

Development of Fatwa Literature in 14th Century

Author

Imteyaz Ahmad

Supervisor

Prof. Refaqt Ali Khan

Department of
History & Culture
Jamia Millia Islamia

Ilm-e-Fiqh helps us to understand the shari'at rule with regard to the problems relating to the different aspect of human life. The Ilm-e-Fiqh may be traced back to the very early period of Islamic history. With the passage of time it continued to develop till it reached its zenith after the formation of *four* well-known school of thoughts. in the 2nd and 3rd century hijri era. . The term Fatawa (plural of Fatwa), though its meaning is "the legal opinion", also came to be used for the collection of the works which enlisted the opinions of the jurists and Muftis in reference to the queries of new problems that came up before them. Fatawa, the compilation judicial affairs was deep-rooted in the soil of India and got patronage by the Sultans of Delhi Sultunate. The Sultans facilitated the ulema of Baghdad and Khurasan in their courts., The interest and the demand of the people compelled the Sultans and Nobles to advise the jurists of the period for drawing the compendium of jurisprudential works and classical Fiqh work on Islamimc Law of the earlier period including the fatawa collections.

I have highlighted here, a clue of the' followers in this regard when Muslim Rule established in India, the problems of the both, Hindus and Muslims, and the socio-religious problems in general, were aroused at that period and after all the Sultanate period was given much importance due to Various aspects, such as the interest of Sultans in patronizing the Ulema and Shari'at and the problems relating to different aspects of human life.

As a matter of fact the nature of problems changed with the changes of times and some time situations differed from place to place in the same period and the Muslims wanted to know the stand points of Shari'at with regard to the new problems upcoming by the intermingling of Hindus and Muslims and Ahl-e-Ketab as well, and the changed situations.

This is the fact that the Fiqh works produced by the Indians Ulema, varied in nature. These works includes the general books of Fiqh, Fatawa-collections works on separate issues relating to socio-economic and religious issues, penal matters, schools Fiqh, taqlid, Ijtihad, Ifta and judicial administration. A considerable part of the Fiqh Literature produced by the Indian Ulema consisted on Shru and Hawashi, (commentaries and annotations). This great works could be possible only at behest of the rulers and nobles who had given popularity to the Fatawa.

The present work is divided into five chapters, which are as follows:

Chapter 1. Socio-Religious Development in 13th and 14th centuries.

Chapter 2. Brief biographies of the jurists in 13th and 14th centuries.

Chapter 3. Fatawa-e-Tatar Khania, its importance in Tughlaq reign.

Chapter 4. A comparative estimate of Hindu Muslim communities with special reference to Fatawa-e-Ferozshahi.

Chapter 5. Glimpses of general works on Fatawa literature and jurisprudence. (1300-1700 AD), with special reference to Furu and Hawashi (commentaries and marginal notes).

As It is proved from the topic that my work is based on the 14th century's Fiqh Literature, mainly, Fatawa-e-Tatar Khania and Fatawa-Feroz Shahi. I also touched Socio-Religious aspects of general people, prevailing in the society at that time and the exact condition of Sultan as a person in general and as a king in particular.

I have also specified the biographies of the jurists of 13th and 14th centuries, because all books which were compiled in that period was having the references of these books. All I had collected are based on Urdu and Arabic translation works, which proved to be helpful for all who want to go through these biographies of the jurists whose names and works were mentioned in the Fatawa Literature of 14th century particularly, Fatawa-e-Feroz Shahi and Fatawa-e-Tatar Khania.

The 3rd chapter is Fatawa-e-Tatar Khania, which has been given much emphasis, because seldom efforts has been made so far in this regard by the modern historian, that is why I made a humble effort in this regard. This is a voluminous book in 30 vols. written in Arabic. Most of its vols. are preserved in the library Kutub Khana Asifia, Hydrabad.

The 2nd important chapter is the Fatawa-e-Feroz Shahi. This is a comprehensive book in the form of istefta and fatwa (query and verdict), it also reflect the socio-religious condition of those days and clue to historical fact.

The 5th chapter is based on general works, which confined to the shattered Fiqh works in sultanate period. Its includes Hawashi and Furu (general works on fatawa collection, commentaries and treatises), this gives a general assessment of development of the Fiqh Literature produced during the different period of Muslim rule in India. All work s have been classified according to the subject matters and then divided into deferent parts.