
“YOU WILL NEVER BE ABLE TO DO PERFECT JUSTICE BETWEEN WIVES EVEN IF IT IS YOUR ARDENT DESIRE”

An Explanation of Sooratun-Nisaa' (4:129)

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Allaah says,

“You will never be able to [perfectly] deal justly between wives even if it is your ardent desire, so do not incline too much to one of them so as to leave the other hanging. And if you do justice, and do all that is right and fear Allaah by keeping away from all that is wrong, then Allaah is All-Forgiving, Most Merciful.” [Sooratun-Nisaa', 4:129]

Imaam 'Abdur-Rahmaan Ibn Naasir as-Sa'dee [d. 1376] says in the commentary of these verses [pg. 208]: “Allaah, the Most High, informs us that husbands do not have the ability to be completely just between wives, and that is because complete justice requires the presence of equal love, attraction, and an inclination of the heart, and then the action this necessitates, and this is impossible, therefore Allaah has pardoned him for what he is not able (to do), and has prohibited him from that which he has the ability with His Statement **“So do not incline too much to one of them so as to leave the other hanging...”**. Meaning, do not incline heavily to one (over the other) to the point where you do not give them their obligatory rights, rather do all that is in your power to be just (between them). So, maintenance, clothing, the division of time etc., it is upon you to be equal between them in these, as opposed to love, sexual intercourse, etc., so if the husband abandons his wife she becomes as if she is suspended, neither divorced so as to marry, nor married where she receives her rights.” [End of the words of As-Sa'dee]

The Imaam of the people of Tafseer, At-Tabaree (*rahimahullaah*), said in his commentary on this verse [9/284]: “This means: O men! You do not have the power to be equal between your wives in the love for them in your hearts so as to be impartial between them in that, so you will not have the equal amount of love in your hearts for all of them because this is something you have no control over even if it is your ardent desire, but do not let your feelings cause you to completely incline to the one you love more, until it causes you to oppress her co-wives in abandoning their rights from division of time and maintenance,

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and living with them in kindness, leaving the ones you love less like they are neither married nor divorced.”

Ibn Katheer (*rahimahullaah*) says in his *tafseer* [2/392-393]: **“You will never be able to [perfectly] deal justly between wives even if it is your ardent desire...”** meaning: you will never be able to equate between wives from every perspective, so even if the division of time is equal between them, a night for a night, there will most certainly be inequality in love, desire, and sexual relations, as was said by Ibn Abbaas Ubaidah Ibn As-Salmaanee, Mujaahid, al-Hasan al-Basree, and ad-Dahhaak Ibn Muzaahim. Ibn Abee Haatim said: “Aboo Zur’aah narrated to us: Ibn Abee Shaybah narrated to us: Al-Hasan Al-Ju’fee narrated to us on the authority of Zaa’idah from ‘Abdul-Azeez Ibn Rufi’ on the authority of Ibn Abee Mulaikah who said: “This ayah, **“You will never be able to [perfectly] deal justly between wives even if it is your ardent desire...”** was revealed about Aa’ishah (*radiyallaahu anha*), meaning that the Prophet (*sallallaahu ‘alayhi wa sallam*), loved her more than anyone.

His statement: **“So do not incline too much to one of them...”** meaning: If you incline towards one of them (feelings, sexual relations, love) do not go overboard inclining completely **“So as to leave the other hanging...”** meaning: to leave the other suspended. Stated Ibn Abbaas, Mujaahid, Sa’eed Ibn Jubair, al-Hasan, ad-Dahhaak, Ar-Rabee’ Ibn Anas, as-Siddee, and Muqaatil Ibn Hayyaan: “It means neither married nor divorced.”

And His statement: **“...And if you do justice, and do all that is right and fear Allaah by keeping away from all that is wrong, then Allaah is All-Forgiving, Most Merciful.”** meaning: if you properly place your affairs in order and divide between them justly in what you are able, and fear Allaah in all your affairs, Allaah will forgive you for your inclining (in the past) to one woman over the other.” [End of the statement of Ibn Katheer]

Imaam al-Baghawee (*rahimahullaah*) says in his *tafseer* [2/295-296]: **“You will never be able to (perfectly) deal justly between wives even if it is your ardent desire, so do not incline too much to one of them so as to leave the other hanging. And if you do justice, and do all that is right and fear Allaah by keeping away from all that is wrong, then Allaah is All-Forgiving, Most Merciful.”**

Stated Sulaymaan Ibn Yasaar about this *ayah* on the authority of Ibn Abbaas: “If she was to give up some of her rights from the division of days, and maintenance, then that is permissible as long as she is pleased with that...”

Stated Muqaatil Ibn Hayyaan about this *ayah*: “A man has under his care an older woman and then marries a young girl, he says to his older wife: “I will give you a portion of my wealth to give this young girl more days,’ so if she agrees then there is no harm, and if she refuses then it is upon him to divide justly between them.”

His statement: **“You will never be able to (perfectly) deal justly between wives...”** meaning:

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you will not be able to be equal in your love, affection, and feelings, **“Even if it is your ardent desire...”** to be equal (in that), **“so do not incline...”** to the one you love more, **“too much...”** in the division of time and maintenance, meaning: do not let your actions follow your feelings, **“so as to leave the other hanging...”** meaning abandon the other like she is neither single nor married. Qataadah said: ‘Like she is imprisoned.’ [End of the quote of al-Baghawee]

Stated Imaam ash-Shawkaanee (*rahimahullaah*) in his *tafseer* [1/665]: **“You will never be able to [perfectly] deal justly between wives...”** Allaah informs us of man’s inability to be completely equal between his wives. From that which the nature of the human being is created upon in feelings for one as opposed to the other, more for this one, less for that one and this is by virtue of their creation that they do not control their hearts.” [End of quote of Ash-Shawkaanee]

So as we see from all the scholars of *tafseer* whom we have quoted from above, that what is intended by this verse is that a man must be equal in that which he humanly has the ability to be equal in, from maintenance and the division of days, but as for him loving one more than the other, being more physically attracted to one over the other, or being more sexually active with one over the other, than this is something that he does not have the ability to be equal in as his heart may incline to one for whatever reason, but as Imaam al-Baghawee mentioned: “do not let your actions follow your feelings” meaning that just because you may love one more than the other do not allow that to cause you to oppress one with regards to the division of time and maintenance or outward signs that would hurt the feelings of the one you love less.

As for the punishment for those who are unjust between their wives in that which they have the ability not to be, then this comes in the *hadeeth* that is collected in the Sunan of Aboo Daawood (no. 2133), an-Nisaa’ee in his Sunan (2/157), at-Tirmidhee in his Jaami’ (1/213), Ibn Maajah in his Sunan (no. 1969), ad-Daarimee in his Sunan (2/143), and others, and is authenticated by al-Muhaddith al-Albaanee in Irwaa al-Ghaleel (no. 2017), on the authority of Aboo Hurayrah who said: The Messenger of Allaah (*sallallaahu ‘alayhi wa sallam*) said: “Whoever has two wives and inclines toward one of them (over the other) he will come on the Day of Judgement and one side of his body will be slanted.”

al-Imaam at-Tirmidhee (*rahimahullaah*) brings this *hadeeth* under the chapter: ‘What has come in the Equality Between Co-wives’. Al-Muhaddith al-Mubaarakfuree says in the explanation of this chapter in Tuhfatul-Ahwadhee [4/247]: “*ÇáÖÑÇÆÑ* [from the verb *ÖÑø* which means to harm] The co-wives of a man (are called this because) each one of them harms the other with jealousy, and the division [of time].”

Al-Mubaarakfuree continues: “He will come on the Day of Judgement and one side of his body will be slanted.” At-Teebee said: meaning one half of him will be slanted so that the members of the families can see him as an addition to the punishment, and this is not

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limited to the one who has two wives, if he had three or four than this punishment is established.” [End of the quote of al-Mubaarakfuree]

Al-Muhaddith al-Adheem al-Aabaadee (*rahimahullaah*) says in Awnul-Ma’bud (the explanation of the Sunan of Abee Daawood), on this *hadeeth* [6/136]: “Whoever has two wives” for example, “and inclines toward one of them over the other” meaning he is not just between them rather he shows favouritism to one over the other, “one side of his body will be slanted” sloping. This *hadeeth* is a proof that it is obligatory upon a man to be just between women, and it is prohibited for him to show favouritism to one over the other.” [End of the quote of Al-Aabaadee]

Al-Muhaddith Muhammad Ibn Adam Al-Ithyubee (*rahimahullaah*) says in his explanation of an-Nisaa’ee [28/178-179]: “Benefits of this *hadeeth*: The clarification of the ruling of a man favouring some of his wives over others, and it is impermissible; due to the punishment that is mentioned in the *hadeeth*.”

And from them: The obligation of dividing equally between wives. And from them: The concern of the *sharee’ah* to remove that which will cause enmity and hatred between the *ummah*, so it prohibited discrimination between the wives because that brings about breaking up a man and his family, rather it transcends to the families of the wives, so it is obligatory to avoid that.

And from them: The encouragement to have excellent character, from dividing equally between those (affairs) the *sharee’ah* has commanded to, so it is not permissible to show favouritism to one side over the other unless it is legislated, like if one of the wives is a slave, then it is not obligatory to be equal between her and the freed wife in division, rather she gets half of the days that are given to the freed wife, and Allaah knows best.

He goes on to quote al-Qurtubee in how the man should make the division: He (al-Qurtubee) says: ‘As for how he should divide, then there is no difference of opinion that he should give each of them their night alone, and many of the scholars say the day, and some of them are of the opinion of the obligation of this is at night, not during the day, and he should not enter upon one on them on the other ones night, unless there is a need to, and they differ with regards to his entering with a need or necessity, and the majority of them are of the opinion that it is permissible, Imaam Maalik and others. And in the book of Ibn Habeeb he prohibits it. And that he is just between them in maintenance and clothing if they are equal in status, not if they are of different stations.’”

Al-Muhaddith Muammad Ibn Adam says after quoting al-Qurtubee: “This statement of al-Qurtubee about not having to be equal between them if they are of different status needs proof specifying it with the general proofs of the obligation of equality in division (of time and maintenance).” [End of the quote of Ibn Adam]

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There has come in the authentic *sunnah* many proofs of a man loving one wife more than the others, one for example is what come in the Sunan of an-Nisa’ee in the chapter: ‘A man loving some of his wives more than others’. The *hadeeth* on the authority of Aa’ishah who said: “The wives of the Messenger of Allaah sent Faatimah, the daughter of the Messenger of Allaah to the Prophet and she sought permission to enter, so when she entered he was laying with me on my Mirt (type of wool garment) so she said: ‘O Messenger of Allaah! Indeed your wives sent me to you asking for equality with the daughter of Aboo Quaafah (Aa’ishah).” And I remained quiet. So the Prophet said to her: “O my daughter! Do you not love the one I love?” She said: “Of course.” He said: “Then love this one...”

Muhammad Ibn Adam says in the explanation of this *hadeeth* [28/187-188]: “O Messenger of Allaah! Indeed your wives sent me to you asking for equality with the daughter of Aboo Quaafah (Aa’ishah)” Imaam an-Nawawee said: ‘Its meaning is that they are asking you to be equal in the love in your heart, as the Prophet used to be just between them with maintenance and nights, etc., but as for the love of his heart then he used to love Aa’ishah more than the others, and the there is a consensus of the Muslims that it is not upon him to love them all the same because no one has power over that except Allaah, and He only commanded with equality in actions.” [End of quote]

