



REFLECTION OF LOCAL TRADITIONS IN XIX CENTURY FATWAS

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ABSTRACT

The article highlights a unique aspect of fatwas, which was used in the experience of Hanafi muftis of the 19th century, including Abdulhai ibn Abduhalim Laknavi (1847-1886) and fatwas collected in the "Collection of Fatwas", that is, the method of issuing fatwas based on local language and traditions. In addition to identifying the methodological basis of the mufti-ranking scholar's fatwa, who is the author of the quoted words he uses, his lineage, academic status, jurisprudential status, jurisprudential class he belongs to, the awareness level of the scholar, whose opinions are going to be used, of the language and cultural traditions of the people is found out to be crucial too.

KEY WORDS: *Hanafi, Lakna, Ansari, Classes, Mahsi, wiping, ablution, tayammum, fatwa, moderation...*

INTRODUCTION

The jurists of the Hanafi school have certain degrees according to their scientific potential. Among the scholars and scholars of fiqh who believe in other schools (madhabs), there is no division of scholars according to such levels. The matter of the degrees of Hanafi jurists is a large process that covers many centuries of information. Scholars who have analyzed this process have different approaches in classifying them as jurists of one or another level. Accordingly, there are some differences in the classification of scientists. Some scholars say that the jurists belong to a class according to their birth years and creative periods, while other scholars classify them based on the popularity and attention of their written works. Therefore, the ranking of jurists differs from one another. The matter of which class the Allama belongs to is considered to be crucial too.

Classification of jurists into ranks and classes reveals specific aspects for scientific approaches and they are:

First, such a classification allows to clearly understand the positions held by the jurists in the science of jurisprudence.

Secondly, it allows to determine the scholarly chain - status of the jurist.

Thirdly, it allows to determine the methodological basis of jurist research.

Fourthly, it allows to determine the jurisprudential capacity and peculiarities of the jurist.

Fifth, it allows us to talk about the scientific, social, and modern significance of his works and collections.

"An example of such a classification can be cited the class of Hanoi. In his work "Tabaqatul Hanafiyya" he divided the scholars into twenty one classes. These twenty-one castes are not described as distinguishing qualities or specific characteristics. Kafawi also classified Hanafi scholars into twenty-two categories in his book "Katoibu A'alamil Akhyar" and named each of them as "Kutayb" (booklet). Such classifications cannot fully describe the subject. Because they are not based on scientific standards and criteria. They follow the same chronological order as in the Muhaddis. The purpose of the authors of these works was to describe the life and work of scholars.

DISCUSSION

It is emphasized in many fatwa books that the changes of times require changes in fatwas as well. Issuing fatwas and rulings, specific to the times, is a task that requires a lot of arduous and great responsibility. This issue remains relevant until now.

In Islamic legislation - shariat, while protecting the fundamentals that should remain stable, it is established that the part of life that changes with the change of conditions, time and space is updated based on certain rules.

In the part of Shari'ah called "Zonniyot" by expert scholars, meaning "non-firm judgments", matters of secondary things and means are dealt with. They are issues that can change depending on the time and situation, and ample conditions have been created for the ijthid of mujtahids to find a solution to these issues.

"Ibn Abidiin puts the condition of knowledge of people's customs in the mujtahid's conditions and states: "Many rulings change with the passage of time, because people's customs change with the passage of time, or some new need arises, or the people of that



period indulge in corruption(morally bad behaviour). If the judgement remains unchanged, firstly, it will cause various hardships and harm to people, and secondly, it will be contrary to the immutable rules of the Shariah, such as mitigation, hardship and harm removal.

After Umar ibn Abdulaziz came to power, he kept delaying the implementation of some Shariah rulings. His son urged his father to implement them as soon as possible. Umar ibn Abdulaziz replied to his son's request: "All the rulings I want to implement are correct, but I am afraid that implementing them all at once will burden people. People can turn away from all judgments. Even some sedition-mongers can be found among them."

Dr. Salah Muhammad Saleem Abul Hajj prepared the book "Al-Imamu Abu Hanifa.Tabaqotuhu wa tasviquhu"of Allama Abdulhai Laknavi's heritage research for publication, and carried out the scientific work "Al-manhajul fiqhiyyu lil imam Al-Laknavi" (the jurisprudence/way of Imam Laknavi). He also researched several works on scientific research, including "Ibrozul ghayyil waqe' fiy shifail 'ayyi lil Laknaviy" (in Laknaviy's work showing the mistakes in "The Healing of the Sick"), "Ahkamus Sivaki minas siyaati lil Laknavi" (judgements on miswaak in Laknaviy's work "as-Sioya"), "Ihkamul qantarati fiy ahkami "Basmala" (Strengthening the dome regarding the rulings of "Basmala" by Laknavi).

RESULT

Allama Abdulhai ibn Abduhalim Laknavi (1847-1886), who lived and worked for a short time in the 19th century, is a scientist who left a great legacy.

Laknavi's work titled "Naf'ul Mufti" shows that he is a connoisseur of Islamic knowledge and an encyclopaedic scholar. The author took into account the local conditions of the peoples of Movarounahr, Khurasan, Pakistan and India in the fatwas collected in this work. The study of Laknavi fatwas shows that when answering the questions, the jurist, on the basis of his perfect knowledge of the fatwas and jurisprudential rulings of all the scholars before him, on each issue, supported that current question or the answer by corresponding to previous scholars and their work, with clear evidence.

This work of Abdulhay Laknavi, abbreviated as "Naf'ul-Mufti", in accordance with the order of traditional fiqh books, begins with the book "Ablution" "Issues related to Ablution (wuzu)". While answering the questions asked by Mustafti, fatwa seekers, Laknavi indicated in which books this answer was found, for example:

Question: In what cases is it makruh to gargle while performing ablution?

Answer: This is makruh for a fasting person. This is the case in Yusuf Chalabi's "Sharhul Viqaya Hoshiya".

73rd FATWA. A fasting person rinses his mouth without gargling his throat during ablution. Gargling is makruh because there is a risk of water getting into the throat. This is how it is mentioned in the works "Naf'ul-Mufti", "Sharhul Viqaya".

Question: What kind of beard is it necessary(wajib) to wash during ablution?

Answer: it is mentioned in Barjandi's "Sharhun Nikoya" regarding the sparse(not thick) beard.

But it is enough for a man with a thick beard to wash his beard. In "Bahrur Raiq" it is called wajib, in the sense of obligation. It is also explained in "Sirojul Vahhoj". The fatwa was issued on this. It's the same in "Zahiriya"...

In "Durrul Mukhtar" it is obligatory to wash the beard. In "Bado'i" this narration is addressed to the correct schools. The same is the case with An-Nahr.

In "Mawahibur Rahman" it is correct(necessary-wajib) to wash a thick beard and a fatwa has been issued. Washing or brushing one-third or one-fourth of the beard is forbidden.

74th FATWA. A person with a thick beard does not need to put water under his beard during ablution, but washes the surface of it. But a man with a sparse beard must pour water under his beard(skin). But it is obligatory to bring water under the thick beard in the ghusl. In the texts, the issue of washing a quarter of the beard has been changed to the obligation of washing fully. This is how it is mentioned in the works "Naf'ul-Mufti", "Sharh Niqaya", "Wadoe".

Question: Is it permissible to perform ablution with boiled water or zamzam water?



Answer: Yes; According to "Khizanatur Rivayat" in "Majma'ul Barakat" it comes like this.

84th FATWA. Ghusl with Zamzam water is permissible, but Istinja is makruh. This is how it is mentioned in the works "Naf'ul-Mufti", "Ad-Durrul-Mukhtar".

Question: Some of the "duda" (hemorrhoids) come out and then retract again, does this break ablution?

Answer: It won't break if it retracts by itself, but if it has to be inserted, it will break. It is said in "Durrul Mukhtar".

Regarding TAYAMMUM

Question: How does a person who is paralyzed in both hands perform tayammum if he is unable to perform ablution and tayammum?

Answer: He rubs his face against the wall and rubs both his wrists with his elbows on the ground and performs salah. According to "Ghiyasiya" in "Sirojul Munir" it comes like this.

61st FATWA. If a person with paralyzed hands is unable to perform ablution and tayammum, he can perform tayammum by rubbing his wrists with his elbows onto the ground and his face against the wall and pray. This is how it is mentioned in the works "Qazi Khan" and "Naf'ul-Mufti".

"When it comes to the methods of issuing fatwas, it is certainly observed that they depend on changes in methodological formulas. If one mufti answered in a certain way, another person answered in a different way, and it depends on the nature of people." Valiullah Muhammad Abdulhay Laknavi said about his methods: "I feel such pleasure and joy in Hadith Sharif and its jurisprudence that I cannot feel such pleasure in other sciences and subjects. Allah has put me into a middle (moderate) path between excess and deficiency. If a problem arises, He inspires the path of moderation. I am not one of the pure followers who do not leave the word of the jurists even when it contradicts the Shariah arguments. I am not one of those who rejected the words of the jurists and deviated from fiqh. If there are issues that contradict the clear and authentic hadith, I have left it. In this matter, I consider the jurist to have received an apology, perhaps a reward. ...I don't say thoughts that worry the public. Instead, I'll only say things that people can understand."

"Majmuatul Fatawa" (Collection of Fatwas) is a work written by Abdulhai ibn Abduhalim Laknavi (1847-1886) which consists of answers he gave for questions while he was a mufti. If the question is in Arabic, the fatwa is given in Arabic, if it is in Urdu, in Urdu, if in Persian, then in Persian. The importance of this collection of fatwas is increased by the fact that reviews from other scholars and jurists have been obtained for the accuracy of certain fatwas. Fatwas are written based on the works of famous Hanafi scholars, and in most places, evidence from the Qur'an and hadiths is also provided for each of them. It was divided into three parts, separately and abridged and published in India under the framework of "Khulasatul Fatawa".

In general, it can be seen that there are several principles in the use of languages in issuing fatwas by the Muftis of India, which can be categorized as follows:

First, the questions are asked in traditional Arabic;

Second, a question asked in Arabic is traditionally answered in Arabic;

Thirdly, the names and terms used by the local population in their own language are explained with the help of synonyms found in the languages of the neighboring nations;

Fourthly, due to the sufficient level of knowledge of muftis, a clear explanation of the words and terms used in the text of the given question;

Fifth, the fact that the use of synonyms and expressions from the languages of the people living in Bakamti in the text of the question expressed in Arabic is of social importance;

Sixth, ensuring that the fatwa formulated in the form of an answer to a question is understandable not only to the inquirer, but also to people who speak other languages.

This expression type of Indian muftis is reflected in the following fatwa:

الاستفسار : خروج العرق البدني يقال له في الفارسية : رشتته، وفي الهندية : ناره، هل ينقض الوضوء؟
الاستبشار : هو كالدودة لا ينقض الوضوء. كذا في "السراجية" عن "الملقط".

Question: Does the sweat coming from the human body, which is called "rishta" in Persian and "nora" in Hindi (Urdu), breaks ablution?



Answer: It does not break like the issue of "duda" (hemorrhoids). This is the case in the chapter "Multaqit" in the book "Sirojiyya".

CONCLUSION

Based on the above points, the following can be said as a conclusion: The purpose of Sharia sciences and rulings is aimed at protecting the interests of Muslims and expressing their ability to fully practise their rights in society, and Sharia muftis and judges serve to achieve the goals of Sharia.

When issuing fatwas, muftis focus on the local, national traditions, psychological and mental values of the people and issue fatwas in accordance with them. In this way, Islamic jurisprudence, which has taken moderation as its motto, has been responding to the demands of Muslims throughout the ages and proves that it is suitable for all times and places."

Studies of collections of scientists, scholars and jurists from among Muslim nations show that these characteristics are reflected in fatwas.

The jurist Abdulhai Laknavi, who lived and worked in the 19th century, paid great attention to these local and linguistic features in his fatwas compiled during his life and work.

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