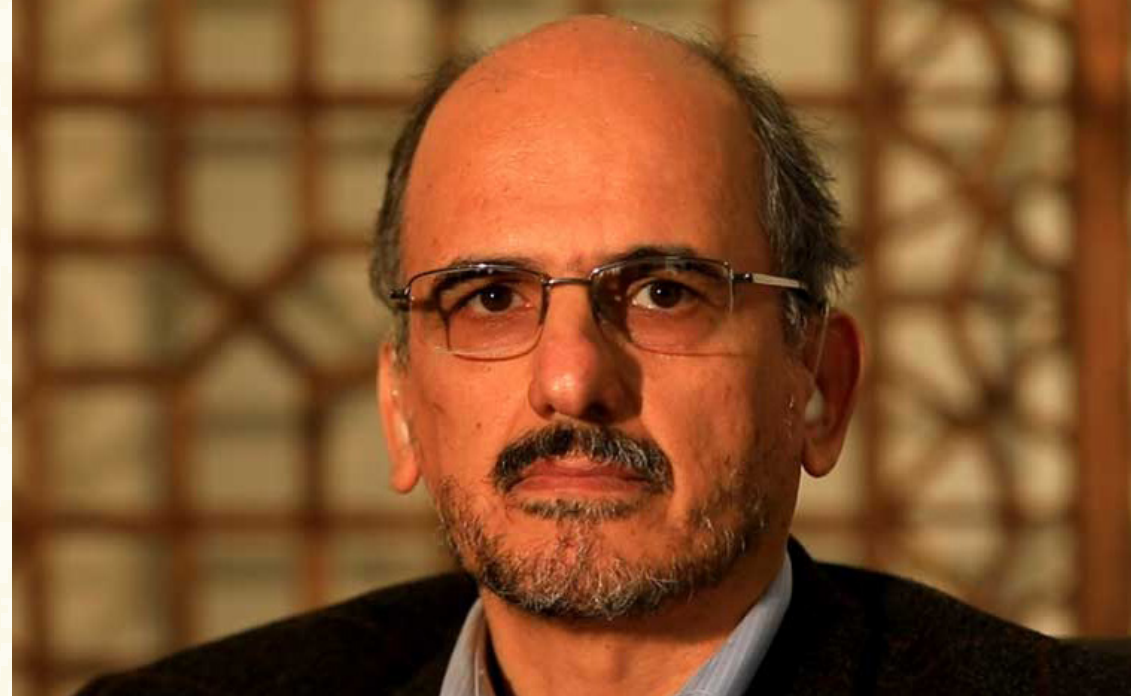


Prof. Ali Fanaei

The Institution of Marriage: Between the Qur'ān, Sunna, Morality and Jurisprudence

ABSTRACT:

Although the institution of marriage is one of the oldest social institutions in human societies, and although the 'concept' of marriage has remained relatively the same throughout human history, there can be found many different and incompatible 'conceptions' of this institution in different cultures. That is, different cultures have different definitions of the nature and function of this institution. In this article, I will try first to show that the jurisprudential conception of the institution of marriage is formed in the light of two other popular institutions in the past, namely the institution of slavery and the institution of trade, and the normative principles governing these two institutions have played a very deep and wide rule in the jurisprudential conception of marriage. And secondly, this conception is very far from the moral conception of marriage that one can find in the Qur'ān; and that the Qur'ān does not endorse the commercial and patriarchal attitude towards the institution of marriage, and the proprietary and domineering of men over women.



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BIO:

Prof. Ali Fanaei completed 17 years of seminary studies in the Ḥawza 'illmīyya of Qom which included seven years of *khārij* (graduate) study.

During this time, he was also awarded an MA in Islamic Theology from the University of Qom taking special interest in modern theology and philosophy of religion. He then moved to the UK to conduct research at the Department of Philosophy in the University of Sheffield. This led to the award of an MPhil for research on Moral Scepticism and Moral Realism followed by a PhD for research regarding the epistemic justification of moral beliefs.