



Dower (Mahr) In Muslim Law An Analytical Study

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ABSTRACT

Unquestionably, Mahr is an important topic in Muslim society. It is a certain amount of cash or assets that the woman is entitled to get from her husband as payment for their union. The Islamic faith has preserved gender equality in society by unquestioningly supporting a sensible division of labor, in which women are tasked with managing the home while men are in charge of providing for the family's sustenance and means of subsistence in a matrimonial household.

In order to identify the mental and physical distinctions between men and women in the practice of carrying out their different household tasks in the internal and exterior home realms, this study has examined the true philosophy of Mahr. It looks at the textual underpinnings (Quran, hadith), traditional jurisprudential approaches from several main madhāhib (schools), and current legal and socioeconomic discussions about mahr's function in marriage, gender justice, and family law. The study contends that although mahr has the potential to give women autonomy and financial security, its actual meaning, application, and social repercussions vary depending on legal frameworks, cultural norms, and power disparities; it can be empowering, tokenistic, or even harmful at times. Clearer legal enforcement procedures to safeguard women's rights, normative changes to stop abuse (such as using mahr in place of a dowry), and community-level initiatives to bring back the mahr's original protective function are among the recommendations.

KEYWORDS: *Mahr, Qur'an, Sunnah, Philosophy, Islam*

INTRODUCTION

Mahr, a tradition ingrained in Islamic marriage contracts, requires the man to give the wife a specific present, such as cash, real estate, or another agreed-upon object. According to the majority of traditional legal views, it is a necessary component of a legitimate nikāḥ (marriage) and is stated in the Quran and hadith. Traditionally, mahr has been credited with the primary goal of securing the wife's financial stability and autonomous property rights both during and after marriage.¹ Nevertheless, current discussions question whether mahr still serves this protective purpose or if societal norms have changed it into a symbol, a negotiating chip, or, ironically, a means of coercion or troublemaking. These problems are examined in this work using both modern critique and doctrinal analysis.

Mahr or dower is a sum that becomes payable by the husband to the wife on marriage, either by agreement between the parties or by operation of law. It may either be prompt (Mu'ajjal), or deferred (Mu wajjal). The concept of mahr in Islam has unfortunately misunderstood and been is much sometime misinterpreted since it is either understood as a consideration made by the man to the women as bride-price or dower, but in reality, is none of these. A close definition has been forwarded by the Kifayah and Hedayah in the Fatawa-i- Alamgiri as not the exchange or consideration given by the man to the women, but an effect of the contract imposed by law on the husband as a taken of respect for its subject, the women.

Nature of Dower

In the modern era, dower was first established by the Prophet Muhammad and made mandatory in all marriages. In Muslim law, dower is comparable to the Roman legal concept of *danatio propter nuptias*. Nonetheless, the key distinction is that, although it was optional under Roman law, it is mandatory under Muslim law. According to Islamic law, the woman must pay the dower herself. In addition to providing for rainy days, it aimed to socially restrain the husband's arbitrary use of his nearly unrestricted divorce authority and turn dower into a genuine settlement in the wife's favor.²

Importance of Dower

According to Fatwai-i-Quazi Khan, "Mahr is so essential to marriage that the law will presume it by virtue of the contract itself if it were not mentioned at the time of the marriage or in the contract." In essence, it is a case of Muslim marriage law that states that a woman's decision to forgo all of her dower rights before to marriage, or even her consent to marry without any dower, shall be void. Its significance stems from the safeguard it provides for the woman against the husband's capricious use of the divorce authority.

Dower is meant to restrain the husband's arbitrary use of his authority to dissolve the marriage because, according to Muslim law, he can divorce his wife whenever he pleases. It shields him not just from his unchecked divorce authority but also from his extravagant practice of having several wives. To prevent him

¹ Md. Nannu Mian and Shalina Akter. "A Comparative Study of a Restitutionary Remedy for an Undue Influence between the English Law and the Islamic Legal Principles." *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, Volume. 12, Issue. 5, (July – August 2013), p. 40.

² F.B Tayabji.(1968), *Muslim Law (Bombey: N.M Tripathi,1968)*

from enjoying the pleasure of having two, three, or four wives, he only needs to stipulate that he will be charged a hefty dower at the occurrence of another marriage.

The Objective of Dower

The purpose of dower is threefold: (i) to set a duty on the husband as a sign of the wife's respect; (ii) to prevent the husband from using divorce arbitrarily; and (iii) to support her after the marriage ends so that she won't be left defenceless in the event of the husband's death or the divorce.

THE QUR'ANIC FOUNDATION OF MAHR

Words like *ṣaduqāt*, *ujūr*, and *farīdah* are used often in the Qur'an to particularly mention Mahr. These authors emphasize that Mahr is not a choice but rather a necessary requirement:

Al-Nisā' Surah (4:4)

"And politely give the women their dowries [after marriage]." You may, however, readily and contentedly consume it if they personally deliver you a dish of food.

In this verse, Mahr is instituted as a mandatory contribution. It belongs to the woman alone, and she is free to keep it or not.

4:20–21 Surah al-Nisā'

Don't take anything back if you have given a woman a lot of gold and you intend to offer her something else in her place. Would you act immorally because you thought it was unfair? And when you were near to one another, they ripped away your holy link. How could you tolerate that?

A These passages prohibit women from reclaiming Mahr after a divorce, upholding their intrinsic right.

Mahr is both a legal and a religious requirement because it is thus called *farīdah* (a responsibility).

4:24 Surah al-Nisā'"...and fulfill your obligation to compensate them fairly."

MAHR IN SUNNAH

Mahr, according to the Prophet Muhammad, is a sign of respect, honour, and dedication to the wife rather than a hardship. Nobody has the power to take it away from her; neither society nor her family can take it away from her. According to the Sunnah, Mahr is not supposed to be ostentatious or a display of riches. Instead, it ought to be easy, inexpensive, and founded on consent from both parties. Simplicity and sincerity are more significant than worldly possessions, as the Prophet himself proved when he fixed tiny sums of Mahr for some of his marriages and those of his colleagues.³

Islam views marriage as a holy bond based on reciprocal rights and obligations rather than just a social contract. Mahr (dower), a required gift from the husband to the wife, is one of the key components of this covenant. The Sunnah of the Prophet Muhammad provides further details on the significance, meaning, and practice of Mahr, even though the Qur'an expressly mandates its giving. The Sunnah offers real-world

³ Moslehuddin Muhammad, *Philosophy of Islamic law and Orientals*.

examples of how Mahr ought to be interpreted, decided, and carried out in a way that is compassionate and just.

Mahr's concept in the Sunnah

The Prophet Muhammad made it clear that Mahr should not be viewed as a hardship but rather as a sign of respect, dignity, and dedication to the wife. No one, not even her family or society, has the power to deny her this exclusive prerogative.

Mahr is not supposed to be ostentatious or a display of riches, as the Sunnah makes clear. Instead, it ought to be straightforward, reasonably priced, and founded on consent from both parties. In order to prove that sincerity and simplicity are more significant than worldly possessions, the Prophet personally fixed small sums of Mahr for some of his weddings and those of his associates.⁴

Importance for the Sunnah

- a) Respect for Women: Mahr supports women's financial freedom and sense of dignity.
- b) Preventing Exploitation: Islam shields women from being viewed as property by distributing Mahr to the husband.
- c) Simplicity is Encouraged: In order to keep marriage from becoming a financial burden, the Sunnah teaches moderation in Mahr.
- d) Flexibility: Mahr might be material, financial, or even non-material (such as imparting information), according to the Sunnah.

METHODS OF MAHR PAYMENT IN ISLAM

The Islamic concept of marriage (Nikah) is a holy contract (Aqd) that establishes reciprocal rights and responsibilities between a husband and wife. Mahr, or the dower, is a required gift from the husband to the wife and is one of the fundamental tenets of this agreement. Mahr is a heavenly duty placed on the husband by God, not a demand from the bride's family like cultural dowries are.

What the Qur'an says:

"Give the ladies their dowry as a free present when they are married, but if they give you any of it on their own initiative, then take delight in it." (Qur'an, 4:1)

Two points are emphasized in this verse: first, Mahr must be given, and second, it is the wife's exclusive property. The Sunnah explains its use in detail, demonstrating that Mahr can be everything from cash or real estate to intangibles like imparting knowledge. Crucially, Islamic law allows for a variety of Mahr payment options to guarantee women's adaptability, equity, and safety.

a) Mahr (Mu'ajjal) Prompt

Mahr that is due right away upon the conclusion of the marriage contract.

Wife's rights are legally allowed to forego marriage until the Mahr is paid. Its goal is to guarantee that the woman joins the marriage with dignity and independence while also offering immediate financial

⁴ Wensinck, *Early Mohamedan Tradition*, p.145.

assistance. Example: At the time of Nikah, a husband pays the ₹50,000 or gold coins that he promised as Mahr. In scholarly view is that if Hanafi jurists hold that Mahr is automatically assumed to be prompt if it is not marked as postponed.

b) Mahr Deferred (Mu'wajjal)

Mahr consented to receive payment later, usually after the husband's passing, divorce, or separation. It serves as a safety net for the wife's finances in the event that the marriage ends suddenly. For instance, a spouse may consent to pay 10 tolas of gold from his inheritance either during a divorce or after his death. Legal Status is that the wife is entitled to delayed Mahr from the husband's estate prior to inheritance distribution if he passes away without paying it. According to Hadith the Prophet permitted delayed Mahr, demonstrating that it is acceptable provided the wife gives her agreement.

c) A combination of promptness and deferral

A combined payment plan in which a portion is paid now and the remainder is deferred. Its main goal is to Offers both short-term assistance and long-term safety. For instance, half of Mahr is paid in cash upon Nikah, while the other half is payable upon divorce or after five years of marriage. Main use of this approach, which strikes a balance between the husband's affordability and the wife's safety, is typical in many Muslim countries.

d) Intangible or Symbolic Mahr.

Mahr is any legal benefit rather than tangible riches.

Examples from the Sunnah: *The Prophet married a man who was poor to his wife on the stipulation that he educate her the Qur'an (Sahih al-Bukhari, Sahih Muslim)*. Simple things like household utensils or an iron ring were also considered Mahr. Significance is to demonstrates Islam's adaptability by allowing marriage to take place without financial constraints for even the poorest person.

MAHR'S PHILOSOPHY

Mahr payment has a rich symbolic philosophy. The several ways that Mahr is interpreted in the Arabian world with regard to marriage contracts emphasize the distinctions between the theological philosophies of the Hanafi, Hambali, and Maliki. Although the word mahr is not used in the Qur'an, Sadaq is. There is no minimum monetary value required for a mahr, however certain Sunnahs advise against having one that is too low. The Sadaq has no set monetary value; rather, the lady and the man settle on it together.

Mehar as a Sign of Respect and Honor

Embracing women's dignity is central to Mehar's concept. Prior to Islam, marriage was viewed as a business transaction and women were frequently treated like property. Islam changed this by establishing Mehar as the wife's right and the husband's responsibility.

"And give the women their bridal due graciously," the Qur'an says unequivocally. (Qur'an 4:4) This passage demonstrates that Mehar is a voluntarily given gift of honour that upholds a woman's marital status rather than being a burden.

Mehar as Women's Financial Safety

Providing financial security is another of Mehar's core tenets. It turns into the wife's sole property which, is uncontrollable by her family or husband. This guarantees the woman's financial autonomy even during the marriage. Payable upon divorce or the husband's passing, deferred mehar serves as a safety net to shield women from unexpected financial difficulties.

Mehar as the Husband's Responsibilities

Mehar also stands for the husband's integrity and accountability. The husband recognizes his obligation to support and care for his wife by providing Mehar. It is a sign of dedication and a declaration of preparedness to carry out marital duties.

Mehar and the Simplicity Principle

Materialism and financial difficulties in marriage are discouraged by Mehar's ideology. Islam does not establish a fixed sum; thus, spouses are free to choose it based on their unique situation. Even symbolic Mehar, such as a man teaching his wife the Qur'an before marriage, is depicted in the Sunnah. This adaptability eliminates needless obstacles and guarantees that marriage will continue to be available to both the wealthy and the impoverished.

Protecting Against Exploitation with Mehar

Islam removes the bride's family from financial responsibilities by requiring the husband to do Mehar. This stands in stark contrast to the customs of many cultures regarding dowries, which require the groom to receive riches from the woman's family. Thus, the Mehar ideology creates equality in marriage, guards against financial unfairness, and shields women from exploitation.

FINDINGS

- a) Religious obligation, not a cultural practice but a divine command;
- b) The husband must give his wife, as soon as feasible;
- c) Exclusive right of the wife;
- d) Mahr is a requirement for marriage;
- e) It must be fair;
- f) Flexibility in form and amount i.e. any changes can be made by the husband and wife together;
- g) Mahr is not a price for the wife;
- h) The wife only is the mahr's future owner;
- i) A way for women to secure their finances, especially when they are widowed or divorced;
- j) According to the Quran and Sunnah, mahr is a need for marriage;
- k) Mahr is not symbolic alone, it has practical enforceability.

CONCLUSION

Dower (Mahr) is a reflection of Islamic law's sagacity and adaptability. In addition to giving women financial security and autonomy, it permits marriages to continue even in situations when prompt payment is problematic. Social, legal, and ethical enforcement, however, are necessary for its efficacy. Dower Mahr can be misused or neglected, but when used correctly, it promotes justice, preserves women's dignity, and improves marriages.

In addition to being seen as a holy responsibility and trust that must be carried out in accordance with the teachings of the Qur'an and the Sunnah, mahr is also one of the most significant acts of devotion. The goal is to make the woman feel valued and more inclined to introduce and live a new life with her spouse.

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