

IFTA IN THE PERIOD OF OTTOMAN EMPIRE

MUHAMMAD ASLAM KHAN

Department of Arabic Islamic Studies and Research, Gomal University Dera Ismail Khan (NWFP) Pakistan.

ABSTRACT

The importance and need of Idara-e-Ifta has been preserved in all periods of Islamic History. This system started from the Prophet period. Over the years; there have been many changes in the ways and methods of inquiring, and issuing and compiling of fatwa. In Prophet period either the Holy Prophet (PBUH) himself performed the functions of Ifta and Qada or by his appointed Judges. After the Holy Prophet (PBUH), this duty was assigned to Ulama in the period of Khulufa and other Muslim rulers. This system was of paramount importance during the six hundred and twenty five years rule of Ottoman Empire. This article undertakes the study of the same Ottoman system of Ifta.

LITERAL AND SYMBOLIC MEANING OF IFTA

Ifta is an Arabic word which is derived from "Fatwa", means a notification or an explanation of case given by a lawyer; or an answer, or a reply, to a question relating to a dubious judicial and other matters (Ibne-e-Manzoor *et al.*, 1405 H).

In Arabic lexicons its substance has given fa taa wa, and the words fata and fathooth have also come from this substance. The meanings are, munificence, benevolence and force. Lewis Ma'luf also wrote the meanings of "fatwatun" as munificence, intelligibility and youth too, and explain it in the meaning, to ask the sharei decision from a lawyer, or returning him, that for sherie decision. Moreover, such a great lawyer gave sherie decision in precept, disclose the judicial decision in connection with precept and issued the sherie decision for it, asked sharei decision in connection with precept from lawyer, request to the lawyer that he may issue sharei decision in connection with precept (Lewis, 1986). According to the view of Imam Raghīb "fatwa" and "futyā" request to give the answer for hard commandments (Al-Raghīb *et al.*, 1964).

There are many derivations of this word in Quran i.e Istifta to ask question and Ifta to give the answer for any precept etc, on the basis of such an opinion that a judge may decide a case, or an individual may punctuate his personal life. The person who delivers a fatwa or is engaged in such

profession, is called Mufti and the person who asks for a fatwa is a Mustafti (Lewis, 1986).

CONDITIONS FOR IFTA

The conditions required for the delivery of a fatwa are; Islam, integrity or "adala" and legal knowledge (idjtihad). These conditions are equally required whether it is a case of an individual and isolated "fatwa" being given or of "futyā" being exercised in a professional capacity. Fatwa may be given to private individuals, to magistrates in the exercise of their profession and any other authorities. The law, indeed, in particularly urges magistrates to seek opinions; from a mufti, (Ibn-e-Najeem, N.D).

THE IMPORTANCE AND NEED OF THE IFTA

In the life of Muslims, especially in their economical and social life, there are so many matters, that the decision of lawful and unlawful for these could be done by the notification or giving fatwa of a Mufti (lawyer), otherwise, the society will become the place of sins. No doubt, in such circumstances, the establishment of Ifta is so necessary that without it, to act according to Islamic Law is impossible. Therefore, the establishment of Ifta becomes incumbent. So the importance and need of the Ifta continued from the beginning in all Islamic