

## The Mahr of Women and its Philosophy

When the marriage vows are recited, the husband gives his wife a gift that is called *Mahr* or *Sadaq*. The word *Mahr* does not appear in the Holy Quran, however, the word *Sadaq* has been employed. The Quran states:

وَأْتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِن طِبْنَ لَكُمْ عَن شَيْءٍ مِّنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيئًا

**“And give unto women their *Sadaq* willingly and if they freely remit any part of it to you, consume it in pleasure and delight.”<sup>1</sup>**

No specific amount has been determined for *Sadaq*—it is a matter that is decided by mutual agreement between the woman and man. Imam Baqir (‘a) has stated:

«قال ابو جعفر (ع): «الصداق ما تراضيا عليه من قليل او كثير، فهذا الصداق

*Sadaq* is something that the betrothed agree upon, whether slight or considerable.<sup>2</sup>

There is no minimum amount set for *Mahr* although various Hadith suggest that it not be excessively low. Imam Sadiq (‘a) has cited Imam ‘Ali (‘a) through his forefathers:

«جعفر بن محمد، عن آبائه، عن عليّ (ع) قال: «إني أكره أن يكون المهر أقلّ من عشرة دراهم؛ لئلا يشبه مهر البغي

I do not like *Mahr* to be less than ten dirham, so it does not resemble the payment of a prostitute.<sup>3</sup>

Additionally, no maximum amount has been specified for *Sadaq*. Even though a high *Mahr* is not forbidden, Islam does not regard setting high *Mahr* and competing in *Mahr* to be prudent and has advised against it. Amir al-Mu’minin (‘a) has declared:

«عن عليّ (ع) قال: «لاتغالوا بمهور النساء فتكون عداوة

Do not set substantial *Mahr* for women and do not compete in its excess for this causes enmity.<sup>4</sup>

We must not be so uncompromising in determining *Mahr* so as to hamper the marriage of young adults. We must refrain from excess and determine an appropriate and moderate *Mahr* that befits the standing of engaged couples and the social station of their families and is also compatible with the financial means of the husband-to-be.

Furthermore, there is no limitation in the type of *Mahr*—it can be any type of property; such as gold, silver, real estate, currency, domestic appliances, carpets, dishes, cars, clothes, and any other thing that can be owned. However, it is in the good interests of the woman that, if feasible, she sets her *Mahr* to be real estate, gold, silver, and such. This is so its worth does not decrease over time and can be her reserve.

*Mahr* can be either granted immediately or be given on credit. It can be the responsibility of the husband or any other person who agrees to pay it, and depends on the mutual agreement of the couple.

If the *Mahr* was agreed to be paid on demand, the woman may request it before consummation of her marriage. If the husband has the means to pay it, he must do so. If he declines, the wife may abstain from sexual relations. This refusal is not considered *nushuz*<sup>5</sup> and thus her husband cannot withhold her financial support.

If the *Mahr* is on credit and a specific time has been agreed for reimbursement, the woman may not demand it before its time and if no date has been set, the wife may ask for it at any time. If the husband has the means to pay, he must immediately do so.

The true owner of *Mahr*, regardless of the type of property, is the wife. No one has the right to use or take possession of her property without her consent; even her father, mother, or husband. The profits of a woman's properties also belong to herself. The Prophet of Allah (S) has stated:

قال رسول الله (ص): «إنّ الله ليغفر كلّ ذنب يوم القيامة إلاّ مهر إمراة، و من اغتصب أجيراً أجره، و من باع حرّاً.»

Surely Allah will forgive any sin on the Day of Resurrection save the sin of one who misappropriates the *Mahr* of a woman or the wages of a hired person, or who sells a free person (as a slave).<sup>6</sup>

It was asked of Imam Musa ibn Ja'far ('a):

احمد بن ابى نصر قال سألت ابوالحسن الاول (ع) عن الرجل يزوج ابنته، اله ان يأكل صداقها؟ قال: «لا، ليس ذلك

له.»

‘May a father consume the *Mahr* of his daughter?’ He replied, ‘No, he does not have such right.’<sup>7</sup>

If *Mahr* is on credit and the responsibility of the husband, he must pay it on demand and as soon as possible.

Regarding a man who had married a woman but did not intend to pay her *Mahr*, Imam Sadiq (‘a) declared:

فضيل بن يسار، عن أبي عبدالله (ع) في الرجل يتزوج المرأة و لا يجعل في نفسه أن يعطيها مهرها: فهو زنا.

This is [considered] fornication.<sup>8</sup>

Imam Sadiq (‘a) has also declared:

«عن أبي عبدالله (ع) قال: «من أمهر مهراً ثم لا ينوي قضاءه كان بمنزلة السارق

He who designates *Mahr* for his wife but does not intend to honor it is equivalent to a thief.<sup>9</sup>

The noble Imam Sadiq (‘a) thus cited the Prophet of Allah through his forefathers:

عن الصادق، عن آبائه (ع) عن النبي (ص) - في حديث المناهي - قال: «من ظلم امرأة مهرها فهو عند الله زنا، يقول الله عزوجل يوم القيامة: عبي! زوجتك أمتي على عهدي فلم توف بعهدي، و ظلمت أمتي. فيؤخذ من حسناته «فيدفع إليها بقدر حقها، فإذا لم تبق له حسنة، أمر به إلى النار بنكته للعهد، إنَّ العهد كان مسؤلاً

He who wrongs his wife regarding her *Mahr* is considered by Allah a fornicator. On the Day of Judgment, Allah, the honored, the glorified, shall say unto him: ‘O servant! I married My servant unto you according to My covenant; however, you were not faithful to My covenant and oppressed My servant.’ Therefore, He shall take his benefactions and good deeds [*hasanat*] as much as is her right and give them unto her and if he is left with no benefactions, He will order him cast into the Fire because he did not honor his pledge and surely all will be questioned regarding their pledges.<sup>10</sup>

## The Philosophy of Mahr

Some may question the legislation [*tashri'*] of *Mahr* and declare: ‘Men and women physically and instinctually need each other. Because of this they are attracted to one another and consequently get married. Taking this into consideration, what is the reason for *Mahr*? With the legislation of *Mahr* women are debased and downgraded to the level of a trade commodity. Men buy women with *Mahr* like one

buys a slave.’

In answer, it must be said: In Islam neither are women considered commodities or slaves, nor is *Mahr* deemed a trade price; rather, *Mahr* is a gift or endowment that a husband bestows upon his wife in order to revere her and demonstrate his devotion to her.

In order to explicate the issue and further clarify the philosophy of the legislation of *Mahr* two points shall be enumerated.

**First point:** Even though men and women physically need each other and naturally desire one another, each of them has special characteristics:

One characteristic of women is their delicacy and beauty which is one aspect of men’s attraction to them. The most important factor of women’s influence is their beauty; something for which men have a unique regard. A woman intrinsically [*fitri*] understands this and thus utilizes various means of beautification and adornment in order to appear more beautiful and penetrate deeper into a man’s heart.

A second quality of women is that even though they have sexual needs similar to men, they are stronger in masking their instinctive desires. They appear free from desires and usually do not propose to men. A woman prefers to permeate the heart of a man and cause him to become enamored with her so that he asks for her hand in marriage. Makeup, flirtatiousness, coyness, and coquettishness of women originate from this issue. Thus, a woman deeply desires to enthrall the heart of a man and capture his love and devotion.

However, men are weak against their desires and cannot conceal their inner passions. This is why they propose to women. Men desire and yearn for women and pursue them. When a man realizes that a woman desires his devotion, he reveals his adoration and welcomes her coyness and coquetry. In order to prove his love, he uses any means necessary: he spends money, buys her gifts, and holds marriage and wedding parties.

The contract of *Mahr* is one such means. In order to prove his affection, honor his wife, and attain her heart, he bestows upon her a gift called *Mahr*.

The Quran also expresses *Mahr* in this manner, as it is called *صَدُقَاتِهِنَّ* and introduces it as a *Nihlah*, which means gift or endowment. This is one of the advantages and philosophies for the legislation of *Mahr*.

**Second Point:** The contract of *Mahr* gives the woman a relative amount of peacefulness and ease of mind, so that she may perform the duties that genesis has placed upon her. Even though when a man and woman are married they pledge to be faithful to one another and collaborate and cooperate in fostering and training their children, contrary instances have been observed where the man does not perform his duties and refrains from providing living expenses and helping to correctly rear their children

whereas nature has put specific responsibilities upon women in childrearing that cannot be avoided.

This issue can be elucidated with an analogy: men are like the planter and women, the plantation. He plants his seed in the woman's womb and subsequently he is technically free to go his own way. Canonically, legally, and morally, men are responsible toward their wives and children. However, because *nature* has not given the man any immediate responsibilities, he can leave his wife with the child in her womb and "fly free". Of course, most men are not this way; but even so, it is possible and this happens on occasion.

However, a woman is not free in this manner and is obliged to endure her arduous term of pregnancy, delivery, and the ensuing convalescence. After giving birth, she cannot cast aside her feeble and blameless child or leave it hungry. She is compelled to nurse and nurture her baby. Due to her intense maternal affection and the bond that is then created, she cannot leave her child after the nursing phase and has no option but to care for her child.

During this time, she needs a means of livelihood—home, food, clothes, etc. What can this hapless woman do in such a situation? Naturally, women should be apprehensive about such possibilities. It might be that one reason for the divine legislation of *Mihr* is to foster in women a reasonable amount of security and ease as regards such likelihoods. If *Sadaq* is real estate or hard cash women can take it and use it when in need and if it is on credit she may demand it at any time.

In short, *Mihr* may be described as an instrument of assurance and backup for marriage.

Imam Sadiq ('a) has stated:

عن الصادق (ع) قال: «إِنَّمَا صَارَ الصَّدَاقُ عَلَى الرَّجُلِ دُونَ الْمَرْأَةِ—وَإِنْ كَانَ فَعَلَهُمَا وَاحِدًا—لِأَنَّ الرَّجُلَ إِذَا قَضَى حَاجَتَهُ مِنْهَا قَامَ عَنْهَا وَلَمْ يَنْتَظِرْ فَرَاغَهَا فَصَارَ الصَّدَاقُ عَلَيْهِ دُونَهَا لِذَلِكَ.»

The reason that [the responsibility of] *Sadaq* has been placed upon the man not the woman—even though their actions are the same—is that when the man's needs are satisfied he rises from her and does not await her release; for this reason *Sadaq* is his responsibility not hers. [11](#)

[1.](#) – Surah Nisa' 4:4.

[2.](#) – Wasa'il ush-Shi'ah, vol. 21, p. 240.

[3.](#) – Ibid, p. 253.

[4.](#) – Ibid, p. 266.

[5.](#) – Nushuz is when a spouse does not perform his or her obligatory marital duties toward the other. These duties have been enumerated in the previous chapter. [trans.]

[6.](#) – Wasa'il ush-Shi'ah, p. 266.

[7.](#) – Ibid, p. 272.

[8.](#) – Ibid, p. 266.

[9.](#) – Ibid, p. 266.

[10.](#) – Wasa'il ush-Shi'ah, p. 276.

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