Under the Arabian pre-Islamic law, no limitations were set on men's rights to marry or to obtain a divorce.[22] Islamic law, however, restricted polygamy ([Quran 4:3])[12] The institution of marriage, characterized by unquestioned male superiority in the pre-Islamic law of status, was redefined and changed into one in which the woman was somewhat of an interested partner. 'For example, the dowry, previously regarded as a bride-price paid to the father, became a nuptial gift retained by the wife as part of her personal property'[12][22] Under Islamic law, marriage was no longer viewed as a "status" but rather as a "contract". The essential elements of the marriage contract were now an offer by the man, an acceptance by the woman, and the performance of such conditions as the payment of dowry. The woman's consent was imperative. Furthermore, the offer and acceptance had to be made in the presence of at least two witnesses.[12][22][24] According to a hadith collected by Al-Tirmidhi, "You have your rights upon your wives and they have their rights upon you. Your right is that they shall not allow anyone you dislike, to trample your bed and do not permit those whom you dislike to enter your home. Their right is that you should treat them well in the matter of food and clothing."

**History**

*Main article:* [*Marriage in pre-Islamic Arabia*](https://en.wikipedia.org/wiki/Marriage_in_pre-Islamic_Arabia)

In [Pre-Islamic Arabia](https://en.wikipedia.org/wiki/Pre-Islamic_Arabia) a variety of different marriage practices existed. The most common and recognized types of marriage at this time consisted of: marriage by agreement, marriage by capture, marriage by mahr, marriage by inheritance and "Mot'a" or temporary marriage.[[12]](https://en.wikipedia.org/wiki/Marriage_in_Islam#cite_note-Shah-12)

**Prior to Islam**, in the Arab world, women could not make decisions based on their own beliefs and had little control over their marriages.

They were never bound by contract for marriage or custody of children and their consent was never sought. Women were seldom allowed to divorce their husbands and their view was not regarded for either a marriage or divorce.[[13]](https://en.wikipedia.org/wiki/Marriage_in_Islam#cite_note-Esposito_2002_80-13)[[*additional citation needed*](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed)] If they got divorced, women were not legally allowed to go by their maiden name again.[[](https://en.wikipedia.org/wiki/Marriage_in_Islam#cite_note-Esposito_2002_80-13)