***Final Exam Notes***

**Are men qawwamun over women?**

1. What are the 2 meanings of qawwamun according to Bauer?

* In charge of
* Supporter of women

1. What are the 2 reasons men are said to be qawwamun in the Qur’an?

* Tafdel
* Nafaqa

1. What is the preference (tafdil) men are given according to Wadud?

* Inheritance

1. Why does this preference have to be related to financial matters?

* Verse related to financial matters

1. Why does Razi think that men and women are equivalent in terms of inheritance even though men are given more?

* Men pay nafaqa

1. What happens if a man does not pay a women’s expenses in the Shafi’i and Maliki schools? What about the Hanafi school?

* Shafi + Maliki = women get divorce
* Hanafi = women can’t get divorce

1. According to Qurtubi, what happens if a man does not pay his wife’s expenses?

* Cannot be qawwam

1. Is the preference descriptive or prescriptive?

* Prescriptive

1. What is the opinion of Kalbi on this issue?

* Some women excel men

1. Why does Hanafi al-Qunawi think some women can excel some men? (بعضهم على بعض)

* It could mean some women excel men

1. What is the difference between the understanding of faddala between the early exegetes and the medieval ones?

* Early = men are given more inheritance
* Medieval = men are superior

1. Why does Samaqandi think men are qawwamun?

* They lack coldness

1. Why does Tusi think men are superior to women?

* In the word Rajul

1. How does Wahidi following Tusi show the influence of culture?

* Wahidi is Sunni
* Tusi is Shii

1. How does Zamakhshari’s commentary of “some over others” (بعضهم على بعض) show the influence of culture?

* Says all men are superior to all women

**Wifely Obedience**

1. What is the limit of wifely obedience in commentaries before Tabari?

* Obedience to God

1. What is the limit of wifely obedience in commentaries after Tabari?

* General total obedience

1. What is the purpose of the prostration hadith?

* Grateful to their husbands if treated well

1. How has it been misused?

* Superiority of men

1. Is obedience to husband linked to obedience to God? Is there an equivalent to this for men?

* Ibn abbas linked obedience to God to treatment of others

1. What is the difference between eisegesis and exegesis?

* Eisegesis = read into text
* Exegesis = opposite of Eisegesis

**Are men allowed to beat their wives?**

1. What are the two meanings of “qanitat” according to Wadud?

* Good
* Obedience to God

1. What is the meaning of “qanitat” according to Muqatil ibn Sulayman?

* Obedience to God and husband

1. What is the meaning of “nushuz” according to Wadud? What is her proof for this?

* Disturbance of marriage life
* Proof = Quran uses it for both men + women

1. What are two other meanings of “darb” in the Qur’an?

* ضرب المثل
* ضرب في سبيل الله

1. Why does Q4:34 not refer to beating wives according to Wadud? What are her proofs from the Qur’an and sunnah?

* Quran = عاشروهن بالمعروف
* Sunnah = prophet broke a marriage because of violence

1. What is the opinion of Razi about men who beat their wives?

* Going against God

1. What is Ibn Hajar’s legal ruling on wife-beating?

* مكروه تحريم

1. What is Ibn al-‘Arabi’s interpretation of 4:34? Why? Give one proof to support this.

* Says two darb in Quran
* 1st in qisas 2nd in verse so the verse has to do with qisas

1. What are the interpretations of wahjuruhunna according to exegetes?

* Bin Sulaiman = no sex
* Sufyan = speak harsh
* Kalbi = return to bed
* Arabi = don’t talk
* Tabari = crime =/= punishment

1. What are the various interpretations of “darb” according to different exegetes?

* From toothpick to before broken bones

1. What 3 conditions of “darb” do all exegetes agree on?

* غير مبرح
* Not face
* Not sensitive area

1. What can the wife do if the husband has hit her according to the Maliki, Shafi’i, and Hanbali schools?

* Compensation
* Dissolve marriage

1. How does class and society affect this verse according to Qurtubi and Ibn al-‘Arabi?

* Arabi = depends on social class
* Qurtubi = upper class not punished for chores

1. What is the only reason a woman should be hit according to Hanafi al-Haddad and Qurtubi?

* Education

1. What is the difference between pre-modern and modern scholars when it comes to wife-beating?

* Pre-modern = better not hit
* Modern = cannot hit

1. What are the opinions of the traditional scholars when it comes to the difference between men and women?

* Different + equal but he can beat her

1. What is the opinion of neo-traditionalists and reformists about the roles of men and women?

* Women can be boss if both agree

1. What is the opinion of Saanei and Mufti Palanpuri about the roles of men and women?

* Saanei = men are not superior
* Palanpuri = if women are winner men cannot be qawwam

1. What is Saanei’s interpretation of “darb”? What is his proof for this?

* Grab attention
* Proof = prophet does so

1. What are the two interpretations of Q4:34 given by Ayatollah Damad?

* Beating = the court
* If husband = leave the house

1. Why does Abu Sulayman think Q4:34 needs to be reinterpreted? What is his opinion of “darb”?

* مقاصد الشريعة based on موده ورحمه
* Darb = leave the house

1. What is the opinion of modernists when it comes to Q4:34? Name one problem with this.

* Sunni = historically bound
* Shii = abrogated but no proof

1. What is the opinion of Sunni modernists about Q4:34?

* Sunni = historically bound

1. Do traditionalists, neo-traditionalists and modernists use ‘aql to interpret the Qur’an? Which of these groups is most likely to acknowledge this?

* Yes, modernist use the most

1. What is the traditionalist and neo-traditionalist view on reason and revelation? What is the view of the modernists?

* Cannot be contradiction between aql and naqel
* Modernist say intelligence required to understand Quran

**What happens when men hit their wives?**

1. What happens in the different schools if a mark is left on the wife?

* All but Hanafi = mark on body judge can break marriage
* Maliki = woman screams without mark judge should grant divorce

1. Can men abuse wives to force them to get an annulment (khul’)?

* If he is responsible, he cannot take back mahar

1. How did courts from the 10th century onwards prevent this practice?

* The court asks trustworthy neighbour if they saw abuse

1. What is the Hanafi ruling on abuse and divorce? How did the Hanafi jurists handle this/ how was it reflected in the contract of marriage?

* ???

1. What happens if there are no witnesses and no mark?

* If she screams to court without mark judge should believe her and grant divorce

1. What happens if a woman screams but there are no witnesses and no mark according to the Maliki school?

* If she screams to court without mark judge should believe her and grant divorce

1. What was the opinion of Al-Hasan al-Basri when it came to non-Muslims’ purity?

* Touching non-Muslim, you must do وضوء

1. What is the consensus (ijma‘) of the scholars on this issue?

* Consensus of طهارة الآدمي
* نجس in verse is of their believes

1. What does this illustrate?

* نجس in verse is of their believes

**Honour killing**

1. How was the notion of honour killing imported from the west?

* Ottoman criminal court copied the French
* Honour killing sentence was reduced

1. What are the teachings of Islam on honour killing?

* It has no basis in Islam
* Purpose of اية اللعان to stop honour killing

1. Is honour killing a Muslim problem according to Dogan?

* Found it was cultural problem
* Honour killing at Christians is as high as Muslims

1. Where did honour killings originate according to Shawkani?

* Jahili practice
* Never part of Islam

1. What is a proof to show honour killings are against Islam? اية اللعان
2. What was Umar’s (r.a.) ruling about men killing wives who cheat? What did he mean?

* Qisas on the man who killed his wife
* After qisas they are not punished in afterlife

1. What is the opinion of modern scholars (Qardawi/ Ghumari/ Fadlallah) on this issue?

* All agree honour killing is forbidden

1. Can a father be killed for killing his child? What are the opinions of different schools on this? What are their proofs?

* All schools but Maliki = father punished not killed - Maliki = father killed
* Proof = cannot follow weak hadith

**Rape in marriage**

1. What category did rape come under in pre-modern times?

* Harming Wife

1. Why did classical scholars not think rape could occur in marriage?

* No concept of rape in marriage back then

1. What is the difference between contract and consent?

* Wife’s consent was moral requirement
* Now it is legal requirement
* Rape has gone from contract to consent

1. How was forced intercourse punished in pre-modern times?

* Classified under harming the wife and punished accordingly

1. How does the Prophet’s (s.a.w.) advice to Jabir (r.a.) show the nature of intimacy in marriage?

* Shows there must be satisfaction on both sides

1. What did the Prophet (s.a.w.) command when it came to intercourse with one’s wife?

* Forbidden to have sex without foreplay
* There must be satisfaction on both sides

1. What does the cursing angel hadith tell us about marital rape?

* فأبت means without reason there was no argument
* Hadith cannot be used to justify rape in marriage

1. What does Subki say a man should do if his wife will not go near him?

* File a complaint to judge

1. What is the opinion of Malik in the case of general harm in a marriage?

* Wife has right for separation if husband was violent

1. How have these precedents been used in modern Islamic law?

* In Egypt, no matter the degree of conflict there cannot be violence