

يَتَّيِّهَهَا الَّذِينَ ءَامَنُوا لَا يَجِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ
كَرْهًا وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا ءَاتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ
بِفَدْحَةٍ مُّبَيِّنَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى
أَنْ تَكْرَهُنَّ وَأَنْ تَكْرَهُنَّ شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا



An-Nisa (The Women) 4:19

O You Who Believe!

- You are forbidden to inherit women against their will.
- Nor should you treat them with harshness, that you may take away part of the dower you have given them.
- Except where they have been guilty of open lewdness.
- On the contrary live with them on a footing of kindness and equity.
- If you take a dislike to them it may be that you dislike a thing.
- And Allah brings about through it a great deal of good.

Commentary

Allamah Taba Tabai (AR)

The talk returns to the subject of women, guiding the Muslims about some related matters. This piece contains the clause, *and live with them in a proper manner; then if you hate them, it may be that you dislike a thing while Allah has placed abundant good in it.* It is a basic Qur’anic principle which regulates woman’s social life.

The Arabs of the era of ignorance counted wives of a deceased person as part of his inheritance if the woman was not the heir’s mother, as history and traditions have reported. The heirs took the widow as part of their share; one of them threw a cloth on her and she became his property. If he wished, he married her, inheriting the deceased’s marriage – without giving her a fresh dowry. If he disliked marrying her, he held her in his custody; then if he was so pleased, he gave her in marriage to someone and used her dowry himself; and if he wished, he kept her in straitened condition, not allowing her to marry, until she died and he inherited her property, if she had any.

Apparently, the verse forbids some custom that was prevalent among them; and as some exegetes have written, it could be the above-mentioned system of inheriting the widows.

But the clause, “against (their) will”, does not agree with this interpretation, whether we take it as an explanatory clause or a restrictive one. If it were taken as an explanatory clause, it would imply that that inheritance was always disliked by woman, always happened against their will – and obviously it was not so. If it were taken as a restrictive clause, it would mean that that inheritance was unlawful only if took place against the woman’s will, but there was no harm if she freely agreed to it – but this too is not correct.

Of course, dislike and unwillingness was a certainty when the heirs prevented them from re-marrying, coveting, in all or most cases, their property after taking their possession by inheritance. Obviously, it is this factor – contriving to inherit the woman’s property against her will – which this verse has forbidden.

As for marrying them by inheritance, this verse does not deal with it; that is forbidden by a coming verse, which says: *And marry not women whom your father married* So far as the custom of giving them in marriage to someone else and usurpation of their dowry by the concerned heir is concerned, it is forbidden by such verses as: *and women shall have the benefit of what they earn (4:32)*. Also the verse: *..... then when they have fully attained their term, there is no blame on you for what they do for themselves in a proper manner (2:234)*, discredits the whole custom, guiding the people to the Islamic way.

As for the words: *and do not straiten them in order that you may take* , they do not refer to the afore-mentioned prevention of their re-marrying (with intention of getting their property on their death), because the subsequent clause: *in order that you may take part of what you have given them*, clearly speaks about taking away part of the dowry which the oppressing husband himself had given her; it does not refer to any property which she might have got from other sources.

In short, the verse stops men from inheriting women’s property against their will; it is not concerned with the custom of taking women themselves as part of inheritance. Accordingly, either the word, ‘women’, metaphorically refers to their property, or the word, ‘property of’, is implied before it.

The verse makes it unlawful to put the wife in straitened condition – in any way – with intention of compelling her to pay back to the husband a part of dowry for dissolution of marriage-tie, so that she may extricate herself from that difficult life. Imposing such difficulties with this intention is unlawful for the husband. Of course, if the wife commits manifest indecency, i.e., adultery, then he may put restrictions on her, keeping in straitened condition, in order that she may pay him something to obtain divorce.

Every individual is an integral part of society, having equal importance with all other parts; they all together constitute human society; and each of them has a responsibility to strive as much as he can to make up the society's deficiencies. He earns and makes what is beneficial, takes from it according to his requirements, and gives the surplus to the society. If someone is treated in a different way, and is oppressed in a manner that his identity as an integral part is nullified, then he becomes a vassal, he is exploited but is given nothing in lieu of his labor. But it is exceptional case.

Allah has described in His book that all people – men and women alike – are branches of a single human root; parts and components of one human species. Society, for its existence, needs males as much as it need females – in equal degree. Allah has said: *you are (sprung) the one from the other* (4:25).

There is nothing contradictory when we see that each sex has been bestowed some distinct characteristics which are not found in the other. For instance, men on the whole are distinguished for their strength and hardiness; and women by nature are more endowed with sentiments and soft-heartedness. Humanity, in its creative and social lives, needs demonstration of strength and hardiness as much as it requires permeation of love and mercy. The two qualities together present the forces of attraction and repulsion which are prevalent in human society.

Thus the two sexes are equally balanced in weight, effect and influence; in the same way as individual males are equal in their effect and influences on this structure, in spite of their difference in natural and social matter, like strength and weakness, knowledge and ignorance, intelligence and obtuseness, smallness and greatness, leadership and subordination, mastership and servitude, nobleness and vileness, and so on.

Man, *per se*, has got the faculty of understanding and free will; with that independent will he chooses what is beneficial to him and discards what is harmful. Living in a society he has the right to choose whatever he wants – as long as it does not go against the society's well-being – with independent will without any hindrance from anyone; he is not bound to opt for someone else's choice without any will of his own. But, as you have seen, this principles is not in conflict with specialization that some classes, or a few members of the same class, should be distinguished with some special qualities – or should be particularly devoid of some qualities.

As for example, Islam reserved judiciary, administration and *jihad* for men; also they have been given responsibility of maintaining the women. Or, as minor children are not competent to make any acknowledgement or deal, and are exempted from the *shari'ah's* obligations. These examples show that different classes and individuals are governed by different laws – which are based on difference of their weight in society – although all of them are equal in their basic value in human social structure, where the only criterion is that all are human being having understanding and free will.

Such restrictions and exclusions are not peculiar to the Islamic laws; they are found, in varying degrees, in all civil codes; nay, in all human systems, even in primitive customs. The clause, that encompasses all these meanings, is the word of Allah: *and live with them in a proper manner*, as explained above.

At the time when the Qur'an was revealed, human societies did not accord the women the status of human being; they were not considered as integral component of humanity. Some well-advanced civilizations treated them as an appendage – beyond the human circle – whose only purpose was to be used and exploited by man. Others recognized that women were human beings, but of inferior quality; they were deficient in humanity, like children and idiots, but with one difference: While children's or idiot's deficiency was removable (after adulthood or by treatment, respectively) women could never attain full human status. Consequently, it was necessary for them to live as a dependent under total authority of men for ever. It is interesting to note that Allah has not said: if you dislike their marriage; He has ascribed the dislike and hate directly to their person: "If you hate them"; probably this expression was used keeping the above-mentioned social norm in view.

Abul-Jarud narrates from Abu Ja'far (AS) about the word of Allah, *O you who believe! it is not lawful for you that you should inherit women against (their) will:*

It was a custom in the [era of] of ignorance [and] when the Arab tribes first accepted Islam, that when a relative of a man died leaving a woman, that man threw his cloth on her and thus inherited her marriage by the same dowry which the [deceased] relative had given her; the man inherited her marriage as he inherited his (the deceased's) property.

When Abu Qays ibn al-Aslat died, Muhassan son of Abu Qays threw his cloth on the woman of his father; and she was Kubayshah bint Mu'ammār ibn Mu'bad. So, he inherited her marriage; then he left her – he neither went in to her nor spent on her (maintenance).

So, she came to the Messenger of Allah (S) and said: ‘O Messenger of Allah! Abu Qays ibn al-Aslat died and his son, Muhassan, inherited my marriage. Now he does not come to me, nor does he spend on me, nor has he released me so that I may join my own people.’

The Messenger of Allah (S) said: ‘Go back to your house; and if Allah ordains something concerning your matter, I will inform you.’ Then it was revealed:

And marry not women whom your fathers married, except what has already passed; this surely is indecent and hateful, and it is an evil way.

Thus she joined her own people. Also there were (other) women in Madina whose marriage, like that of Kubayshah was inherited; but they were inherited from sons. Then Allah revealed:

O you who believe! it is not lawful for you that you should inherit women against (their) will.”
(at-Tafsir, al-Qummi)

at-Tabrisi has written about the clause, *unless they are guilty of manifest indecency*, that it is better to apply this word to every sin; and has said that it is narrated from Abu Ja’far (AS). (Majmaul-bayan)

Ash-Shaybani has said:

Indecency is adultery, and the verse means that if a man comes to know of her indecency, then he may take ransom (from her); and it is narrated from Abu Ja’far (AS).
(at-Tafsir, al-Burhan)

Ibn Jarir has narrated from Jabir: Verily, the Messenger of Allah has said:

Fear Allah about women; because you have taken them in Allah’s trust, and have made their bodies lawful (to you) by the word of Allah; and it is your right on them that they should not let anyone you dislike trample your bed; if they do so then you (may) hit them (but) not violently; and they have a right on your for their maintenance and clothing in a proper way.
(ad-Durrul-manthur)

Ibn Jarir has narrated from Ibn Umar that he said: Verily, the Messenger of Allah (S) said:

O people! The women near you [i.e. your wives] are [like] conscript labor [i.e. they are joined to you for ever]; you have taken them in Allah's trust, and have made their bodies lawful (to you) by the word of Allah. So you have got right on them, and it is among your rights on them that they should not let anyone trample your bed, nor should they disobey you in any good (thing); and when they do so [i.e. fulfill their rights] then they have got right of maintenance and clothing in a proper way.
(ibid)

Mir Ahmed Ali (AR) and Aqa Mahdi Puya (AR)

In pagan Arabia, widows were divided amongst the heirs of a deceased as goods and cattle. The heir either married the widow to some one else and kept her dower, or refused to let her marry unless he was paid a handsome amount as a settlement, or else married her himself. Another manoeuvring was to harass the wives by imprisoning them in their houses in order that they might be forced to claim separation and thus to relinquish their dower or their inheritance. All such barbaric customs were swept aside by this verse.

If the wife is at fault, then it is she who must relinquish her dower, whole or in part, to obtain separation. For details refer to fiqh.

Understanding the biological handicaps of women, men should live with them with tolerance and justice, even if they do not love them, because men may not like a thing, yet Allah might have endued it with goodness. Love, justice, goodwill and fair treatment is the essence of the matrimonial code of Islam.

Ayatullah Sayyid Kamal Faqih Imani and a Group of Muslim Scholars

It is narrated from Imam Baqir (AS) that the above verse was revealed about the men who used to keep their wives without treating with them as a spouse, waiting for their death in order to possess their properties.

The verse may hint to the fact that only the wealth is heritable, and the wife of a man after his death does not belong to any one as heritage. After the death of her first husband, a woman can choose another husband with her own decision.

1. Islam is the defender of the rights of women.

" O' you who have Faith! It is not lawful for you to inherit the women against their will, ..."

2. Women have the right of possession.

"... to inherit the women...."

3. Conjugal life should be based on mutual love, not on taking possession of wealth.

4. Taking back the dower forcefully is unlawful.

"... and do not straiten them in order that you may take a part of what you have given them, ..."

"... unless they are guilty of manifest lewdness, ..."

5. Women should be treated well.

"... but deal kindly with them ..."

6. Many of goodnesses lie among the unpleasant things.

"... and if you hate them, it may be that you dislike a thing while Allah has placed abundant good in it."