

## **45527 - In their country the husband is given a dowry!**

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### **the question**

I would like to ask something about dowry, which happens in some countries, especially in Indian states (Kerala, Tamil Nadu etc). For example: We given to Groom for our sister One Lakh Rupees and 75 'Pavan' Gold (One 'Pavan' is 4 Grams Gold) this is widely happen in our state among the Muslims. I would like to know is this permissible in Islam to ask or give this huge amount and the Gold? I would like to tell you some more about this: 1 Lakh and 75 'Pavan' is very lowest dowry in Kerala, among the rich family, it will be 5 Lakhs, 500 'Pavan' and foreign Car as well as Land etc. And other question about 'Maher', which happens among the Arabians i.e. asking big amount, Gold and Diamonds from Groom, is this permissible in Islam asking this big amount as 'Maher' ? Is this a main reason Arabians are marrying from India, Pakistan, Am I right? Could you explain a solution for it? Kindly answer me; please do not ignore this question.

### **Detailed answer**

In His Holy Book, Allaah has commanded men to give their wives their dowries. Allaah says (interpretation of the meaning):

"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 Allaah has made it lawful)."

[al-Nisa' 4:4]

al-Tabari (may Allaah have mercy on him) said:

What is meant by that is: Give women their mahr as something that is required and obligatory.

He also said:

It was narrated from Qataadah: “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” i.e., it is obligatory. And it was narrated from Ibn Jurayj: “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”: he said: it is obligatory and the amount is to be named. It was narrated from Ibn Zayd concerning the verse “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”: the Arabic word nihlah (translated here as “with a good heart”) means: obligatory.

Tafseer al-Tabari, 4/241

Allaah has made the mahr obligatory for the man, who must give it to the woman, and not vice versa. This is what is indicated by the texts of the Qur’aan and also by the texts of the Sunnah. For example, al-Bukhaari narrated from Sahl ibn Sa’d that a woman came to the Messenger of Allaah (peace and blessings of Allaah be upon him) and said: O Messenger of Allaah, I offer myself to you (in marriage). She stood there for a long time, then a man said: O Messenger of Allaah, marry her to me if you have no need of her. He said: “Do you have anything that you could give to her as a dowry?” He said: “I have nothing but this izaar of mine.” He said: “Look for something, even if it is a ring of iron.” So he looked but he could not find anything. The Messenger of Allaah (peace and blessings of Allaah be upon him) said: “Do you know anything of the Qur’aan?” He said: “Yes, Soorah such and such, and Soorah such and such.” He said: “I give her to you in marriage in return for what you know of the Qur’aan.”

Narrated by al-Bukhaari, 4741; Muslim, 1325.

Ibn Hajar (may Allaah have mercy on him) said:

This indicates that the mahr is essential in marriage, because he said: “Do you have anything that you could give to her as a dowry?” The scholars are unanimously agreed that it is not permissible for anyone to engage in intimacy (with a woman) without naming the mahr.

It also indicates that it is better to name the mahr. If a marriage contract is done without naming the mahr, the marriage is valid and the bride is entitled to a mahr like that of other women like her, when the marriage is consummated. End quote.

Fath al-Baari, 9/211.

The Qur’aan, the Sunnah and the consensus of the scholars indicate that the dowry is to be given by the man to the woman, not vice versa. This is what is in accordance with sound human nature. How can a man be qawwaam (in charge of) the woman when she is the one who has paid the mahr to him? Allaah has made spending of wealth by the husband one of the reasons why men are in charge of women, as He says (interpretation of the meaning):

“Men are the protectors and maintainers of women, because Allaah has made one of them to excel the other, and because they spend (to support them) from their means”

[al-Nisa’ 4:34]

After this spending from the husband, the wife often realizes the burden that her husband bears, so she reduces the mahr or part of it willingly. There is no sin of the husband if he then takes it, because Allaah says (interpretation of the meaning):

“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 Allaah has made it lawful).”

[al-Nisa’ 4:4]

This money that the woman gives to the man as a dowry to him for marrying her is contrary to Islam, to the fitrah, to reason and to human nature. This applies even if it is a little, so how about the amounts that you mention?!

As for the solution, it is essential that the scholars, daa’iyahs and media in your country strive their utmost to put an end to this problem and then deal with it and change the custom to that which is in accordance with sharee’ah, which is in accordance with the nature which Allaah has created in man.

And Allaah knows best.