

Islamic law - concept of fatwa as applied to kafa'a essay examples

[Experience](#), [Belief](#)



The role played by the fatwa in the lives of Muslims is extremely pivotal in order to realize continuity and facilitate smooth affairs (Agrama, 2). Despite the effort invested in the Kafa'a part of the fatwa, in the Mauritius nation, several applicable guidelines seem to be missing in the Kafa'a practice. The practice of Kafa'a is a result of the failure on the part of husbands to provide their wives with the monthly financing. For instance, the application of this doctrine in cases that do not warrant, as it is the case of young Y. Ould stands to bar the whole essence of fatwa. Another vital element that needs to be shielded from loss of integrity is the purity of the fatwa. A case in point is the private case of reading the fatwa that was developed by the family, which sought to annul the marriage of their daughter to a man who was of slave decent. A keen view of this situation in Mauritius indicates that fatwa loses its intended authority, and purpose whenever people tailor their own outcome and seek to impose it on the muftis.

An insight into the fatwa indicates that the fatwa encompasses vital responses to critical life questions. The aim of these responses is usually to enable people to live rightly in accordance with the doctrines of the Muslim faith though without the strict follow up with sanctions and punishments. In this line, a close link exists between the doctrine and practice, in the case where the good of the people's affairs will result as opposed to the pain and damnation. For instance, the case explained about the 25 year old, who thought it more comfortable to marry her cousin, as compared to the marriage she had with the old man who thought of marrying the aunt of his current wife.

A key component that seems to cripple the Mauritius application of the fatwa

is the failure to understand that irrelevance occurs whenever the practice of the Kafa'a, and the administration of the fatwa, is hinged so much on imitating the past ruling without a clear capture of the present situation and circumstance of the fatwa seeker. Consider the case of young Y. Ould. Would the fatwa justify the treatment that he was from the lowest caste and therefore, could not marry the young lady from the well-to-do caste' The essence of fatwa and Kafa'a, is to help people to so that they may maintain peaceful affairs, as opposed to creating an end to the effort they have struggled to build for a long time. In the case of young Ould, the refusal by the legal system to cut short their marriage on the basis of the castes they come from indicates a strong understanding of the importance of advancing self so that the Muslim faith is upheld in all its facets.

Another dimension of the fatwa that comes under threat in Mauritius is the failure on the part of the citizens to keenly follow the information that the fatwa seekers provide. The situation in Mauritius upholds the notion that Kafa'a and fatwa are about the involved council tirelessly working to dispense doctrinal hard stands (Agrama, 3). The guidance given by Hussein Agrama, clearly indicates that, fatwa is more about what the mufti can deduce from his conversation with the parties in need than what the council may compose so as to impose on the parties that appear at the Mosque for guidance. Fatwa should be tailored towards the ends of cultivating a strong ethical base for the Muslims with a serious regard of the weaknesses, desires, strengths and sufferings of the involved people.

Both the articles come to concur on the points of preservation of self in the use of the fatwa and the Kafa'a. On one hand, Agrama indicates the need for

the continuous, peaceful and fulfilling life on the fatwa seekers, and the other side, Larson indicates that Mauritius is justified in her efforts to value the Kafa'a, because it signifies unity and affirms the self worth of her people and their beliefs.

The elements that come with the Kafa'a, like its pedagogical dimension, and the cyclic responsibility shared between the mufti, and those seeking the fatwa, bind as many people into the strive for improved ethics in Mauritius. This is evident in the treatment of Kafa'a, by the local courts that alleviate the biased mode of thought, and embark on a more current and creative mode of handling the cases, hence ensuring continuity of affairs among the people. With this thinking in place, the Kafa'a treatment realizes that the vitality and consequently the authority held in the fatwa come from the capability of the fatwa to link and ensure progress of the self. According to Larson, self in this case is gauged in line with the practices and goals inherent in the Islamic faith and traditions.

In conclusion, Agrama introduces a defining statement on fatwa by claiming that an inherent characteristic of the fatwa is its perplexity and uncertainty. This statement highlights the essence of having a flexible application of the Kafa'a with regard to the prevalent circumstances as opposed to having fixed positions. Mauritius, as portrayed by Larson, is keen on ensuring the equality of its people together with better life based on the fatwa.

Works cited

Hussein Ali Agrama. Ethics, Tradition, Authority: Toward Anthropology of the Fatwa. American

Ethnologist 37(1): 2-18. 2010. Print.

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Satyel Larson. Law, Marriage and Citizenship in the Islamic Republic of Mauritania.