12572 - The negative and harmful consequences of exaggerating concerning the dowry

the question

What is the ruling on what many women's guardians do nowadays of making excessive demands regarding the dowry and asking the husband for more than he can afford, which makes him take on many debts in order to get married, and which may put many young men off getting married?.

Detailed answer

Praise be to Allah.

We have already explained in the answer to question no. 10525that Islam teaches that the dowry should be reduced and made simple, and that this is in the interests of both the husband and the wife. As the Prophet (peace and blessings of Allaah be upon him) said: “The best of marriage is that which is made easiest.” Narrated by Ibn Hibbaan, classed as saheeh by al-Albaani in Saheeh al-Jaami’, 3300.

The scholars have spoken a great deal about this issue and explained the harm that results from exaggerating concerning the mahr. For example, Shaykh Muhammad ibn Ibraaheem issued a lengthy fatwa on this matter, in which he said:

One of the things that people have gone too far in, until they reached the level of extravagance and excess, is the matter of exaggerating concerning the mahr, and being extravagant in clothing, wedding feasts, and so on. The knowledgeable and wise people have started to complain about this because of the many evil consequences to which it leads, such as many women remaining unmarried, because many men cannot afford the expenses of getting married, which leads to many kinds of evil consequences…. I have researched this matter from all angles and reached the following conclusions:

1 – Accepting a moderate dowry and not demanding more of the husband than he can afford are enjoined by sharee'ah, according to the consensus of the scholars of the earlier and later generations. This is the Sunnah that is proven from the Prophet (peace and blessings of Allaah be upon him).

2 – If the husband takes on payment of a dowry that he cannot afford and that is beyond his means, he deserves to be denounced for that, because he has done something makrooh, even if that dowry is less than the dowry given by the Prophet (peace and blessings of Allaah be upon him). Muslim narrated in his Saheeh (1424) that Abu Hurayrah said: A man came to the Prophet (peace and blessings of Allaah be upon him) and said: "I have got married to a woman from among the Ansaar." The Messenger of Allaah (peace and blessings of Allaah be upon him) said to him: "Have you looked at her? For there may be something in the eyes of the Ansaar." He said: "(Yes) I have looked at her." He said: "For how much did you get married?" He said: 'For four uqiyahs." The Prophet (peace and blessings of Allaah be upon him) said: "For four uqiyahs! It is as if you are getting this silver by digging it up from the side of this mountain. We do not have anything to give you, but perhaps we will send you on a campaign from which you might get something." So he sent a campaign to Bani 'Abs, and he sent that man among them.

Al-Nawawi said in his commentary on this hadeeth: what this means is that it is makrooh to make the dowry too much in relation to the husband's situation.

3 – There can be no doubt that marriage is something that is prescribed and encouraged in sharee'ah, and in most cases it reaches the degree of being obligatory. Most people cannot manage to do this thing that is prescribed or mustahabb when there is this exaggeration concerning the mahr. It is well known that whatever is essential to doing something obligatory is also obligatory, from which we may understand that it is prescribed to make people aware of the seriousness of this matter and stop them from going to extremes in this matter which is preventing men from doing that which Allaah has enjoined upon them (i.e., getting married), especially since the command to reduce the mahr will not lead to any evil consequences, rather it is wholly in the interests of both the husband and the wife, and is in fact something that is liked

and encouraged in Islam, as stated above.

4 – There is no shar'i justification for the woman's guardian to refuse to marry her to a compatible man if he proposes marriage to her and she is pleased with him, because he cannot pay the large dowry that the guardian demands because of his personal greed or for the purpose of extravagance and showing off. Rather this comes under the heading of preventing marriage for which the one who does it is regarded as a faasiq (evildoer) if he does it repeatedly.

Shaykh Ibn 'Uthaymeen said:

The scholars found a way around this obstacle when they said that if a guardian refuses to marry his female relative under his care to a compatible man with whom she is pleased, then that guardianship passes to another. For example, if a woman's father refuses to marry her to a man whose religious commitment and character are suitable and with whom she is pleased and whom she wants to marry, then the closest of people to her after him, among her brothers, paternal uncles or cousins, should marry her to him."

5 – Increasing the mahr and exaggerating concerning it forms a strong obstacle to marriage, and the many evil consequences that result from that and the spread of evil actions among men and women, are well known. The means come under the same ruling as the ends. Islam came to achieve and complete people's best interests, and to do away with and reduce evils. Even if reducing dowries were to do no more than block the ways that lead to haraam things, that would be sufficient.

6 – The evil consequences of exaggerating concerning dowries are well known. How many free, chaste women have been prevented from marrying by their guardians, who have wronged them and left them without husbands and children.

How many women has that led to respond to the calls of their own desire and the Shaytaan, so they have committed evil actions and brought shame upon themselves and their families and clans, because they have committed sins that anger the Most Merciful?

How many young men have been unable to meet these demands for which no authority was sent down by Allaah, so the devils and evil companions took control of them, until they led them astray and caused them to lose out, so they lost their families and lost their way, and they became lost to their ummah and homeland, and they lost out in this world and in the Hereafter.

7 – Another harmful effect of exaggerating concerning dowries is the appearance of mental illness among young people of both sexes, because of having to suppress their natural urges and because of the frustration they encounter when they try to get married.

8 – Making demands of the husband that he cannot meet may stir up enmity in his heart against his wife, due to the financial difficulties that he suffers because of her. But the aim (of marriage) is happiness, not hardship.

9 – Even if there is any benefit in a large dowry for the women or her guardians, the evil consequences outweigh any such benefits. The basic principle in sharee'ah is that warding off evil takes precedence over achieving benefits.

10 – With regard to the story narrated from 'Umar ibn al-Khattaab (may Allaah be pleased with him), that when he forbade increasing the mahr to more than four hundred dirhams, a woman from among Quraysh objected to that and said: "O Ameer al-Mu'mineen, you have forbidden increasing the mahr of women to more than four hundred dirhams, have you not heard the words of Allaah (interpretation of the meaning): '…and you have given one of them a Qintaar (of gold, i.e. a great amount as Mahr)…' [al-Nisa' 4:20]?"

He said: "O Allaah, forgive me. All the people have more understanding of religion than 'Umar." Then he went back and ascended the minbar, and said: "O people, I forbade you to increase women's dowries to more than four hundred. But whoever wants to give as much as he wants of his wealth, let him do so."

But this story may be understood in different ways, and cannot be used as evidence or to oppose the proven texts referred to above, especially when there is no report of any objection to 'Umar or denunciation of him on the part of any of the Sahaabah apart from this woman.

Adapted from the words of Shaykh Muhammad ibn Ibraaheem. See Fataawa al-Shaykh Muhammad ibn Ibraaheem, 10/187-199.