

the people. Ibn Abbaas narrated that when Ali married Fatimah, the Messenger of Allah (peace be upon him) told Ali, "Give her something." He replied, "I do not have anything." The Messenger of Allah (peace be upon him) said, "Where is your smashed armor plate?" He said, "I have it." So the Messenger of Allah (peace be upon him) said, "Give it to her."

This confirms that the dower, from an Islamic perspective, is not the goal in and of itself. It is also not setting a price for the worth of a woman. In fact, it is sanctioned to be easy in setting dowers and not to be extravagant. A hadith states,

خير الصداق أيسره

"The best dower is the easiest [for the person to meet]."<sup>1</sup> The Messenger of Allah (peace be upon him) also said,

إن من يمن المرأة تيسير خطبتها وتيسير صداقها وتيسير رحمها

"From the blessings related to a woman are the facilitating of her proposal, the facilitating of her dower and the facilitating of her womb."<sup>2</sup>

The wisdom behind forbidding extravagant dowers is obvious. It is to make marriages easier upon the people, so that they do not become adverse to it and therefore succumb to various evil social ills and practices.

Definitely, the dower is simply a token and not a price for merchandise. Furthermore, the happiness of a household is not found in extravagance, waste and burdening when it comes to the dower. Al-Tirmidhi recorded and declared authentic the narration from Aamir ibn Rabeeah that a woman from the tribe of Fazaarah married and the dower was a pair of shoes. The Messenger of Allah (peace be upon him) asked

<sup>1</sup> *Al-Mustadrak ala al-Sabeehain*, vol. 2, p. 182. [According to Al-Albaani, this hadith is *sahih*. See Muhammad Naasir al-Deen Al-Albaani, *Sabeeh al-Jaami al-Sagheer* (Beirut: al-Maktab al-Islami, 1988), vol. 1, p. 621.—JZ]

<sup>2</sup> Recorded by Ahmad in *al-Musnad*, vol. 6, pp. 77 and 91. [According to Al-Albaani, this hadith is *sahih*. See Al-Albaani, *Sabeeh al-Jaami*, vol. 1, p. 444.—JZ]

her, "Is your soul and wealth pleased with a pair of shoes?" She replied, "Yes," and therefore the Prophet (peace be upon him) allowed the marriage.<sup>1</sup>

Ibn al-Qayyim stated, after mentioning a number of hadith in which the Prophet (peace be upon him) issued some decrees concerning the dower,

These hadith imply that there is no minimum established for the dower. A handful of flour, a ring made of iron and a pair of shoes can all validly be declared the dower and by them the marriage is valid. These hadith also imply that it is disapproved to have extravagant dowers for the marriage and such reduces its blessings and makes it more difficult.<sup>2</sup>

There is no room in Islam for that materialistic approach that has overcome the thoughts of many people who, therefore, demand exorbitant dowers. The situation has deteriorated to such an extent that hardly any people leave a marriage ceremony without discussing how much the dower was. It is as if they were leaving from an auction. A woman is not a piece of merchandise that is sold in some kind of "woman's market" such that people should be speaking about her in such a purely materialistic fashion.

Abu al-Ujafaa al-Sulami said that he heard Umar ibn al-Khattab say,

Listen! Do not become exorbitant when it comes to the dowers of women. Verily, if such a thing were noble in this world or an act of obedience to Allah, the first one to demand such would be the Prophet (peace be upon him). However, the Prophet (peace be upon him) never gave in dower to his wives or asked for dower for his daughters

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<sup>1</sup> This hadith was discussed earlier. [Previously, the author (may Allah protect him and preserve his life) indicated that this hadith is weak and that it cannot be used as evidence. Now it seems that he is using as a piece of evidence. This is definitely an oversight on the part of the author, may Allah forgive him and all Muslims.—JZ]

<sup>2</sup> *Zaad al-Maad*, vol. 5, p. 178, *al-Risaalah* edition.

anything in excess of twelve *auqiyah*. A man goes to such an extreme in getting a dower for his wife that there develops an enmity for her in him, and he says, "I burdened myself [to the point of even providing] the rope of the waterskin for you."<sup>1</sup>

In other words, he says to her, "I overburdened myself and I bore everything just for you. Even the rope of a waterskin I presented for you."<sup>2</sup>

The Maliki jurist ibn al-Arabi stated, "An *auqiyah*, according to the people of knowledge, equals forty dirhams. So twelve *auqiyah* equals four hundred and eighty dirhams<sup>3</sup>."<sup>4</sup>

Exorbitant dowers, extravagance, pomp, ignorant customs, wrongful taking of a woman's dower and using it for purposeless show are the causes behind many young men not being able to marry and many women becoming old maids nowadays. If only the people would follow the Islamic path when it comes to values, not allowing evil customs to distance them from what is proper nor having evil practices take sway over them, the structure and health of the household would not be in the state of disrepair that we witness today.

The houses have become filled with old maids due to the numerous conditions that the people place on the men proposing and the heavy burdens that they must face. These conditions sometimes come from the woman herself or her guardian or are due to the prevalent customs and norms of her tribe. How could it be that there would be one young man rolling in luxury and having great wealth for each of those

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<sup>1</sup> Recorded by Abu Dawood (#2106) in the Book of Marriage, Chapter on the dower; al-Tirmidhi (#1114) in the Book of Marriage, Chapter on what has been related concerning the dower of women; al-Nasaai (vol. 6, p. 117) in the Book of Marriage, Chapter on being just in the dowers, and the wording above is from him; ibn Maajah (#1887); Ahmad in *al-Musnad* (#285, 278, 340); and al-Haakim in *al-Mustadrak* (vol. 2, p. 175). It is a narration that is confirmed and authentic.

<sup>2</sup> *Haashbiyah al-Imaam al-Sindi ala Sunan al-Nasaai*, vol. 6, p. 118, Chapter on being just in giving dowers from the chapters on Marriage.

<sup>3</sup> In other words, it is equivalent to approximately 116 Saudi riyals [or around US \$30].

<sup>4</sup> *Sabeeh al-Tirmidhi bi-Sharh ibn al-Arabi al-Maaliki*, vol. 5, p. 36.

women, to propose to them and be able to please them and meet their conditions? Verily, we belong to Allah and to Allah shall we return!

History tells us that this dower, that was established for a noble and good purpose, was in all eras easy and simple on the people and it was something that was available in every time and environment.

Ibn Taimiya wrote,

Only a fool and ignoramus could lead himself to requiring a dower for his daughters that is larger than the dower of the daughters of the Messenger of Allah (peace be upon him), who were the best of Allah's creation in their nobility and they were the most virtuous of all the women in the world. The same is true [for one who demands more than] the dowers of the mothers of the believers [the Prophet's wives]. Such is the case for one who has the means and ability to pay more. As for the poor person, he must not agree to a dower that he is not able to pay without undergoing hardship.<sup>1</sup>

## **The Causes behind Exorbitant Dowers**

In any case, behind this worthless phenomenon are causes that are followed by negative results and great harm. The causes for exorbitant dowers include the following:

(1) The abundance of wealth [is a major cause]. This phenomenon did not exist until the people had abundant wealth and their pockets became filled. The strong winds of this new modern-day rich society then brought about many new things that were not existent before.<sup>2</sup>

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<sup>1</sup> *Majmoo Fataawaa Shaikh al-Islam ibn Taimiya*, vol. 32, pp. 192-194.

<sup>2</sup> [Lots of wealth is not a prerequisite for the phenomenon of exorbitant dowers. In reality, even in many poor societies the dower set for women is very great. In some areas, most of the men cannot marry unless they get into a debt that they will not be able to get out of for years to come.—JZ]

(2) The desire of the husband to show that he is rich and well-to-do and his desire to convince his wife and her guardians that he is well-to-do [is yet another cause].

(3) Covetousness and greed on the part of some guardians and their failure to realize the value and principle goals of marriage [is another important cause]. In addition, they [wrongly] see many actions and expenses as necessary, that they cannot cut short at all.

(4) A hasty and immature seeking of riches only, regardless of other qualities [of the prospective husband is another cause]. For that reason, they reject the qualified, God-fearing, pure and upright person who can benefit the woman in both her life here and in her Hereafter.

(5) Blind following of others [is another important cause]. If another person did something, then the next in line must also do the same otherwise he will be considered cheap and will be exposed to insults from the people.

(6) Allowing the women to decide and get involved in these matters, listening to their opinions and fulfilling their wants, not distinguishing between what is a sound demand and what is not, [is another important cause].

(7) Boasting and competition in preparing the new home leads to being exorbitant in dowers and abuse in such matters.

These are some of the main causes that lead to exorbitant dowers.<sup>1</sup>

## The Negative Consequences of Exorbitant Dowers

The negative consequences, evil results and extremely harmful aspects due to this phenomenon of exorbitant dowers are many. They include the following:

(1) Most of the young men have to remain bachelors and most of the young ladies become old maids. The young man who has little or no wealth, and yet he wants to keep himself chaste, will soon become depressed and sad. He can remain a bachelor, tasting the bitterness of

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<sup>1</sup> See *Min Qadbaaya al-Zawaaj* by Jaasim al-Yaaseen (pp. 70-72); *al-Zawaaj wa al-Muhoor* by Shaikh Abdul Azeez al-Masnad (pp. 57-58).

being prevented from marriage and living without a wife. Or he can bear the burden of a loan that he will not be able to repay easily and, hence, he and his wife will have to live a very poor life. Soon such a marriage will be destroyed and its bonds destroyed. This is a punishment from Allah due to the exorbitant dowers, waste and extravagance the people fell into.

(2) Immorality spreads between the two sexes when they have no means to marry and they seek a substitute for its pleasures.

(3) Psychological problems afflict the young men and women due to the suppression of their natural needs and the crushing of their dreams and aspirations.

(4) Many of the children then begin to disobey their fathers and mothers and refuse to abide by the good customs and morals that have been passed down.

(5) The guardian betrays his ward by refusing to marry her to one who is pious and qualified but whom he believes will not pay a large dower. He refuses that person out of hopes that he will find someone who will pay a larger dower even though his religion and character is not pleasing. He is not working for the happiness of the woman he is in charge of. In addition to this being a type of deception or betrayal, he is leaving that woman in suspense. If he does that often, he must be considered an evil doer, lacking in faith, who is not considered trustworthy until he repents.

(6) Burdening the husband beyond what he can bear [by such exorbitant dowers] produces a hatred in his heart for his wife since his material means are now very limited due to her. The goal of marriage is happiness and not this unhappiness [that is produced by such dowers].<sup>1</sup>

Now that the causes of exorbitant dowers and their painful consequences have been made clear, we must clarify the ruling of such dowers and what the scholars have said about them.

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<sup>1</sup> *Al-Zawaaj wa al-Muboor*, pp. 57-58; *Min Qabaaya al-Zawaaj*, pp. 71-72.

## The Ruling Concerning Exorbitant Dowers

Among the scholars, there are three opinions on this issue:

- (1) Exorbitant dowers are permissible.
- (2) Exorbitant dowers are not permissible.
- (3) Different cases need to be discussed separately.

**The First Opinion:** The first opinion states that exorbitant dowers are permissible. An evidence for this view is the following verse of the Quran,

وَأْتَيْتُمْ إِحْدَاهُنَّ قِنطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا

“If you have given one of them a great amount [*qintaar*], do not take any of it back” (*al-Nisaa* 20). While commenting on this verse, ibn Katheer stated, “In this verse there is an indication that it is allowed to give a great deal of wealth as a dower.”<sup>1</sup> Al-Qurtubi said in his commentary, “This verse is evidence that it is allowed to be exorbitant in dowers as Allah does not give as an example except what is permissible.”<sup>2</sup>

In a public address, Umar stated, “Listen! Do not become exorbitant when it comes to the dowers of women. Verily, if such a thing were noble in this world or an act of obedience to Allah, the first one to demand such would be the Prophet (peace be upon him). However, the Prophet (peace be upon him) never gave in dower to his wives or asked for dower for his daughters anything in excess of twelve *auqiyah*.” A woman stood up to him and said, “O Umar, Allah has given us and you forbid us. Didn’t Allah say in the Quran, ‘If you have given one of them a great amount [*qintaar*], do not take any of it back’ [*al-Nisaa* 20]?” Then Umar said, “A woman is correct and Umar is mistaken.” Then he stopped his prohibiting them.

“The dower, according to the *shareeah*, is a gift and offering. Thus, it has no prescribed limit. People differ with respect to being rich

<sup>1</sup> *Tafseer al-Quran al-Adheem* by Abu al-Fidaa ibn Katheer, vol. 1, p. 466 (Daar Ihyaa al-Kutub al-Ilmiyah, third edition, 1375 A.H.).

<sup>2</sup> *Al-Jaami li-Abkaam al-Quran* by al-Qurtubi, vol. 5, pp. 99-100.

or poor. So the *shareeah* has left everyone to set its limit according to their ability.”<sup>1</sup>

**The Second Opinion:** The second opinion is that it is not allowed to have exorbitant dowers. The followers of this view reply to the verse that was used as evidence by the people of the first opinion by saying that the verse is irrelevant to this issue for the following reasons:

First, the example of a *qintaar* [a large amount of wealth] is only an exaggerated method to stress the point that even if one had given them a great deal of wealth, he cannot take back any portion of it. It is similar in vein to the Prophet’s (peace be upon him) statement,

مَنْ بَنَى مَسْجِدًا لِلَّهِ كَمَفْحَصِ قَطَاةِ بَنَى اللَّهُ لَهُ بَيْتًا فِي الْجَنَّةِ

“For whoever builds a mosque for the sake of Allah the size of a grouse’s nest, Allah will build for him a house in Paradise.”<sup>2</sup> “But there cannot be a mosque the size of a grouse’s nest.”<sup>3</sup>

Second, it is not necessary that when one thing is stated as a conditional aspect for something else that the first thing is in itself permissible. Allah’s saying, “You had given them,” does not indicate that it is permissible to give such an amount. It is like the Prophet’s statement,

مَنْ قُتِلَ لَهُ قَتِيلٌ فَهُوَ بِخَيْرِ النَّظَرَيْنِ إِمَّا يُؤَدَّى وَإِمَّا يُقَادُ

“If someone has a relative killed, he has two choices: either he can be paid the blood money or he may exact retribution.”<sup>4</sup>

Furthermore, the most that one can say about this verse is that it allows the one who has the ability to pay a large dower to pay such a dower. However, it does not mean that the one who does not have such

<sup>1</sup> *Tafseer Ayaat al-Abkaam* by al-Saabooni, vol. 1, p. 453, first edition, 1391 A.H./1972, Damascus.

<sup>2</sup> Recorded by ibn Maajah (#738) and ibn Khuzaimah (#1292) on the authority of Jaabir ibn Abdullah. Al-Boosairi said, “Its chain is *sahih*.”

<sup>3</sup> *Al-Jaami li-Abkaam al-Quran* by al-Qurtubi, vol. 5, pp. 99-101.

<sup>4</sup> Recorded by al-Bukhari (#6880), Muslim (#1355), Abu Dawood (#4505), al-Nasaai (vol. 8, p. 38) and al-Baihaqi in *al-Sunan al-Kubra* (vol. 8, p. 52).



ability may be forced to pay that amount. This is indicated by the Prophet (peace be upon him) objecting to Abu Hadr al-Aslami when he came to the Prophet (peace be upon him) to seek assistance in paying the dower of his wife. The Messenger of Allah (peace be upon him) asked him, "What is the amount of her dower?" He said, "Two hundred dirhams." The Prophet (peace be upon him) then said, "If you were to dig out [the silver] in the valley of Bathaan, you would not exceed that amount." Recorded by al-Haakim who said that its chain is *sahih* although al-Bukhari and Muslim did not record it. Al-Dhahabi concurred with his assessment.<sup>1</sup>

He also objected to the woman from the Ansar who got married with the dower being four *awaaq* [of silver] as that was not appropriate for her situation. Muslim recorded in his *Sahih*<sup>2</sup> from Abu Hurairah who said: A man came to the Messenger of Allah (peace be upon him) and said, "I am getting married to a woman from the Ansar." The Prophet (peace be upon him) said to him, "Have you taken a look at her for in the eyes of the Ansaar there is something [unpleasant for those not used to it]?" He said, "I have taken a look at her." He then said, "What was the amount [of the dower] for the marriage?" He replied, "Four *uqiyas*." The Prophet (peace be upon him) then said to him, "With four *uqiyas*? It is as if you dig out silver from the side of this mountain [and that is how you plan on paying this great amount]. We do not have anything we can give you. However, we may send you on a military expedition and you may end up getting something [that is, some booty]." The Prophet (peace be upon him) sent an expedition to Banu Abs and he sent that man along with them.

Al-Nawawi wrote in his commentary to *Sahih Muslim*, "The meaning of those words is the disapproval of increasing the dower relative to the situation of the husband."<sup>3</sup>

As for the story wherein Umar prohibits exorbitant dowers and then the woman refutes what he stated, although it is very famous and spread among the people, all of its chains are questionable and many

<sup>1</sup> *Al-Mustadrak ala al-Sabeehain* by al-Haakim al-Naisaboori, vol. 2, p. 178.

<sup>2</sup> No. 1424, The Book of Marriage, Chapter on looking at the face and hands of the woman one desires to wed.

<sup>3</sup> *Sharh Saheeb Muslim* by al-Nawawi, vol. 9, p. 210.

scholars have doubted it. It should be noted that it is not recorded in any source work that dates from close to the time of Umar. Furthermore, it is not recorded in the many relied upon source works of hadith. The four companions of the *Sunan* works [Abu Dawood, al-Nasaai, al-Tirmidhi and ibn Maajah] all avoided recording it. Many of the leading scholars of hadith, those who recorded Umar's prohibition of exorbitant dowers, only record the portion where Umar speaks about the dowers related to the Prophet (peace be upon him) [and they do not mention anything of the rest of the story concerning that woman].

In *Ahkaam al-Quran*,<sup>1</sup> Abu Bakr ibn al-Arabi clearly stated that the well-established and known narration from Umar is that in which no woman objects to what he stated.

Furthermore, the hadith, as recorded by the compilers of the *Sunan* who did not mention the story of the woman, has been narrated through al-Ajfaa ibn Naseeb and his hadith are not founded and some say that there is some doubt about him.<sup>2</sup>

Some record a narration that contradicts the narration that states that a woman refuted Umar with the verse she quoted. Some, instead of having a woman rebut Umar, have the additional words, that were mentioned earlier, "A man goes to such an extreme in getting a dower for his wife that there develops an enmity for her in him, and he says, 'I burdened myself [to the point of even providing] the rope of the waterskin for you.'"<sup>3</sup>

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<sup>1</sup> Vol. 1, p. 364.

<sup>2</sup> *Tabdheeb al-Tabdheeb* by ibn Hajr al-Asqilaani, vol. 14, p. 165, #790. [It is not clear to this translator the point the author is trying to make here. Earlier, he stated in a footnote that the narration from Umar is confirmed and authentic. The questionable aspect is the additional portion, narrated by some, in which a woman confronted Umar concerning what he had said. The paragraph above does nothing to support the contention that the additional portion is not authentic, as the author has stated and shall continue to demonstrate. Allah knows best.—JZ]

<sup>3</sup> Recorded by Abu Dawood (#2106) in the Book of Marriage, Chapter on the dower; al-Tirmidhi (#1114) in the Book of Marriage, Chapter on what has been related concerning the dower of women; al-Nasaai (vol. 6, p. 117) in the Book of Marriage, Chapter on being just in the dowers, and the wording above is from him; ibn Maajah (#1887); Ahmad in *al-Musnad* (#285, 278, 340); and al-Haakim in *al-Mustadrak* (vol. 2, p. 175). It is a narration that is confirmed and authentic.