

# **The Fiqh of Marriage in the Light of the Quran and Sunnah**

**Covering the Dower, Wedding Night,  
Wedding Feast and Rights of the Husband  
and Wife**

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## Translator's Introduction

In the name of Allah, Most Compassionate, Most Merciful

All praises are due to Allah; we praise Him; we seek His help; we seek His forgiveness; and we seek His guidance. We seek refuge in Allah from the evil in our souls and the badness of our deeds. For whomever Allah guides, there is none to lead him astray. And for whomever He allows to go astray, there is none to guide him. I bear witness that there is none worthy of worship except Allah, for whom there is no partner. And I bear witness that Muhammad is His servant and Messenger.

The vast majority of Muslims will get married at one time or another in their lives, if they have not already done so. Marriage is definitely one of the most important events that takes place in one's private life. However, like all other aspects of one's life, one must be careful to follow the proper steps when it comes to marriage. One must be guided by the laws of Allah when it comes to the marriage proposal, seeing the prospective bride, the marriage contract, the marriage ceremony, the dower and so forth. Too many times these issues are ruled not by Islamic law but by the prevalent customs of the people. The customs have become the standard to such an extent that many people are not aware that some of those customs are in contradiction with what the Quran and sunnah have laid down as guidance for mankind. The situation has sometimes deteriorated to the point that when people are told of the true teachings of Islam concerning marriage, they reject it as something foreign and alien to what they have come to know as "Islam."

It is imperative that all Muslims return to the Quran, sunnah and Islamic fiqh to guide them in matters related to marriage. Every aspect of a person's life should be guided by the revelation and guidance that has come from Allah. This is true for everything from the way the government runs to how a person treats his or her own spouse. No action

## Chapter One

### The Dower and Related Fiqh Issues

#### The Types of Rights of the Wife Upon Her Husband

The wife has specific rights upon her husband that are the result of a sound marriage contract. Some of the rights are material rights while others are non-material.<sup>1</sup>

From the material rights of the woman is the dower (*al-sadaaq* (الصداق)). It is also called “*al-mahr* (المهر the dower), *al-nihlah* (النحلة the gift), *al-fareedhah* (الفريضة the obligation), *al-hibaa* (الhibاء the gift), *al-ajr* (الأجر the compensation), *al-iqr* (العقر the payment), *al-alaaq* (العلائق the bond), *al-sadaqah* (الصدقة the charity), *al-taul* (الطول bounty or gift), *al-kharas* (الخرس feast), and *al-nikaah* (النكاح marriage).”<sup>2</sup>

The reason it is called *al-sadaaq* “is because one feels the husband’s sincerity in wanting to marry that woman.”<sup>3</sup> In the laws before us, the guardians would receive the dower.”<sup>4</sup>

#### The Lexical Meaning of *al-Sadaaq* (the dower)

The *sadaaq*— it is better known as *sadaaq* than *sidaaq*— is an exchange. It is said that it is an honoring for the wife. The plural is

<sup>1</sup> These shall be discussed, by the help of Allah, in the discussion of spousal rights.

<sup>2</sup> *Haashiyataa Qalyoobi wa Umairah ala Sharh Minhaaj al-Taalibeen*, vol. 10, p. 275.

<sup>3</sup> [The words *al-sadaaq* (dower) and *sidq* (sincerity) came from the same three letter stem. That is why the author stated the above.— JZ]

<sup>4</sup> *Subul al-Salaam*, vol. 3, p. 311.



