



The Making of a Mufti

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Image: The tomb of Abū Ḥanīfa in the al-A'zamīyah section of Baghdad. Taken in 1890-1900, Baghdad, Iraq.

Building upon the Advanced Program & *Dawrah al-Ḥadīth*, the *Iftā'* program is the culmination of Islamic study. That is, after a student studies Arabic, *Ḥadīth*, *Tafsīr*, logic, discursive theology, and Islamic law, how may they marry that theoretical knowledge into practical life for the *ummah*? Darul Qasim College understands the *mufti* as one of the most crucial members of Muslim society. The *mufti* is a public intellectual, socio-cultural critic, lawmaker, legal philosopher, and meta-ethicist, *par excellence*. The proper training of *one mufti* is the elevation of a whole culture. The holy Prophet ﷺ was the first *mufti*. As the Qur'ān teaches us: *wa yastaftūnak*. So, in the fashion of remaking our values in the vision of the holy Prophet ﷺ, Darul Qasim College seeks to gift legal sophistication to the *mufti*-trainee as first blossoming in Madinah and then migrating to Kufa, under the gaze of Imām al-A'zam, Abū Ḥanīfa. From there, exploding to all the frontiers of the *ummah*: Samarqand, Herat, Tehran, Istanbul, Cairo, Konya, Sarajevo, Tashkent, Kashgar, Delhi, and Lahore. Under empires like the Abbasids, Mamluks, Timurids, Ottomans, Mughals, and Nizami Hyderabad.



The year is 1543, and ships have anchored in Istanbul. The cargo is primarily coffee beans from the newly conquered Ottoman province of Yemen. The *istiftā*¹ arrives at the desk of the Grand Mufti Mehmed Ebüssuûd Efendi. Culled from the various provinces of the Ottoman Empire, like Syria and Albania, the *muftis* now meet to decide on a ruling. They pose a variety of questions: What is the nature of coffee beans? Do they ferment like grapes and dates? What are the stimulating effects of coffee? Has any previous Hanafite Mufti, from Samarqand, Bukhara, Balkh, Ankara, Damascus, Baghdad, or Cairo, in their thousands of judgements, ruled on it?

As we have seen through more than a thousand years of *fatāwā* from the *muftis* of Samarkand, Bukhara, and Istanbul, the *mufti* must not only be a Master of Law, but a master of the *moment*. The closest parallel to a *mufti* in Western Civilization is the *jurisconsult*.² The *mufti* was this, but more. *Mufti* is rooted in the Arabic word *futuwwah*, or youthfulness. The *mufti* injects freshness into lawmaking, through posing questions that are rooted in the *moment*.

Cultivating Legal Sophistication

The *Iftā*³ program is a two-year intensive with classes on the protocol of writing *fatāwā*, Islamic bioethics, Islamic finance, Islamic contracts, legal endowments (*awqāf*), civil marriage and divorce vis-a-vis *Fiqh*, and much more. In line with the postclassical training of *muftis*, students are under the direct supervision of Mufti Hisham Dawood, faculty head of the Islamic Law Department. The trainee studies the art of writing, editing, and researching *fatāwā*. Every *fatwā* is approved by either Mufti Hisham, or the two other *muftis*: Mufti Amin Kholwadia and Mufti Ehazaj Ajmeri. Many times, the approval of all three will be sought, as Darul Qasim College maintains that collaboration in *fiqh* is a paramount practice of the *ṣaḥābah*. Our master, commander of the faithful, Sayyiduna ‘Umar τ once received a legal petition, saying: “*qadiyyah! wa la Abu al-Hassan laha! (A legal ruling and there is no Sayyiduna Ali τ to discuss with!)*”

The trainee is required to cultivate a hawk’s eye view of the Hanafi doctrine and its attendant literature. One *fatwā* may require a student to explore Muḥammad al-Shaybānī’s *Aṣl*, then Kāsānī’s *Badāi’ al-Ṣanāi’*, followed by Mullā Niẓam al-Dīn’s *Fatāwā-i Ālamgīri*, then concluding with Ibn ‘Ābidīn and Mawlānā Ashraf ‘Alī Thānwī’s works—with perhaps some *rasāil* of Zāhid al-Kawtharī and Muftī Muḥammad al-Shafī.’ The *Iftā*³ student is granted intimate exposure to all genres of Islamic law: ‘Alā al-Dīn’s Bukhārī’s *Kashf al-Asrār*, Ibn Māzah al-Bukhārī’s *Al-Muḥīt al-Burhānī*, Tatārkhān’s *Fatāwā Tātarkhāniyyah*, Muftī Kifāyatullāh’s *Kifāyah al-Muftī*, Marghīnānī’s *Al-Nawāzil*, Abu al-Barakāt al-Nasafī’s *Madārik al-Tanzīl wa-ḥaqā’iq al-Ta’wīl*.

¹petition for a legal judgment

² composed of *iurista* meaning jurist or legal authority and present participle *consultare* or consult meaning to take advice from.



As a student pores through each text, he has the opportunity to dialogue with Mufti Hisham on the granularities of what he reads. What did the author intend? How does one passage fit or chafe with another text? Whose opinion will we give preference to? Can this ruling even be applied amidst the vagaries of today? What do Muftis of recent, like Mufti Rida al-Haqq and Mufti Taqi Usmani suggest? Under Mufti Hisham, one learns how to sift through and account for the diversity of thought in Hanafi schema.

The purpose of this perusal is not passive reading but to expand the legal imagination of the jurist. To impress upon them that writing *fatāwā* is not simply *qira'ah*³ but a refined practice of thinking, dialogue, determining *ratio legis*,⁴ and editing. How may one connect oneself to the *legal* reasoning of the master-jurists of the Hanafite doctrine? The practice of *fatwā*-writing is scarcely one of blind mimicry but of legal-sophistication, where the text, the pretext, and the context all meet in one ruling. The student will gaze through fourteen centuries of legal thought and through a civilization unmatched in legal brilliance and production.

More broadly, the *Iftā'* student at Darul Qasim College will be trained meta-ethically. How does one think about the practice and ripples of corporations and LLCs through *fiqh*? The trading of debt and equities? Organ transplants and donations? Porcine medication? Blood transfusions? The conceptual approach of the Hanafi jurist, in ethically addressing legal predicaments, is unraveled. The *mufti* must also provide solutions *consistent* with the ethical spirit of Islam.

Theoretical Underpinnings of Fatwā Writing

At Darul Qasim College, the student of *Iftā'* is required to research two hundred *fatāwā*. Submitting them to a senior *mufti* for approval, while discussing, debating, analyzing, deconstructing, and constructing from the legal reasoning of Hanafi jurists of the past. These questions will emerge from the bank of *istiftās*, ranging from questions on ritual law, divorce law, Islamic finance, *Tafsīr*, theology, theosophy. Questions range everything from Islam to VCs, to the limits of the authority of masjid and waqf trustees, to the lawfulness of colors for each gender in Islam. The student is trained in the genre of '*Uṣūl al-Iftā'*',⁵ reading texts from Ibn 'Abidin and Mufti Taqi Usmani. Gifting to the student the sensibility that the *fatwā* is scarcely a cavalier act, but one anchored in methodology and genealogy.



FIGURE 3.1 Front page of the Bombay Chronicle, August 16, 1931, showing Mufti Muhammad Kifayatullah prominently featured in a photo array, along with several other leading members of the 'ulama (scholarly community).

³ reading

⁴ '*illah*

⁵ the theory behind writing *fatāwā* for the *Hanafis*



The theory of writing *fatāwā* is further amplified in class sessions where one analyzes *fatwā*-writing from other *muftis* in the modern age using debate as an analytical tool. Questions are posed: What is his method in writing a *fatwā*? What theory is he employing? Does he neglect any legal canons, like *al-wilāyah al-khāssah aqwā min al-wilāyah al-‘āmmah*? Does the *mufti* even understand the question?

Shah Waliullah and the Modern Mufti

Iftā’, or any graduate study at Darul Qasim College, is shatteringly bound up with Shah Waliullah and his family. The very first days at Darul Qasim College, as a madrasa graduate, are, in truth, your first days with Shah Waliullah and with Mufti Amin Kholwadia, under whom the entire mission of Darul Qasim College unfolds. What need does a modern *mufti* have for Shah Saheb? Why would a text, grizzled in metaphysics, theology, ontology, prophetology, and angelology, provide for an ummah *besieged* by Straussian post-structuralism, liberal constitutional law, and secular psychoanalysis? Isn’t a *mufti*’s role to address the blistering needs of his *ra’iyyah*?

The truth is that it has *everything* to do with *the* ummah. It is perhaps the last (and nearest to us temporally) attempt by a theologian to gaze at *all* of Islam, with a soul-shattering, piercing penchant for unraveling the *hikmah ilāhiyyah*⁶ in the *irādah* and *murad* of Allah ﷻ. My goal is not to analyze *Hujjatullah*, as that would demand a dozen volumes. Rather, I aim to highlight the fissures erupting in the neglect of Shah Waliullah and his *magnum opera* (*s. opus*) for the modern *mufti*. Too often, *madrasa* graduates return, after six-seven years abroad, assaulted by the centuries-long aftermath of Heideggerian, Hegelian, Kantian social and political thought, manifested in popular and academic culture. They encounter the brute reality that reciting a *hadith* or a *fiqh* ruling of Imām al-A‘zam simply will not cut it. Shah Waliullah’s *Hujjatullah*, comprised of sweeping discussions on *Alam al-Mithal*, *Hazirat al-Quds*, *Asrar-i Qadr* and *Rumuz-i Taqdir*, *Shakhs al-Akbar*, *Nasamah*, *Ananiyyah*, *Sirr al-Qalb*, *Mazahir Suriyyah wa Batiniyyah*, and limitlessly more, culminates in his arguments on the *Shariah* as the divine expression of the *iradah* of Allah ﷻ. Elevating the reader to a position where he holds a hawk’s eye view of the *shariah*-where the varied rulings of Islamic law across the *madhāhib*, the development of hadith, and the metaphysical import of Quranic verses are, in truth, part of a *single* tapestry.

Because Mufti Amin is one of the few living scholars who has a mastery of the Waliullāhī tradition and *Hujjatullāh*, his ability to slice open the meaning of Shah Waliullah’s cosmology is anything but cavalier. It is marked, systematic, and genealogical. This emphasis on the text is to shine a floodlight to the *mufti*-trainee that he is in *utter* need of a philosophy, a theory, on how to *present* Islam to the literati and intelligentsia of the West. It is a task which Muslim scholars have unflaggingly failed at. The modern *mufti*

⁶ Divine wisdom



will only hope to watch YouTube reels of a self-touting Muslim intellectual to foreground his knowledge *of* and *in* modernity. Whereas Mawlana Qasim Nanotwi appeared in Shahjahanpur⁷ before a crowd of Zoroastrians, Protestants, Hindus, Jains, and atheists, armed with Shah Waliullah. He countered colonial and indigenous accusations against Islam, deploying a wide array of arguments grounded in metaphysics and discursive theology. Mawlana Qasim, deploying Shah Waliullah and Hanafi legal theory, was able to prove, per the judgment of Sayyiduna Abu Bakr τ , that *fadak* could not be distributed to his heirs (*peace be upon them*). The modern *mufti* may only yet rehearse tertiary arguments, hardly convincing to his followers, let alone his opponent.

To read Shah Waliullah is to open oneself to the underpinnings of *Fiqh*, *Hadith*, *Tafsir*, *Kalam*, *Falsafah*, *Ilahiyyat*, *'Uṣūl al-Ḥadīth*, *'Uṣūl al-Fiqh*, and *Mantiq*. Any instruction in him will demand this of the teacher. It is only by reading through this text over the course of sixteen to twenty months that a student can even *begin* their journey with Shah Waliullah. For migration into the realm of Shah Waliullah, unpacking his highly creative terminology is the tallest order.

Yet, through class discussions and cross-pollinating his other works, the universe of Shah Waliullah begins to chip away. The unrivaled, sparkling, blazing joy of poring through *Tafhimat*; where he discloses what wisdom signals vis-à-vis the personhood of the holy Prophet ﷺ; where he lists out why kings have largely been *Shafi'i* or *Hanafi* and why theologians have largely been *Hanafi*, or *al-Budur al-Bazigah*;



where he labors to explain why Prophets surpass and transcend the role of Greek philosophers like Socrates and Plato; where he psychoanalytically breaks down the various emotions of humans (anger, courage, sexual passion) and how they work within a Quranic cosmology; or his *al-Khayr al-Kathir*, where he offers a discussion on the part-physical and part-spiritual dimensions of the *'arsh*; or his *'Iqd al-Jid*, where he existentially discloses his understanding on the origins of legal differences in Islam, which then assists with Shah Ismail's Dehlavi's *Abaqat* and Shah Rafi al-Din's various philosophical treatises. All of this is perhaps too steep to put to paper. However, I will say that the roots of cracking open Shah Waliullah's project, his authorship, and providing oneself with a

⁷ lit: "the town of Shah Jahan"



philosophy of Islam, by which one may begin to write *fatāwā*, or provide *futuwwah*⁸ to the practice of legal responsa in Islam, can only be accomplished by a *Mufti-Mutakallim* like Mufti Amin Kholwadia. His wide-ranging grasp allows for the many realms of Shah Waliullah to reveal itself. In a world as myriad and fragmented as ours, we have never been more in need of a thinker as *devastatingly* holistic as Shah Waliullah.

The Iftā' Student & the Study of Hadith

The ether of a figure like Mawlana Bilal Ansari, who teaches *Sahih al-Bukhari* and *'Uṣūl al-Hadith*, in the educational air at Darul Qasim College smooths the trammelled avenues *towards* study of Hadith. The *Iftā'* student is gifted with a whole other dimension by which to read and *write fiqh*. Although the specialization was pedaled towards *Iftā'*, encountering Mawlana Bilal's towering scholarly presence in the *ether* of Darul Qasim College opens astonishing horizons. The journalistic and monographic debates between Zahid al-Kawthari and al-Mu'allimi; the various *'Ilal* treatises and *Maqalat* and *Hawashi* of Abdul Fattah Abu Ghuddah,⁹ his student Muhammad 'Awwamah, and his student, Nur al Din 'Itr; the blistering and blinkered dialectic between Abu Zur'ah al-Razi, Ibn Abi Hatim al-Razi, and Imām al-Bukhari, *rasail* of al-Maqdisi and his canonization of the *Sihah Sittah*; the reformism(s) of Muhammad Hayat al-Sindhi; the shattering parley of *Jarh* works like that of Ibn al-Jawzi and Mulla Ali Qari and al-Dhahabi. What I found to be most somberly beautiful from Mawlana Bilal over these years are: the rhythms, arcs, counterpoints of Shah Waliullah's mastery of *'Ulūm al-Ḥadīth*, and his world-defying labors that launched an empire-like rooting of *hadith* in the earthy soil of Hindustan.

Tracing the genealogy of Al-Hafiz Abu al-Hajj Jamal al-Din al-Mizzi's *Tahzib al-Kamal* to Ibn Hajar's *Tahzib al-Tahzib* and *Taqrib al-Tahzib* or al-Dhahabi's *Tadhkirah al-Huffaz* with a Hadith-expert like Mawlana Bilal leaves a student speechlessly in wonder at the utter breadth of classical *Muhaddithin* in their marriage of encyclopedic knowledge and raw artistry. The cross-generational dialogue between *Fath al-Bari* and *Fayd al-Bari* is, then, not the end, but only a precursor to the study of *'Ulūm al-Ḥadīth*.

Gazing at All of Islam

At Darul Qasim College, the opportunity is not limited to Shah Waliullah. One is guided to read Mawlana Qasim Nanotwi, Ibn al-'Arabi, Shah Ismail al-Dehlawi, Mujaddid-i Ahmad Sirhindi, Qari Tayyab Qasmi, Abu Mansur al-Maturidi, Abu Mui'n al-Nasafi, Sadr al-Din al-Qunyawi—thinkers and theologians and philosophers abandoned wholesale by the *ummah*.¹⁰ The guided study of these works is to gaze at *all* of Islam. Such becomes

⁸ youth

⁹ like his comments on *Tadrib al-Rawi* and *al-Raf' wa al-Takmil* or his *al-Fawa'id al-Mustamidah*

¹⁰ we may think of Muhammad Abduh's decision to ban the printing of Ibn Arabi in Egypt



the opportunity for the *Iftā'* student at Darul Qasim College, where one is *seasoned* in metaphysics and the intellectual landscape of *tasawwuf* and *kalam*. In an age of radical secularity, it is all the more important to unveil the most brilliant dimensions of the Islamic Intellectual Tradition.

Ijtihad, as Mufti Amin teaches, and Shah Waliullah and Mawlana Qasim before him, is to be able to gaze at each fragment of Islam and weave a seamless tapestry. This, in truth, can only be achieved when the student has acquired the disciplines of Islamic law *and* metaphysics. Both help in understanding the *irādah* of Allah ﷻ as without that law would be as good as non-existent!