasfiah.v5i2.6431>.
- Muhammad Syahrur. *Nahwa Usulin Jadidah Li Al-Fiqhi Al-Islami: Fiqhu Al-Marah, Al-Wasiyyah, Al-Irts, Al-Qawamah Al-Ta’addudiyah, Al-Libas*. Cet. I. Dimasyq: al-Ahali li al-Tiba’ah wa al-Nasyr wa al-Tauzi’, 2000.
- Muqsith, Abdurrahman, Sudirman, and Fadil Sj. “Hukum Poligami: Analisis Komparatif Terhadap Pemikiran Musdah Mulia Dan Muhammad Syahrur.” *Al-Manhaj: Journal of Indonesian Islamic Family Law* 4, no. 1 (2022): 52–65. <https://doi.org/10.19105/al-manhaj.v4i1.6153>.
- Najib, Dr. Aan. “Contextual Qur’an Interpretation: The Study on the Concept of ‘Hierarchy of Values’ Abdullah Saeed.” *Journal of Islamic Studies and Culture* 4, no. 2 (2016): 5–8. <https://doi.org/10.15640/jisc.v4n2a9>.
- Nina Agus Hariati. “Regulasi Poligami Di Indonesia Perspektif M. Syahrur Dan Gender.” *Asy-Syari’ah: Jurnal Hukum Islam* 7, no. 2 (2021): 187–208. <https://doi.org/10.55210/assyariah.v7i2.597>.
- Nur Khasanah. “Hermeneutics of The Qur’an: A Studi Of Muhammad Sharur’s Thoughts on The Men and Women Equality.” *NURANI*, 2020, 25–34. <https://doi.org/https://doi.org/10.19109/nurani.v20i1.5339>.
- Supriyanto, John. “Pergeseran Paradigma Tafsir Ala Linguis (Studi Atas Kitab ‘Qira’ah Mu’ashirah’ Karya Muhammad Syahrur).” *Jurnal Studi Agama* 2, no. 2 (2018): 71–86. <https://doi.org/10.19109/jsa.v2i2.3054>.